

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



W 11a

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Mark Delaplaine, Federal Consistency Supervisor

DATE: January 24, 1996

SUBJECT: Status Report
Navy Special Use Airspace, Port Hueneme, Ventura County
Coastal Commission File No. ND-115-94

Background – Special Use Airspace

On December 20, 1994, the U.S. Navy submitted a negative determination (ND-115-94) to the Commission staff for the proposed Special Use Airspace offshore of Port Hueneme (Exhibit 1). The purpose of the airspace designation is to allow offshore aircraft flight testing, with aircraft carrying equipment designed to electronically simulate battle conditions. Sensors located inside an onshore building (called the SWEF building, or Surface Warfare Engineering Facility) would test and evaluate flights and battle simulations. The SWEF building is an existing 5-story structure located at the western entrance of the Port Hueneme Harbor, within the Naval Construction Battalion Center (NCBC) (Exhibit 1). The Navy already maintains an established airspace offshore; the purpose of the proposed airspace would be to extend the existing airspace closer to shore to allow aircraft to approach the SWEF building. Typical flight profiles would be as shown in Exhibit 2.

The flight testing consists of flying aircraft at a low altitude towards the SWEF building, then turning away from shore and flying back out to sea. The average use would be 12 flight hours per month, with a maximum of 30 flight hours in any one month, and a maximum of 144 flight hours/year. Hours of operation would be between 10:00 a.m.–5:00 p.m. for 90% of the time, with the remaining flight time between 5:00 p.m.–10:00 p.m. Flights would occur primarily on weekdays.

As originally described in the Navy's negative determination submittal, the flights were to consist of 80% civilian Learjet aircraft and 20% military F/A-18 or F-14 aircraft. The closest approach to the shoreline was to be one half mile. As described below, the Navy subsequently modified the activity to eliminate use of military aircraft, reduce maximum speeds, and increase the distance of the closest approaches to the shoreline.

Accompanying the Navy's negative determination was an Environmental Assessment. On the basis of the analysis in the EA, the Navy concluded the activity would not affect the coastal zone. On January 5, 1995, the Executive Director concurred with the Navy's negative determination (Exhibit 3).

A residential area and County beach are located immediately upcoast (west) of the SNEF building. In addition, fishing and surfing activities occur immediately seaward of the SNEF building, at the Harbor entrance's West Jetty and La Janelle Park. A number of area residents are concerned about the project, and the Commission staff has received numerous phone calls and letters (over 100 letters) expressing concerns over the safety and environmental impacts of the activity, as well as concerns over the adequacy of the Navy's EA.

In response to some of the concerns that were raised the Navy modified the project, including: (1) limiting jet types to use of Lear 35 or 36 turboprops or equivalent civilian aircraft (i.e., eliminating the use of the noisier F/A-18 and F-14 jets); (2) reducing maximum jet speeds to 325 knots (previously 500 knot maximum speed); (3) assuring that the jets will approach no nearer than 1 nautical mile from shore (previously 1/2 mile); and (4) relocating the airspace to avoid being within the Channel Islands National Marine Sanctuary (CIMS). The Navy also clarified that active closures of offshore waters to boating and surfing activities would not be instituted when the proposed flights are in progress.

Concerns expressed over the initial proposal had included a statement by the California Department of Fish and Game that the project might adversely affect environmentally sensitive habitat. The primary issue raised was bird strike potential (i.e., collisions between aircraft and brown pelicans). In response to this concern, the Commission staff informed the Navy that it was considering re-opening the federal consistency review process, based on the provisions of Section 930.44(b) of the federal consistency regulations (Exhibit 4). That section provides for the continued monitoring of federal activities to assure they are undertaken in a manner consistent to the maximum extent practicable with the State's coastal management program. Under this regulation consistency review may be revisited in several circumstances, including where a project is initially determined not to affect the coastal zone, "but which the State agency later maintains is being conducted or is having a coastal zone effect substantially different than originally proposed, and, as a result, the activity directly affects the coastal zone and is not consistent to the maximum extent practicable with the State's management program."

Upon receipt of further information, the Department of Fish and Game ultimately concluded that "The revisions to the project should reduce the likelihood of BASH [Bird Strike] hazard to a less than significant level." Consequently, the Commission staff informed the Navy it was withdrawing its consideration of a re-opening of the case (Exhibit 5).

Background - SNEF Building

In commenting on the Navy's proposal the Commission staff expressed a related concern over the Navy's 1985 construction of the original SNEF facility (Exhibit 4). Based on the evidence available to the Commission staff, it appeared that the Navy had never submitted a consistency determination for the

SWEF facility to the Coastal Commission, despite the fact that the facility was built after implementation of the federal consistency requirements, and the Navy was aware that the SWEF facility would affect the coastal zone and would conflict with several policies of the Coastal Act. For example, the Navy's 1978 Master Plan for the SWEF facility stated:

p. ix: "The proposed NES and office building are in violation with the spirit of the Coastal Act by obstructing the coastal views of the Silver Strand Community."

p. xiii: "Operational impacts [from radio frequency transmissions] on the Navy, Oxnard Harbor District, the public and the California Coastal Act policy, are unavoidable."

Attached (Exhibit 6) are additional statements from the Navy's 1978 Master Plan document which elaborate and provide other examples of Navy-acknowledged potential conflicts with the Coastal Act.

Because the Commission staff believed the SWEF facility should have undergone federal consistency review at the time of its original proposal, the Commission staff requested that the Navy submit an after-the-fact consistency determination for the facility (Exhibit 4). The Navy has not formally responded to this request.

A potential ongoing concern raised by the absence of consistency review of the original SWEF building is the procedural question of what degree of modification to the existing facility would trigger additional federal consistency review, given that a complete project description and accompanying environmental analysis was never provided to the Commission for that activity.

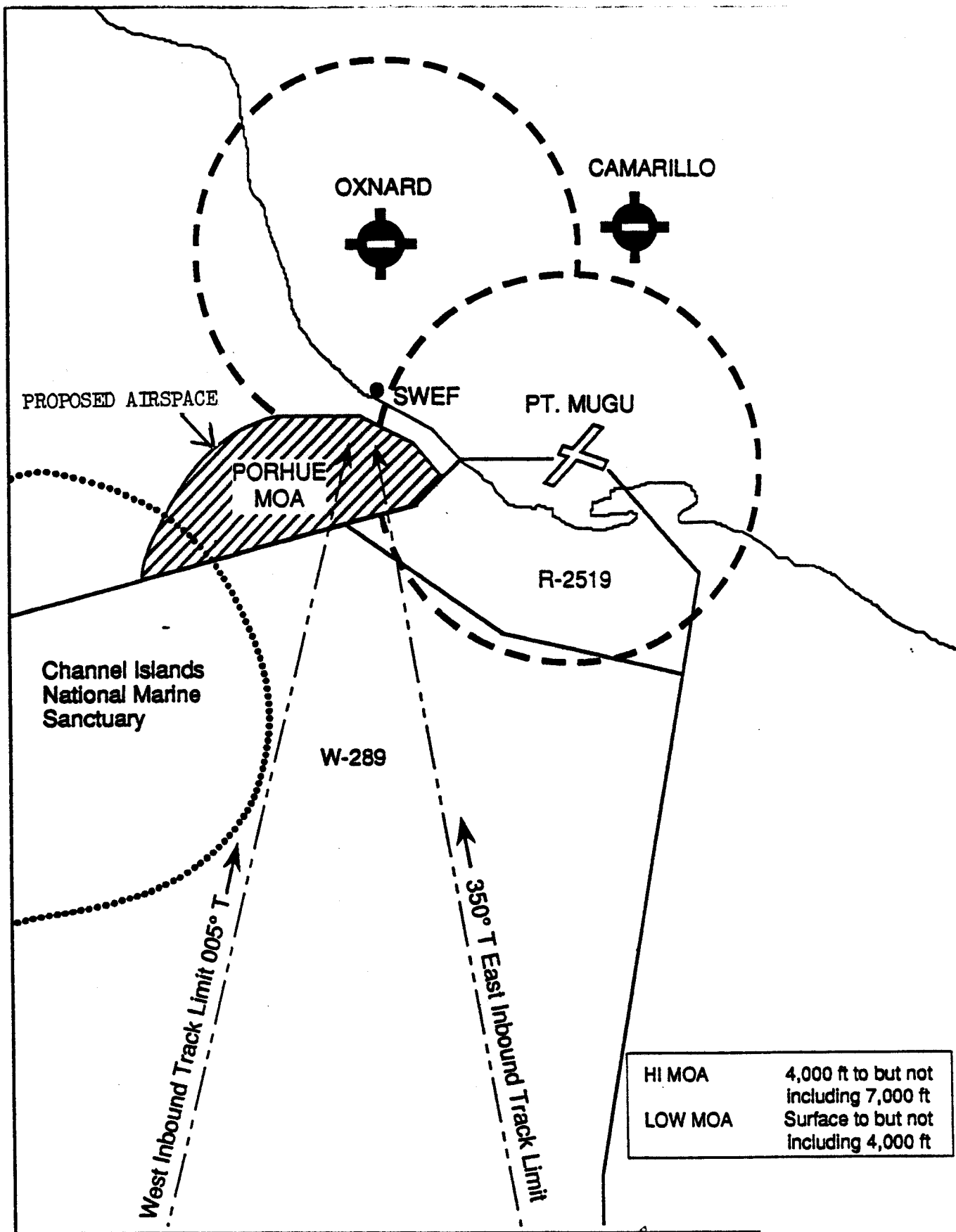
The reason for this discussion of the SWEF facility is because its placement at this site is the primary determinant for the Navy's proposed airspace in this area. In response to concerns expressed by area residents about considering other alternative locations or methods of flights testing, the Navy maintains it would be infeasible to relocate the SWEF facility.

The Commission staff will continue to work with the Navy to seek additional information and/or a resolution of this procedural issue.

Future Activities/Reviews


The Navy is now in the process of preparing a Supplemental Environmental Assessment for the project. The Commission staff intends to review this document, as well as comments on the document, to determine whether additional Commission federal consistency review may be warranted under Section 930.44(b) of the federal consistency regulations.

Finally, the Federal Aviation Administration (FAA) is also in the process of reviewing the proposed airspace. The FAA recently extended its public comment period until February 18, 1996, to allow for publication of the Navy's Supplemental Environmental Assessment. The Navy needs to receive FAA approval before it can use the proposed airspace.



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Figure 1. Proposed Port Hueneme Special Use Airspace

EXHIBIT NO.	1
APPLICATION NO.	Status Report
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 California Coastal Commission	

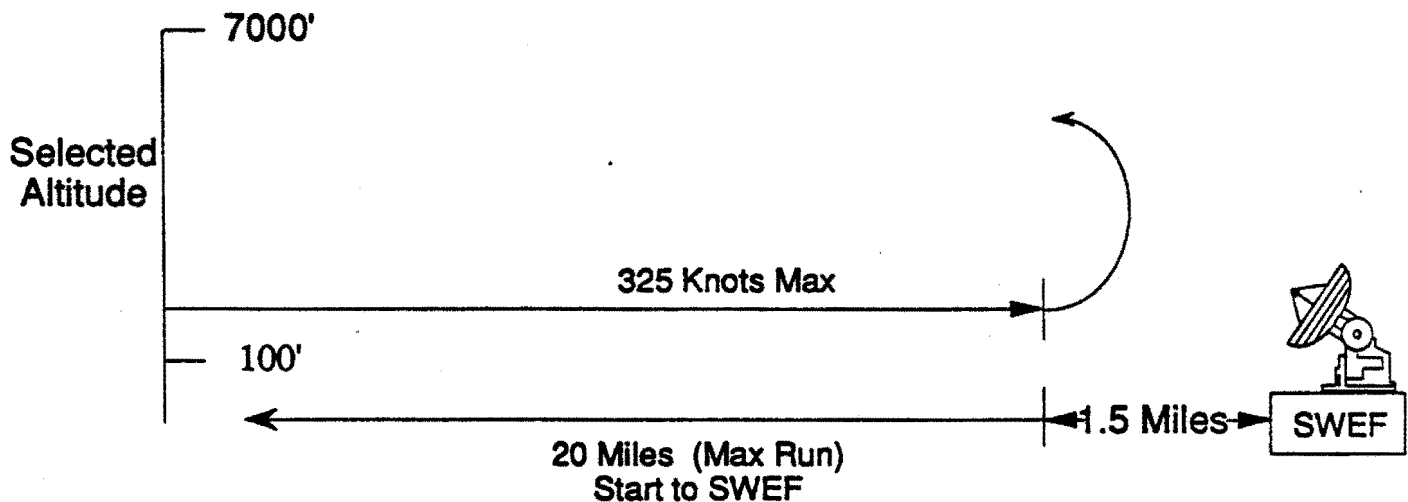
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I-80

SWEF FLIGHT TEST PROFILES

FLIGHT PROFILE #1

Aircraft will be Lear type 35 or 36A turbofan aircraft. One or two aircraft, selected radials inbound, start 21 1/2 miles from "SWEF", each inbound run to be at a selected altitude of 100' to 7000' on a heading that will avoid penetration of the Channel Islands National Marine Sanctuary below 2000', each run to be level flight, approaching one and one-half miles of the "SWEF" prior to turning outbound. Direction of outbound turn to be as specified by range air controller in order to minimize interference with Class D airspace areas and to avoid penetrating the Channel Islands National Marine Sanctuary below 2000'. Speed will not exceed 325 kts. This profile comprises 80% of projected flights. All flights remain one mile seaward of the shoreline and within the limits of SUA until completion of mission.



Maximum Range Flights are depicted
but can have much shorter approaches.

EXHIBIT NO. 2
APPLICATION NO. Status Report
ND-115-94
California Coastal Commission

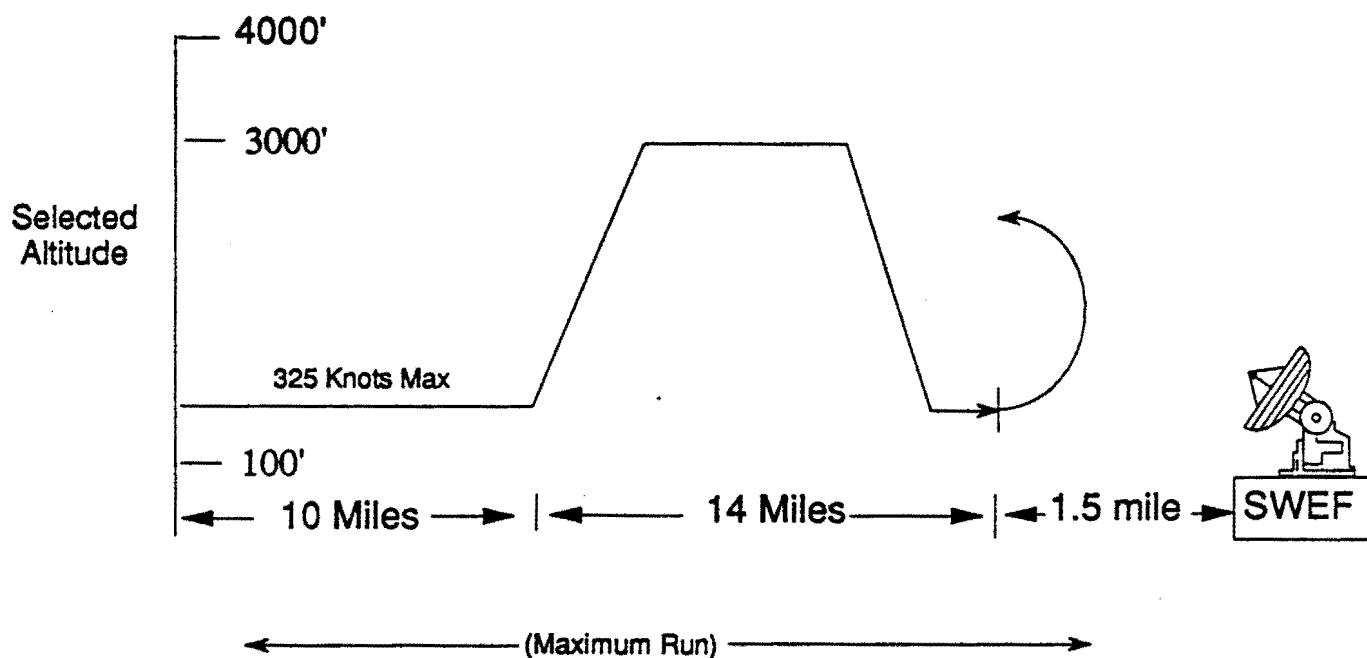
Figure 2. SWEF Flight Profile #1

NOT TO SCALE

SWEF FLIGHT TEST PROFILES

FLIGHT PROFILE #2

Aircraft will be Lear type 35 or 36A turbofan aircraft or equivalent civilian aircraft. Selected radial inbound, start 25 1/2 miles from the "SWEF", each inbound run to be at a selected initial altitude of 100' to 3000'. Speed will not exceed 325 kts. Approach to within 15 1/2 miles of the "SWEF", climb to 3000' and maintain altitude until "command descent", then descend to original inbound altitude and approach to 1 1/2 miles of the "SWEF" prior to turning outbound. Inbound run will not penetrate the boundary of the Channel Islands National Marine Sanctuary below 2000'. Direction of the outbound turn to be as specified by range air controller in order to minimize interference with Class D airspace areas and to avoid penetrating the Channel Islands National Marine Sanctuary below 2000'. All flights to remain one mile seaward of the shoreline and within the limits of SUA until completion of mission.



Maximum Range Flights are depicted but can have much shorter approaches.

NOT TO SCALE

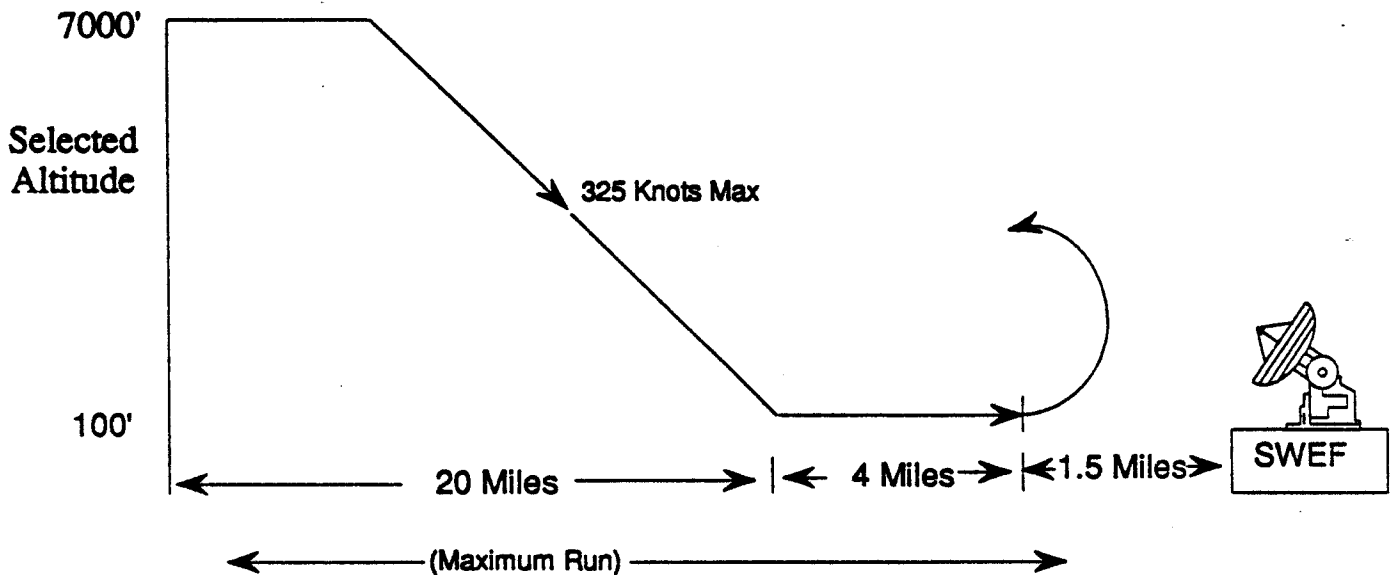
Figure 3. SWEF Flight Profile #2

EX 2 P. 2

SWEF FLIGHT TEST PROFILES

FLIGHT PROFILE #3

Aircraft will be Lear type 35 or 36A turbofan aircraft or equivalent civilian aircraft. Selected radial inbound, start 25 1/2 miles from the "SWEF", initial altitude 7000', speed will not exceed 325 kts. Aircraft is not to penetrate the Channel Islands National Marine Sanctuary below 2000'. On command, descend to pre-briefed altitude at a point 5 1/2 miles from the "SWEF", approach to one and one-half mile of the "SWEF" prior to turning outbound. Direction of outbound turn to be as specified by range air controller in order to minimize interference with Class D airspace areas and to avoid penetrating the Channel Islands National Marine Sanctuary below 2000'. All flights to remain one mile seaward of the shoreline and within the limits of the SUA until completion of mission.



Maximum Range Flights are depicted but can have shorter approaches.

Figure 4. SWEF Flight Profile #3

NOT TO SCALE

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CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



January 5, 1995

Pete Becker
Department of the Navy
Naval Surface Warfare Center
4363 Missile Way
Port Hueneme, CA 93043-4307

RE: ND-115-94 (Negative Determination, Special Use Airspace,
Port Hueneme, Ventura County)

Dear Mr. Becker:

The Coastal Commission staff has received the above-referenced negative determination for the establishment of a Special Use Airspace for the purpose of conducting weapons system tests at Port Hueneme. The tests would involve the use of aircraft flying to within one half mile of shore. Aircraft used would be 80% Learjets and 20% F-14s or F/A-18s. Flights would occur primarily in daylight hours and on weekdays, which would minimize impacts during peak recreational periods (weekends). The Navy proposes a maximum of 30 flight hours per month, although flight amounts will vary depending on mission requirements, with 12 flight hours/mo. representing a more typical duration. Maximum annual duration would be 144 flight hours per year. A typical operation would involve 2 hours of flight time, during which 6-10 land approaches would occur. The flights would generate noise impacts potentially affecting the region; these impacts have been analyzed in the Navy's Environmental Assessment (EA) for the project.

The EA analysis most pertinent to the Commission is its discussions of alternatives, noise, and safety. The EA establishes that the project represents the least environmentally damaging feasible alternative, that the safety risk involving potential accidents is so close to zero as to alleviate any safety concerns, and that the noise levels will not be substantial enough to adversely affect wildlife habitat or public recreation. The EA states that:

The resulting exterior noise effects on the Silver Strand, Port Hueneme, and Oxnard ... show that noise levels of the flight demonstration will not exceed the noise limits established by the Port Hueneme and Oxnard Municipal Codes as well as County, State and Federal Regulatory Standards or Guidance. ... The ... Proposed Action would not exceed any short-term standards or ordinances. Additional, because of the short duration (seconds) that potentially higher-than-ambient noise levels could be present, and because the noise generated from the Proposed Action sources are not atypical of noise from the types of aircraft familiar to the skies in the region, the impacts on the surrounding community is expected to be minimal.


EXHIBIT NO. 3
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January 5, 1995
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In addition, the Navy has confirmed the EA analysis by conducting trial tests and measuring noise levels and community reaction.

We have coordinated our review with potentially affected local jurisdictions, Ventura County and the cities of Port Hueneme and Oxnard. We agree with the Navy that the project will not affect any marine resources, environmentally sensitive habitat, commercial fishing, recreational boating, air quality, or public access and recreation. We therefore concur with your negative determination for the project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5280 if you have questions.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office

PMD/MPD/mcr/1966p

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CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



September 8, 1995

Pete Becker
Department of the Navy
Naval Surface Warfare Center
4363 Missile Way
Port Hueneme, CA 93043-4307

Re: **ND-115-94**, Navy Special Use Area, Port Hueneme, Ventura Co.

As we previously informed you in a letter dated July 24, 1995, a copy of which is attached, we have been in the process of considering the appropriateness of opening our previously-issued negative determination for the above-mentioned project. Since we wrote that letter we have received new information which has led us to conclude that this project will affect the coastal zone and, therefore, that a consistency determination is necessary for this project.

The information we have received includes:

1. A July 18, 1995, letter from the Department of Fish and Game to you informing you of its concern over "bird strikes" and its opinion that brown pelicans (a State and Federally listed endangered species) would be adversely affected by the proposed project;
2. An August 4, 1995, letter to you from the U.S. Department of Commerce (Channel Islands National Marine Sanctuary) expressing concerns over impacts to brown pelicans and cetaceans, recreation, and ship traffic; and
3. A June 13, 1995, letter from the Federal Aviation Administration to you expressing concerns over the adequacy of your Environmental Assessment (EA), and requesting a Supplemental EA, including an expanded alternatives analysis, a recognition of the degree of controversy raised by the project, use of a different noise model, expanded analysis of biological issues such as bird strikes and the likelihood of harassment, and a cumulative impacts analysis.

We have received the Navy's letter dated August 23, 1995, in which the Navy has agreed to make project modifications, including: (1) limiting jet types to use of Lear 35 or 36 turbofans or equivalent civilian aircraft (i.e., eliminating the use of the noisier F/A-18 and F014 jets); (2) reducing maximum jet speeds to 325 knots (previously 500 knot maximum speed); and (3) assuring that the jets will approach no nearer than 1 nautical mile from shore

EXHIBIT NO. 4
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(previously 1/2 mile). Although attachments to this letter indicate the Navy is conducting a detailed analysis of the bird strike potential, such analysis has not been completed, and to date neither the Dept. of Fish and Game nor the Channel Islands National Marine Sanctuary has indicated that its concerns have been resolved by these modifications. Since the issues those agencies have raised are over resources located within the coastal zone, even with the modifications made by the Navy we remain concerned over impacts to coastal zone resources. It is for all these reasons that we have concluded that a consistency determination is now necessary for this project.

In addition, you have not yet responded to our request of July 26, 1995, which sought written clarification as to whether closures of offshore waters to boating and surfing activities will be instituted when the proposed flights are in progress.

Finally, we recently received a copy of a Navy Master Plan (U.S. Navy Master Plan, Environmental Impact Analysis, Naval Ship Weapon Systems Engineering Station, Port Hueneme, California, October 1, 1978.) for the original SWEF facility (Surface Warfare Engineering Facility, formerly NSWES (Naval Ship Weapon Systems Engineering Station)). This is the onshore ship simulation facility at Port Hueneme that would interact with the currently proposed flights and appears to be the primary basis for the Navy's decision to locate the Special Use Airspace at the proposed location. The Navy prepared that Master Plan in 1978 and constructed the facility in 1985 or 1986. However the Navy never submitted any environmental documentation for the SWEF facility, such as a consistency determination, to the Coastal Commission despite the fact that: (1) the Coastal Zone Management Act requirements for consistency determinations for federal project's affecting California's coastal zone commenced in early 1977; and (2) the Master Plan acknowledged that the SWEF facility would affect the coastal zone and would conflict with several policies of the Coastal Act. For example, that Master Plan states:

p. ix: "The proposed NES and office building are in violation with the spirit of the Coastal Act by obstructing the coastal views of the Silver Strand Community."

p. xiii: "Operational impacts [from radio frequency transmissions] on the Navy, Oxnard Harbor District, the public and the California Coastal Act policy, are unavoidable."

Because the Navy never sought federal consistency authorization for the original SWEF facility, despite its written acknowledgment that the facility would be inconsistent with the Coastal Act, and at a time when the Coastal Zone Management Act procedures required submittal of a consistency determination to the Commission, we therefore also believe that a consistency determination is needed for the original SWEF (NSWES) facility, as well as for the current Special Use Airspace proposal.

Section 930.44 of the federal consistency regulations provides for the continued monitoring of federal activities to assure they continue to be undertaken in a manner consistent to the maximum extent practicable with the State's coastal management program. Under this regulation consistency review may be revisited in several circumstances, including where a project is

EX. 4. P. 2

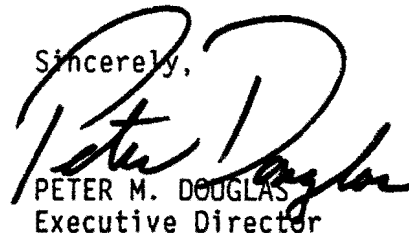
Letter to Pete Becker
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initially determined not to affect the coastal zone, "but which the State agency later maintains is being conducted or is having a coastal zone effect substantially different than originally proposed, and, as a result, the activity directly affects the coastal zone." Based on the above discussion, we now believe the establishment of the Special Use Airspace would directly affect the coastal zone and that the Navy needs to submit a consistency determination for this activity, as well as for the previously constructed SNEF/NSWES facility.

Information that should be contained in the Special Use Airspace consistency determination includes the biological information requested in the above-cited letters from the Dept. of Fish and Game and the Channel Islands National Marine Sanctuary, as well as the information or clarification we previously requested regarding possible recreation restrictions.

Thank you for your attention to this matter. Please feel free to call Mark Delaplaine, Federal Consistency Supervisor, at (415) 904-5289 if you have any questions.

Sincerely,



PETER M. DOUGLAS
Executive Director

Attachment

cc: Ventura Area Office
Federal Aviation Administration (Harvey Reibel)FAA
Department of Fish and Game (Patricia Wolf, Morgan Wehtje)
Channel Islands National Marine Sanctuary (LCDR John Miller)
OCRM (Helen Goldie)

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EX. 4 P. 3

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



September 21, 1995

Pete Becker
Department of the Navy
Naval Surface Warfare Center
4363 Missile Way
Port Hueneme, CA 93043-4307

Re: **ND-115-94**, Navy Special Use Airspace, Port Hueneme, Ventura Co.

On September 8, 1995, we informed you we were reconsidering our previously-issued negative determination for the above-mentioned project, and we requested that you submit a consistency determination for the project. This was due in large part to information we had received from the Department of Fish and Game (DFG) and the Channel Islands National Marine Sanctuary (CIMS), which had expressed concerns over bird strike potential and other related habitat impacts from the proposed flights.

In a letter dated August 23, 1995, the Navy modified the project, including: (1) limiting jet types to use of Lear 35 or 36 turboprops or equivalent civilian aircraft (i.e., eliminating the use of the noisier F/A-18 and F014 jets); (2) reducing maximum jet speeds to 325 knots (previously 500 knot maximum speed); (3) assuring that the jets will approach no nearer than 1 nautical mile from shore (previously 1/2 mile); and (4) relocating the airspace to avoid being within the CIMS. Since we wrote our September 8, 1995, letter, we have received responses from DFG and CIMS which indicate that, with these modifications, the concerns they initially raised have been resolved. These agencies now believe the project would not pose threats to environmentally sensitive habitat resources.

We have also received your written clarification, contained in your September 18, 1995, letter to Mark Delaplaine of my staff, that active closures of offshore waters to boating and surfing activities will not be instituted when the proposed flights are in progress. That letter (a copy of which is attached) states:

...[I]f the area is not clear the event is delayed or canceled. The area that has been activated is monitored throughout the event to ensure that the area remains clear during the event, if a ship or aircraft comes into the area the event is delayed/modified or canceled until the area becomes clear again. The activated area is not a closed ocean area and non-event participants can not be forced to exit the area, the event [i.e., the Navy flights] must wait until non-participants leave the event area."

That letter also summarizes the Navy's "Bird Strike Prevention" procedures and states the Navy's conclusion that with the "Bird Strike Instruction Procedures," bird strikes would be "... less than one per year." Although we

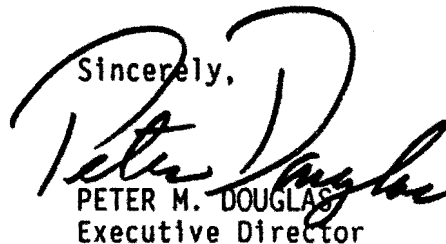
EXHIBIT NO. 5
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Letter to Pete Becker
September 21, 1995
Page 2

have not reviewed the Navy's calculations, DFG now agrees that "The revisions to the project should reduce the likelihood of BASH [Bird Strike] hazard to a less than significant level."

We still maintain the position we expressed in our September 8 letter that the original SNEF facility (Surface Warfare Engineering Facility, formerly NSWES (Naval Ship Weapon Systems Engineering Station) should have undergone federal consistency review at the time of its original proposal. We have no records of having received or concurred with a consistency determination for that project, and we are now able to clarify to you that implementation of the federal consistency provisions began for our agency on August 31, 1978. Since your Master Plan for that facility was published in October 1978, it therefore appears to us that formal Navy authorization of the facility came after the federal consistency procedures were in place. We understand you are searching your records to confirm what, if any, authorizations and coordination with our organization took place, and we expect to be kept apprised of the results of your records search. However, we consider the disposition of this matter to be independent of the question of whether the establishment of the Special Use Airspace affects the coastal zone.

We conclude, based on the above information, that it would not, and we rescind our September 8, 1995, request that the Navy submit a consistency determination for the Special Use Airspace. We reserve the right to continue to assert that a retroactive consistency determination may be necessary for the SNEF building. Please feel free to call Mark Delaplaine, Federal Consistency Supervisor, at (415) 904-5289 if you have any questions.

Sincerely,

PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
Federal Aviation Administration (Harvey Reibel)
Department of Fish and Game (Patricia Wolf, Morgan Wehtje)
Channel Islands National Marine Sanctuary (LCDR John Miller)
OCRM (Helen Golde)

Attachment

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EX. 5 P. 2



DEPARTMENT OF THE NAVY

PORT HUENEME DIVISION
NAVAL SURFACE WARFARE CENTER
4363 MISSILE WAY
PORT HUENEME, CALIFORNIA 93043-4307

IN REPLY REFER TO:

8800

Ser 4A40-PB/018

September 18, 1995

California Coastal Commission

Attn: Mark Delaplaine, Federal Consistency Supervisor
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Delaplaine:

Re: ND-115-94 Navy Special Use Airspace

RECEIVED
SEP 21 1995
CALIFORNIA
COASTAL COMMISSION

In follow up to our phone conversations over the past few weeks this letter will serve to document and clarify our discussions.

Enclosure (1) outlined your understanding of our phone conversations that this proposal would not close Offshore Waters when the Special Use Air Space was activated. Your letter is correct in that the Offshore Waters will not be closed on Air Space Activation under this proposal, the next paragraph will elaborate on procedures for Air Space Activation and Monitoring procedures.

The Proposed Special Use Air Space will when approved become an attachment to the existing 32000 square mile NAWCWPNS Sea Test Range and will come under all rules, regulations, controls and instructions that the Sea Range now follows. The following is a short explanation of the activation procedures.

Requested range events are put into a Master Schedule, the event then becomes part of the Overall Firm Range Schedule and becomes official the Thursday before the week the event will be conducted. Twenty-four hours before the event a notice to Mariners and Airmen is sent out via Coast Guard and Aeronautical Networks to announce activation of a particular area for an authorized event, on the day of the event and prior to event start the area is monitored by aircraft and sea/land radars to ensure that the area is clear, if the area is not clear the event is delayed or canceled. The area that has been activated is monitored throughout the event to ensure that the area remains clear during the event, if a ship or aircraft comes into the area the event is delayed/modified or canceled until the area becomes

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clear again. The activated area is not a closed ocean area and non-event participants can not be forced to exit the area, the event must wait until non-participants leave the event area. This safety procedure cannot be changed.

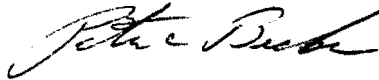
In addition to the Explanation of Airspace Activation I would also like to let you know that the range has in place since 1990 an instruction for Bird Strike Prevention. I will relay to you excerpts of some implementation requirements contained in the instruction that could be of interest, this instruction applies to all air operations. Instruction excerpts: ensure current bird activity is available to all air crews, maintain an Active Bird Hazard Awareness Program, conduct surveys of bird activity, the following gives Air Traffic Control Specifics: report observed bird activity as necessary to local air traffic, identify radar targets as possible bird activity to provide warning to pilots, activate reporting networks by air crews to report presence of birds in an area, make operational changes to avoid areas and times of known hazardous bird concentrations. The Public Works Officer shall provide information on migratory, local, and seasonal bird activities through contact with the U. S. Fish and Wildlife Service, Audubon Society, local Ornithologists and other agencies. The presence of bird and aircraft interaction is addressed by this instruction requiring an Integrated Bird Control and Bird Hazard Abatement Program using proven operational procedures.

We have also pulled Bird Strike Data from the Navy Centralized Data Bank for the Special Use Air Space Coordinates and Air Space Coordinates plus/minus two hundred miles of coastline. Statistical data indicates that use of the plus/minus two hundred mile coastline data will give a probability of one bird strike per year. The Statistical probability does not take into account the Bird Strike Instruction Procedures I have outlined, these procedures would lower the Statistical probability to less than one per year.

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Thank you very much for your comments and cooperation. I hope this letter is an aid to the process of understanding, clarification and cooperation.

Sincerely,



P. C. BECKER
Project Engineer SUA
PHD NSW Code 4A40
Phone: (805-982-0348)
Fax: (805-982-4448)

Encl:

- (1) California Coastal Commission Letter of July 26, 1995
(MDP/MCR/1967P)

EX. 5 P. 5

SOURCE: 1978 NAVY MASTER PLAN "SWEF" FACILITY MASTER PLAN, EXCERPTS
FOREWORD

[Note: NSWSES is same as SWEF]

This Environmental Impact Assessment of the Master Plan for the Naval Ship Wespon Systems Engineering Station (NSWSES), Port Hueneme, California has determined that, in accordance with OPNAVINST 6240.3E.d 5 July 1977, both potentially significant environmental impacts and environmental controversy would occur if the Master Plan were implemented. These impacts are:

- Air pollutant emissions that exceed Federally mandated standards of the Clean Air Act of 1977.
- Radio Frequency (RF) radiation hazards that would preclude all vessel traffic in and out of the Port Hueneme Harbor during weapons systems operations.
- Exclusion of the public from coastal recreational areas in violation of the California Coastal Act.
- The obstruction of coastal views of the public which are protected by the California Coastal Act.
- Other environmental impacts in the cumulative category.

Because of the foregoing impacts, this EIA analyzed in the depth and in the detail required of a Candidate EIS to determine the extent of effects, their mitigation and reasonable alternatives to the project.

The preparation of the EIA, while an independent assessment, was closely coordinated with the development of the Master Plan during all phases from conceptual planning through to completion, consequently, feasible mitigation measures are included in the project design. This assessment goes beyond the determination of beneficial effects and the mitigation of adverse impacts to design programs of action which will enhance the such as for air quality, water quality, energy consumption a ment of biota habitat, species abundance and diversity of sp NSWSES area.

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California Coastal Commission

Section III recognize the urgency for active participation of NSWSES in local, State and Federal pollution abatement programs. The 47 percent increase in personnel levels of the Master Plan would have significant impacts on vehicle emissions to exceed Federal, State and County New Source Rule standards.

Water Resources Statutes and Programs. The serious water quality problem found by the California Water Resources Control Board concerning sea water intrusion of local water supplies and increased demand on the importation of water, described in Sections I and III, is under adjudication proceedings by the State, which will limit water now available to NSWSES. Mitigation measures for NSWSES and the CBC Base proposed in Section III, provide for stringent controls in pumping from base wells and water conservation by facilities design and actions by NSWSES personnel.

The California Coastal Act of 1976 as Amended. The proposed NES and office building are in violation with the spirit of the Coastal Act by obstructing the coastal views of the Silver Strand Community. The proposed NES building at the West Jetty area also violates building heights prescribed by Ventura County zoning regulations. The expected controversial reaction by the residents of Silver Strand and visitors to the County Park at the West Jetty area can be mitigated in part by a public relations effort to explain the coastal-dependent nature of the Navy mission and the need for operational realism. Because of detrimental effects on property values and residents who value the present view of the harbor, controversy is expected.

Land Use Impacts of seismic conditions, RF radiation, harbor mouth widening, harbor use and use of recreational facilities. Seismicity conditions in the NSWSES area described in Section I, and mitigation measures recommended in Section III would relocate the NES building from the West Jetty beach to

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Plant and Animal Species. Construction impact on biota are unavoidable.

The construction of a sea wall at the West Jetty would permanently destroy shore bird habitats. All of the adverse long-term impacts and many of the short-term impacts can be mitigated by the elimination of the sea wall and a set back of the NES facility at the West Jetty. The biota improvement area proposed in Section III would enhance the coastal environment, an objective of the Federal and State Coastal Acts and Navy Instructions.

Noise. Impacts during the construction phase are unavoidable. No significant impacts are foreseen during the operation phase.

RF Radiation by the NES Facility. Radio frequency transmissions from weapons systems director radar equipment produce off axis, near field radiation levels which would require the exclusion of Navy, commercial, and recreational vessels from the mouth of the harbor during operational periods. By a set back of the NES building and azimuth arc limits, the West and East Jetty recreational uses could continue without interruption. During the collimation of radars on a tower at the end of the CEL pier, the entire La Janelle Park and West Jetty would be vulnerable to RF radiation. Operational impacts on the Navy, Oxnard Harbor District, the public and the California Coastal Act policy, are unavoidable.

Recreational impacts due to RF radiation hazards, discussed above, may be partially offset by the Navy's intent to donate the La Janelle Park at the West Jetty to the State Land Commission.

Visual impacts and aesthetic appeal to public and Navy views will be mitigated by the low profile campus building clusters in the Administrative/Engineering Complex. An overall improvement of aesthetic appeal would be

effected by the Master Plan. The obstruction of some views in Silver Strand due to the height of the NES building and radar arrays at the West Jetty would occur.

Public Services Impacts. The annual consumption of electricity would increase from 3.48×10^8 kWh to 8.31×10^8 kWh. Natural gas consumption would increase from 267,000 therms to 382,000 therms. Water use would increase about 50 percent.

Socio-economic Impacts. Direct benefits to local communities include an increase of about 800 Navy civilian employees in NSWSES. This increase is partially offset by a reduction of about 350 contractor jobs. The net gain in jobs will be about 450, equivalent to about \$9 million additional salary revenue. The estimated 2 year construction period will provide the equivalent of about 30 additional full-time jobs.

Land use impacts were previously discussed in paragraph 3.

Access Impacts. Increased vehicular traffic due to the 50 percent increase in personnel of the Master Plan can be alleviated by control of work hours ("flex-time"), designation of alternate routes, traffic control, increased route capacity, controlled access to main routes and measures detailed under "air quality". If vehicle miles traveled are reduced as required to meet the Federal Clean Air Act mandated standards, commensurate transportation and energy benefits will be achieved.

5. ANY PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED SHOULD THE PROPOSAL BE IMPLEMENTED

Significant, unavoidable adverse impact areas are as follows:

- o Water quality and quantity impacts due to well pumping, sea water intrusion and population increases.
- o Construction phase impacts on noise, air pollution and biota.
- o Air quality violations of the Federal Clean Air Act.
- o RF radiation hazard impacts on recreation and port operations.
- o Loss of coastal views by Silver Strand residents.

Avoidable adverse impacts that will be mitigated or partially mitigated include the following:

- o Avoidance of contamination of groundwater and the harbor by project drainage design, education and control measures.
- o Water conservation controls, fixtures, and landscaping.
- o Mitigation of storm, tidal and tsunami surge at the NES West Jetty area by building set back and increased grade elevation. Stabilization of blowing sand by low-water use ground cover.
- o Reduction of pollutant emissions by reduction of vehicle use, traffic congestion and other measures.
- o Mitigation of seismic impacts by structural design and building set back.
- o Minimize obstruction of views in the Administration/Engineering Complex by the low profile, campus design concept.
- o Explain Navy missions and needs for coastal dependent land use to local public.
- o Reduction of RF radiation impacts on recreation and port operation by building set back, arc limits and coordinated scheduling of operational periods.

6. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USE OF MAN'S ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

A. Long-term environmental gains at the expense of short-term losses, include the offsetting of construction impacts on biota by the biological improvement areas to increase abundance and diversity of species and stabilize blowing sand. The aesthetic appeal of the Master Plan areas, particularly the campus style design of the Administration Engineering Complex, has long-term benefits. Navy plans to donate the La Janelle Beach Park at the West Jetty to the State Land's Commission would comply with the spirit and intent of the Coastal Act and help offset operational impacts on public recreation and loss of coastal views. Seismic safety is also a long-term gain.

B. Short-term environmental gains at the expense of long-term environmental losses concern the degradation of air and water resources and RF radiation hazard impacts on public access to recreational land and water uses.

C. Future uses of the land in the NSWSES and local areas are narrowed by air and water quality impacts and the denial of coastal views. Intensified operational activity of NSWSES as provided in the Master Plan may preclude joint recreational uses by the Navy and the public of coastal land as planned by the City of Port Hueneme and Ventura County. The Master Plan would foreclose Navy options (peacetime and mobilization) for other harbor and beach related land use in the NSWSES area. The future movement of NSWSES to another location, a remote possibility, would be inhibited.

The California Coastal Act of 1976 as amended

The proposed NES and office building are in violation with the spirit of the Coastal Act by obstructing the coastal views of the Silver Strand Community. The proposed NES building at the West Jetty area also violates building heights prescribed by Ventura County zoning regulations. The expected controversial reaction by the residents of Silver Strand and visitors to the County Park at the West Jetty area can be mitigated in part by a public relations effort to explain the coastal-dependent nature of the Navy mission and the need for operational realism. Because of detrimental effects on property values and residents who value the present view of the harbor, controversy is expected.

Land Use Impacts of seismic conditions, RF radiation, harbor mouth widening, harbor use and use of recreational facilities.

Seismicity conditions in the NSWSES area described in Section I, and mitigation measures recommended in Section III would relocate the NES building from the West Jetty beach to the north, placing the structure closer to the Silver Strand community. The building set back would also reduce vulnerable zones to RF radiation, allow for future harbor expansion and minimize the effect on local recreational land use. RF radiation control measures described in Section III would further reduce these impacts. The following adverse effects would prevail to a lesser degree to limit intended land use by the Navy and off base activities:

- o Weapons system director radars would have reduced zones and tactical realism.
- o Vessel traffic, including Navy, commercial and recreational, moving in and out of the Port of Hueneme, would be restricted at times.

9. Recreation

Only the proposed NES facilities at the West Jetty area would affect recreational uses of land on and off base. The NES facility as proposed by the NES report of 4 August 1978, would build a sea wall to the high tide elevation which would limit the beach area to a narrow tidal strip. The present recreational uses on-base would be limited accordingly. Increased RF radiation during weapon system operations would for safety reasons curtail beach use, including sun bathing, picnicking and nature walks.

The mitigation of on base impacts on recreation include consideration of the following actions:

- o Set back launchers and weapons systems building, improve beach into a beach recreational area for the base and maintain shore bird habitats.
- o A set back would also allow space for beach stabilization (seasonal beach erosion and buildup).
- o Provide safety clearance for RF radiation zones at both jetties.
- o Provide seismic buffer zone from the Hueneme Canyon Fault.
- o Allow space for widening the mouth of the harbor.
- o Provide space for ground cover to stabilize blowing sand, thereby reducing maintenance costs and wear-out attrition of launchers.

The mitigation of off base impacts on recreation is primarily concerned with continuing public access to the Silver Strand County Beach, parking, the West Jetty, and recreation boating in the harbor.

Actions include:

- o Limiting RF radiation zones.
- o Coordinate weapons system operations to minimize restriction during the day and shut down operations by mid-afternoon during the week, and

avoid all operations during state and federal holidays and on weekends.

- o Consider locating the proposed bikeway to the north of the weapons system building and its fenced perimeter to connect with a bicycle/ pedestrian ferry.

- o Restrict recreational craft from entering the harbor during the normal work week but allow full access during weekends and holidays.

10. Aesthetic/Visual/Amenity Conditions

The proposed facilities and consolidation provided by the NSWSES Master Plan would eliminate the unsightly conditions described in Section I and increase the safety, efficiency, comfort, convenience, favorable social interaction and prestige of NSWSES personnel. These beneficial effects would provide a substantial enhancement to the environment of NSWSES. Beneficial views by NSWSES personnel from work areas are expected from the new NES and office structures. Recreational boaters entering or passing near the harbor may find the new facilities to be an attraction; such as the case in Channel Islands harbor.

The adverse aesthetic effects consist of the obstruction of views of the harbor now enjoyed by residents of Silver Strand and property owners there who aspire to increase their land values in the future by new construction with views of the coast and harbor. The proposed NES building is 37 feet high and 45.3 above mean sea level. The building superstructures with director radars and their support structures are 118.0 feet above mean sea level. Many of the homes in Silver Strand adjacent to the NSWSES areas are built on low ground which would add to the relative height of proposed NSWSES facilities. Consequently, the proposed NES and office building would obstruct views of the harbor and the morning sunrise; further, sunlight would be blocked during the early morning hours.

The residents of Silver Strand must conform to building height restrictions of Ventura County and the California Coastal Act. These residents would resent a nearby U.S. Government structure such as the NES building which would exceed local and State height limitations.

The NSWSES Master Plan includes a 10-foot high concrete block wall capped

in Silver Strand and Hollywood-By-The-Sea to 35 feet would contrast to a height of 37 feet for the main NES building; however, platforms and pedestals supporting radar equipment vary between about 50 feet to 100 feet in height. The proposed 3 story office buildings in the headquarters area of NSWSES would occupy land that is now vacant. The NSWSES buildings would block views of the harbor by some residents of Silver Strand; early morning sunlight would also be blocked. The buildings set back discussed earlier would further aggravate feelings of resentment by local residents, considering the federal approval of the proposed projects to be unfair and inconsistent with federal policy, that is, to accommodate local policy, zoning and master plans.

The California Coastal Act Policy precludes new development that blocks coastal views. The resentment of Silver Strand residents and land developers would be increased by the apparent partiality afforded to federal development.

Mitigation might be accomplished by limiting building heights to one story; however, tactical realism would be severely affected in the operation of weapon systems radar at the West Jetty area. In addition, land requirements would be tripled and the building set back, proposed earlier, would not be possible due to space limitations.

Partial mitigation of building height problems could be achieved by a timely public relations program to explain the NSWSES missions yet express sensitivity to local views, zoning restriction and coastal policy.

Conflict in land use plans concerning recreation and transportation routes.

The conflicts of the NSWSES Master Plan with the California Coastal Act and local land use plans were previously discussed in general under sections

devoted to impacts on recreation, aesthetic uses, and surface transportation routes, both on land and through the Port Hueneme Harbor. More specific aspects of these plans and how they relate to the spirit and intent of the President's Council on Environmental Quality and the implementing guidelines contained in OPNAVINST 6240.3E concerning sensitivity to local impacts, are presented here.

Conflicts in the recreational use of land center mostly on the denial of the use of county recreational land and Navy land proposed for local recreational use. The impact of RF radiation on the denial of the use of the County Beach Park near the West Jetty is the most serious impact. Two local recreational land use plans would utilize Navy land needed for assigned ongoing missions; while these plans are proposals, a brief discussion of each is in order.

The increased RF radiation from the NES facility would curtail fishing from the West Jetty and the use of the eastern portion of the County Beach Park. This conflicts with the Coastal Act policy to protect low cost visitor and recreational facilities. The curtailment of water oriented recreational uses such as boating at the mouth of Port Hueneme Harbor due to RF radiation also conflicts with the Coastal Act. The mitigation measure of a set back of the NES facility to the north combined with imposed azimuth limits of operational arcs, would eliminate RF radiation from the West Jetty and Beach Park. The exclusion of recreational boating from the harbor during RF transmission would remain as an unavoidable adverse impact. The NES facility set back and limits on operational arcs would affect the simulation of tactical conditions.

The City of Port Hueneme's Main Beach Park Master Plan (Figure 28) proposes that the land at the East Jetty now utilized by the Coast Guard and

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THE
BEACON
BRIEF

A COMMUNITY EVALUATION
OF THE AIRSPACE RULEMAKING AND
ENVIRONMENTAL COMPLIANCE ISSUES
FOR THE
SURFACE WARFARE ENGINEERING
FACILITY(SWEF)
PROPOSAL
FOR
A SPECIAL USE AIRSPACE (SUA) AND MILITARY
OPERATION AREA (MOA)
PORT HUENEME, CALIFORNIA

PREPARED FOR:
FEDERAL AVIATION ADMINISTRATION
SYSTEM MANAGEMENT BRANCH
AWP-530, DOCKET # 95-AWP-7NR
AIR TRAFFIC DIVISION
LOS ANGELES, CA. 90009

PREPARED BY:
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SEPTEMBER 8, 1995

FOREWORD

The BEACON story began June 1, 1995.....

At a meeting, sponsored by the FAA, at the Port Hueneme City Hall, Military and Civilian representatives presented the details of this proposal, to approximately 125 citizens of the affected community, for the first time. Since that meeting, concerned citizens embarked on an intense study and evaluation of the proposal which required a rapid understanding of NEPA, CEQ, CEQA, California Coastal Act, Environmental Assessments/Studies, FAA Airspace Regulations, definitions and review procedures, sound models, aircraft safety records, radar and microwave technologies and Freedom of Information Act requests. The results of our efforts, our conclusions and recommendations, concerning this proposal, are found in this report.

Initially our efforts focused on educating ourselves on this specific proposal, however, our journey has brought us to certain observations about National Policy decisions and how these decisions are affecting local communities. This proposal is an example of a larger issue which must be addressed at the Federal, State and Local levels of government, with the informed involvement of both the public and private sectors of our communities.

The BRAC process is not just about down sizing our military facilities, it is also about relocating those military activities which remain necessary for our National Defense, to new locations. This reality, on a Federal level, has required the FAA to evaluate specific Military Airspace proposals at a time when this Agency is in the process of reevaluating and revamping the Nation's total Military, Commercial and Private Airspace requirements. Deciding individual Military Airspace proposals outside the context and without the benefit of a completed comprehensive National Airspace Plan can only hamper the efforts to achieve a National Plan in the future.

EXECUTIVE SUMMARY

INTRODUCTION:

The Naval Surface Warfare Engineering Facility (SWEF), Port Hueneme, California, has requested the Federal Aviation Administration (FAA) to establish a Special Use Airspace (SUA) and Military Operations Area (MOA) adjacent to the SWEF laboratory which is located on the extreme west end of the Port Hueneme Harbor west jetty.

The purpose of the Port Hueneme SUA/MOA, is to provide a sanctioned airspace to allow the Surface Warfare Center to conduct real engagement missile threat scenarios by flying high speed, low altitude jets, simulating Cruise and Exorcet missiles, directly at the SWEF laboratory. Jet approaches would begin 20 miles out over the Pacific Missile Test Range, coming in at an altitude of 100 feet off the surface of the ocean, at speeds of 376 miles per hour, at a frequency from 72 to 180 times per month. The shoreline boundary of the proposed MOA, as amended, is stepped one half mile offshore. The jets will begin their turn starting at one and one half miles from the SWEF, coming to within one mile of the shoreline.

The primary documents relevant to justify, describe and evaluate the Port Hueneme SUA/MOA proposal include: the Naval Ship Weapons Systems Engineering Station Master Plan Environmental Impact Analysis (1 October 1978), Surface Weapons Engineering Facility (SWEF), Special Use Airspace Proposal (November 1992), the SWEF, Special Use Airspace Environmental Assessment (March 1994) FAA, Regional Office Review of the SWEF-SUA/MOA, EA (June 13, 1995) and the Modification of the SWEF Special Use Airspace Proposal (August 23, 1995) (Refer to Section VIII, for complete reference list)

The primary Federal Agency responsible for review, denial or approval is the Federal Aviation Administration (FAA). The primary State Agency responsible for Coastal Zone Management (CZM) review is the California Coastal Commission (CCC).

PROPOSAL REVIEW PROCESS:

This proposal was first brought to general public attention at an Informal Airspace Meeting, sponsored by the FAA at the Port Hueneme City Hall, on June 1, 1995. Approximately, 125 residents were in attendance primarily as a result of posters and leaflets by a concerned community group known as THE BEACON and a mailing to

residents by the Channel Islands Beach Community Services District. Representatives of the SWEF outlined the details of their SUA/MOA proposal. Public comments were almost unanimously negative. Concerns expressed included the lack of prior public notice, safety, noise, adverse environmental and socioeconomic impacts

Since June 1st, representatives of THE BEACON have reviewed the available SWEF proposal and supporting documents, including the FAA regulations for Special Use Airspace and Military Operation Areas and met with SWEF personnel on three occasions. Attempts to identify satisfactory alternatives to the existing proposal have been unsuccessful.

FINDINGS:

The present SWEF-SUA/MOA proposal, as described in the November 1992 Special Use Airspace Proposal, evaluated in the March 1994 Environmental Assessment and Modified in the August 23, 1995 Request for Modification fails to meet Federal or State regulatory compliance requirements as documented in Sections I through VII of this evaluation report.

SECTION I - JUSTIFICATION:

The Applicant has failed to produce any prior document which supports its stated justification for a SUA/MOA. The proposal states *"Full utilization of the SWEF is presently hampered by a lack of a satisfactory method for generating threat scenarios on low-altitude, high speed flight profiles. This limitation negates a primary directive of the original design concept for the SWEF..."*

None of the original design documents for the SWEF, provided by the Applicant, support this justification statement. In fact, all previous engineering and environmental documents relating to the SWEF, are silent regarding any requirement for a SUA or aircraft threat scenarios. The building was planned in 1978 and constructed in 1985 outside of any Special Use Airspace and it is not until 1992 that this attempt is made to bring the Pacific Missile Test Range to the SWEF building. Further, the Applicant, in spite of its commitment to do so, at the June 1st meeting, has failed to provide any documentation that the SWEF laboratory complied with Federal and State Regulations for Environmental Review prior to its construction.

SECTION II - ALTERNATIVES:

The FAA, Regional Office Review (June 13, 1995) of the proposal states " *...Since little or no public scoping is evident, it is assumed the selection of alternatives was limited to a military staff and/or their consultants. Feasibility appears to be defined in this EA as economic feasibility. The purpose of presenting alternatives to any proposed action in a NEPA document is to present environmental alternatives that are environmentally reasonable. Any alternative that is not technically feasible, i.e., is not possible to achieve, is not a reasonable alternative and should not be presented for analysis.* "

The Environmental Assessment , Alternatives Section, does not meet the requirements of the National Environmental Policy Act (NEPA). Only infeasible alternatives are included and actual alternatives, including the Self Defense Test Ship, the Decatur, are omitted.

SECTION III - SAFETY:

The August 23, 1995 SWEF Request for Modification of the MOA attempts to modify the original proposed to utilize the Learjet, or "*equivalent civilian aircraft*," for 100% of the flights and to move one half nautical mile seaward the jet turning point and MOA boundary. The applicant claims these changes will mitigate community concerns for noise, safety and property values.

Issues of safety have not been properly addressed in the original SWEF Environmental Assessment or the Request for Modification. The EA (figure 59) represents the Learjet as having a *zero mishap rate per 100,000 flight hours*. The only stated basis for this *perfect safety record* is a single vendor estimate that it has performed for the Navy "*10,000 hours of accident free flying in 1992 with 19 Learjets*" (EA, page 57). The required relevant data is the safety record of Learjets in general and not anecdotal estimates of a single vendor. This is especially true given the December 14, 1994 Fresno Learjet crash, with loss of life. This jet crashed while under military contract.

No analysis is provided of hazards due to bird strikes on a Learjet, flying at high speed and low altitude, targeting a known bird gathering area (i.e., mouth of Port Hueneme Harbor) and bird nesting and migration route (i.e., Coastal areas between Ormond Beach, McGrath Beach and the Channel Islands habitats) are provided.

No analysis is provided of the safety issues relating to using civilian aircraft and pilots for military low altitude, high speed flight approaches. Was a Learjet designed to fly 100 feet off the surface of the ocean at top speed mimicking an Exorcet missile? Military aircraft have built in redundancy safety systems for hydraulic electrical and mechanical systems. The Learjet has no redundancy capability. These relevant safety issues are ignored in the applicant's evaluation of this proposal.

The basis for the selection of the Learjet, by the Applicant, appears to be more for cost savings to the SWEF, than for safety or mission requirement considerations.

The SUA/MOA area identified for this proposal has a multitude of competing uses sharing the same space. These include activities in the airspace such as commercial commuter aircraft, commercial fish spotters, helicopters, ultra-lights and private aircraft. Since the requested SUA/MOA Airspace begins at the water surface, the airspace is also shared with deep-draft commercial vessels entering and leaving the Port, commercial and sport fishing vessels, private pleasure craft, wind surfers and kayakers. No evaluation is provided of safety issues involving all these competing activities in the same airspace. This is particularly important since the Applicant indicates it has no authority to clear the zone, at the surface, during the flight test periods. The Applicant further represents that the pilot, while involved in high speed, low altitude missile simulating approaches, will also be responsible to visually spot and avoid these competing uses.

SECTION IV - NOISE ISSUES:

This report offers a technical evaluation of deficiencies in the noise element of the SWEF Environmental Assessment.

In human terms, noise continues to be a serious concern even after considering the Request for Modification referred to previously. Simply stated, the distinctive sound of the aircraft approaching the beach and residential neighborhood is unnerving. From 72 to 180 times per month residents and visitors will recognize the sound of the high speed low flying jet *targeting* their neighborhoods and beaches. Repeatedly, when the tests begin, the residents visualize the jet mimicking an *Exorcet missile targeting our community*. After the first jet turns away, as if to miss, another is on its approach. In a two hour period the jet or jets will make between six and ten approaches. With each pass, the residents must worry through the possibility of a mechanical malfunction or bird strike. The *sound of the jet*, creating the real image of *a missile inbound toward*

it's target is psychologically unnerving. After the last jet flight of the day your emotions relax, until you realize that the jets will return next week, next month and next year, for as long as you live at ground zero. The noise, the distinctive sound, cannot be mitigated.

SECTION V - BIOLOGICAL RESOURCES:

The biological impacts of the proposal have not been properly assessed or mitigated. This fact is supported by the FAA, June 13, 1995 finding, "A limited analysis of biological resources is presented. The analysis deals with noise impacts on wildlife. Of greater concern may be the effects of the proposed action on bird species. Several threatened or endangered birds are listed in Section 3, but not addressed in Section 4, Environmental Consequences. An Analysis of potential bird strikes and the likelihood of harassment would be appropriate. As a minimum, a letter from the U.S. Fish and Wildlife Service acknowledging your proposed action should be included in the EA."

Our Evaluation Report includes many additional deficiencies.

To date, no bird strike analysis, harassment analysis, or letter from the U.S. Fish and Wildlife Service has been presented.

SECTION VI - CUMULATIVE IMPACTS:

FAA June 13, 1995 Review finds "Cumulative impacts are not addressed in the EA. Cumulative impacts must reflect current impacts, impacts likely to occur as a result of the proposed action, and impacts that may result from other actions outside of your jurisdiction. Without an analysis of cumulative impacts, the decision maker is not fully informed....."

"This EA contains references to future uses of the MOA..... The point is often made that this is a unique facility and its use may include weapons testing by NATO and other allied countries. This EA deals with a specific mission. It does not attempt to define likely future missions that may result from the FAA approvals requested. Will approval of this MOA...allow future projects not described in this EA? Will future projects result in impacts not assessed in this document?"

An additional issue not evaluated by the Applicant is the cumulative impacts created by expanding the Pacific Missile Test Range up to and bordering the fully developed communities of Port Hueneme and Channel Islands.

SECTION VII - SOCIOECONOMIC IMPACTS:

The applicant is aware that the approval of a MOA, as presently designed, will cause a formal real estate disclosure prior to the sale of any property in the vicinity. Specifically, future developments on the coast line at Ormond Beach, existing shoreline properties in the City of Port Hueneme and the neighborhoods including Silverstrand Beach, Hollywood-by-the-Sea and Hollywood Beach will require formal disclosure, should this proposal be approved. No one, including the SWEF representatives, has argued, that to disclose to a prospective buyer that your home will be the target of military jet/missile testing, will increase property values! To the contrary, the adverse socioeconomic impacts will be severe to the surrounding communities. There is a specific commitment in the November 1992 Application to address socioeconomic issues but the EA fails include such analysis.

The Request for Modification (August 23, 1995), does nothing to mitigate the economic hardship to homeowners nor does it mitigate the economic hardship caused to commercial, aviation, fishing and recreational businesses that will be disrupted by the proposed testing and future unnamed programs.

CONCLUSIONS AND RECOMMENDATION:

The SWEF-SUA/MOA proposal would link together the SWEF Laboratory, Point Mugu Naval Air Station and the Pacific Missile Test Range to create a major new testing facility that *is unique in the world*. The proposal alludes to future unnamed uses which are not documented, the consequences of which are unknown and uncertain. The proposal is requesting a precedent setting decision from the FAA to expand the Pacific Missile Test Range. The socioeconomic effects are known to be adverse. The cumulative effects are not, and given the present content the Environmental Analysis, cannot be evaluated. The National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), the Office of the Chief of Naval Operations Instructions (OPNAVINST) and the California Coastal Act are clear concerning this proposal, **THE FAA MUST DENY THIS REQUEST OR, TO CONSIDER FURTHER EVALUATION, REQUIRE AN ENVIRONMENTAL IMPACT STATEMENT.**

BEACON BRIEF

SUPPLEMENT I

**AERONAUTICAL CASE NO. 95-AWP-7NR
PROPOSED ESTABLISHMENT OF PORHUE
HIGH AND LOW MILITARY OPERATIONS AREA (MOA)
PORT HUENEME, CALIFORNIA**

**PREPARED FOR:
FEDERAL AVIATION ADMINISTRATION
SYSTEM MANAGEMENT BRANCH
AWP-530, DOCKET # 95-AWP-7NR
AIR TRAFFIC DIVISION
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DECEMBER 15, 1995

INTRODUCTION TO SUPPLEMENT

The Notice To All Concerned (The Notice) document was prepared by the Federal Aviation Administration, Western-Pacific Region, Air Traffic Division, Los Angeles, California. This Special Use Airspace (i.e., MOA) proposal was requested by the Naval Surface Warfare Center (NSWC), Port Hueneme for utilization by the Surface Warfare Engineering Facility (SWEF) located on the extreme west end of the Port Hueneme Harbor entrance jetty.

At the time of preparation and public distribution of The Notice, the applicant had not submitted to the FAA or general public the Supplemental Environmental Evaluation (SEA) requested by the FAA on June 13, 1995. As of this date, December 15, 1995, the FAA has still not received the SEA and the Navy has advised it will not be filed until January 15, 1996. The deadline for the close of public comment, set by the FAA, is on or before December 20, 1995.

In The Notice, the section titled OPPORTUNITY TO COMMENT states:

"Interested parties are invited to participate in this proposal by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned decisions on the proposal. Comments are specifically invited on the overall aeronautical, economic, environmental and energy-related aspects of the proposal".

For the record, the environmental, economic and energy-related data has not been made public by the applicant or the FAA. Therefore, it is not reasonable to expect that the aviation community or the affected general public can present any *factually based views, suggestions or informed comment* on data that has not been made available to the FAA or the public. Since the applicant has indicated that the SEA will be available to the FAA sometime after the December 20, 1995 FAA public comment deadline, in effect the FAA has closed out any opportunity for informed public comment on the economic, environmental and energy-related aspects of the proposal.

I. ADDITIONAL AERONAUTICAL ISSUES

A) **Designation as a MOA is Inappropriate:** The Proposed Action cannot properly be designated as a Military Operations Area (MOA) because the described activity and the stated but undefined future uses do not meet the requirement that a MOA be designated for non-hazardous activities.

In the immediate vicinity of the SWEF facility are residential communities of extraordinarily high population density. The MOA boundaries encroach a National Marine Sanctuary and interdicts the entire north bound charted shipping lane in the Santa Barbara Channel. The MOA encompasses an area of intense commercial and pleasure fishing and other boating activity; the entrance and outer anchorage to a commercial and military deep-draft harbor; an ocean area of intense feeding, nesting and migratory activity of birds; and a permanent oil drilling platform. Given the trajectory, speed and altitude of aircraft to be used, the proposed action is inherently and unavoidably hazardous to persons, wildlife and property in the air, at sea, and on land and a MOA designation cannot be permitted.

B) **The MOA is Unnecessary:** The MOA should not be approved because it will degrade the national airspace program by granting a permit for space that is not needed. The October 12, 1995 new application states under the Coordination heading at page 2 that "*..there is a vast amount of work performed at the SWEF that does not require flight testing (estimated 90% of the total SWEF mission)*". It is not essential to the military mission of this facility and there are viable and safer alternative means to perform the flight tests.

C) **The MOA Will Conflict With Unanalyzed and Growing Activities of Other Airspace Users:** The MOA should not be approved because it will affect the efficiency of both the National Airspace System and the rapidly expanding actual and planned activities of airports and airspace users in the immediate area of the proposed MOA. In its original Application of November 24, 1992, statistics were presented (Safety Considerations, point 4 on page 5) on low airspace usage of the MOA area. This data is simply deleted by the Navy from its New Application of October 12, 1995 and no information is presented on current and planned airspace usage. Recently published statistics by the Oxnard and Camarillo Airports indicate significant percentage increases in present and projected usage. A proposal is also under consideration for joint military and commercial expanded usage of the Point Mugu air facility. Rather than identifying and analyzing these known increases in local air traffic and this proposal's impact on existing air routes, the Applicant has merely deleted its outdated analysis.

The immediate area of the proposed MOA is an extremely active airspace at the present time. This airspace presently is used by commercial, military, and civilian aircraft. The proposed SUA is within 3.4 NM of the Oxnard Airport, 10 NM of the Camarillo Airport and 5 NM of the Naval Air Weapons Station (NAWS), Point Mugu. The Ventura County Department of Airports Master Plan-blue prints the development of the Oxnard and Camarillo Airports to the year 2015. In 1994, the County counted 190,850 takeoffs and landings. Aviation forecasters predict that will increase to 207,000 by the year 2000, and 300,000 in 2015. Oxnard Airport had 9,300 commercial take-offs in 1994, and this will reach 14,900 within 20 years. Private aircraft

accounted for about 76,000 landing and take offs in 1994, and this number is expected to reach 160,000 during the same period. United Express and American Eagle Airlines board 39,000 passengers a year presently out of Oxnard Airport. (Source: Ventura County Department of Airports-Master Plans for Oxnard and Camarillo Airports, 1995)

These Master Plans describe the following capital improvements for the two County Airports;

- Camarillo Airport - new 3500-foot runway parallel to existing airstrip, extend existing runway from 6,010 feet to 7,200 feet, added taxiway system and add 389,800 square feet of hanger space.
- Oxnard Airport - Enlarging airline terminal, acquire 62 new acres on the north, add taxies and the building of new hangers.
- Naval Air Weapons Station, Point Mugu - in addition to the existing military air traffic and missile test activity the facility is under serious consideration for commercial air 'joint use' activity. The County of Ventura, after review of a private consultant evaluation on the feasibility of joint Military/Commercial use, is embarking on the EIR and terminal facilities plans at this air field. To date, no document presented by the applicant has evaluated the fact that the proposed flight profiles for the MOA intersect the landing and approach patterns for the Mugu facility.

In summary, the proposed location for this SUA is too close to densely populated areas and in the middle of airspace which presently and in the future will experience heavy air traffic. The proposed SUA/MOA would violate FAR 91.305.

D) The MOA Cannot Be Properly Monitored By The FAA: The FAA lacks both the radar assets and staffing to monitor activities in the proposed MOA. Without a compelling showing of need, a new MOA should not be approved in an area outside FAA radar and at a time of diminished FAA staffing that will, as a practical matter, effectively prevents the normal annual Agency reviews contemplated by applicable law and regulation. To allow the same entity that plans to 'market this airspace' to also monitor compliance requirements is a conflict of real concern. This is particularly important since the activity described will require the pilots to continually "push the envelope" to achieve the desired real threat scenarios.

E) Regardless of Any Safety Analysis MOA Designation Violates Policy Due to Trajectory At Adjacent Densely Populated Residential Shoreline: As Discussed in the original Beacon Brief, dated September 8, 1995, safety statistics presented by the Applicant in its March 1994 EA are anecdotal and biased. Safety concerns are trivialized and data presented regarding plane crashes will support no conclusions regarding safety. Even if statistically reliable data were to be presented, the proposed use of the MOA for low altitude high speed flights in a trajectory aimed at densely populated residential communities violates policy underlying guidelines of the FAA. FAR 91.305 states, "*No person may test flight an aircraft except over open water, or sparsely populated areas, having light air traffic*". The proposed action is the use of aircraft outside its intended design use for prolonged aerobatic maneuvers at low altitudes and high speeds in a trajectory aimed at densely populated communities. The

public policy underlying FAR 91.305, is reflected in the USAF Fact Sheet 90-13 in which the Air Force states that in recognition of public safety and well being "low-level flying near densely populated areas is prohibited".

F) A MOA Designation Will Permit Future Unnamed Uses By Existing General Waiver: Item # 1 is the version provided to us by the FAA of the current operative "Speed Waiver" outstanding between the FAA and Department of Defense. Pursuant to this document, within an existing MOA, low altitude high speed operations by military aircraft are given a blanket authorization. The impact of this waiver on the proposed action is nowhere mentioned or analyzed in any materials filed by the Applicant. It is contrary to NEPA, to FAA policy, and to common sense to allow creation of a MOA with a flight test trajectory at densely populated areas because the mere designation will permit unnamed uses pursuant to the waiver that will have environmental and safety consequences.

G) Proposed Action Violates Emergency Safety Standards: FAR 91.119: *"Minimum Safe Altitudes: General. "Except when necessary for takeoffs or landings, no person may operate an aircraft below the following altitudes: (a) ANYWHERE. An altitude allowing, if power unit fails, an emergency landing without undue hazard to persons or property on the surface".*

Given the trajectory, speed and altitude of these proposed flight profiles - aircraft, persons and property are clearly at risk should the aircraft power unit fail.

H) MOA Lacks Defined Boundaries: FAR 73.3, Special Use Airspace, Section (c): *"The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter."* FAR Part 7, Section 7121 provides in addition: *"Where it is difficult to establish boundaries easily discernible from the air, the area may be changed to allow the boundary to be located along some charted prominent terrain feature; i.e., rivers, highways, railroad tracks etc. Except for temporary areas, boundaries shall not be described as along the boundary of another airspace area."*

The geographical description of the boundary of this proposed MOA are not in accordance with FAA regulations. The boundaries, as proposed and described, are not easily identifiable from the air and the two boundaries other than the 1/2 mile from shoreline are contiguous with existing warning area. This MOA, if approved, will create tremendous confusion and possible safety concerns because the boundaries are not identifiable and the proximity more dangerous, by definition, preexisting Warning Area-289 and Restricted Area-2519. Peak periods for high traffic periods for aircraft which transit the coastline have not been identified. The impacts on airway V25, which parallels the shoreline, have not been documented.

I) Radiation Issues Are Not Analyzed: Neither the March 1994 EA nor any other publicly available document filed with the Applicant in support of the subject application contains any analysis of RF radiation impact resulting from the proposed action.

The Applicant's October 1, 1978 Master Plan Environmental Impact Analysis referenced in the March 1994 EA (References page 65) recites numerous potential unmitigatable radiation hazards created by the planned SWEF structure (at the time known as "NES"). For example, on page V-5, this report notes:

"RF Radiation. The partial mitigation of the RF radiation hazard can be achieved by a NES building set back and azimuth arc limits to avoid the West Jetty and La Janelle recreational areas; operational realism would be reduced accordingly. Off-axis, near field radiation hazards to vessel traffic can be partially mitigated by excluding vessel traffic in these RF zones during operational periods. However, the interference with public and commercial access to the Harbor would remain a serious impact."

There is no known outside environmental review of the building either as proposed or as built. Although required by law, neither the October 1, 1978 Master Plan Environmental Impact Analysis nor any other review document regarding the SWEF facility has ever been submitted by the Navy to the California Coastal Commission (see letters of September 8 and 21, 1995 copied by the Commission to the FAA). It follows that the pending application for special use airspace is the first time the radiation issue is exposed for regulatory review.

The October 12, 1995 New Application states:

"...the site [i.e. the SWEF] affords clear radiation paths for the installed radars to the open ocean and allow line of sight paths to the building."

"On some occasions, aircraft may carry equipment that will simulate electronic warfare countermeasures for the sensors being tested at SWEF. These emissions will be coordinated through normal range frequency management guidelines controlled by the Western Area Frequency Coordinator."

Clearly, from the above quotations, both incoming and outgoing radiation emissions are contemplated as part of the proposed flights. In view of the low altitude of proposed flights and the extension of the MOA airspace to the surface of the water, human and wildlife users of the airspace, beach, jetty and ocean may be within the radiation field. Even residential areas may be caught in side lobe or direct transmissions. Neither the March 1994 Environmental Analysis nor any version of the pending application evaluates the impact of RF radiation.

As noted above, in 1978 the Applicant identified RF radiation as an impact of its facility that could only be partly mitigated. It is unknown if any of the originally identified RF hazards have been mitigated or if new hazards created by the building as built or by the building's new proposed use as a close range target. Aside from the absence of any analysis of radiation impact in the March 1994 EA, new existing and proposed activities are listed under the "Justification" heading in the New Application dated October 12, 1995. These activities could not have been covered by the EA done in March 1994.

The lack of any environmental impact analysis of RF radiation in any filing by the Applicant in support of its proposal is a fundamental omission requiring either inclusion and evaluation in an Environmental Impact Statement or denial of the application.

II. ADDITIONAL INFORMATION SINCE BEACON BRIEF 9/15/95

A) Expansion of the Pacific Missile Range is Now Admitted But Not Analyzed. On page 16 of the Beacon Brief we suggested that the proposal amounts to an expansion of the Pacific Missile Range. The Applicant now admits that the MOA is just such an expansion by the comment added to its New Application dated October 12, 1995 wherein it states: *"This MOA will attach to existing R-2519 and W-289 for contiguous special use airspace for flight path approaches to the laboratory..."* Further, in a letter of September 18, 1995 to the Coastal Commission (attached hereto as Item #2) the Navy refers to the MOA as *"...an attachment to the existing 32,000 square mile NAWCWPNS Sea Test Range and will come under all rules, regulations, controls and instructions that the Sea Range now follows."* The applicant provides no analysis of the impact of bringing the test range to the building and of adding the SWEF facility and the MOA to the range. Aside from direct impacts, cumulative effects will result from the incremental impact of the Proposed Action when added to all activities that already take place in the Test Range regardless of what agency undertakes them.

B) Bird Strike Safety Hazard Now Admitted But Not Analyzed. In letters to the California Department of Fish and Game and to the Coastal Commission (see attached Item #2) the Applicant now admits that the proposed action will, based on its own statistical analysis, result in a probability of one bird strike per year. The applicant has not provided any data to either Agency to support this calculation nor has it done so to the public despite a Freedom of Information Act request to do so. It has provided no information on the safety consequences of its conclusion.

C) Existing Environmental Assessment Found Inadequate by U.S. Fish and Wildlife Service. Attached as Item 3 is a letter of September 19, 1995 from the Fish and Wildlife Service stating:

"The Service also believes that the EA inadequately discusses effects of the proposed action, particularly, the effects that noise and midair strikes may have on seabirds. In addition, we have reviewed our files and have found no record of our involvement in the development or review of the EA, although the EA lists the Service as an agency contacted"

D) Air Quality Issues Not Analyzed. Presently, both CBC and Point Mugu are required to conduct air quality emission monitoring by the Air Pollution Control District (APCD). No evaluation of the cumulative air quality impacts for the proposed and future operations of this proposal are provided by the Applicant. Existing air quality limits imposed by the APCD on these facilities are not considered, therefore, those limits and the contributory air pollution resulting from these proposed MOA activities have not been documented or considered.

E) **Economic Impacts of the Proposal Not Analyzed.** The October 1992 Proposal for this airspace speaks of potential adverse economic impacts to the adjacent residential communities. The proposal promises to address this issue in the EA. However, no evaluation of this issue has been presented. The Beacon Brief, dated September 8, 1995, includes a legal opinion which states quite clearly that under California Disclosure Law that the approval of the MOA will create a sizable 'Disclosure Zone' within the residential and commercial properties adjacent to the MOA. Disclosure requirements are by definition adverse to the present values of these properties and the Applicant and the FAA have a responsibility to document these adverse economic impacts prior to final action on this proposal. We believe, that these adverse economic impacts will be of a significant nature once analyzed.

III. ERRORS AND OMISSIONS IN THE FAA NOTICE

A) **Erroneous Description of SWEF Facility.** The FAA Notice states that *"The original design concept of the SWEF was to provide the Navy with capability to conduct a multitude of full engagement simulations ..."* The Notice text assumes these uses were contemplated in the original design (i.e. low altitude high speed flights coming from a SUA to within less than three miles of the building). As more fully set out in the Beacon Brief, the 1978 planning documents for the building did not contemplate flight tests of any kind in proximity to the building. Despite a Freedom of Information Act (FOIA) and other requests the Applicant has produced no documentation to support its assertion that such tests were part of the original design concept. The building was planned in 1978 and built in 1985 outside special use airspace and it was only seven years later that the Applicant commenced the process of seeking special use airspace. A review of FAA waivers shows that the Applicant has received only one waiver since January 1, 1993 to permit such flights and that waiver was for the September 1993 flight demonstration done as a part of this proposal.

B) **Night Flights Contrary to March 1994 EA.** The FAA Notice states that utilization will be *"primarily, but not limited to, daylight and weekdays."* This would permit up to half of all flights to occur outside daylight hours and these flights would be authorized at any time of the evening or night. This is in direct conflict with the Mitigation section (page 60) of the March 1994 EA stating that *"incorporated into the proposed action"* is the restriction to:

"Conduct flights between the daylight hours of 10am. and 5pm. Do not conduct night (10pm to 7am) flights, and minimize evening (7pm to 10pm) flights to those essential to meet requirements."

On page 6 the EA indicates that non-daylight flights *"represent only approximately 10 percent of the total projected flight requirements"*. The EA as noted above, expressly conditions the SUA, to forbid all night flights (10pm to 7am) and to restrict any non daylight use to 10 percent of total allowed usage. These restrictions must be restored to the FAA Notice.

C) **Unlimited Passes Contrary to March 1994 EA.** The March 1994 EA calculates the number of runs at 6 per hour (EA page 7) which computes to 180 times a month that a single aircraft could run at the SWEF building in the maximum 30 hours per month of testing. **This calculation is extremely important because it is the key to understanding that all of the noise, air pollution, safety, biological resource and all other impact analysis in the March EA is premised on and limited to an assumption usage of the MOA at the rate of 6 passes per flight test hour.**

The FAA Notice omits the limit on the number of passes. The Notice contains a new concept not supported or analyzed in the EA and not explained in the Notice, that the lower altitude MOA may be activated separate from the higher altitude MOA. In view of the omission from the Notice of a stated limit on passes, the **new separate activation concept** creates a potential for impact from increased and unlimited passes by multiple aircraft. The diagrams attached to the MOA and for the first time include a notation that *"Maximum Range Flights are depicted but can have much shorter approaches."* This comment is nowhere included or explained in the text of the Notice so the public is presented with no basis for informed comment. The new short run concept, envisions a race track pattern with planes darting off for short runs at the building. This would obviously result in heightened activity time within the MOA with environmental impacts not considered in the EA. Such a plan may also be contrary to the provision in the Notice that all flights must *"fly a radial inbound directly at SWEF"*.

D) **Omission of Modification Commitments.** The Applicant has in various letter and other communications to the FAA and other Agencies and in press releases committed to what it has described as additional "modifications." We note that the following promised modifications are omitted from the Notice:

- **No Express Limitation On How Close Flight May Come To Shore.** The Applicant has committed to fly no closer than one nautical mile from shore but this limitation is absent from the Notice published by the FAA. The only protection from overflights of the land stated in the Notice is that *"flights will begin their turn one and a half mile from shore"* and there is no stated limit on how close flights may come to land other than the limit of the MOA boundary itself one half mile from shore.
- **No Limit On Flights Over the National Marine Sanctuary.** The FAA Notice provides that all profiles must begin in W-289 *"and fly a radial inbound directly at SWEF"*. The Notice includes an illustration (figure 1) of "inbound" flight paths in a range of 005 to 350 degrees true but there is no illustration of "outbound" flights. Figure 1 is not referenced in any way in the text of the Notice and is not a limitation on the expressly stated permission for any approach beginning in W-289 on a radial aimed at the SWEF. Thus there is no limitation on flights that traverse the National Marine Sanctuary or even over fly the Channel Islands.
- **No Limit On Flight Speeds.** The text of the FAA Notice contains no limitation on flight speed. Figure 2, 3, and 4 include a notation *"325 Knots Max"* but in the text these figures are described only as *"intended"* profiles.

- **No Notice To Mariners.** The FAA Notice requires a Notice to Airmen but makes no mention of a Notice to Mariners. The proposed MOA extends from the surface of the water so all marine users of the MOA are within subject air space. In a September 18, 1995 letter to the Coastal Commission (Item # 2) and elsewhere the Applicant says that MOA activation will require a Notice to Mariners. It further commits that marine usage will not be restricted by MOA activation and that *"if the area is not clear the event is delayed or canceled."* These restrictions are omitted from the FAA Notice despite the stated acquiescence of the Applicant to incorporate such safeguards in the MOA description and despite the provisions of FAR Part 7, Section 7002 that *"When an aircraft activity conducted in special use airspace could measurable affect the safety of persons or property on the surface, the proponent shall demonstrate that provisions have been made for their protection."*

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on The Notice, the October 12, 1995 proposal from the Applicant and the aeronautical, environmental, economic and air quality issues raised in this report and other communications to the FAA this proposal requires FAA denial or further study in the form of an EIS.

The SWEF-SUA/MOA proposal would link together the SWEF Laboratory, Point Mugu Naval Air Station and the Pacific Missile Test Range to create a major new testing facility that *is unique in the world*. The proposal alludes to future unnamed uses which are not documented, the consequences of which are unknown and uncertain. The proposal is requesting a precedent setting decision from the FAA to expand the Pacific Missile Test Range. The socioeconomic effects are known to be adverse. The cumulative effects are not, and given the present content of the Environmental Assessment, cannot be evaluated. The National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), the Office of the Chief of Naval Operations Instructions (OPNAVINST) and the California Coastal Act are clear concerning this proposal:

THE FAA MUST DENY THIS REQUEST OR, TO CONSIDER FURTHER EVALUATION, REQUIRE AN ENVIRONMENTAL IMPACT STATEMENT.

APPENDIX 18

SPEED AUTHORIZATION GRANTED TO DOD

May 18, 1978

Mr. Paul H. Riley
Alternate DOD Representative to FAA
Deputy Assistant Secretary of Defense
The Pentagon
Washington, D.C. 20330

Dear Mr. Riley:

Section 91.70(a) of the Federal Aviation Regulations (FAR) provides that, unless otherwise authorized by the Administrator of the Federal Aviation Administration (FAA), no person may operate an aircraft below 10,000 feet mean sea level (MSL) at an indicated airspeed of more than 250 knots.

The regulation grants an exception to aircraft having flight characteristics which preclude safe operation at speeds below 250 knots by providing that if the minimum safe airspeed for any particular operation is greater than the maximum speed prescribed, the aircraft may be operated at that minimum safe airspeed.

In recognition of the fact that certain military operational and training requirements cannot be met under the terms of the regulation, the Department of the Navy and the Department of the Air Force have been authorized since November, 1967, to operate aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots to the extent such high-speed operations were necessary in the accomplishment of air combat maneuvers and tactics, low-level navigation, low-level reconnaissance and intercept, weapons delivery tactics, flight test and evaluation, undergraduate pilot training, actual or simulated alert missions, and other flight operations of a similar nature.

Our authorization of November 1967, to each service, was rescinded and reissued to the Department of Defense (DOD) on June 8, 1976. The June 1976 authorization was rescinded and reissued on February 25, 1977. The February 1977 authorization was rescinded and reissued on December 19, 1977. Provisions are now needed to accommodate military requirements while airspace actions are pending. Therefore, effective immediately, the December 19, 1977, authorization is rescinded and reissued as follows:

Operations below 10,000 feet MSL at an indicated airspeed in excess of 250 knots, in noncompliance with FAR 91.70(a), are authorized for military aircraft, including Reserve and Air National Guard components, only under the following conditions:

- a. Within restricted areas.
- b. Within military operations areas.
- c. When operating within large scale exercises or on short term special missions. Coordination will be effected to insure awareness on the part of the nonparticipating flying public.
- d. When operating on DOD/FAA mutually developed and published IFR routes. The military necessity for each route and for the extent of use of each route is to be reviewed and approved by the appropriate military headquarters.
- e. When operating on DOD developed and published VFR routes. Such routes shall be established for specific missions and used only by designated units when the provisions of a. through d. above will not accommodate the required national defense mission as determined by appropriate military headquarters. Routes are to be developed and published in accordance with DOD/FAA mutually developed criteria.
- f. In the event provisions of a. through e. cannot be complied with, the appropriate military headquarters may authorize flight operations within defined airspace in noncompliance with FAR 91.70 as it considers necessary to accomplish the national defense mission. This provision is intended to accommodate speed requirements on an interim basis within a defined area for which an area/route proposal has been coordinated and concurred in by appropriate military/FAA regional authority but not yet published.

g. If the airspeed required or recommended in the airplane flight manual to maintain safe maneuverability is greater than the maximum speed described in FAR 91.70, the aircraft may be operated at that speed. Where the required or recommended speed is given as range, the lower part of the speed range should be used consistent with good operating practice. This provision is primarily to accommodate climbs/descents and terminal area operations.

This authorization is effective immediately. Operations along VFR low altitude training routes (TR), which were established in accordance with FAA Handbook 7610.4C, Part 10, and in existence at the time of this authorization may be continued until January 1, 1979.

Sincerely,

(s) Raymond G. Belanger
RAYMOND G. BELANGER
Director, Air Traffic Service



DEPARTMENT OF THE NAVY
PORT HUENEME DIVISION
NAVAL SURFACE WARFARE CENTER
4363 MISSILE WAY
PORT HUENEME, CALIFORNIA 93043-4307

INMAY REFERTO:

8800

Ser 4A40-PB/018

September 18, 1995

California Coastal Commission
Attn: Mark Delaplaine, Federal Consistency Supervisor
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Delaplaine:

Re: ND-115-94 Navy Special Use Airspace

In follow up to our phone conversations over the past few weeks this letter will serve to document and clarify our discussions.

Enclosure (1) outlined your understanding of our phone conversations that this proposal would not close Offshore Waters when the Special Use Air Space was activated. Your letter is correct in that the Offshore Waters will not be closed on Air Space Activation under this proposal, the next paragraph will elaborate on procedures for Air Space Activation and Monitoring procedures.

The Proposed Special Use Air Space will when approved become an attachment to the existing 32000 square mile NAWCWNS Sea Test Range and will come under all rules, regulations, controls and instructions that the Sea Range now follows. The following is a short explanation of the activation procedures.

Requested range events are put into a Master Schedule, the event then becomes part of the Overall Firm Range Schedule and becomes official the Thursday before the week the event will be conducted. Twenty-four hours before the event a notice to Mariners and Airmen is sent out via Coast Guard and Aeronautical Networks to announce activation of a particular area for an authorized event, on the day of the event and prior to event start the area is monitored by aircraft and sea/land radars to ensure that the area is clear, if the area is not clear the event is delayed or canceled. The area that has been activated is monitored throughout the event to ensure that the area remains clear during the event, if a ship or aircraft comes into the area the event is delayed/modified or canceled until the area becomes

clear again. The activated area is not a closed ocean area and non-event participants can not be forced to exit the area, the event must wait until non-participants leave the event area. This safety procedure cannot be changed.

In addition to the Explanation of Airspace Activation I would also like to let you know that the range has in place since 1990 an instruction for Bird Strike Prevention. I will relay to you excerpts of some implementation requirements contained in the instruction that could be of interest, this instruction applies to all air operations. Instruction excerpts: ensure current bird activity is available to all air crews, maintain an Active Bird Hazard Awareness Program, conduct surveys of bird activity, the following gives Air Traffic Control Specifics: report observed bird activity as necessary to local air traffic, identify radar targets as possible bird activity to provide warning to pilots, activate reporting networks by air crews to report presence of birds in an area, make operational changes to avoid areas and times of known hazardous bird concentrations. The Public Works Officer shall provide information on migratory, local, and seasonal bird activities through contact with the U. S. Fish and Wildlife Service, Audubon Society, local Ornithologists and other agencies. The presence of bird and aircraft interaction is addressed by this instruction requiring an Integrated Bird Control and Bird Hazard Abatement Program using proven operational procedures.

We have also pulled Bird Strike Data from the Navy Centralized Data Bank for the Special Use Air Space Coordinates and Air Space Coordinates plus/minus two hundred miles of coastline. Statistical data indicates that use of the plus/minus two hundred mile coastline data will give a probability of one bird strike per year. The Statistical probability does not take into account the Bird Strike Instruction Procedures I have outlined, these procedures would lower the Statistical probability to less than one per year.

Thank you very much for your comments and cooperation. I hope this letter is an aid to the process of understanding, clarification and cooperation.

Sincerely,



P. C. BECKER
Project Engineer SUA
PMD NSWC Code 4A40
Phone: (805-982-0348)
Fax: (805-982-4448)

Encl:

- (1) California Coastal Commission Letter of July 26, 1995
(MDF/MCR/12672)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Ventura Field Office
2493 Portola Road, Suite B
Ventura, California 93003

September 19, 1995

Lee Quaintance
140 Santa Monica Avenue
Oxnard, California 93035

Dear Mr. Quaintance:

Thank you for bringing the U.S. Navy's (Navy) Special Use Airspace proposal to our attention. In March 1994, the Navy prepared an environmental assessment (EA) for the proposed project. The Navy then submitted the EA with their request to the Federal Aviation Administration (FAA) for establishment of a Special Use Airspace near the Surface Warfare Engineering Facility, Port Hueneme, California. The Navy proposes to conduct flight test and evaluation support of ship weapon systems in the Special Use Airspace.

The U.S. Fish and Wildlife Service (Service) has reviewed the EA and your June 27 and July 20, 1995, letters. In addition, we met with you on July 10, 1995, and discussed your concerns about the effects of jet plane noise and midair strikes on seabirds. Specifically, you believe that the EA inadequately discusses effects to the brown pelican (*Pelecanus occidentalis*), western snowy plover (*Charadrius alexandrinus nivosus*), and California least tern (*Sterna antillarum browni*).

The Service also believes that the EA inadequately discusses effects of the proposed action, particularly, the effects that noise and midair strikes may have on seabirds. In addition, we have reviewed our files and have found no record of our involvement in the development or review of the EA, although the EA lists the Service as an agency contacted. Therefore, we informed the Navy and FAA of this omission. They agree that the proposed action needs our review. However, they informed us that they are revising the proposed project. Therefore, when we receive the new design we will review it and send them and you a copy of our comments.

Thank you for your concern for wildlife resources. If you have any additional questions, please contact Mr. Greg Sanders or Ms. Marie Lindsey of my staff at 805/644-1766.

Sincerely,

Diane K. Noda

Diane K. Noda
Field Supervisor

Code 4A40
Integrated Ship Defense Office
Fax Cover Sheet

Date: 1/17/96



RECEIVED

JAN 22 1996
CALIFORNIA
COASTAL COMMISSION

W11a

Commander
Attn: Code 4A40, Bldg. 1387
Port Hueneme Division
Naval Surface Warfare Center
4363 Missile Way
Port Hueneme, CA 93043-4307

Serial Number: 4A40: _____

of Pages + Cover Sheet: _____

Tel: (805) 982-0348 // DSN: 551-0348 // Fax: (805) 982-4448

Copy To: _____

From: Pate Beckler

To: MARK DELAPLAIN

Code: CCC

Tel: 415-904-5280

Fax: 415-904-5400

Released By: _____

Comments: Good morning Mark

Enclosed are some letters that might
be of interest to you for the up-coming meeting. I
think the new EA will answer many of the unknowns.
I hope to get the EA to you within the next three
weeks. Thanks for the heads up and all the
communication.

Regards

pate



**BOARD OF SUPERVISORS
COUNTY OF VENTURA**

GOVERNMENT CENTER, HALL OF ADMINISTRATION, L 11500
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93008

August 24, 1995

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SUPERVISOR, FIFTH DISTRICT
(805) 666-8700
FAX NO. (805) 666-8228**

**M.R. Riebel
Manager, System Management Branch (AWP 530)
FAA Western Pacific Region
P.O. Box 92207
Worldway Postal Center
Los Angeles, CA 90000-2007**

Dear Mr. Riebel:

As a Ventura County Supervisor, I am pleased to be able to provide my support to the U.S. Navy's request for approval of Special Use Airspace (SUA) adjacent to their facility at the Naval Surface Warfare Center at Port Hueneme. The beach areas (Silver Strand, Hollywood-by-the-Sea, and Hollywood Beach), directly affected by the establishment of this proposed SUA lie within my supervisory district.

The U.S. Navy has shown exceptional concern and sensitivity to issues raised by my constituents, government agencies, and interest groups during the public involvement phase of assessment of this project. With Captain Beachy, the Commander of the Port Hueneme Division, Naval Surface Warfare Center (PHD NSWC), I initiated meetings with the communities and the Navy on June 29, August 2, and August 23, 1995. We met both at the navy facility and at my office.

The U.S. Navy at Port Hueneme is important to our community, and over the years they have been good neighbors in Ventura County. I am convinced that we must continue to foster a relationship that ensures a long-term naval presence. It makes good sense to balance public concerns of noise, safety, and environmental impacts against execution of the Navy's mission.


As you know, to address those public concerns, the proposed action has been modified significantly at the direction of Captain Beachy. He outlined the

M.R. Riebel.
Page Three

mind, I do not believe there is a need for another flight demonstration nor a requirement for a supplemental EA. In any event I will work with the FAA. It is time to proceed expeditiously with the approval process for this airspace proposal. Delay will be injurious to the public process as it will serve to undermine confidence that our community can work with the Navy.

I support the Navy's balanced and reasoned approach to this special use airspace request.

Sincerely,



JOHN K. FLYNN, Supervisor
District 5

c:

Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Elton Gallegly
Captain Scott Beachy
Tom Frutcher, Oxnard City Manager
Richard Velthoen, Port Hueneme City Manager
Gerard Kapuscik, Channel Islands Beach Services District

STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETER WILSON, Governor

DEPARTMENT OF FISH AND GAME

330 Golden Shore, Suite 50
Long Beach, California 90802
(310) 590-5113

September 22, 1995

Captain Pete Becker
Code 4A40, Bldg. 1387
PHD NSWC
4361 Missile Way
Port Hueneme, California 93403-4307

Dear Captain Becker:

The Department of Fish and Game has reviewed the information provided in the September 12, 1995 facsimile. The information included the updated project description for the PHD NSWC SWAF Special Use Airspace Memorandum of Agreement. The revisions to the project should reduce the likelihood of BASH hazard to a less than significant level.

The Department thanks you for providing the information requested for us to adequately assess your project. If you have any further questions or concerns, please contact Ms. Morgan Wehtje, Associate Wildlife Biologist, at (805) 568-1224.

Sincerely,



Patricia Wolf
Acting Regional Manager

cc: Ms. Marie Lindsay
U.S. Fish & Wildlife Service
Ventura, California

Mr. Mark Delaplane
California Coastal Commission
San Francisco, California

Mr. Harvey Reibel
Air Traffic Division
Los Angeles, California

ELTON GALLEGLY
230 DISTRICT, CALIFORNIA

2441 RAYBURN BUILDING
WASHINGTON, DC 20515-0523
(202) 225-6811

300 ESPLANADE DRIVE
SUITE 1000
OXNARD, CA 93030-1262
(805) 489-2300
(805) 423-0023

Congress of the United States

House of Representatives
85 AUG 30 P1: 16
Washington, DC 20515-0523

August 29, 1995

RESOURCES
SUBCOMMITTEE:
NATIVE AMERICANS AND INDIAN AFFAIRS
CHAIRMAN
INTERNATIONAL RELATIONS
SUBCOMMITTEE:
WESTERN HEMISPHERE AFFAIRS
VICE CHAIRMAN
JUDICIARY
SUBCOMMITTEE:
IMMIGRATION AND CLASSE
COURTS AND INTELLECTUAL PROPERTY
CHAIRMAN, CONGRESSIONAL
TASK FORCE ON IMMIGRATION REFORM

Mr. Gerard Kapuscik
353 Santa Monica Drive
Oxnard, CA 93030

Dear Mr. Kapuscik:

Knowing of your continued interest in the application for a Military Operations Area (MOA) for the Surface Warfare Engineering Facility (SWEF) by the Port Hueneme Division (PHD) of the Surface Naval Warfare Center, I would like to take this opportunity to provide you with the latest information.

Initially, I shared your concerns relating to noise and safety issues with the Navy's first MOA application filed in June of this year. Since that time, Captain Beachy, the Commanding Officer of PHD, has been very responsive in attempting to mitigate the concerns of your beach community. In fact, in my many years of public service, this is perhaps the most responsive I have seen any governmental agency, particularly an arm of the Department of Defense, on any issue.

Just last week, the Navy filed a modification to the original MOA application incorporating the following changes:

1. Delete the use of the FA-18, F-14 and A-7, and substitute the Lear 35 or 36A turbofans or equivalent civilian aircraft with same or lower noise emissions levels.
2. Aircraft approaching the SWEF will begin its turn-around one and one-half miles from the SWEF, coming no closer than one mile of the shore at any time. (The original proposal included flights as close as 1/2 mile of the shoreline.)
3. Move the location of the east boundary of the MOA one half mile offshore so it will no longer be contiguous with the Silverstrand community.

The Lear is a two-pilot aircraft that flies at half the speed of its military counterparts. This, along with the additional 1/2 mile buffer, will significantly enhance the safety of the missions and will reduce the noise impact of the first proposal in half. In quantitative figures, it will reduce the maximum Sound Exposure Levels from 85 dBA to about 65 dBA and it reduces the one hour equivalent noise level from 57 dBA to less than 45 dBA. This is less than the background level.

In addition to requesting the above modifications, Captain Beachy has asked the Federal Aviation Administration to extend the public comment period for the MOA on two separate occasions as a sign of good faith. The original public comment period for the MOA was scheduled to close on July 17, 1995. It was first extended to August 15 then to September 15, 1995.


The question has come up on a number of occasions if the Self Defense Test Ship also known as the DECATUR could be used to conduct these tests instead of using the SWEF. I proposed this question in a letter to PHD early in July. Unfortunately this has not proven to be a viable alternative. The Captain's response reads in part: "The feasibility of using the SDTS as a substitute for the SWEF was investigated and while a cost analysis of the necessary tests may indicate only slightly higher costs for some tests using the SDTS, the fact is that the two facilities are not interchangeable."

The latest base closure (BRAC) process has demonstrated just how important our two military bases are to our local economy. Although we have avoided a major closure, the Navy could still move work and programs out of our area- independent of BRAC review. The Navy's ability to conduct productive operations here in Ventura County will ensure our bases will remain open and continue to be a vital asset to our community.

As stated earlier, I believe Captain Beachy and the U.S. Navy has been very responsive in addressing the concerns of your community. The proposal has been modified to reduce the impacts on your community while maintaining the ability to perform the mission requirements.

Please be assured I will continue to monitor the situation and work with the Navy to make sure the final proposal will have minimal impact on coastal residents.

Sincerely,



ELTON GALLEGLY
Member of Congress

EG:bm



City of Port Hueneme

September 12, 1995

*CITY: 4H
B
E
Pete*

Board of Directors
Channel Islands Beach Community
Services District
353 Santa Monica Drive
Oxnard, CA 93035

Dear Board Members:

At the City Council Meeting of September 6, 1995, Councilmembers Volante and Sharkey reported to the Council on the progress made to date with respect to resolving the issues associated with the SWEF Project.

On behalf of the Port Hueneme City Council, I would like to express our sincere appreciation to your Board for your cooperation and efforts expended in resolving those issues.

You are to be commended for the constructive participation of your Board with Captain Beachy, Supervisor Flynn and Councilmembers Sharkey and Volante, in working together to reach an amicable compromise and resolution to the controversy.

The City Council expressed their support of the modified project and enthusiastically commended the participants for their positive contributions.

Sincerely,

TONI YOUNG
TONI YOUNG
Mayor

TY/kj

cc: City Council
Capt. Scott Beachy
Supervisor John Flynn



City of Port Hueneme

September 12, 1995

Captain Scott Beachy
NSWSE
4353 Missile Way
Port Hueneme, CA 93043-4307

Dear Captain Beachy:

At the City Council Meeting of September 6, 1995, Councilmembers Volante and Sharkey reported to the Council on the progress made to date with respect to resolving the issues associated with the SWEF Project.

On behalf of the Port Hueneme City Council, I would like to express our sincere appreciation to you and your staff for your cooperation and efforts expended in resolving those issues.

You are to be commended for your constructive participation with the Channel Islands Beach Community Services District Board of Directors, Supervisor Flynn and City Councilmembers Sharkey and Volante, in working together to reach an amicable compromise and resolution to the controversy.

The City Council expressed their support of the modified project and enthusiastically commended the participants for their positive contributions.

Sincerely,

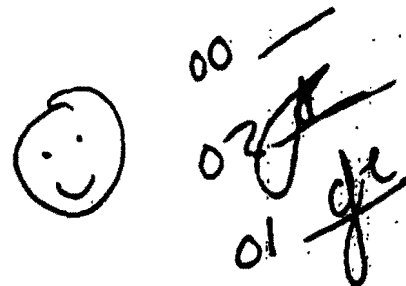
Toni Young
TONI YOUNG
Mayor

TY/kj

cc: City Council
Board of Directors, CIBCSO
Supervisor John Flynn

Surfrider Foundation

Ventura County Chapter



DEPT. OF THE NAVY
(ATTENTION COMMANDER M.S. BACIN)
N.S.W.C.
PORT HUENEME, CA.

DEAR COMMANDER,

ON BEHALF OF MYSELF AND FELLOW SURFRIDER MEMBERS I WOULD LIKE TO PERSONALLY THANK YOU FOR THE TOUR OF THE BASE AND THE IN DEPTH BRIEFING REGARDING ANY HAZARDS ASSOCIATED WITH ELECTROMAGNETIC RADIATION ASSOCIATED WITH YOUR SWEEP. THE PROGRAMMED SAFEGUARDS ALONG WITH THE ONE DEGREE ABOVE THE HORIZON SWEEP, AND THE ELEVATION OF THE RADAR ON THE BUILDING APPEAR TO COMBINE TO PROVIDE A MORE THEN REASONABLE DEGREE OF SAFETY.

IF I REMEMBER CORRECTLY, THE ONLY WAY SOMEONE IN THE SURF ZONE MIGHT SUFFER FROM EXPOSURE TO THE RADAR WAS TO BE AT AN ELEVATION OF 86 ft. FOR ABOUT 6 1/2 MINUTES WHICH MEANS RIDING THE MOTHER OF ALL WAVES. QUITE HONESTLY COMMANDER, IF THE TRUTH BE KNOWN, I THINK I WOULD RATHER TAKE MY CHANCES WITH THE RADAR THEN A WAVE THAT SIZE !

PLEASE THANK MS. REID AND ALL THE ENGINEERS WHO TOOK THE TIME AND PATIENCE TO EDUCATE US ON THIS IMPORTANT ISSUE.

SINCERELY,

A handwritten signature in cursive script that reads "Brian Brennan".

BRIAN BRENNAN

VENTURA COUNTY SURFRIDER FOUNDATION



Phoenix Air

WORLDWIDE AIRCRAFT SERVICES

100 Phoenix Air Drive, S.W.
Gainesville, Georgia 30606

MEMORANDUM

Red

788-1332

TO: DE R.G. HEAD

FROM: GEORGE CHAM, DIRECTOR OF OPERATIONS

DATE: 9/1/88

RE: COMMENTS ON LEARJET 35/36 AIRCRAFT

We have reviewed the materials which you have provided to us, including Section 1.5 of the Environmental Assessment. Based upon our experience in operating more than twenty Learjets throughout the world and in different types of maneuver situations, we offer the following comments:

1. Phoenix Air pilots have been operating the Learjet 35/36 aircraft for about 8 years now. Many of our pilots have apparently involved operating this aircraft during low level operations over land and sea. We have always found this aircraft to be straightforward and very easy to control. In regard to performing the maneuvers which are set out in Section 1.5 of the Environmental Assessment which you have provided to us, they are straightforward climbs, descents and turns which are seldom involving any specifically military in nature. The Learjet 35/36 aircraft is also very quiet for a jet aircraft and we expect little notice of us performing the specified maneuvers over the water.

2. Based upon our extensive and piloting experience with the Learjet 35/36, it is our professional opinion that the all of the specified maneuvers may be safely performed. Indeed, we have been performing these and similar maneuvers for about 8 years with this aircraft. Phoenix Air has never had a single accident or problem during the conduct of such maneuvers.

3. The Fresno accident involved a Learjet which was making a normal descent and approach to an airport. At the time of the Fresno accident, the Learjet was not performing any low level, military, or other special maneuvers. Instead, the aircraft was merely setting up for an approach as would any airplane, civilian or military, prior to landing. No military or special mission maneuvers contributed in any way to the crash.

1

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TELEX
0713070 PHOENIX LW



Phoenix Air

WORLDWIDE AIRCRAFT SERVICES

100 Phoenix Air Drive, S.W.
Oak Grove, Georgia 30150

4. I am a recently retired Naval Aviator and flew the A-7E, F-14B and F/A-18C aircraft while on active duty. The Lancer 14/70 aircraft is much quieter than any of these military aircraft, and fully capable of safely, quickly and efficiently flying the required profile.

Sincerely,

George W. Collins Jr.
George W. Collins Jr.
Captain, U. S. Navy (Ret)

2

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