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August 18, 2004

Federal Aviation Administration
Air Traffic Division
Mr. Mark Ward
Manager, Operations Branch, ASO-530.8
P.O. Box 20636
Atlanta, Georgia 30320

RE: Proposal to Establish Military Operations Areas (MOA) at Cherry Point, North Carolina, 04-ASO-006-NR

Dear Mr. Ward;

The Aircraft Owners and Pilots Association (AOPA), representing the interests of over 400,000 aviation pilots nationwide, opposes the proposed Core and Gunny Military Operations Areas (MOAs) along and just inland from the Outer Banks, from 3,000 feet to 17,999 feet in North Carolina near the Marine Corps Air Station, Cherry Point. While AOPA recognizes that a strong national defense is predicated on the proper training of our Armed Forces, the creation of additional special use airspace (SUA) throughout a region inundated with restricted airspace and MOAs has a profoundly negative impact on the general aviation community. AOPA is also requesting a 60-day extension of the comment period on the MOA proposal. AOPA contends that local users need additional time to provide comments on the impacts associated with the proposal.

FAA Failed to Formally Notify Users

The FAA failed to formally notify AOPA and local pilots of the Marine Corps proposal by mail or through dissemination in the Federal Register. Instead, AOPA received scattered reports from members in North Carolina who were concerned about rumors of the possible implementation of new SUA in their region but had not seen any formal request for comments by the military or the FAA. Based on this lack of notification, the considerable impacts detailed below, the decades-old history of this airspace proposal and the obvious necessity to allow impacted users ample time to provide comments, AOPA requests that the FAA extend the comment period of ASO-006-NR a minimum of 60 days.

MOAs Compress Traffic and Increase In-Flight Hazards for General Aviation

The Environmental Assessment (EA) filed on behalf of the Marine Corps' Second Marine Aircraft Wing proposes creating the Core and Gunny MOAs along and just inland from the Outer Banks, from 3,000 feet to 17,999 feet. The Safety and Hazardous Materials Management section of the document notes, "Bird/aircraft strike hazards are a serious concern for military aircraft operations. In rare circumstances, aircraft may encounter birds at high altitudes. However, data from the U.S. Air Force Aviation Safety Division indicates that bird/aircraft strike mishaps, for which altitude is known, occur predominately (98.4 percent of the time) below 3,000 ft." — precisely the area GA will be forced to fly in.

Identified as the preferred alternative in the Marines EA, the creation of both the Core and Gunny (formally known as the Mattamuskeet) MOAs would have a dramatic impact on the safe and efficient use of airspace by civilian pilots. The impact of each MOA, along with the cumulative effects of their creation, is discussed in greater detail below.

Impact of Core MOA Proposal

The establishment of the Core MOA creates significant difficulties for pilots operating under Visual Flight Rules (VFR). The proposed MOA would overlie much of the Cape Lookout National Seashore. Paragraph 7-4-6 (b) of the Aeronautical Information Manual states in part "Pilots are requested to maintain a minimum altitude of 2,000 feet above the surface of the following: National Parks, Monuments, Seashores..." Given that the floor of the proposed Core MOA would be at 3,000 feet mean sea level (msl); this would compress northeast/southwest-bound traffic into an altitude stratum of less than 1,000 feet. In addition to increasing the possibility of mid-air collisions between non-participating traffic, pilots must also contend with the degradation in safety created by over-water flights at lower altitudes. Currently, a pilot may fly along the Outer Banks north of Cape Lookout at altitudes up to 8,000 feet msl without entering special use airspace (the floor of the Pamlico A and B MOAs begins at 8,000 feet msl). Operating at significantly lower altitudes dramatically reduces the power-off gliding distance for pilots, should they experience engine failure. Moreover, with limitations in radar coverage, pilots who are driven to lower altitudes will be unable to take full advantage of air traffic services. In short, the Core MOA would reduce the levels of safety and flexibility enjoyed by airspace users in this region.

Impact of Gunny MOA Proposal

While this alternative would consolidate several SUA complexes, the impacts to transient VFR operations are severe. Again, much of the proposed airspace would overlie national wildlife areas. This would create traffic impacts similar to those outlined in the Core MOA analysis as noted above previously. The proposed floor of 3,000 feet msl would deprive pilots flying eastbound toward the Outer Banks of the opportunity to make a steady and efficient climb to altitudes necessary to safely conduct an extended over-water flight. For westbound pilots, the impact is equally great. The only options available are to begin a premature descent in order to fly under the floor of the proposed Gunny MOA, conduct a prolonged circling descent before proceeding on course or to operate within the MOA with its attendant high-speed traffic conflicts.

Pilots who would choose to operate in this proposed MOA would face an additional challenge, a lack of radar coverage. Radar coverage at lower altitudes in this region could best be described as poor, and neither Washington Center, Cherry Point Approach Control, nor Norfolk Approach Control has radar equipment sufficient to provide the necessary coverage at lower altitudes. If general aviation traffic were compressed into a narrower altitude stratum below the proposed airspace, there will be no primary radar coverage. This would create a significant reduction in safety for civil aviators. It should be emphasized that military management has been aware of this for many years yet; there is no solution for the radar coverage problem proposed as part of the airspace action.

Cumulative Effects of Proposed MOAs are Significant

The impacts of both the Core and Gunny MOAs, when considered independently, make a compelling case against the establishment of new special use airspace. However, when viewed in the context of existing airspace, it is clear that any of the proposals listed would create a significant adverse impact to general aviation.

The establishment of the Core MOA would severely limit flights along the Outer Banks southwest of Ocracoke Island. With Restricted Area R-5306A to the northwest, and Warning Area W-122 to the southeast, Core MOA would significantly limit the only remaining corridor for flights through this region. This would not only serve to further isolate Smith (Beaufort) Airport (MRH), but would also limit southbound transition routes for airports such as Ocracoke Island (W95), Billy Mitchell (HSE), Hyde County (7W6), Dare County Regional (MQI), and First Flight (FFA) airports. Collectively, these airports host over 140,000 operations per year. Together with the Gunny MOA's projected impact on W95, HSE, and 7W6, these are impacts worthy of consideration.

Similarly, the Gunny MOA would close an important flyway between two restricted areas. The R-5314 complex and R-5306A Restricted Areas combined limit the access pilots have to and from the Outer Banks along nearly 50 miles of shoreline.

The airspace between these areas, combined with the 8,000-foot floor of the Pamlico A and B MOAs, gives general aviation pilots important access to a valuable national resource. When you consider that general aviation provides an important link for many residents and travelers to and from the Outer Banks, this is an impact that cannot be ignored.

Pilots Avoid Flying in MOA Airspace to Ensure Safety

While pilots may legally operate within a MOA under visual flight rules (VFR), it is important to note that having both military and non-participating aircraft sharing the same airspace places additional demands on pilots. For many within the general aviation community, the new special use airspace would serve as a de facto restriction, thus limiting the safe and efficient use of airspace. AOPA's 2003 Policy and Issue Survey of its members shows that a full 73% of the general aviation pilot population deviates around MOAs, in part because of the inability to get accurate "real-time" status information on that airspace. In fact, our members ranked the ability to receive "real-time" status of SUA as its second most important airspace issue facing general aviation. The AOPA policy survey is a statistically valid sampling with a plus/minus 2.6% accuracy rate.

When you combine the effects of proposed and existing SUA, increased military flight operations, and limitations in radar coverage that preclude real-time airspace management throughout the region, it becomes clear that the proposed establishment of Core and Gunny MOAs are not in the best interest of general aviation pilots.

Considering the significant cumulative impacts the proposed MOAs would place on the general aviation community and the lack of circularization to seek comments, AOPA strongly encourages the FAA to extend the comment period of the current proposal. After seeking additional comments from impacted users, the FAA should recognize that a "no action" alternative serves the best interest of airspace users in North Carolina.

Sincerely,

Heidi J. Williams
Manager
Air Traffic, Regulatory, and Certification Policy

Cc: Mr. Reginald Matthews, ATA-400