



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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January 18, 2006

Federal Aviation Administration
Office of the Chief Counsel
Attn: Rules Docket (AGC-200)
Docket No. FAA 2005-22020
800 Independence Avenue, SW, Rm. 915G
Washington, DC 20591

RE: Procedures for Implementing the National Environmental Policy Act, Order 1050.1E,
Change 1

Office of the Chief Counsel:

The Aircraft Owners and Pilots Association (AOPA), representing more than 406,000 pilots nationwide, has concerns with several of the changes as proposed in Change 1 of the Federal Aviation Administration's (FAA) Order 1050.1E, Procedures for Implementing the National Environmental Policy Act. Specifically, AOPA opposes the addition of a categorical exclusion (CATEX) for the establishment or modification of prohibited areas and proposes all airspace restrictions should be subject to an environmental review, regardless of how they are established, after 90 days.

Prohibited Areas should not fall under CATEX

According to 311(f), consideration is provided for instrument procedures below 3,000 feet AGL that cause air traffic to be routinely routed over noise sensitive areas. While there is no provision included in Order 1050.1E for rerouting aircraft operating under visual flight rules (VFR), depending on the size and dimensions of the prohibited area, there could be a problem with funneling VFR aircraft over noise sensitive areas as well. As we have seen since September 11, 2001, prohibited areas have been established in a number of metropolitan areas where heavy traffic congestion exists in an already complex airspace area. Added to that complexity, urban growth has brought a new level of overflight sensitivity that cannot simply be categorized by the type of rules the aircraft is operating under.

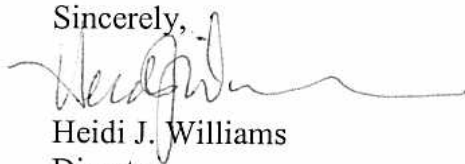
While the FAA's main concern may be with instrument procedures that are rerouted over noise sensitive areas, the public should have the same opportunity to comment on the prohibited area and the associated impacts of traffic rerouted over noise sensitive areas, regardless if that traffic is operating under instrument flight rules (IFR) or VFR. AOPA contends that prohibited areas should be handled like all other Special Use Airspace actions and not be subject to CATEX.

AOPA Proposes 90-day Environmental Review

While AOPA recognizes that Notices to Airmen (NOTAMs) are categorically excluded actions under Paragraph 307e, many temporary airspace actions established by NOTAM become de facto “permanent” restrictions. As the FAA makes changes in this Order to differentiate temporary and permanent airspace actions, AOPA suggests the agency set clearly defined perimeters that would be applied to all airspace actions routinely throughout the National Airspace System like those applied to temporary special use airspace (SUA) actions. Any airspace action, temporary or permanent, should be subject to an environmental review, regardless of how it was originally established, after a period of 90 days.

AOPA appreciates the opportunity to provide comments on the proposed changes. We strongly encourage the FAA to remove the proposed categorical exclusion for prohibited areas and strongly encourage the agency to consider a broader overarching policy on differentiating between temporary and permanent airspace actions and the environmental review process.

Sincerely,



Heidi J. Williams
Director
Air Traffic Services