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Public Hearing Transcript : Draft Environmental Impact Statement - Modification of the CONDOR 1 and CONDOR 2 Military Operations Areas (MOA), November 14, 2009

Maine Department of Transportation

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1 [The hearing commenced at 1431 hours, 14 November 2009, at the University of Maine,
2 in Farmington, Maine.]

3 COL HARRIS: Good evening and welcome to the public hearing on the draft
4 Environmental Impact Statement, or EIS, for the Modification of the Condor 1 and 2 Military
5 Operations Areas. I'm Colonel Dick Harris from the Vermont Air National Guard. I appreciate
6 you coming out today. The purpose of today is primarily to get your comments on public record.
7 Hopefully, you've had a chance to look at the draft environmental impact study. We want you to
8 please give us your comments. They will go into the final version of the environmental impact
9 study. Realize that we are in the process of collecting information to pass on. We're kind of a
10 conduit for all the information, so we would love to get your comments on public record. As you
11 came in and filled out your card, what we would ask, though, is that if you do not want your
12 name in the final environmental impact statement, please annotate that on your card. Otherwise,
13 we will put an appendix on there with a list of names from the public comments. So please don't
14 forget to do that for me. We will only use your address to send you information, if you want.
15 That's from the privacy aspect of all this process.

16 Again, our goals are to get your comments down on public record today. I will introduce
17 who we have here for that. We do have the area outside that you saw coming in. We will have
18 people out there to respond to any formal questions. We would like to try to keep the questions
19 here to a minimum, and really get your statements. We have over 50 comments cards now, and
20 we're going to try to get to everyone. We have allowed certain folks to have a little longer time.
21 Judge Helget, who I'm going to introduce in a second, will try to keep it facilitated so that we're
22 sure we get everybody's statements on the record. The other thing you can do is make a written
23 statement. You have until January 1st to make a written statement, if you don't want to make a
24 comment here, and that will get into the environmental impact study also.

25 Judge Thomas Helget, from Bolling Air Force Base in Washington DC will be
26 overseeing this and facilitating it. And we have a reporter back here. And from the National
27 Guard Bureau we have Harry Knudsen. And then next to him we have Jason Willey. He us with
28 the independent group that basically worked the draft EIS. We have Major Jeff Beckel, from the
29 F-15 squadron, Massachusetts Air National Guard. He's an active F-15 pilot. Next to him we
30 have Major Steve Lippert, who is also representing the National Guard Bureau. Back there, in
31 his civilian attire, we have former Lieutenant Colonel Landon Jones, also able to answer
32 questions. And he'll probably spend most of his time outside.

33 Again, I welcome you. Please give us your comments, so that we can incorporate them
34 appropriately. With that, I will hand it over to the judge.

1 JUDGE HELGET: Good afternoon. Thank you, Colonel Harris. I am Judge Thomas
2 Helget. I am a military appellate trial judge from Bolling Air Force Base, in DC. I'd like to
3 make clear from the outset that I'm here in my capacity as a federal judge, solely to act as a
4 moderator in this hearing. The United States Trial Judiciary is an independent organization. I do
5 not work for, or with, anyone in this room. I am not a member of this command, nor am I
6 assigned to the 104th Fighter Wing. I report directly to the Judge Advocate General of the Air
7 Force. I have had no involvement with the preparation of the proposed action or the
8 environmental impact statement. I have not rendered legal advice or assistance with respect to
9 this action. I'm here today to serve as an independent public hearing officer, regarding the draft
10 EIS. I am responsible for providing everyone an opportunity to comment on the proposed
11 action, alternatives, and associated environmental analysis. I do not make any recommendation
12 or decision on whether the proposed project should be continued, modified or abandoned, or how
13 the EIS should be prepared.

14 The purpose of this public hearing is to provide you with an opportunity to comment on
15 the findings of the draft environmental impact statement. More importantly, this hearing is a
16 formal opportunity for you to get involved in the NEPA process. This hearing is scheduled to
17 conclude at 6:00 p.m. However, it will continue until all comments have been received. This
18 formal session may end before that time, if there are no more comments, but the overall hearing,
19 including materials to be viewed and discussion with team members, individually, will continue
20 until approximately 6:00 p.m.

21 Before we begin, a few procedural matters. In case of emergency, the exits are in the
22 back, and there are some double doors to the outside. Some of you may have come in that way.
23 Please exit there. Hopefully, we won't have any problems, but in case we do. Second, most of
24 you have already filled out and completed a registration card. They're at the registration table as
25 you came in. If you have not completed one, please do so, regardless of whether or not you
26 would like to make comments. Also, there are materials at the door, describing the official Air
27 National Guard proposal, the description of the proposed action and alternatives, and information
28 on locations where you can review the draft EIS after today. As for the amenities, restrooms are
29 located outside the auditorium, on the left side.

30 To assure that this hearing runs smoothly, I am going to explain the sequence of events
31 and some basic ground rules. The main purpose of this afternoon's public hearing is to allow the
32 general public to come forward to make a statement for public record concerning the EIS. This
33 is not a forum to discuss our nation's foreign policy. Questions or clarifications will be handled
34 in the booth area outside. We will then proceed immediately to the oral comments part of these
35 proceedings. I will ask members of the audience who checked the box on their registration cards
36 indicating their desire to provide oral or written comments, to come forward. To ensure that all

1 interested citizens have an opportunity to speak, I will limit the oral comments to three minutes
2 per person. And as Colonel Harris indicated, we've got about 50 folks that have already signed
3 up. So please do try to keep to that three-minute limit. You will only be allowed to comment
4 when your name is called. Elected officials and individuals representing organizations will be
5 called upon first, followed by members of the general public. Extra time may be granted if
6 necessary. But again, with the volume we have, please keep it at three minutes. For the record, a
7 stenographer will be recording this proceeding. We will take a 10-minute break approximately
8 every hour to allow her to have a rest break.

9 As a reminder, the purpose of today's hearing is not to debate or to vote on the proposed
10 action. Only brief clarifications of the EIS will be provided. If you would like to discuss the
11 findings of the draft environmental impact statement in greater detail, you may do so with the
12 staff of the 104th Fighter Wing. And as Colonel Harris indicated, they're outside in the back.

13 If you do not wish to provide oral comments, written comments will be accepted and will
14 be given equal consideration. And even if you do make an oral statement, it would be very
15 helpful if you would also provide a written statement to reaffirm the comments you made and
16 any additional comments you would like to make. Written comments should be sent to the
17 National Guard Bureau at the address printed on the registration card that you filled out. The
18 address is also provided on the comment cards. You may also write directly to the National
19 Guard Bureau. Substantive comments will be addressed and included in the final environmental
20 impact statement. The formal comment period for the draft EIS has been extended to 1 January
21 of 2010. It is very important for you to realize that the Massachusetts Air National Guard and
22 the National Guard Bureau will be open and responsive to your comments and concerns
23 throughout the entire NEPA process.

24 Copies of the draft environmental impact statement are available for you to review while
25 in attendance at this hearing, at each of the information booths. There is also a list of locations
26 where the environmental impact statement is provided for public review after this meeting, in the
27 informational handouts. If you did not receive other materials that were available at the
28 entrance, please raise your hand and someone will assist you.

29 COL HARRIS: We do have a few in the back. We'll bring those to you.

30 JUDGE HELGET: At this point I will turn this over to Major Stephen Lippert, the
31 National Guard Bureau's Environmental Program Manager.

32 MAJ LIPPERT: Thank you, Your Honor. Good afternoon, ladies and gentlemen. I'm
33 Major Stephen Lippert from the National Guard Bureau. I want to thank you all for coming
34 today. We really appreciate your attendance. I just want to give you a basic update on the

1 environment process, otherwise known as NEPA. Tonight is an important occasion to provide
2 any input on this important proposal. This proposal consists of two primary components:
3 Combining the existing Condor 1 and 2 MOAs into one complete airspace. And then dividing
4 the resulting airspace into Condor High and Condor Low MOAs, with Condor High MOA
5 extending from 17,999 feet above sea level down to 7,000 feet above sea level, and Condor Low
6 MOA extending from 6,999 feet above sea level to 500 feet above ground level.

7 The National Environmental Protection Act of 1970, known as NEPA, requires all federal
8 agencies to consider the environmental effects of their activities, and provides for three levels of
9 analysis. Each level of analysis is progressively more detailed than the prior level. And the level
10 of analysis required for a given proposal is usually determined by the significance of the
11 environmental impacts that are expected to occur. The first of the three levels of analysis is a
12 categorical exclusion determination. It's a simplified one-page document. Second, is
13 preparation of an environmental assessment, known as an EA in our lingo, and is followed by
14 what's called a finding of no significant impact, otherwise known as a FONSI. From there, it
15 may escalate to the preparation of an environmental impact statement, as we are doing today,
16 otherwise known as an EIS, which is followed by what's called a Record of Decision, or a ROD.
17 An EIS is usually driven by the likelihood that one or more environmental resources would be
18 significantly impacted by a proposed action. But NEPA also requires an EIS to be performed if
19 the proposing action has the potential to create significant public controversy. The Air National
20 Guard initially proposed to conduct an environmental assessment for this proposal, but due to the
21 large amount of public comments we received, the Air National Guard opted to do an
22 environmental analysis, to the extent of an EIS.

23 Community input is vital to the environmental impact assessment process. And we value
24 all of your comments and suggestions that we've received to date. Those of you who have
25 contributed to the process so far may notice that some of your inputs have been incorporated into
26 the text already. In fact, we're also here today as a direct result of you and your elected officials
27 requesting that the environmental process be elevated to an EIS, which requires us to conduct
28 this official public hearing.

29 In addition to the public involvement, NEPA requires that we consult with state, local,
30 and federal agencies, and federally recognized tribes with regulatory authority or responsibility
31 for resources that may be affected by the proposed action. This process began when we first
32 solicited input from agencies to prepare the environmental assessment, beginning back in 2007,
33 and continuing today as agencies review the draft EIS.

34 This afternoon's public hearing is the fifth public forum to be held as part of this
35 environmental process. The first four forums were informational meetings only. And as Colonel
36 Harris said earlier, the purpose of this hearing is to provide the public with an opportunity to

1 comment on the findings from the draft EIS. Also, the formal public comment period on the
2 draft EIS ends January 1st, 2010. So you have until then to provide any further comments.
3 Following this period, oral and written comments received from both the public and agencies
4 will be reviewed by the Air Force and the National Guard Bureau for incorporation into the final
5 EIS. This document will be released to the general public after the Secretary of the Air Force or
6 his appointee signs a record of decision, or ROD. Thereafter, there will be a 30-day comment
7 review waiting period for this report.

8 This concludes the explanation of the proposed action and the NEPA process. I will now
9 return this program back over to the Honorable Judge Helget. Thank you.

10 JUDGE HELGET: I would now like to begin the verbal comment component of this
11 afternoon's proceedings. I will call the speaker's name in the order in which they signed up,
12 with any elected officials having an opportunity to speak first. Please clearly state your full
13 name and the full name of the organization you represent, if any. Do not provide any other
14 personal information, such as your home address or phone number. Your verbal comments will
15 be used to develop a transcript and permanent record of this meeting. Again, as a courtesy to
16 those others who have registered to speak, please limit your comments to only three minutes.
17 This applies to all of our speakers. Keep in mind you are welcome to submit written comments,
18 and there are no page limits on written submissions. The Air Force shall give equal weight to all
19 comments, whether they are verbal, written, or both.

20 You do not have to speak for the full three minutes. However, if you choose to speak for
21 the full three minutes, I will advise you when your three minutes are almost up. Following your
22 presentation, I ask that you sit down so that I may call on the next speaker. If you think you're
23 going to have more comments than you can present in the time allotted, make the most important
24 comments first. At this time I would like to begin. Our first speaker is Ms. Janet Mills.

25 MR. CARTER: I'm John Carter. Sir, we were not notified about the change in the
26 ground rules until Thursday. That was the day before yesterday. So up until Thursday, most of
27 the people here in this room thought that they were going to have 10 minutes to speak. Then on
28 Thursday, they were told that they were going to have a three-minute limit placed upon them,
29 and that it was dependent upon what the university would allow. And I have spoken to the
30 president's office. We have this auditorium until midnight. And I think, sir, that it would be
31 wonderful for everyone if you would consider allowing people to speak reasonably, and not
32 repetitively, but not hardbound by a three-minute limit.

33 JUDGE HELGET: Thank you, Mr. Carter. I appreciate that. I think what we'll do then
34 is we'll follow the gentleman's suggestion. I still would ask, though, given the fact that we do
35 have 50 people here, to please try not to be repetitive, understanding that everyone else is in the

1 audience and would like to speak as well. But we'll give you a sufficient amount of time to
2 make your comments. Ms. Janet Mills.

3 ATTORNEY GENERAL MILLS: May it please the court. Thank you for this
4 opportunity. As you know, Farmington is a busy area. Franklin, Oxford, and Somerset Counties
5 are very busy areas. And I'm delighted that this many people have come out today to express
6 themselves to you. We have, I think, a very healthy cross-section of the public of western Maine
7 here today. We have a very intelligent group of people, ranging from farmers, to veterans, and
8 pilots themselves, and teachers, and scientists, and students, and elected officials. And we've
9 also sent our share of National Guard troops off to Iraq and Afghanistan in recent years. In fact,
10 proportionately, Maine has sent more than its share, as compared to other states. So we are not
11 anti-military in any sense of the word.

12 But we filed comments as a legislative delegation two years ago. And the governor filed
13 comments yesterday. And the congressional delegation had filed questions and comments. And
14 to my knowledge those comments and concerns have not successfully been addressed in the EIS
15 as it stands, the draft EIS. We're very concerned. As a group of public officials, I think I can
16 say we're all concerned about whether there are any differences at all between the environmental
17 assessment of two years ago and the current document that's under review, the draft
18 environmental impact statement. Two things stood out to me, of a non-scientific nature.

19 And I would like to say briefly, in our comments two years ago we pointed out that the
20 impact statement, or assessment at that time, relies heavily on the fact that there would be fewer
21 aircraft flying over central and western Maine because of the BRAC decision to close the Naval
22 air station based in Brunswick. And we pointed out then, and we would continue to point out
23 that it seems doubly hurtful to our economy and to our people to use that closure against us in
24 supporting the environmental impact statement. And we said then, "To suggest that our area of
25 the state should be subjected to further economic distress by low-level military training flights
26 performed by members of the guard stationed in Massachusetts because we will have somewhat
27 fewer planes flying out of Brunswick Naval Air Station and other bases, is doubly hurtful to our
28 state and to our economic survival." That point still stands.

29 Secondly, I was appalled in poring over the environmental impact statement, the draft
30 that's before us now, to see that no outreach had been made with the Penobscot Nation. I believe
31 you'll hear from them today. The state of Maine is a proud partner with the Penobscot Nation in
32 a number of efforts. The Penobscot Nation owns more than 40,000 acres in the dead-center of
33 this flyover area. I do not believe they have been contacted. I do not believe that the Air
34 National Guard has heard from them about what their prospects and plans for that area are. So I
35 think that it's extremely important that you do so.

1 I don't work for the governor. I'm publicly elected by the legislature. I don't always
2 agree with the governor. But on this matter, I concur with the governor. And with his letter
3 submitted yesterday to the Air National Guard, where he said, "I continue to assert the questions
4 raised in my prior correspondence, that strongly suggests more work needs to be done. I wish to
5 register my opposition to this proposal," the governor says. So do I. Thank you.

6 JUDGE HELGET: Thank you. We now have Represent Saviello.

7 REP SAVIELLO: Thank you, Your Honor, and gentlemen. I'm Tom Saviello. I'm a
8 resident of Wilton. I'm also the state representative of District 90, which includes the wonderful
9 towns at the center of the universe, of Strong, Phillips, Avon, New Vineyard, Wilton, Temple,
10 Perkins, Washington, Salem, and Freeman townships, truly at the heart of the Condor proposals.
11 First of all, I want to thank you for your service, because without you and other members of the
12 military we wouldn't have the ability and freedom to meet here to talk about our differences of
13 opinion. So for that I thank you.

14 Now, having said that, I want to reiterate what I've said to the press and others, that I
15 want our pilots, our soldiers, our sailors, our marines, and our merchant marines, like my dad, to
16 have the best training possible, whatever that would be, whether it be stateside or overseas. But
17 today I stand before you disappointed, because I cannot speak in favor of this proposal. You
18 have not done the job on the EIS that you should have. And my opinion is -- and I'll explain to
19 you what my background is. But I find it absolutely inadequate. I cannot and will not speak in
20 favor of these changes until our concerns are met. "Most importantly, and I will show you, much
21 of the information that you have provided here is stale information. It's old. It needs a major
22 revision if it's going to be considered any further.

23 Before I proceed let me give you a little bit of my background. I have a BS degree in
24 forestry, a masters in agronomy, and a PhD in forest resources. I'm a state registered forester, as
25 well as a scientist. I'm the former manager of the Northern Forest Research Center in Bangor. I
26 was the environmental manager at the Androscoggin Mill. And I'm actually an adjunct
27 professor here at UMF, teaching environmental regulations and political science. So for 30 years
28 I have had political, professional, and academic experience in environmental issues, and writing
29 EISs, and evaluating. So, not to belabor the point, but I want to point out to you that I believe
30 the proposal is poor, based on my experience.

31 In fact, if a student had handed this into me they would have failed. That is, if I knew
32 who wrote it. I do not know, which brings me to point one. There have been numerous letters
33 written to you by our congressmen, by our senators, by our governor, by the Commission of
34 Transportation, and some of us as legislators, asking who wrote it, what are their qualifications,
35 and what are the costs. We still don't. In fact, I will share with you that if I handed in this report

1 to the Department of Environment Protection, not signed or stamped, it would not be accepted.
2 And sometimes I wonder, maybe it's not that way because somebody doesn't want to really be
3 associated with it.

4 One important point I make on the EIS, that I pointed out to you before, is that it's stale.
5 If you look at the thick report, the most recent literature cited is 2006. In the back of the report
6 there are a number of citations related to sound. I believe you'll find one of them, the most
7 recent, is from 1996, and the other from 1992. Most of them were in the 1980s. I do believe
8 there has been some more research on sound and noise-related issues since those times.

9 My second point that I want to bring up is noise, in fact. And I find it interesting how
10 you've averaged the noise. And you've used the background -- and I would point out on table
11 3.2, that you emphasized, that it says that you have the background levels from rural areas. I
12 believe if you look at table 3.2, rural areas is not identified in there. But the best that I can
13 decipher that is that you've decided that that would be equivalent to a whisper, 38 decibels. And
14 then you write, "The SEL metric describes an aircraft over-flight as a period of time when the
15 aircraft is approaching and noise levels are increasing, the instant when the aircraft is directly
16 overhead, and the highest noise level is experienced, and the period of time when the aircraft
17 moves away from the noise receptor while noise levels decrease." I guess how you can simply
18 say that is that when it flies over you it gets noisier. And I'm just saying that that's safe to say
19 that that's a problem for the person directly underneath. However, somehow, and which you
20 thought may be legitimate, you've averaged it, and you said that the decibel level would go up to
21 about 35. Over the whole region, that's possible, but not for the person underneath it.

22 But the important thing is that in the governor's letter on August 28, 2009, he asked for
23 help so that we could validate that, to give us a consultant that we can talk to. Because maybe
24 what you did is completely legitimate. We didn't get it. In fact, the response from General
25 Wyatt was that the National Guard Bureau, in conjunction with Major General Libby's office,
26 his good friend, will address these issues. We haven't had an answer yet. In the July 10th letter
27 from the DOT, there were a number of other concerns requested in relation to noise and sound. I
28 don't believe those have been addressed. So as you do this reiteration based on the facts that you
29 had asked for, I would ask that those be answered, and simply answer those questions. Let me
30 put it another way. As far as noise being a little bit of a change over a large area, the simple way
31 I would look at that is, if I had hazardous waste in a little tiny bottle, and I poured it in a 55
32 gallon drum, and I added water to it, the whole drum is hazardous waste. So to say that a little
33 noise doesn't make a large difference over a big area, I would say, contrary to that, if you happen
34 to be underneath it, it's going to be noisy, scary, and loud. So why don't you simply say in the
35 EIS that if you're underneath the plane, it will be noisy?

1 Air quality, I don't want to dwell on it, but in table 3-8, where you talked about how the
2 air emission increase will be 54.5 tons of NOX, nitrogen oxide for those who don't know what
3 NOX is. And, as my good friend Janet Mills pointed out, you take credit for the BRAC closings,
4 which is a little irritating, and you say that 42 tons of that NOX will go away. But when the
5 Clean Air Act was passed, it basically identified criteria pollutants, of which NOX was one of
6 them. You do not get credit when a plant closes. So the 54 tons is not a credit. You have to
7 start all over again. So, actually, if you were a point source, 42 tons would require a major
8 permit. Now, I know you're not a point source. But to simply say it's insignificant is incorrect.
9 Because it is significant if, in fact, you were in a point source, putting that over the areas.

10 Windmills. You address windmills, however, you forget a very important piece of
11 legislations, although I didn't agree with it. Recently the governor has identified expedited
12 permitting sights, not just Kibby, but a number of mountain tops which, in fact, will be included,
13 and mostly likely in the near future, sadly, will have windmills on the top of them.

14 Threatened endangered species. You cite, as I said before, stale information from
15 Maine's 2003 list. We updated that in 2008. Good news and bad news for you. Good news, the
16 eagle is no longer an endangered species. Bad news, we still have maintained the protections for
17 the eagle. In doing that, your map in there is out of date. There are many more nest sights in this
18 particular area. So in your evaluation of putting that into your GIS systems, you need to update
19 the map, and, in fact, identify all of those things. Bad news for you, we have a new endangered
20 species in the state of Maine. It's called the Barrows's Goldeneye duck. It is, in fact, a
21 migratory bird that flies from Canada to the coast of Maine. You have no taking plan in here, or
22 how you're going actually to miss that during its migratory actions. That needs to be included.
23 So you need a new map in addressing the recent list of endangered species in the state of Maine.

24 Socioeconomic. The governor asked you to address the Brookings Report in his letter to
25 you. And in the letter from Representative Mills, myself, and Senator Gooley, on August 14th,
26 2007, we asked similar questions. In 2009, you got back to the governor and said it will be
27 incorporated in the EIS. We haven't seen it yet. Maybe because it's not final. But two years,
28 two months, whatever letter you want to consider, yet no response. When will we see this?
29 When will we get a chance to respond to it? Is it going to wait until the last day when you send
30 it to FAA, when our comments really don't count?

31 My biggest concern of all in this is in my reading of the EA, because this is a done deal.
32 We're all going to speak to you, and I appreciate you taking the time and giving us the extra time
33 to speak, because people are very concerned about this. I'm glad you've done that. But it
34 appears you've already sat down and said, "We're going to do this. We're nice guys. We'll do
35 the EIS for them. So let's just get on with it. We'll go through the pain of today, and leave."
36 Well, if it's a done deal, then I'm going to offer the following mitigation suggestions to you, as

1 much as I hate to do this, so you have them. Because you actually said you'd do this in some
2 parts of your EIS.

3 First of all, no more than 40 sorties. I don't care who flies them. If you fly them all as
4 the Air National Guard, great. If you let Minnesota come in here and fly them, you've eaten up
5 40 sorties. Forty, period, no more, no less, that's it. Second, no flying on weekends, nights or
6 holidays. You already do that, so that's not a big deal. No flying during February vacation or
7 Christmas vacation. That's when our ski areas are maxed out. No flying over towns. An 800
8 number that would be available with one-hour updates, so that our local pilots that are flying out
9 of our small airports know what's going on. An accurate report to the governor on near misses
10 and accidents. And a plan to protect my favorite duck, the Barrow's Goldeneye.

11 I do appreciate your coming here today. And it's with great difficulty that I stand before
12 you in opposition to this. But I hope you'll take time to address the concerns that I have and that
13 of the many other people in the audience. I thank you for your time.

14 JUDGE HELGET: Next we have Representative Wayne Mitchell.

15 REP MITCHELL: Good afternoon, and thank you for serving our country and your
16 service to our country. My name is Wayne Mitchell. I am the representative for the Penobscot
17 Nation, a federally recognized tribe, located on Indian Island, here in Maine. Your Condor
18 project hits 47,000 acres of our land. And it is going to severely impact a group of people who
19 are severely economically disadvantaged, and historically have been, if this goes through. We
20 have recently acquired this land in the last 30 years. Thirty years ago we had a very historical
21 and complex settlement here in the state of Maine with the tribes. And as a result of that
22 settlement we acquired a great deal of land back into our ownership. And it was taken into trust
23 by the federal government. The purpose of it being in trust by the federal government is to
24 preserve it in perpetuity, and to allow us an opportunity to thrive economically and otherwise
25 culturally. By designating this Condor area directly over our 47,000 acres in this part of the
26 state, you are going to deprive us of all of those opportunities, opportunities that we've waited
27 for, for a couple of hundred years.

28
29 Now, we've stood shoulder to shoulder with the United States in every war since colonial
30 times, our men and women, and have fought in every battle. So we have nothing against the
31 military. We have a great deal of respect for it. For you to do this to us after this long struggle
32 for us to get an economic base and to begin crawling out of this abject poverty that our people
33 have lived in for the past 200 years is obscene. So I respectfully request that our property in that
34 particular area be omitted from this plan and preserved as it should be for the benefit of the
35 Penobscot Nation and its people. And we are deeply opposed to this on all grounds. Thank you
36 very much.

37
38 JUDGE HELGET: Next we have Representative Jarrod Crocket.
39

1 REP CROCKETT: Ladies and gentlemen, Judge, my name is Jarrod Crockett. I
2 represent a number of the communities in northern Oxford and Franklin counties. I'm here today
3 in that capacity. Before I begin I want to thank you for taking the time to be here. I would also
4 like to thank you for your service. As an infantry officer, whenever I've needed to go to combat,
5 you guys have always provided a great ride, so thank you. A little joke for Colonel Wells back
6 there. My experiences in combat have made me a strong believer in the philosophy, the more
7 sweat in training, the less blood in the battlefield, and therefore I'm generally very sympathetic
8 to expanding training areas for the Massachusetts Air National Guard. And even though our own
9 Maine Army National Guard has no real vested interest, and will gain nothing by expanding the
10 Condor MOA, I have tried to be supportive of the request.

11
12 That being said, at the present time I have several reservations. First, the environmental
13 impact statement is deficient. To name just a few areas of concern, the Fermata Study, the
14 Brookings Report, both vital to ascertaining accurate environmental impact, in terms of western
15 Maine's economy and quality of life, were apparently not worthy of inclusion. The EIS fails to
16 address the safe interface between military aircraft conducting low-level force-on-force exercises
17 in the several small municipal airfields in the affected area.

18
19 The noise impact was glossed over by faulty rationale and poor quantitative analysis.
20 The analysis of impact on both wildlife and domestic livestock was poorly addressed. The
21 impact on our beloved Appalachian Trail was negligible at best. Consultation with the
22 Penobscot tribe, which owns 47,000 acres in the affected area was absent entirely. Additionally,
23 a distinction was never drawn between this current request and the similar request of the early
24 1990s that was denied. These are just a few of the concerns raised by the governor and a number
25 of concerned citizens, that were never taken up seriously. Some of these concerns were
26 mentioned in prior statements, and will likely be elaborated on by some of the individuals who
27 will follow my testimony today.

28
29 Second, the EIS and public hearing has the appearance of a very disingenuous attempt to
30 check a block, and push the request through regardless of the concerns of the elected officials,
31 and more importantly, the citizens of western Maine. It is important to note the EIS of the early
32 1990s was several volumes. And the EIS before us is less than 150 pages, which on its face,
33 makes it look like, for lack of a better term, that this draft EIS was "pencil-whipped," just to
34 meet the minimum requirement. And, furthermore, the Air National Guard's insistence on
35 conducting this public hearing now, rather than thoroughly completing the EIS and then holding
36 the public hearing, makes it look like this process is just a matter of rubber-stamping. And I
37 think we've already heard from Representative Saviello, and he alluded to that as well.

38
39 Third, and most disheartening, is the Massachusetts Air National Guard's blatant
40 disregard for the requests for information by the governor, by both United Senators, by a United
41 States representative, and by numerous state officials. Many of these individuals, like myself,
42 are not necessarily against increased training opportunities for the Massachusetts Air National
43 Guard or any entity dedicated to national defense. But we all wish to take our positions with all
44 the facts in hand. After reading the EIS, questions were raised, and the requesting organization

1 failed to address those concerns. Particularly, I'm personally disappointed in the lack of respect
2 given to the office of the governor, as demonstrated by essentially blowing him off and not
3 waiting to hold this hearing until after his questions were answered in the EIS. I think he
4 requested a six to nine-month delay. I'm sure some individual will elaborate on that. Respect
5 for civilian authorities is paramount to any military operation, and anything less is unacceptable.
6

7 In conclusion, the request of the Massachusetts Air National Guard should be denied, at a
8 minimum until such time as the environmental impact statement is done properly, a public
9 hearing can be conducted with a thorough EIS to discuss, and then, and only then, can we make
10 an informed decision. The mere fact this half-hearted effort was made by this organization has
11 placed people like myself, who would generally be supportive of any training opportunities, in
12 opposition to the plan. My hope is the EIS will be done correctly and thoroughly, so that the
13 proper public discourse can take place prior to any decisions by the FAA. Again, thank you for
14 your time and your service. And if you have any questions, please let me know.
15

16 JUDGE HELGET: Next we have Representative Paul Gilbert.
17

18 REP GILBERT: Good afternoon. My name is Paul Gilbert. I'm a representative from
19 House District 87, which includes the towns of Chesterville, Jay, Mercer, New Sharon, and
20 Starks. And I am a veteran, U.S. Army, from 1965 to 1968. "Maine, The Way Life Should be"
21 is a way of life here in Western Maine. I'm here today on behalf of my constituents. We stand
22 together in opposition to the proposal of lowering the minimum flight altitude from 7,000 feet to
23 500 feet of any jet, military or otherwise over our homes.
24

25 We, native Mainers and people from away, choose to live here for the serenity that this
26 part of Maine affords us. If we were not bothered by noise and pollution that this change
27 promises, we would probably live near Logan, LaGuardia or Newark. But we choose to stay
28 here, and in some cases to relocate to this rural area. We invested our time and fortunes in our
29 homes and do not appreciate any changes to the serenity that we enjoy in Franklin, Oxford and
30 Somerset counties. Many people have also made economic decisions to locate and develop their
31 businesses here that are related to camping, hunting, fishing and recreation and built around our
32 pristine environment. The proposal, presented by the Air National Guard, would change that.
33

34 Farmers would also be affected. A frightened animal produces less, and production of a
35 farmer's herd would be diminished. Egg and milk production would be reduced, bringing more
36 economic problems for our already strapped farmers. Economic development is always a
37 struggle, especially in rural areas. Just ask members of the Greater Franklin Development
38 Corporation, the River Valley Growth Council, or anyone who has been involved in economic
39 development in rural Maine.
40

41 However, with years of work, we are beginning to change that. The future looks
42 promising. But the proposal from the Air National Guard for Condor flights would dash our
43 dreams for successful economic development based on our serene, pristine environment and our
44 way of life. We stand in opposition to the proposal. Thank you.

1 JUDGE HELGET: Do we have any other state representatives that would like to make
2 comments this afternoon?
3

4 REP HARVELL: I'm State Representative Lance Harvell, representing Farmington
5 industry. I used to wear the blue of the Air Force myself. Those of you that know me pretty
6 well, know that when I hear the words "impact study" the hair on the back of my neck stands up,
7 what's left of it. And that's because these things are so complex. We're talking about dairy
8 herds, ducks, aggregate sound over a region. But more importantly, I have yet to be able to find
9 a follow-up on one of these things that's ever existed. To me, what this is -- I'm just going to
10 make this short. This is a classic case of where Maine can become a playground for all the
11 aircraft on the east coast or whatever regions. The potential is there. And this is just a case
12 where we're giving away something that's extremely valuable to us, our natural resources, our
13 views, our mountaintops, and we're getting nothing in return. And that's unacceptable to me.
14

15 SENATOR GOOLEY: Thank you. I'm Walter Gooley. I'm currently a state senator for
16 District 18, which includes all of Franklin County except for Jay. I too am a professional
17 forester, and I have had my professional career. I am 75 years old. I am somewhat retired. I'm
18 not going to reminisce about what's been said in the past. I think that those were excellent
19 comments. From the way I see it, this is not new information. I did write a letter two years ago
20 on this subject. Thoughts have been expressed about the rare and endangered species, the
21 windmills, the Penobscot Nation. And I do hope that you will take it to heart that the citizens of
22 western Maine cannot accept that this EIS was adequately done. And I think I've heard from the
23 constituents that I represent that most of them are opposed to what is being proposed. Thank
24 you.
25

26 JUDGE HELGET: Warren Cook.
27

28 MR. COOK: Your Honor, my name is Warren Cook. I'm a resident of Kingfield,
29 Maine, in Franklin County, which is part of the proposed free-fly zone. I've been an owner and
30 an employer of two large ski and summer resorts in the state, in fact Sugarloaf USA and
31 Saddleback, Maine. And today I speak to you as the general manager of Saddleback, Maine.
32 I'm also a former Marine officer. I served in Vietnam in the 60s, and benefited from close-air
33 support from the Navy and Marine airlifts. My son is a career Marine officer, and has served
34 five tours in Afghanistan and Iraq. So my testimony gives careful consideration, understanding,
35 and need for adequate training for our pilots.
36

37 Over the past 10 years, Sugarloaf and Saddleback have become the areas largest
38 employers, due to the growth of the tourism business and the change in the forest products
39 industry. Franklin County is one of the poorer counties in the state, so the increasing growth in
40 the tourism and outdoor recreation industry is a critical part of our economy. I'm well aware of
41 the results of this environmental impact study conducted on behalf of your program. But I would
42 suggest that because of the fragility of our economy, the Massachusetts National Guard and other
43 backers of this training program be required to conduct an economic impact study to gain a better
44 understanding of the effect that this training program would have on our economy. Will the low-

1 level flights drive skiers, golfers, hikers, paddlers, and vacationers away from this part of Maine
2 to other regions?
3

4 I would also request that, in the event that this is a rubber stamp, that the possible
5 conclusions by the study and the FAA is that there will be no impact on our economy or our
6 environment. I would request that the visual, audio, and safety effects and requirements of the
7 training be mitigated with strict rules and accountability. While the Air National Guard denies
8 any problems in these areas, I have served with these men and women, and there is nothing they
9 would like better than a top-gun, free-fly training zone like this. What better way to spend your
10 weekend than to fly up or over to western Maine and dive-bomb our mountains, and hills, and
11 people, with no restrictions, and offer no benefit to our state or region. I am proud of my service
12 to my community and my country, and I respectfully submit this testimony and request for a
13 further study on the economic impact. Thank you.
14

15 JUDGE HELGET: Next we have Mr. Lloyd Griscom.
16

17 MR. GRISCOM: My name is Lloyd Griscom. I am a full time resident of Phillips, and I
18 own property in Madrid. I support the men and women in uniform who keep our country safe,
19 but not all of their ideas. I am a director of the Maine Appalachian Trail Land Trust, that put the
20 map together, the Sandy River Land Trust, which is a small land trust in the Phillips area, and the
21 High Peaks Alliance, which is a grass roots organization that is looking for multiple uses in the
22 area. I am involved in collaborative large landscape conservation efforts in Maine's High Peaks
23 region. The term "High Peaks" is a new branding effort to promote our extraordinary natural
24 resources. Ten of Maine's 14 mountains above 4,000 feet predominate here in western Maine.
25 They're all within that circle. And so there are 14 in Maine. There's one in the Mahoosucs,
26 which is a bit south, and that leaves three, including Mount Katahdin to the north.
27

28 Land conservation is a form of economic development, a form that preserves and
29 enhances our quality of place, and protects habitat so that viable populations of animals, plants,
30 herds, can exist and adapt. With global stressors like climate change this will become ever more
31 essential. The Rangeley High Peaks Forest Legacy application recognizes the extraordinary
32 significance of this area to the state of Maine. And on a national level, it was the number two
33 project for Maine.
34

35 It's an important time, because there is another Maine that's not just the coast. And the
36 Fermata Study drew a bead on this area. The mills have closed. The need for a sustainable
37 economy is urgent. You hear it in everybody's voice. New Zealand has a successful nature
38 tourism economy. Their model has inspired a local business, Maine Huts and Trails, in their
39 vision of walking and skiing trails between off-grid huts. There is a growing local vision of
40 connecting the High Peaks communities by back-country trails, maintaining working forests with
41 traditional-use activities like hunting, fishing and hiking, and public access for both motorized
42 and non-motorized recreation.
43

1 The High Peaks Alliance, a grass-roots organization, is involved in the creation of a
2 Cornelia “Fly Rod” Crosby hiking trail from Strong, where she is buried, to Phillips, where she
3 was born and lived, to Rangeley, where she worked as a guide, ending at the Outdoor Sporting
4 Heritage Museum in Oquossoc. With the increasing urban and suburbanization of our world, we
5 need to protect places where we can observe the limits of natural systems and get a calibration
6 that puts things into a new perspective. Our efforts to connect Mount Blue, Tumbledown,
7 Saddleback, Mount Abram, Bigelow Preserve, and Rangeley will create a world class natural and
8 recreational resource. Low-level jet flights in the High Peaks Region would be incompatible
9 with our resources and emerging economic opportunity. They would diminish the quality of our
10 place and abort our efforts to develop nature tourism for a sustainable economy.
11

12 This EIS does not meet the criteria to prove there would be no significant impact on the
13 High Peaks region. The impact would be devastating to our economy, ecology and our quality of
14 place. The Sandy River Land Trust endorses this position. When I read the conclusion that the
15 implementation of the proposed action would not have a significant impact on the quality of
16 human or natural environment, I am incredulous. I also ask, where is the representative from the
17 FAA, who should be listening to the voices of the people? Thank you for listening to my
18 concerns and for acting upon them.
19

20 JUDGE HELGET: Next we have Ms. Carol Boden.
21

22 MS. BODEN: I am Carol Boden, a full time resident of Bethel, Maine. I have the utmost
23 respect for individuals who serve our country in all capacities, and have an appreciation for the
24 breadth and complexity of their responsibilities to the United States. I wholeheartedly support
25 ongoing education and training of the military to become the best they can be and stay that way.
26 I also enjoy air shows, be they commercial, hosted by the local Civil Air Patrol, at a military air
27 base, or impromptu overhead. I’m a certified project manager, a professional, having
28 successfully managed projects across many different disciplines over the past two decades.
29

30 Now, for the reasons I’m here today. To be blunt and to the point, from this citizen’s
31 perspective, the Massachusetts Air National Guard, or the Guard has failed miserably in it’s
32 execution of the Condor EIS project. The inferior performance of the Guard has resulted in a
33 poor quality work product, and these will have a deleterious effect on subsequent decision-
34 making. In executing the EIS project, I can see four categories of failure. The Guard has not
35 complied with the Freedom of Information Act. The Guard has not made a good faith effort to
36 communicate about the Condor EIS project or provide current factual information to those
37 subject to the proposed airspace changes. From the beginning, the Guard has avoided
38 publicizing or verbalizing their process, schedule or timeline, or informing what other entities are
39 involved as their agent, if any. The hearings, scoping meetings, public meetings, held by the
40 Guard have not been scheduled in a timely manner, locations have been changed multiple times,
41 and notices were all but hidden.
42

43 Second, the Guard has not made a genuine effort to ensure the input of all constituents
44 subject to proposed changes, as dictated by the DOD, Air Force, and NEPA procedures. One

1 example is the Penobscot Nation that you heard about. Receipt for delivery of a letter to the
2 Nation is not input. This is characteristic of the outreach effort by the Guard to important
3 constituents.
4

5 Third, the Guard limits Condor modification alternatives to other geographic locations,
6 and do nothing. It seems as if the Guard is stuck in a time warp and conducting business as
7 usual. Technology has become an integral part of military services in all areas, particularly
8 training, intelligence and operations. Public and private organizations across the country have
9 had to adjust to changing economic and political climates, operationally becoming more agile
10 and flexible in the last decade. In fact, the Air Force itself has invested heavily in technology,
11 including pilot training simulation. There has been no mention, nor is there any documentation
12 to show that the Guard has genuinely explored or considered operational and technological
13 alternatives to the proposed changes to the Condor airspace, in addition to the geographic ones.
14 There is no mention, for instance, of the Guard adhering to the AFSO-21, or Air Force Smart
15 Operation for the 21st Century program, to reduce costs, maximize training, and make more
16 aircraft available for operational missions. What modern military group would want to operate
17 in a manner other than smart, or in a century prior to the 21st?
18

19 Fourth, the Guard has conducted itself, by any qualitative or quantitative measure, in an
20 overall unsatisfactory and dismissive manner on this project. I have three examples of this. The
21 content of information, including the most recent EA and EIS documents, information on the
22 Guard Condor website, and the record of communications to and with the public or affected
23 constituents are critical indicators of the Guard's performance. The EA and EIS documents are
24 incomplete and inadequate with regard to the scope of affected constituents, the spectrum of
25 aircraft that may traverse the Condor area, and the frequency with which they may do so. While
26 the Guard is the requesting agency, to the extent they know of other agencies and entities who
27 will avail themselves of the modifications of the Condor area, if approved, the Guard must make
28 an effort to include them in the EIS. Despite having verbally indicated other entities will be
29 using the Condor airspace, there is little mention of these entities or possible aircraft in the EIS.
30

31 The second example is repackaging the previous work, and not addressing concerns. In
32 the famous words of Albert Einstein, "The definition of insanity is doing the same thing over and
33 over again and expecting a different result." Yet, this is just what the Guard appears to be doing.
34 Despite the fact that an EIS requires more due diligence on the part of sponsors than an EA, it is
35 obvious to all who review both documents produced by the Guard relative to its Condor
36 modification proposal, that much of the information found in the draft EIS was simply carried
37 forward from the previous EA, and, more importantly, left the concerns of Governor Baldacci
38 apparently unaddressed.
39

40 The Guard EIS project has been executed in an opaque manner. There have been no
41 posters or fliers about the project distributed in the Condor areas. No project calendars,
42 timelines, or key milestones have been communicated. There exist many examples of
43 publications distributed and websites established by other sponsoring organizations, some peers
44 of the ANG, for the purpose of providing EIS project information. These stand in stark contrast

1 to the Guard efforts and serve as examples of the level of information and communication most
2 commonly provided during modern EIS projects. As a professional project manager, I look for
3 root causes when issues arise so as to address them with finality. In this case, I asked myself the
4 question, why would the Massachusetts Air National Guard conduct itself and this process in
5 such an inadequate manner? The following possible answers come to mind:
6

7 Number one, the Guard is untrained or inept in project management techniques or
8 oversight of consultants hired to perform these activities. Number two, the Guard does not think
9 there is any value in the processes defined by the DOD, Air Force, or NEPA for an EIS, or that
10 the requests of the Governor of Maine or Congressional Delegation of Maine warrant
11 consideration. Number three, the Guard is confident the FAA is going to approve whatever is
12 presented, regardless of how incomplete, inaccurate or outdated the content. None of the above
13 scenarios is good or acceptable when taken individually. Unfortunately, and alarmingly, I think
14 there is evidence that all of these are contributing factors in the present situation.
15

16 With regard to first point, while I appreciate the difference between executing an EIS
17 process and the core business of the Air National Guard, their conduct and the products of their
18 efforts with regard to the Condor airspace have not and do not engender confidence or trust in
19 the Guard. Lack of basic organization, communication and documentation on these projects by
20 the Guard support this point. If the meetings serve as indicators, and if the public has been
21 provided all of the information compiled relative to this project, then the quality and content of
22 the deliverables in no way justify the hard or soft costs that have been expended on the project to
23 date. The Guard must be held accountable for its actions and those of the consultants it has
24 hired.
25

26 Regarding the second point, there are many sources for EIS guidance for the Guard, in
27 addition to the NEPA process, including the Air Force and FAA. It is puzzling that the Guard
28 efforts have progressed to the current state, apparently without the benefit of, or in compliance
29 with, any of these available resources. It is concerning that the efforts of the Guard have
30 progressed to the current state, apparently without the benefit of oversight and guidance by the
31 DOD or Air Force, both in the areas of compliance with the defined processes, and in providing
32 state of the art solutions to required training. And it's alarming that the FAA would, despite
33 information from concerned constituents, including state and federal entities, find the recent EA,
34 not only adequate and meeting requirements, but having no significant impact on the
35 environment in the Condor area. And indications are that the draft EIS, which is based on the
36 EA, is on a fast track for the same treatment. Indeed, FAA practice in recent years has
37 apparently been to approve EIS requests. When asked in 2007 if it has ever denied a sponsor's
38 proposed project during an EIS process, the FAA itself stated, "We are unaware of any project
39 that was denied as a part of the NEPA process." Knowledge that their EIS will not be denied by
40 the FAA certainly could influence the quality of effort an organization puts toward an EIS
41 project.
42

43 In summary, to be frank, the Guard is not representing the U.S. military very well in this
44 process, and their actions are inviting ridicule, at best, causing citizens to question Guard

1 integrity, at worst. As a patriotic citizen, I find it disturbing that the Guard has effectively made
2 a mockery of the formal processes defined and codified by the U.S. Air Force and the federal
3 government, not to mention their apparent disregard for leadership at the highest levels of the
4 state of Maine and its Congressional Delegation. As a taxpayer, I find the misdirected and
5 wasteful use of resources unacceptable, and especially egregious in this economic climate. As a
6 citizen of the U.S. and Maine, I do not accept or condone such from the Guard, and the DOD, the
7 Air Force, the FAA and the Maine Congressional Delegation and the governor shouldn't either.
8 It is premature and presumptive of the Guard to submit an EIS at this time. Asking the public,
9 and local, state and federal entities to make decisions based on this incomplete and inaccurate
10 EIS document will result in ill-informed decision-making from this point. I request the FAA
11 initiate and support efforts to compel the Guard to withdraw the currently proposed Condor
12 modification project and EIS.

13
14 JUDGE HELGET: Next we have Marcel Polak.

15
16 MR. POLAK: Thank you. I want to thank you for your service to this country. My
17 name is Marcel Polak. I'm a resident of Woodstock, Maine. I am the owner and broker of
18 Spruce Mountain Realty Buyer Broker in the Bethel area. I believe that the proposed lowering
19 of the training ceiling in western Maine for the Massachusetts Air National Guard will have a
20 seriously negative impact on the regional real estate market and its connected industries.

21
22 The EIS prepared by the Massachusetts Air National Guard completely lacks a
23 substantive analysis of the economic impact on the region. They define the entire economy in
24 five pages, and discount any impact in three pages. A basic quote I can give you on this is, "A
25 portion of Maine's economy revolves around the tourism industry." Thank you. The potential
26 impact to real estate values and subsequent impact to the regional economy are not even
27 mentioned.

28
29 In the Bethel area, investors, second home buyers, and retirees dominate the real estate
30 market. They are attracted to the quality of life, including peace and quiet in the extraordinary
31 natural environment. Because of these qualities, their investment is typically sound. Investors,
32 retirees, and second home buyers are discretionary buyers, unlike primary home buyers, who are
33 connected to a region because of employment. They do not have to buy property in a specific
34 region, and can alternately go somewhere else, like Vermont, New Hampshire, or the Maine
35 coast.

36
37 Maine real estate brokers are required to have their seller clients disclose known material
38 defects in the property. Sellers have to provide written disclosure forms to buyers with
39 information about hazardous and toxic wastes, encroachments, etc. Real estate buyer-brokers, of
40 which I am one, representing their buyer clients, are a growing sector of real estate professionals.
41 They owe their clients additional due diligence to determine material defects in the property and
42 alert their clients. These are both ethical and legal responsibilities. Let me paint you a picture of
43 a typical buyer I work with. They are professionals, usually with significant assets, interested in
44 a second home or investment property, with an eye toward potential retirement. They sell their

1 appreciated home in the Boston area and are looking for a large, private property in this area. It
2 could be a farm, or a large forest track. They may buy more land, and hire local contractors,
3 including carpenters, electricians, and plumbers to deal with their home, usually substantial.
4 They will move here and bring their transfer payments. Because of their age, they will not bring
5 school age children with them, therefore not creating an undue burden on local taxpayers. They
6 are interested in a beautiful environment with many recreational opportunities, and they want to
7 become part of the local community. They will actively engage in the various church groups and
8 non-profits, contributing significant amounts of time and money.
9

10 When I tell them that they may get harassed by low-level flying jets, as I'm required to
11 do, ethically and legally, they will certainly reconsider coming to this area. All of this is at stake.
12 So, if low-level flights are initiated in this region, sooner or later sellers and brokers will have to
13 provide this information on the disclosure forms or otherwise alert their buyer clients. This
14 potential drop in demand will impact real estate prices by depressing them. This added stress to
15 an existing and challenged economy and real estate market is too damaging to consider.
16

17 In addition to my work as a real estate broker, I am also a consultant for land
18 conservation, and I have a graduate degree in natural resources management. And I am really
19 appalled at the cursory analysis of the potential environmental impacts. Here are some examples
20 of shoddy work. There's a discussion of the Bicknell's Thrush. From the report, it says, "The
21 Bicknell's Thrush is a state-listed species of special concern in Maine. It occurs in young to
22 medium-aged fir dominated montane forests above 8,900 feet MSL in elevation, although there
23 are no areas underlying the Condor 1 and 2 MOAs that approach, exceed 18 8,900 feet MSL."
24 Are there any 189,000 feet peaks in this area? No. In fact, the Bicknell's Thrush does exist in
25 this area, and it is found at elevations of around 3,000 feet. This is a basic fact that is incorrect in
26 here. It goes on to say that the forest of habitat underlying the proposed Condor low and high
27 MOAs would provide shelter for all of these species from noise exposure. These high altitude
28 birds are very sparse, they're stunted from growth from exposure, and I don't know how you can
29 say that these Bicknell's Thrush would be protected from noise because they're in the forest.
30 These are really scrubby areas.
31

32 Another example, again from the EIS, "There are no known occurrences of the Pied-
33 billed Grebe, Rusty Blackbird, or Spruce Grouse within the area underlying the Condor 1 MOA,
34 so the proposed action's potential to affect these species will also be minimal." I'm not sure
35 about the Pied-Billed Grebe or the Rusty Blackbird, but I have certainly seen Spruce Grouse in
36 this area. That's another well known fact that is just wrong in the report.
37

38 So, in summary, the Condor EIS pays minimum attention to potential impacts to the
39 regional economy. There has been no attempt to consider the impact to real estate prices. At a
40 minimum, real estate brokers throughout the region should be consulted. The burden of proof
41 should be on the Massachusetts Air National Guard to show that their proposal will not
42 negatively impact the local economy. Because the Massachusetts Air National Guard has
43 exhibited the stain of the process, as discussed previously by many other people, has provided

1 poor analysis, and has repeatedly disrespected the citizens of western Maine, I remain strongly
2 opposed to this project and this proposal. Thank you.
3

4 JUDGE HELGET: Next we have Lauri Sibulkin.
5

6 MR. SIBULKIN: My name is Lauri Sibulkin. Some of my neighbors have been telling
7 you how to repair the EIS. But I don't particularly care to help you do that job. That's your job.
8 My point is want versus need. The Air National Guard needs to train pilots. I have no objection
9 to that, no question about it. The Air Guard wants to train its pilots here over Maine for several
10 reasons. You've made them pretty clear. I'm not going to repeat them. We, the residents of
11 western Maine need, as opposed to want, our quiet, minimal intrusion, nearly uncluttered skies,
12 and the economic monetary injection that comes to us specifically due to this quiet, this relative
13 isolation.
14

15 The EIS doesn't address this, so I will, in detail. As someone else mentioned, our
16 economic base has been shattered in the past couple of decades. Manufacturing, pulp and paper,
17 the shoe industry, have either vanished or shrunk greatly. With every paper machine's
18 temporary or permanent shut-down we lose employment hours, and often the whole job. Of the
19 many wood-turning mills, lumber mills we saw here when I was growing up in the 70s and 80s,
20 we only have a shrinking jobs base at New Page and Verso, a small mill in New Vineyard, and
21 some owner-operated saw mills left. The rest of it is gone. We need, must have, desperately
22 need, the economic injection that tourists bring through local bed and breakfasts, ski areas and
23 their related enterprises, lake side resorts, golf, river rafting and other leisure pastimes. Without
24 this injection, this basic money, which is our mining and farming equivalent, we are literally
25 without employment, without income, without any means of supporting the rest of the residents
26 who sell groceries, insurance and other everyday goods.
27

28 Some say they have nothing against the sight and sound of fighter planes scrambling
29 across our skies. Other people shutter. Now, the important thing to remember in this
30 conversation is that my opinion, and yours, and yours, has no value, none. The only opinion that
31 matters in this specific conversation of economics is that of the tourists. And many visitors
32 climb out of their four-by-fours and tell us that they have no problems with jets roaring around.
33 If we check the credit card records of these folks, we'll discover that they spend a modest
34 amount on gas, dining, fixing their toys, and so on while they're here. Other visitors climb out of
35 their Land Rovers and their Escalades, and they loudly complain all the time about the slightest
36 invasion of their privacy, their comfort, or a disturbance of the ambiance. When we check the
37 credit card records of these visitors, we learn that they buy summer homes, our tax base, since
38 we don't have any mills left, season passes to the ski resorts around here, three big ones and a
39 bunch of little ones, that they patronize the golf courses, and spend enormous amounts on
40 expensive foods, wines, chartered airplane time, and so on and so forth.
41

42 Now, the vast majority of these well-heeled visitors will object to having their peace and
43 quiet unzipped by the activities of the Air National Guard. They will display this displeasure,
44 but not by objecting. That would be unpatriotic. And for the first time in my life, to me that's a

1 curse word. When we can't say it like it is because we are sensitive, that's a shame. Instead,
2 they will display this dissatisfaction by going somewhere else to buy summer or winter cottages,
3 to take white water raft trips, and guided hunts or fishing expeditions. There will be no great
4 outcry. Nobody is going to write to their congressman. There will just be a silent evaporation of
5 customers, and a steep drop in the value of second homes, as one of my predecessors just
6 mentioned, and the loss of all the support that these "summa" people now pay for.
7

8 The Air Guard pilots require training. This can be provided in other places; less
9 convenient, perhaps, but it can be provided. We need the income that the rest of the world brings
10 to us through tourism and the recreational industry that western Maine has developed. We didn't
11 have this big deal when I was a kid. This is pretty new, and it's critical. We can't replace it with
12 anything else. We don't have gold or opium, or anything else. There's nothing else to take up
13 the slack. We have no choice.
14

15 JUDGE HELGET: Next we have Nancy O'Toole.
16

17 MS. O'TOOLE: Your Honor, gentlemen, my name is Nancy O'Toole, and I live in
18 Phillips. The primary purpose of an environmental impact statement is to serve as an action-
19 forcing device to insure that the policies and goals defined in the document are infused into the
20 ongoing programs and actions of the federal government. It shall provide full and fair discussion
21 of significant environmental impacts and shall inform decision-makers and the public of the
22 reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality
23 of the human environment. It must include possible conflicts between the proposed action and
24 the objectives of the federal, regional, state, and local government or Indian tribal land use plans,
25 policies, and controls for the area of concern.
26

27 The EIS requirements put the burden of proof on the Air National Guard and its proposal,
28 to demonstrate that it will not have an undue adverse effect on existing uses, scenic
29 characteristics, and natural resources. This draft is the second attempt. The last one that I'm
30 talking about was in 1992, to prove no significant impact to western Maine and its communities
31 and environment. You have failed miserably in all of your areas. The Air National Guard, on
32 noise in the proposal, states that there will be no significant effect. You claim noise levels would
33 compare to a lawn mower. The data on noise is presented in average noise levels over a 24-hour
34 period. This does not address the impact of very loud and sudden noise on humans and wildlife
35 in any realistic manner.
36

37 The EIS drafted in early 1992 on the same proposal stated that the noise from a plane
38 flying at 500 feet is 102 decibels. This draft now states the aircraft noise at the same elevation is
39 at 65 decibels. Nothing in the DEIS covers multiple aircraft at varying speeds and elevations.
40 Nor were effects of turbulence and vibration leading to startle-reflex on loggers and boaters from
41 low flying aircraft discussed. Very little was mentioned on noise sensitive areas, which are areas
42 where noise interferes with normal activities. Such places include residential, health,
43 educational, religious sites, parks, recreational areas, wildlife refuges, and historical and cultural
44 sites. There are over 650 critical areas containing outstanding natural features of state

1 significance, with some 350,000 acres of public lands and parks within the Condor's bounds.
2 Lands for Maine's Future purchased over 30,000 acres in the proposed area. Private foundations
3 and 100 local land trusts in Maine have been buying up land to protect it from development. As
4 an example near the Condor borders, Baxter State Park has placed restrictions or limits on
5 motorized vehicles or craft, to insure the peace and quiet of a person's experience.
6

7 The Air National Guard's analysis is incomplete and does not follow the vision
8 communities have for their surroundings and their sense of place. The Air National Guard's
9 analysis on wildlife, birds, and livestock in the proposed area indicated a minor negative effect,
10 but not significant. There was no mention of livestock or startle-effect, or impact on deer in the
11 nearly 200 wintering areas identified in the proposed area. Numerous endangered bird species
12 are widespread throughout the proposed area, and trying to alter flight paths to avoid nesting
13 areas, that's impossible. The Androscoggin River Water shed is a major migratory route for
14 water fowl, passerines, and shorebirds that will be impacted significantly by the proposal, as well
15 as the bald and golden eagle, the peregrine falcon, and osprey. Your analysis and conclusion is
16 based on ground disturbance, not on the combined noise with the visual stimulus of a military
17 aircraft approaching. The current risk for a bird-plane strike interaction in the proposed area
18 right now is low to moderate. No statement was made what that level of risk would be if the
19 flight floor goes from 7,000 feet to 500 feet. There are at least 3,000 strikes of migratory birds
20 by military aircraft, causing an excess of \$75 million in damage every year, and yet you define
21 the impact as minimal.
22

23 As you did in 1992, you, again in 2009, present to the people of Maine an incomplete;
24 half-hazard document that fails completely to meet the criteria to prove that there is no
25 significant impact from the proposal. And as Carol stated, and Einstein stated, it's insanity to do
26 the same thing over and over again and expect a different result. Thank you.
27

28 JUDGE HELGET: We'll have one more comment and then we're going to take a break.
29 Ms. Kristen Brown Burbank, please.
30

31 MS. BROWN BURBANK: Thank you for the opportunity to speak to you today. I'm
32 here as a concerned citizen, representing myself, and also representing residents of north
33 Franklin County, Maine, and also representing Western Maine Matters. And I'm here to speak
34 to you as a resident of north Franklin County, in the township of Salem, located in the heart of an
35 area known as Condor 1 and Condor 2 flight training areas over western Maine. I'm here to
36 complain about the Air National Guard's proposal to expand training areas and lower the flight
37 level for these areas to 500 feet above ground level from the current status of 7,000 feet above
38 sea level.
39

40 I own livestock, horses, and I operate a small farm in Salem, and my husband makes his
41 living here as a registered Maine guide and a logger. We have lived in unorganized territory for
42 the past 11 years, and currently have serious concerns about the struggling economy of the
43 region, among other issues specific to protecting our environment. Just a note, I did a quick
44 lookup of the 2007 census from the USDA on Franklin County, here in Maine. Actually, for all

1 three counties under Condor in Maine, I found approximately 2,000 horses listed, on
2 approximately 375 farms, in all three counties, and about 20,201 head of cattle, in the three areas
3 that we're talking about.
4

5 Having taught research skills to budding scholars, as a member of the adjunct faculty for
6 both Central Maine Community College and the University of Maine at Farmington, I read the
7 ANG's environmental impact study, and was appalled with what I saw. The report was biased
8 and one-sided, and failed to include relevant and pertinent current objective findings that could
9 have been easily identified and considered. One resource used was 20 years old and completely
10 outdated with respect to the area's bald eagle habitat and loon nesting sites. Furthermore, the
11 EIS does not adequately respond to the social and economical impact on an area increasingly
12 dependent on local tourism.
13

14 I wrote to my delegation, asking for their support of Governor Baldacci's letter to the
15 ANG and his request for a valid EIS. I also contacted tribal members of the Penobscot Nation.
16 The DEIS states that the Penobscot Nation was contacted in October 2006 and again in March of
17 2007, and no response was received, so therefore, there would be no significant impact on
18 historic Native American resources. But if there was disruption to traditional ceremonies, the
19 Air National Guard would quickly create a plan to avoid them. In section 6-1-9, under
20 socioeconomics, the DEIS states, "It would have no significant impact on the tourism industry."
21 The report shares no evidence to support this claim. The work in the DEIS is not "authentic," a
22 term used among professional researchers, nor does it adequately reflect the current state of the
23 western Maine economy. Clearly, the DEIS did not meet the criteria to prove there would be no
24 significant impact to the Condor areas in western Maine. I think this shoddy work on behalf of
25 the Massachusetts Air National Guard puts the credibility of the FAA on the line, and seriously
26 insults the educated and professional people of Maine who have made nurturing the great things
27 about where we live our business and our life's work.
28

29 Once again, I am stunned that the governor's requests were not even considered. I am
30 asking that this process cease. The DEIS is incomplete. I personally would like to see sound
31 data for all aircraft that would use the airspace to be included. I asked our delegates for their
32 support in asking the FAA in writing to reject this EIS as written.
33

34 According to many experts, retired military personnel and area residents well educated on
35 this topic who live in this area, the Air National Guard has omitted and failed to analyze relevant
36 facts, they have highlighted irrelevant statements, and have relied on analytic methodologies that
37 have resulted in significant uncertainties in data on which the Air National Guard's findings and
38 recommendations are based. I'd like to know why this issue has returned again for the residents
39 of our region, after it was proposed and unanimously rejected in 1992 when Governor John
40 McKernan was in office. What non-biased, credible and reliable study has the Air National
41 Guard conducted proving no significant impact on animal life in this pristine wilderness? What
42 studies have been conducted proving no significant impact on eco and nature-based tourism and
43 outdoor recreation? What studies have been conducted proving no significant impact on

1 property values in the area? And what studies have been conducted proving no significant
2 impact on western Maine business and their need for relocation?
3

4 I think the Air National Guard thinks that nobody lives in this wilderness, classified as
5 quite possibly the last great remaining wilderness in the eastern United States, and as having
6 superior quality of place, as stated in an article in the Portland Press Herald, on May 11th, 2008.
7 It seems to me, that finding no significant impact across the board helps the Air National Guard
8 to convince the FAA that making changes to this airspace over western Maine, forever, is no big
9 deal and business as usual. The cumulative effect of all these “no significant impacts” adds up to
10 a very significant impact on our area that has yet to be examined or understood.
11

12 There is an old Cherokee saying that reads, “Listen, or your tongue will make you deaf.”
13 In closing, I will tell you that my horses, when I work with them, respond to my faintest whisper.
14 The startle-effect on flight animals from an F-15 blasting over my back yard at 500 feet will
15 create a kind of chaos I don’t even dare to imagine. I will surely have dead, or at best, seriously
16 injured animals on my hands. So I ask now, who will be responsible for this? Our future, our
17 economic hopes and dreams, our cultural, historical and environmental assets, and our peaceful
18 way of life is at stake, and I urge you to listen and to hear the unified voice of the people of
19 western Maine once again on this issue. Thank you.
20

21 [The hearing recessed at 1603 hours, and reconvened at 1623 hours, 14 November 2009.]
22

23 COL HARRIS: I just want to reiterate, we’re going to press on with the statements to
24 keep this moving. But if you want some better high fidelity information on some of your
25 comments, we do have people out front that will answer questions. So you can certainly go back
26 and forth, if you don’t want to miss all of the public comments, and maybe ask some of the
27 questions from your statements to try to get some answers on the draft EIS. Realize it’s a
28 growing document. So where do we go from here? We’re recording all of this. There will
29 probably be a supplement, I would assume, to the draft EIS, as it keeps materializing into a larger
30 document, with responses to what we’re recording here from the public hearing. But again, I
31 encourage you, if you want some more details on what you’re discussing here with us today, or
32 putting in the public record with us today, please go outside to that area. We do have some
33 experts. Again, thank you for what you’re doing.
34

35 JUDGE HELGET: Next we have Representative Matt Peterson, from District 92.
36

37 REP PETERSON: Thank you, gentlemen. I’d like to also express my greatest gratitude
38 for all of your service. Thank you very much. I represent House District 92 in the Maine
39 Legislature, which includes the towns of Andover, Rumford, Roxbury, Bryon, Weld, Sandy
40 River and Rangeley Plantations, plus the unorganized territories of West Central Franklin and
41 Madrid Township. I will also be submitting written comments. But I just wanted to follow up
42 and express my concerns, expressed earlier by my friends like Representative Gilbert and
43 Representative Saviello, and what the other people who have testified before me, that until some
44 of these issues are addressed I do need to go on the record in opposition to this plan. I’m not

1 convinced yet why these maneuvers need to take place here in western Maine as opposed to
2 western Massachusetts. And I just want to say, go buzz the Berkshires, guys. Thank you very
3 much.

4
5 JUDGE HELGET: Next we have Mr. Rick Fayen.

6
7 MR. FAYEN: Thank you. My name is Rick Fayen. I am simply proud to be a citizen
8 here in Maine. I came with three questions. The first has been partially answered. And it is, has
9 the decision by the final adjudicating body already been reached? If it were permissible for you
10 to answer with either a simple yes or no, that would be nice.

11
12 COL HARRIS: Sir, the decision has not been made. We are a conduit for information to
13 the decision-makers.

14
15 MR. FAYEN: Why does the Air National Guard, which is based in Massachusetts, have
16 to come to Maine to practice? Is it possibly because Massachusetts doesn't want them?

17
18 COL HARRIS: There are several airspaces in the northeast, some over New Hampshire,
19 some over upstate New York, some over Maine. Those are the primary airspaces for training in
20 the northeast.

21
22 MR. FAYEN: Finally, on the front of this brochure that you have handed out, the next to
23 the last line says, "Cooperating agency, Federal Aviation Administration." With whom are they
24 cooperating? Thank you.

25
26 MR. KNUDSEN: The FAA is a cooperating agency with the United States Air Force,
27 through a memorandum of agreement. The Air National Guard being a component of the United
28 States Air Force, we go under that agreement also.

29
30 JUDGE HELGET: Next we have Anstiss Morrill.

31
32 MS. MORRILL: I'm Anstiss Morrill. I'm from Chesterville. First of all, I believe that
33 behind this proposal is a desire on the part of its supporters to best fulfill the mandate of the
34 military, which I would say is to be prepared to successfully defend and protect our country. I
35 assume it is a desire to give training, which will hone to excellence, which has brought about this
36 proposal.

37
38 Another belief I have is that I believe that the military already has exceptionally advanced
39 technology and the capacity to develop more technology, which can create utterly lifelike
40 simulations of low flying in the mountains. Now I come to an assumption. I assume that the
41 proposal of low flights here has to do with creating a true risk, a true risk of the pilot's life, a true
42 risk of lives on the ground, a true risk of crashing. I submit that the true risk of the pilot's life
43 can exist with simulation for those pilots. I believe that a pilot who is nervous, knowing that just
44 one time messing up he can lose his place in the National Guard and the Air Force, that he can

1 get nervous enough to make it as if he's risking his life in a plane and risking the lives of other
2 people. It could be that he would be dismissed, with no recourse, from the service, for just
3 messing up once. Say he's already trained for a certain period of time without penalty, and when
4 it comes to the point where he would be given a plane to fly over the western mountains, tell him
5 instead, "Okay, if you mess up once in any kind of simulation, you're dismissed." And his life
6 would be over as a pilot. And I feel that that is where the military needs to go, that the
7 technology exists to make something so real over the ocean, where you could have weather
8 balloons and floating things around that would be like mountains. It's possible with technology
9 to create the situation in which the true risk of flying over our mountains, risking the pilot's life,
10 risking our lives, can happen. Thank you.

11
12 JUDGE HELGET: Next we have Ms. Lisa Savage.

13
14 MS. SAVAGE: My name is Lisa Savage. I'm a local coordinator for Code Pink here in
15 Maine. My family has been in Maine for nine generations. They originally came to Maine and
16 settled along the Kennebec River and cut ice. So my family has been in Maine for many years.
17 And we have land that was taken from the true stewards of the environment, the native people of
18 Maine. And I often feel that if they were still in charge of the environmental stewardship of the
19 great state of Maine, we wouldn't be having these kinds of meetings.

20
21 But we're here, though, to discuss the environmental impact on Maine of military aircraft
22 flying as close as 500 feet overhead. I have a friend, just back from South Korea, who visited
23 one of our more than 800 military bases that the U.S. has abroad, in other countries right now.
24 And that military base, like many bases around the globe, is part of an overall pattern of
25 expansion of military airspace, use of airspace by the U.S. military. This is true, not just in
26 Maine, not just in New England, but globally. In his report on the effect of military aircraft
27 flying right overhead, he described it as "vibrating your internal organs." He just told us about
28 this a couple of weeks ago when he got back. And he reported that farms that were in the area
29 affected by these overhead flights were reporting that 30 percent of their farm animals were
30 sterile and were no long reproducing, and that they believe this was the effect of sound pollution
31 of these military aircraft.

32
33 Several people from Western Maine Matters approached me today and begged me not to
34 speak. They said, "We don't want our concern about our backyard here in Maine to be
35 connected with fringe elements, or with the peace movement, or with your pink wig." So I want
36 to make it clear that I am not associated or connected with those people, and that they did ask me
37 not to connect the dots. I would submit that the failure to connect the dots, for instance,
38 pretending that an area of Maine or anywhere is separate in the environmental impact sense is
39 absurd. The global environment is all connected. And any impact on a local part of the global
40 environment affects us all. We're in a global crisis of the environment, in my lifetime, and it is
41 directly a result of the failure to connect those kinds of dots.

42
43 We have pollution of the air to consider here. Air quality in Maine has gone downhill
44 during my lifetime, quite significantly. We have sound pollution to consider. But my chief

1 concern, that I would really like to emphasize before I conclude is the fear effect on citizens of
2 having loud military machines flying and visible right overhead. I think this has a very bad
3 effect on children. Speaking from my own experience, we climbed under our desk in duck-and-
4 cover drills in my childhood, around in the Cuban missile crisis. And for years afterwards, I and
5 many people like me, flinched every time an airplane flew overhead, a regular aircraft that was
6 carrying passengers, or any kind of aircraft.
7

8 I have a five-year-old grandchild, and I don't want him to grow up like that, in Maine or
9 anyplace else. Maine used to be vacationland. The radio trout that you fish out of the Kennebec
10 River should no longer be eaten by pregnant women. And, apparently, the quiet and the beauty
11 of vacationland are also under direct attack by increasing military use of our airspace. There's a
12 strong movement to bring drones, unmanned aerial vehicles, to the state of Maine, to test them
13 here, because they're not doing well in cold weather. The town of Brunswick has had a hearing
14 about that. I'm hearing that Brewer, Rumford, and Bangor are all possible areas where drones
15 are going to come and be tested. I think that it is very, very important for us to connect these
16 dots and to protect our entire globe from increasing militarization. Thank you.
17

18 JUDGE HELGET: Next we have Mr. Mark Roman.
19

20 MR. ROMAN: My name is Mark Roman. I'm from Solon, Maine. I've lived in the
21 state of Maine for 27 years. And that's long enough to remember when the F-16s were first
22 based in Bangor. They used to fly over, and probably everybody in this room remembers they
23 were pretty darned loud when they were out practicing. I read the information you offered, and I
24 understand it might be a different kind of noise and different aircraft. But what I see you doing
25 is trying to identify that real low-flying may be slow. But what about when you expect to have
26 the room to make turns, are these going to be high speed turns to get back so you can practice
27 coming up on somebody real quick? Or are you going to have high speed ascent, come back
28 over to chase people? You know, this all makes a lot of noise. I know that it does.
29

30 I understand that you say it's the only area you can practice in. But it seems like the
31 desert has mountains enough to practice maybe the same kind of maneuvers. But I guess it's the
32 cost issue that you seem to be concerned about. Also, I've been down to testify in Brunswick,
33 because I'm an ex-commercial instrument-rated pilot, about the drone testing that they want to
34 do in Brunswick. Or they're considering it. They won't say that they are. So are these things
35 going to be these unmanned aerial vehicles? And are they going to be flying around Maine
36 soon? Even if they're not based here, if they're based in New Hampshire or somewhere else, are
37 they going to be flying around in the same airspace? And how is that all coordinated when they
38 do it?
39

40 The other thing is you say in the report that it's only going to happen during daylight
41 hours, and not on Christmas, not on Thanksgiving. Well, if your scenario is right, the people that
42 you're chasing probably aren't just going to work between sunrise and sunset. So I don't see that
43 argument being very clear.
44

1 But back to the basing somewhere else. Is it a wing, or like about eight aircraft, to send
2 them somewhere else to train costs like \$200,000? And I just think that that might be money
3 better spent -- maybe really not, but the war in Afghanistan right now is costing \$48,000 a
4 minute. So that's about four minutes worth of our money to go practice somewhere that might
5 be a little safer. And I just want to close and -- you didn't want us to talk about foreign policy
6 and to try to keep it down, but it seems to me that militarism now is our foreign policy, so it's all
7 connected. Thank you.

8
9 JUDGE HELGET: Next we have Mr. Tom Mauzaka.

10
11 MR. MAUZAKA: Your Honor, as you know from *Tongue and Quill*, when you speak
12 late in the day you have to have something to refocus the attention. It's been a long day. This
13 has been almost a three-year struggle. So here it is, this is a can of symbolic dead noise
14 [indicated]. Real dead noise is much louder. Now, it would be irresponsible for me to bring this
15 in here if it would make that loud of a noise, so this morning I shot a hole in it, hence the duct
16 tape [indicated]. Don't let it distract you. My name is Tom Mauzaka, and I am a resident of
17 Strong, Maine. I proudly served in the Air Force and the Air Force Reserve for 30 years. I held
18 command positions at both the squadron and wing level. I have more than 4,000 flight hours as a
19 C-130 navigator. Never in all that time did I encounter a proposal as poorly conceived and
20 executed as the current Condor MOA environmental impact statement. For nearly three years
21 the people of western Maine have attended meetings with the Massachusetts Air National Guard
22 and ERM Corporation, that have been filled with false statements, faulty logic, and procedural
23 errors. We have asked questions, and not received answers. The two fundamental documents
24 involved, the environmental assessment and the environmental impact statement, do not even
25 approach the standard required for professional research. They are both replete with errors and
26 omissions. Because of limited time, I will only give you a few examples to illustrate the poor
27 quality and disingenuous nature of the documents.

28
29 In the EA it was clearly stated that the F-15 does not have an instrument to show the
30 height above the ground. In a hearing on this campus, that caused some controversy, so guess
31 what? It got removed from the EIS, unless a new instrument is installed. So this plane does not
32 have an instrument to tell the pilot how high it is above the ground. So sometimes he's at 400,
33 sometimes at 600. He's trying to be 500. This may be a small point, but it points to a pattern of
34 information manipulation.

35
36 At earlier meetings, Brigadier General Rice promised no-fly bubbles for people or areas
37 that objected to the jet noise. There is no longer a mention of no-fly bubbles in the EIS or any
38 other meaningful mitigation for the significant environmental impact these flights would cause.
39 An EIS, according to NEPA guidelines, must have fully developed alternatives. While they
40 claim there are none, they know different. Just last August they flew eight planes and 150
41 people to Las Vegas to train. As somebody mentioned, this is a question simply of cost. There
42 are many other places to do this training, but not on one tank of gas. So what happens is the
43 requirements get defined so they point to Condor. You can come to Condor from Westfield, go

1 back, do this training on one tank of gas. So it is simply a cost shift from the Air Force to the
2 people of Maine.
3

4 When an airplane gets assigned to a base they do a basing study. The Air Force is
5 responsible to train and equip the military. It's the Air Forces job to provide an opportunity for
6 these people to get the training that the Air Force says they need. There are alternatives.
7

8 In a recent letter to Governor Baldacci, Lieutenant General Wyatt, the director of the Air
9 National Guard, claimed that the proposal in the EIS would result in less noise and a safer flying
10 environment. At the very time he was making this claim, the Air National Guard is preparing to
11 make payments to homeowners adjacent to their base in Westfield. Now, these people have
12 lived with A-10 jets for years with no problems. But now, due to the increased noise of the F-15,
13 the Guard is required to either buy homes or pay for sound insulation. These F-15s don't get any
14 quieter when they get to Maine. So while they are paying off their neighbors in Massachusetts,
15 they're telling us the jets will be quieter because the noise is being spread out over a larger area.
16 That's right, now there's going to be jet noise where none existed before, but it is going to be
17 quieter for everybody concerned. The math and the logic don't make sense.
18

19 In addition, there is no noise data for F-18s that already have triggered calls to 911 or the
20 F-35, which would likely replace the aging F-15. The F-15 was grounded this past year for
21 structural problems. It's like an old pickup truck. It gets so far, you don't put any more money
22 into it. So, don't tell me it's a hypothetical to say the F-35 might fly here. Oh, by the way, the
23 F-35 is nine decibels louder, twice as loud. It's not listed in here. All of the airplanes, the P-3,
24 gone, the KC-135, not likely. Show me the F-18. Show me the F-22. Show me the F-35. Show
25 me their noise data.
26

27 The safety claim is even less credible. For years there have been one-way military
28 training routes with specific boundaries in western Maine. In the late 80s I flew them myself.
29 Local pilots know where they are, and the routes are indicated on aviation charts. The EIS
30 proposal would allow random flight by F-15s doing intercept training at altitudes from 500 feet
31 above the ground, to in excess of 10,000 feet. So civilian pilots would not know where they
32 would encounter F-15s going 500 an hour, 400 miles an hour faster than them in most cases.
33 Any claim of radio advisories or onboard radar to provide aircraft separation is wishful thinking.
34 The safety claim by General Wyatt is made because less time would, in theory, be spent by F-15s
35 at low altitude. That's like saying it's safer to drive 90 miles an hour on the highway than 60
36 because you spend less time there. You can't make this stuff up. They got a three-star general to
37 sign off on this. He signed off on talking points. This has been a long struggle. It's lasted three
38 years.
39

40 I maintain that a risk analysis of the high to low intercept maneuvers in this flying
41 environment would be significantly less safe. This is the important time. At this time, and for
42 the public record, I am calling for FAA field hearings to review this EIS, to be held in Augusta.
43 These hearings would allow subject matter experts and local residents to cross-examine the
44 content of the proposal, section by section, under oath, for all to see, giving legitimacy to the

1 process. You've heard the term "rubber stamp." This is how you throw out the rubber stamp.
2 They need to come here. They need a face-to-face-to-face, under oath, and cross-examination.
3

4 These guys would deny the fact they're not the ones that make the decision. They just
5 are an agency under a memorandum of agreement with the FAA, hand-in-glove the whole way.
6 The train has left the station. The only way to stop it is to get these hearings. The precedent is
7 set by the hearing held last time a Condor MOA was proposed. The first hearing should be
8 shortly after the EIS is filed with the FAA, and not just prior to this record or decision that they
9 expect to get. I ask the help of our elected officials to initiate the field hearings. Think of the
10 Wall Street banks and the Securities and Exchange Commission. The FAA plays a similar role
11 in assuring airspace safety. There has to be accountability. The government has to work for the
12 people. There has to be accountability in the decision-making. It's too late when the damage is
13 done. Thank you.
14

15 COL HARRIS: So everybody knows, since the F-35 came up, if it is envisioned in the
16 northeast, that will be a totally different environmental impact statement.
17

18 MR. MAUZAKA: Okay, since you responded, I'll reply. Because everything is not
19 significant. So you're going to have a new EIS, and you're going to find that the airplane is
20 twice as loud is not significant. Right now, Valparaiso, Florida has brought suit against the Air
21 Force because the Air Force has violated an EIS. Go out there and search. Valparaiso, Florida is
22 suing the Air Force. And that's a military topic. That's Eglin Air Force Base. They don't want
23 the F-35s, and neither do we.
24

25 COL HARRIS: I understand. Just realize it will be a separate environmental study, to let
26 you know, separate from this one.
27

28 JUDGE HELGET: Next we're going to have Mr. Raymond Craemer.
29

30 MR. CRAEMER: Well, you guys are getting trashed today. I don't know much about
31 environmental statements. But as a lot of people here would agree, I think that maybe it needs
32 some work. On the other side of the coin, I've got a horse in this race. I live in Eustis. I live on
33 Eustis Ridge. I can see Sugarloaf from there. I can see Saddleback from there. The current jets
34 fly over me all the time. I'm also retired from the United States Navy. I spent over 20 years in
35 Naval aviation, most of it based in Brunswick, Maine. My second career was an airline pilot.
36 I'm a retired captain with Piedmont Airlines. So I do have some knowledge of it. When we had
37 operations on Rangeley, I used to teach pilots, used to fly float planes, used to do fire patrols in
38 the area we're talking about. So there's where I'm coming from.
39

40 There are a lot of questions coming up here, and I think that they're valid. And these
41 people have to respond to these issues. But another thing I would mention is that I am old
42 enough to remember World War II, as some other people here are. We remember Victory
43 Gardens. We used to grow food so that we could send the rest of the food to the troops. We
44 remember families taking their aluminum pots and turning them in so we could make airplanes

1 out of them. We remember tires that were rationed, fuel that was rationed, stuff like that. Since
2 World War II, America has never had to suffer through a war. We've had Korea; we've had
3 Vietnam; we have the actions that are going on right now. But Americans have not had to step
4 out of their way to do that. So they sometimes forget what's involved. I would venture to say
5 there are not very many people in this room that have been on the pointy end of the spear. I have
6 seen a guy mention a fighter showing up. I had one on two specific occasions, and was very glad
7 to see two Navy Phantoms show up. Maybe I look at it a little bit differently.

8
9 The war that we are fighting right now, the primary one that I'm looking at, is
10 Afghanistan. Afghanistan is a high altitude operation. There are very narrow roads. Most of the
11 roads aren't wide enough for the vehicles that we have in Iraq to use. So it's a tough place. The
12 people live up in the mountains. They've been doing this for centuries. Attack helicopters are
13 less capable the higher the altitude gets. The guys that they call on when they need help are the
14 fast loops, and they've got to come quick. And, while I've never flown an airplane at high
15 speeds close to the ground, I have flown a simulator at 500 knots, close to the ground. And it is
16 tough. These guys have to practice. They have to practice. And over the years the money for
17 the training in the military has gone down greatly. When I was in the Navy in the '60s, you had
18 to have 1500 in a P-2 to be considered to be an aircraft commander. When I left the P-3s in the
19 '70s, we only had to 750 hours to be an aircraft commander. And they were looking at 450.
20 You don't get quality that way. These guys are being constricted. They're flying more and more
21 complex things, in a tighter and tighter environment, and they need the help we can give them.

22
23 Now, I think we ought to look at all the different sides now. Your Bicknell's Thrush,
24 they're protected by the turbines on Kibby Mountain. This is something that Americans have to
25 give on. These mountains are probably the best shot that the Air Force has in the northeast to do
26 the work they need to do. They have to practice. You have to fly an airplane to the edge of its
27 capability. If you don't, the enemy will get you. That's the way it works. If you don't fly
28 harder than he does, you die. The guys that are on the ground up there need these airplanes.
29 They need the cluster bombs. Unfortunately, I guess we can't use napalm anymore. That's what
30 they're doing, they're fighting for us. We laid down in the '90s. We lost over 650,000 of our
31 active duty men and women during the '90s. What did we get? We got the call. We got the first
32 shot at the World Trade Center. We didn't do anything about it, we got the World Trade Center
33 the second time. We have got to fight these people. These people are looking at a thousand-year
34 war. They hate everything we do. The fact that a woman is educated is a sin to a Muslim. The
35 fact that a woman buys a car, oh, my God. Have you read the Koran? Have you ever been in
36 Libya or Turkey? I've been in both places. That's the way it is. And the problem is that they
37 look at us as the "Great Satan," and they're not going to give up. They're going to keep coming.
38 There are always radicals, and every 400 years we have a radical war. We're having one right
39 now. We've got to support this. So let's find a way to make this work, rather than automatically
40 say it can't work. There's got to be a way that they can do this work and get it done. Thank you.

41
42 JUDGE HELGET: Next we have Mr. Larry Warren.
43

1 MR. WARREN: Gentlemen, my name is Larry Warren. I live in New Portland, Maine,
2 in Somerset County. Ten years ago I was the founder and creator of a non-profit corporation
3 here in Maine called Western Mountains Foundation. It operates a series of hut and trail
4 facilities called Maine Huts and Trails. This initiative was created or started on the basis of
5 identifying and branding western Maine as a location for nature-based or eco-tourism. I was
6 involved in the management and the development of Sugarloaf Ski Resort for many years. And I
7 was one of the founders and creators of the town of Carrabassett Valley. It is a community that
8 started in 1970 with a population of 30, and a tax valuation of six million, and today has a
9 population of about 500, and a tax valuation of 540 million. There are many lessons that can be
10 learned from the experience in Carrabassett Valley. It's an area that has thrived in a region that
11 has almost died. There's a transference of values that are important for western Maine to
12 recognize and embrace. Some of those values are quality of place, an aesthetic value, pride in
13 the location, and pride in the environment.
14

15 As we recognized the potential and the threats for western Maine, we identified that a
16 unique opportunity existed, starting in Bethel, moving up through Newry, Sunday River,
17 Andover, Rangeley, Saddleback, into the Carrabassett area, the Sugarloaf region, into the
18 Bigelow, the east Flagstaff area, up along the Dead River, into the Forks, up through the
19 Kennebeck Gorge, to Harris Dam, and then it's out of the Condor area there. But we continue
20 with our initiative for a 200-mile trail corridor that would run from Moosehead Lake to Bethel.
21

22 Our organization has raised eight and a half million of a projected 16 million dollars to
23 buy this corridor, to develop 12 huts or remote lodges, to build a 200-mile trail that can be used
24 on a year round basis for cross-country skiing, mountain-biking, snow-shoeing, and to create a
25 resource, not only of regional importance for Maine, but we think of national significance for our
26 country. And we're beginning to partner with organizations in New Zealand and Norway, and
27 Sweden, basically to create a resource of international significance here in Maine, to focus on
28 nature-based tourism and eco-tourism.
29

30 Some of the key components here, I think, are significantly in jeopardy. The eight and a
31 half million that we've raised has all come from private funding here in the state, private
32 individuals and private corporations. We recognize that our national security interests are
33 paramount and of great importance to all of us. But I hope that the FAA and this organization
34 can recognize that future economic opportunities and the challenges that we face, and the
35 investments that we're making today are important for present and future generations. And I
36 would urge that there be some more opportunities for interface, in recognizing both what's at
37 jeopardy and what's at risk, and what compromises might be made both in time and place so that
38 all of these objectives can be met, for our military, for our private enterprise, and for those of us
39 that live in this region, and that we can ultimately thrive and succeed. Thank you for your time.
40

41 JUDGE HELGET: Next we have Dr. James Parker.
42

43 DR. PARKER: I am Jim Parker. I am a citizen of Farmington. I'm also a professional
44 wildlife ecologist and general ecologist, and have been an environmental educator for 35 years or

1 more. I was raised making models of aircraft, especially fighters, and being very fond of Airmen
2 like my father, who was a Bombardier Navigator on B-24s and other aircraft in World War II. I
3 retain my fondness for military and other aircraft today. And instead of attending the Air Force
4 academy, as my dad had wished, I've become a student of real raptors, which are the talon-
5 footed birds after which many military fighters, like War Hawks, Ospreys, Harriers, Falcons,
6 Eagles, and the F-22 Raptor itself are named. They're all raptors. I've also used remote-
7 controlled aircraft or drones in my raptor research, but nothing like the military RQ-4 Global
8 Hawk drone, that interestingly enough has an engine about the size of the aircraft that hit the
9 Pentagon, based on a valid photo of the site.

10
11 I am aware that there are many military authorities who believe, with good explanation,
12 that there is no justification for objections, due to future real war security threats to the USA, for
13 the continued production of fighters like the F-22 or the F-35, for that matter. I have read a
14 document quoting an Air Force general, who, when asked why the Air Force used so many more
15 B-52s than needed for a particular mission, stated, "We use them because we have them." As an
16 ecologist and environmental educator, I critically and objectively evaluate environmental
17 impacts caused by mankind. And I have spent a great deal of time since 2000 studying trends
18 and patterns of politics, militarism, intelligence and espionage, finance, and what fascism and
19 other governments are. Also, I live north of Farmington, and I have experienced the massive,
20 jarring sounds of low flying fighters, as it would affect wildlife, the attractions of Maine's
21 remaining pristine wildlife communities, the experiences and money that flow from a large
22 number of people who come here as a major tourist aspect of our economy, and the level of
23 stress imposed on Maine citizens.

24
25 The damage done to environmental quality, people, and the economy of the target area of
26 Maine would undeniably be major and a significant factor depressing the quality of life of Maine
27 people and their visitors, and could not and would not be mitigated. It would be a classic case of
28 externalization of costs. And that's been brought up by a different pilot. The need for training of
29 Air Force personnel in low-level flights is becoming essentially unnecessary to counter real
30 threats to the security of the people and the Constitution of the U.S. The use of fighter aircraft in
31 such a manner is increasingly becoming an exclusive part of wars of aggression connected to the
32 global petroleum and war economies. Such use of aircraft threatens the quality of lives of our
33 citizens, has unnecessarily killed large numbers of citizens of other countries, wastes petroleum,
34 and costs a great deal of money, contributing to the financial mess the U.S. faces. The only real
35 benefits of such Air Force activity are for those making major corporate war profits, and for
36 those who wish to use these toys because we have them.

37
38 There is, of course, a chance that low flying fighters would discourage the placement of
39 wind towers on Maine mountains, and that's a different story. If I were an academic evaluating
40 this environmental impact statement, as I've heard it described, I'd wonder why people on the
41 general staff of the Air Force have not felt insulted by this output provided by contractors. And I
42 think it should be viewed that way.

43
44 JUDGE HELGET: Next we have Adrienne Rollo.

1
2 MS. ROLLO: My name is Adrienne Rollo, and I live in Vineyard, Maine. I also own a
3 seasonal camp on Toothaker Pond in Phillips, Maine. I am strongly opposed to the
4 Massachusetts Air National Guard training at 500 feet above the ground. The center of my life
5 revolves around the beautiful mountains located in the proposed Condor corridor. I am retired
6 now. I came from a lifelong career based in the city, Massachusetts and Rhode Island. And at
7 this time of my life I hunger for a quieter, more peaceful life. The serenity of the mountains is
8 something special, really special. You can't find it on Maine's fabulous sea coast. There's just
9 too much traffic. You certainly can't find it in Portland, or Augusta, or Bangor. Our special
10 place is one that needs to be protected as sacred ground. It needs to be protected for all the
11 people who live, work, and play in the affected area. It needs to be protected for all those who
12 visit us, and choose that special cabin on one of our pristine lakes to spend precious little
13 vacation time.
14

15 With this peaceful picture in your mind, imagine a fighter jet swooping down over the
16 treetops. The noise is absolutely deafening. I have personally experienced and witnessed horses
17 in their corrals thrashing against the fencing to try and escape it. Our economy is heavily
18 dependant upon tourism. Without it our small towns suffer very real hardships. And you may or
19 may not know that this month of November is a big hunting season around here. Everybody asks
20 everybody else the big question, which is, "Did you get your dear yet?" And whether or not you
21 know it, there are so many people here that are struggling. People really struggle. If they don't
22 get a dear this month, they're not going to have any meat for the winter. And that's a fact.
23

24 I recently attended a workshop on November 5th, just last week, where Sue Inches,
25 director of policy for the state of Maine planning office, gave a wonderful presentation on
26 Maine's quality of place. She encouraged our communities to invest in scenic landscapes and
27 unspoiled natural resources, as well as arts, culture, and heritage. When she was speaking, I
28 realized that she was referring to exactly what we have now. Our western mountains are quality
29 of place. When we wake up in the morning it's not uncommon for us to look out our windows
30 and see a moose in our backyard. We wake up in the morning to the cry of the Loons. It's better
31 than psychotherapy. No offense to any therapists that might be here.
32

33 But I seriously resent your intrusion. The Massachusetts Air National Guard has their
34 own airspace. Massachusetts has their own mountains. You can train in your own home state
35 just as well as Maine. Are the people of Maine less important than the people of Massachusetts?
36 I ask you to consider our quality of place. There are so few precious places left. I find it
37 frustrating, disrespectful, and insulting that the Massachusetts Air National Guard would submit
38 an EIS of such poor quality, and that you thought you could just walk in here and pull the wool
39 over our eyes. Well, you didn't.
40

41 JUDGE HELGET: Next is Mr. David Guernsey
42

43 MR. GUERNSEY: Thank you, Judge. Thank you Colonel Harris for being here. My
44 name is David Guernsey, from Springfield. And there's an old story they tell up here about a

1 Massachusetts tourist who once bumped his car into a farmer's prize bull. He jumped out of his
2 car and said, "Gee, I'm sorry. I hope I didn't hurt him any." And the farmer said, "Well, if
3 you'd done him any good, I'd be glad to pay you for it." We lost all of our military installations
4 and guard units in Maine which might utilize Condor. There aren't going to be any construction
5 contracts. There won't be so much as a night watchman. And with due respect to Mr. Craemer,
6 Condor won't help with the air-to-ground training vital to the support of our troops in
7 Afghanistan either. That training is done in the Adirondacks, where they can coordinate with the
8 Army troops and they actually have a range.

9
10 All we get is a fatally flawed EIS full of omissions, errors, and misrepresentations. A
11 case in point is the description of a possible alternative in the Adirondacks. And I quote, "Land
12 use patterns are similar to Condor 1 and Condor 2 MOAs, so there would be no significant
13 difference in the amount of urban versus rural land that would be affected between the
14 alternatives." The Guard's ignorance of the reality up here could hardly be more evident. There
15 are 50,000 people who live under Condor. Less than 5,000 people live under that area in the
16 Adirondacks, which would have to be lowered.

17
18 The real estate valuation of municipalities underlying Condor totals 8.8 billion dollars.
19 Just a one percent decrease in this valuation would cost our towns annually in property tax as
20 much as it would cost the 104th to deploy to another area. This does not include additional
21 possible losses in the tourist and second home industries, and the resulting loss in sales and
22 payroll tax. And just the news that our communities underlie a low-level fighter training area
23 will cause significant losses even before the flying starts. The military has a long tradition of
24 trying to work with local communities. Trying to pass off a low-level fighter training area as
25 having no significant impact is not a good way to start. Thank you.

26
27 JUDGE HELGET: Next we have Mr. Jon Olson.

28
29 MR. OLSON: Good afternoon. My name is Jon Olson. I am the Executive Secretary of
30 the Maine Farm Bureau, the state's largest general farm organization. We are opposed to
31 lowering the flights in the proposal. Our opposition is based on what this would do to the
32 livestock industry. And this will affect four different counties, as you know, Franklin, Oxford,
33 Piscataquis, and Somerset counties. Now, I checked with the United States Agricultural
34 Statistics Service, and in that region that is affected there are 1,062 livestock farms. This
35 includes dairy, beef and horse operations. Those farms contribute \$26 million annually in sales.
36 These farms collectively own 17,178 beef, 7,393 dairy cows, and 2,467 horses. And this data
37 does not include sheep, llama or alpaca farms, and animal numbers which are growing in the
38 affected area.

39
40 These animals are mostly pastured. We are extremely concerned what the loud sonic
41 boom and the visual approaches of these low flights, of these jets will do to the livestock
42 industry. These animals will be stressed and possibly terrified. Farmers are worried that these
43 panicked animals will run through fences, not only injuring themselves, but becoming lost.

1 There is some concern of dairy farmers losing milk production. It is our understanding that this
2 has occurred in the western part of the United States where these flights are allowed.
3

4 Several years ago, a dairy farmer told me about an incident on his farm when a silent hot
5 air balloon passed over his pasture. It so panicked his cows, they ran and broke through the
6 fence. Though the farmer, with the help of his neighbor, was able to capture all of his cows, he
7 still had the repercussions from the flight of the silent hot air balloon. Some of his cows had torn
8 their udders running through the fence, causing a loss of milk production, and there was also
9 unexpected veterinarian expenses. I can only image what a low-level training flight, with its
10 sonic boom, will do to his or other livestock. Thank you very much.
11

12 JUDGE HELGET: Next is Mr. John Carter.
13

14 MR. CARTER: My name is John Carter. I live in Lovell. I can't claim to have nine
15 generations behind me on my side. But my wife's folks have been there since the early 1800s. I
16 have a couple of questions. I know you didn't want questions, but they're sort of procedural.
17 Are you going to inform the speakers here today of any changes made to the EIS as a result of
18 their suggestions? You don't have to answer now, but I do want you to consider that question.
19

20 Second, I've listened all afternoon, and I've read the EIS, and I also got, on September
21 9th, the latest edition of the Land Use Regulation Commission Land Use Plan. And it contains
22 no information whatsoever about the Air National Guard's plans over an area which it controls,
23 totaling to some one million or more acres of land in the Condor 1 and 2 areas. I think that the
24 EIS is going to be completely inadequate if you don't address the issues and the control
25 circumstances of Maine's Land Use Regulation Commission, which are pretty expensive.
26

27 Thirdly, I would like to request that any submission of an EIS to the FAA for approval of
28 this proposal include a copy of the tape that is being made of these proceedings today. I've
29 heard discussions going on, and it sounds to me like what's being proposed is a 4,000 square
30 mile Sargasso Sea or dead spot, whatever you want to call it, but an area where under 7,000 feet
31 there's literally no way of knowing where you are. There's no external guidance that works
32 there.
33

34 I'm on the board of directors of the Eastern Slopes Regional Airport, and have been for
35 more than a decade. And we are very concerned with proper guidance of aircraft. And our pilots
36 report to us that the flights from Barnes Air Force Base in Westfield, Massachusetts, and before
37 that out on Cape Cod, used to come very close to our airport and use one of our mountains there
38 as a turning point. And living in Lovell as I do, about a half of a mile inland from Route 5, I can
39 also assure you that they're getting good visual flight training. Because I'm convinced they're
40 flying up Route 5 to get to Bethel, which is where this zone starts. Because they don't stay on
41 Route 5. They cut off on Slab City Road, and that goes within about a quarter of a mile of my
42 house.
43

1 I asked about this earlier, trying to get a better handle on it. I said, "Well, why are you
2 not doing this out over the ocean?" And I've been told that doing flight training over the ocean
3 is extremely hazardous. They can't do it below 1,000 feet because you lose track of where you
4 are. Now, I don't know where the threats of this low-level training is being focused on, but it
5 seems to me that I would want to have an Air Force or reserve that was very knowledgeable
6 about flying over the ocean. I've read many, many books, and I've done it myself, about pilots
7 who did what they called "wave-hopping." In fact, my aunt flew B-26 bombers and B-24s to
8 Europe during World War II as part of the Bomber Ferry Command. So I heard all sorts of
9 stories about people flying very close to the white caps in order to avoid radar and various other
10 things. I don't know why we're focusing here and letting that go. I would like to see that
11 addressed.
12

13 The fuel issue? Gentlemen, I was staggered. The Air Force uses up between 68 and 78
14 percent of the entire Department of Defense allocation of oil, petroleum, 2.8 billion gallons of
15 fuel a year. An F-15, when it goes into afterburner mode, burns four gallons a second. And if it
16 goes into afterburner mode and stays there for 12 minutes, it's out of fuel. So I'm concerned
17 about what's going on in this training.
18

19 I did not see in this EIS an alternative comparison of the Adirondack and Condor military
20 operations areas. I saw about a seven or eight-line paragraph that said, "The Adirondack area is
21 not an option." I got on Google, and I Googled it, and I found out that it's actually closer to the
22 Adirondack area from Barnes Air Force Base than it is to Greenville, by maybe as much as a
23 factor of 30 or 40 percent.
24

25 There are many things in this EIS that need to be looked at again, that need to be
26 examined carefully. I have personally been trying to get a hold of a copy of the statement of
27 work, which was given to this gentleman's business here, to prepare, first the environmental
28 assessment, and then second, the EIS. So after some lengthy period of time I received an e-mail
29 back from Major Lippert, and he said, "Well, all of that you have to get under the Freedom of
30 Information Act." And he told me where to go. So I went there, and it said, "If you want to
31 access this e-mail address you have to turn your security off on your computer. Just turn your
32 security off, otherwise you can't access this." Well, I thought about it for 24 hours. And I went
33 back, and I did, I turned my security off. And when I got there I found out that it was a very,
34 very mysterious and difficult to understand website. By the way I've got a doctorate. I've been
35 through certified public accountant training, and I did statistics research. I should be able to
36 understand this. But I couldn't. But the thing that I did understand was that you had to send
37 them a check, or somehow or other pay them lots of money in advance in order to get anything
38 under the Freedom of Information Act.
39

40 And then I heard that somebody down in Florida did this, and -- it was in the newspaper.
41 I get the New York Times. But they had been charged over \$10,000 for this information under
42 the Freedom of Information Act. Gentlemen, I represent to you that the statement of work, the
43 public statement of work of a contracting request for a proposal should be public knowledge. It
44 should be available, and it shouldn't cost a dime to get it. The list of the appendices that are to

1 be delivered -- the deliverables list should be available, and it shouldn't cost a dime to get that
2 either. So I've been trying to get a hold of this, and trying to figure out how to do it, and I'm told
3 that the best thing to do is to have my representative in Congress request it, because the military
4 won't charge them anything.

5
6 I want to know what the Air National Guard asked for. And then I want to look at the
7 deliverables list. And then I want to see whether or not I agree that they got what they asked for.
8 Maybe they did. So these are my concerns, and they've not really been addressed. And I would
9 like very much for someone to address them. Thank you very much.

10
11 COL HARRIS: If you provide your name and address to us, we will be mailing you, by
12 either a disk or some other means, a copy of the DEIS. So the next reiteration is going to be
13 available to you if you give us your address.

14
15 MR. CARTER: I filled out my name and address on a card.

16
17 COL HARRIS: You will get the next deliverable personally in the mail if you gave us
18 your address. It will also be available in the libraries, which will be advertised in the local
19 newspapers. It will also be on the Maine DOT cite, at a minimum. We're also examining other
20 avenues.

21
22 JUDGE HELGET: Next we have Mr. Seabury Lyon.

23
24 MR. LYON: I'm Seabury Lyon from Bethel. Several of us have been looking at safety-
25 related items with regard to this proposal. And the product of that research in this regard gives
26 us cause for concern, and in some cases, alarm. We found, for instance, that there have been
27 serious fires created during exercises, such as the one in the New Jersey Pinelands that consumed
28 10,000 acres of a pristine nature preserve. We also know that a high school was strafed by 20
29 millimeter cannon fire. Fortunately, it was empty at the time. We know that practice bombs
30 have been dropped on, and crashes and forced landings have occurred in civilian areas. This is
31 in the northeast.

32
33 We know that the Massachusetts Air National Guard itself has a good safety record,
34 spanning many years, no doubt due to the scrupulous attention to safety matters given by officers
35 such as General Rice, and on down the line. But we now live in urgent times of stressed budgets,
36 cutbacks, aging aircraft, and not the least, personnel fatigue. We know these things and are here
37 to express our many concerns, and to ask for your cooperation and support in resolving them.

38
39 Below is a list of safety-related items that are not mentioned in current or past ANG
40 proposals. They include:

41
42 (1) How might all of the proposed changes affect the Massachusetts Air National Guard
43 safety record?

44 (2) What is the safety record for other, non-Massachusetts units who will fly Condor?

1 (3) What ordinance will be carried by the Massachusetts Air National Guard aircraft over
2 our area?

3 (4) What units other than the Massachusetts Air National Guard are, or will be permitted
4 to exercise here?

5 (5) What kinds of aircraft will be used over our area, by any and all services?

6 (6) What kinds of ordinance and weapons will they be carrying, and using?

7 (7) What are the definitions of Class A and Class B mishaps? "Mishaps," in case people
8 don't know, is an Air Force term. It is characterized by a loss of life, permanent total disability,
9 destroyed aircraft, or greater than one million dollars in damages. That's a mishap.

10 (8) What happens when flares don't burn out before landing in a dry forest or a town?

11 (9) Who assumes the costs and liabilities for damages, responders, economic impacts,
12 and personal injuries on the ground?

13 (10) What is the record of military aircraft mishaps and incidents in the U.S. over the
14 past 10 years?

15 (11) What recourse does a Maine property owner have in cases of military mishaps and
16 incidents?

17 (12) Why do these crucial items remain not addressed through so many years and
18 iterations of the proposal process, apparently not given high regard or due diligence by the
19 Massachusetts Air National Guard, despite, repeated promises by the ANG and their contractor?
20

21 It grieves us deeply that we must state our requests in the following terms, but the
22 lateness in the process and limited opportunities now make it necessary. Given, first, that the
23 persistent dismissal and trivializing by the Massachusetts Air National Guard of the entire EA
24 and EIS process and of the concerns of the people of Maine; and second, the enormity of
25 potential negative consequences attached to each of the stated concerns, we the people of the
26 state of Maine request that the Condor proposal cease and desist immediately, and not be
27 presented again until such a time that each and every item worthy of our concern and yours is
28 satisfactorily resolved. Thank you for your kind attention.
29

30 JUDGE HELGET: Next we have Ms. Karen Pease.
31

32 MS. PEASE: Hi. I am Karen Bessie Pease. I live in Lexington Township, in the great
33 state of Maine. I am one of these things we call a native. I see a few others here. And to those
34 of you from away, welcome. I hope you're enjoying it here. I did not know I was coming until
35 15 minutes before I left, so I have nothing prepared. But we're talking about environmental
36 impact, and I consider myself a part of the Maine environment. This is my home. This peaceful,
37 tranquil place in the western mountains of Maine is where I have lived for 46 years. My survival
38 and my family's survival has depended on the Maine that I know and love, the Maine that I grew
39 up in. That five-letter word all around the world creates an image to people of peace and
40 tranquility, and wildlife, and small, quiet villages, and people with big hearts. And I don't want
41 to see that change. I don't think we have the right to give that away.
42

43 I keep hearing "rubber-stamping." This is our state. We are Mainers, and we are
44 Americans. And I believe they work for us. I don't think it's the other way around. And I think

1 we have the right to say no. I do. It's scary, because this world is changing. But I believe if we
2 do not want this over our land, in our airspace, we have the right to say, "Sorry, guys. We
3 appreciate what you're doing." I am as patriotic as they come. I am. And I believe in good
4 training, but if it comes down to money, we have to draw the line, and we have to say no. We
5 have the right to say no. We're Americans and we're Mainers, and this is our land, and I think
6 we need to know when to draw the line. Thank you.

7
8 [The hearing recessed at 1740 hours, and reconvened at 1757 hours, 14 November 2009.]

9
10 JUDGE HELGET: Next we have Mr. Bill Crandall.

11
12 MR. CRANDALL: My name is William Crandall or Bill Crandall. I'm speaking as a
13 chairperson of the board of directors for The Opportunity Center of North Franklin County. It's
14 a non-profit that was set up to help redevelop the economic prosperity in the northern part of
15 Franklin County. We have been greatly concerned about the impacts that this proposal would
16 have on our airspace and our quality of place in Franklin County. I really feel that everyone has
17 spoken well tonight, and I will not repeat everything that was said, but I will take a moment and
18 say a few things. One, I want to thank Tom Mauzaka for bringing this to The Opportunity
19 Center's attention. When he first came to our board meeting, as a chairperson, I could not see
20 what it had to do with economic development, until he spoke the word "tourism." We were once
21 a very big manufacturing state. We have nothing left, nothing you can talk about as far as
22 manufacturing in this state, especially in this area. And we are left with nothing but tourism,
23 whether we want it or not. And we have to defend that last piece of the pie that we have.

24
25 I do want to say that I had written a letter from The Opportunity Center as well, asking
26 for an economic assessment. I think what you will find from the people in this audience and
27 from this county is that we're very respectful. We do ask a lot of questions. We expect answers.
28 And we did not get those. I feel that that is not showing us respect. I don't necessary blame that
29 on the Air National Guard, but it is your responsibility to make sure that that happens.

30
31 I do feel that everyone that has spoken has clearly said the things that are a problem. For
32 the record, I would like to mention the fact that there are April 1992 comments on the
33 modifications of the Condor 1 and 2 proposal at that time in the Great State of Maine, MOA.
34 These comments should be addressed in any EIS that is put forth. There are many issues in
35 there, such as safety. But it also addresses the tourism issue that we are now consumed with.
36 Unfortunately, it's a big concern. I mean, we would all love to have other things to do in this
37 state. I will end by saying that in that report it says, "Silence is a premium quality that makes
38 this region special." However, the people will no longer remain silent towards those who want
39 to use us for their own ends, without regard to our way of life. Thank you.

40
41 JUDGE HELGET: Next is Mr. Thomas Standard.

42
43 MR. STANDARD: Thank you. I'm Tom Standard. I'm one of those people from away
44 who got smart in their old age and came to Maine to retire because of the quality of life, among

1 other things. I'm a veteran, and I'm a great supporter of the military. Just this past Wednesday
2 we had a celebration at our church, welcoming home one of our young men returning from Iraq.
3 And at that meeting our pastor shared the thought that it wasn't the reporters who give us
4 freedom of press. It's not the preachers that give us freedom of religion. It's our military that
5 gives us, as someone said earlier, the right to stand up here and express our opposition to this.
6

7 The conclusion says that it would not have a significant impact on the quality of the
8 human environment. How many heart attacks are old folks like me going to have to have to be a
9 significant impact? How many sheep are going to have to abort before it's a significant impact
10 on my neighbors who are trying to make a living with farming? But my basic objection to these
11 low-level flights over Maine is one of fairness. You guys are in the process of fighting. In my
12 time I fought, and other veterans fought, for a country that's fair. We believe in fairness. Now,
13 if our brothers down in Massachusetts are going to get the jobs that we sorely need, then why
14 don't they take the noise and the objection? And surely, if there's a process for flying low over
15 Maine, there's a process for flying low over Massachusetts, where the money is going. Or, as an
16 alternative, move your base up here, give my neighbors jobs they need, and I could tolerate a
17 little bit of noise a little better.
18

19 But I think that in addition to the fairness there is a real danger from the shock of one of
20 these planes flying over. I was in an anti-aircraft outfit back in the Korean War period. All we
21 were good for was ground support. But every now and then the Air Force would be nice to us
22 and play a game. They'd say, "Hey, guys, we're coming over with this jet," and they'd tell us
23 where they were flying from, so we'd have our guns aimed that way. And then whoosh, that
24 thing would go over us. These 50-year old jets would shake you to the very bottom of your feet.
25 What on earth is it going to do to an old man, when unexpectedly one of those things flies over
26 my head?
27

28 The damage to the livestock is unacceptable. There are those that scratch out a living. I
29 mean, if you want to talk about poverty level, we've got people who, through choice, are living
30 back on the land. They depend on this livestock to make a living. And we can't go and say,
31 "Well, they don't matter. We'll just go ahead and destroy their living." If I understood right the
32 last time we had this hearing, you said that you would not fly over national parks and national
33 forests. Is that still true that you all avoid those areas?
34

35 COL HARRIS: It's altitude-limited as to those areas.
36

37 MR. STANDARD: Then if this is really a national necessity, why not use these national
38 lands instead of my private land, my neighbors' private land, to make these low-level flights?
39 Let's let all Americans share in the expense of training, if it's really necessary, instead of
40 destroying private property. And you claim that the effects on our quality and the noise would
41 be beneficial, that this program is going to be beneficial. How can that possibly be beneficial? I
42 think that you're trying to claim that you've got fewer flights or something. But I remember
43 back during World War II, when I lived close to a Naval training base, the sky was full of these
44 aircraft flying all over it. And the next time we get into a bigger war than we're in right now,

1 how much are you going to expand your training effort? How much are you going to change it?
2 So, maybe next year's schedule may be for less flights, but I don't think that we can really count
3 on that long-term.
4

5 So, in conclusion, I thank you guys. I appreciate you all being in the military. I
6 appreciate what our military does. But this is an unfair proposition, and shouldn't be dumped on
7 the good people of Maine. Thank you.
8

9 JUDGE HELGET: Mr. Allan Haggan.
10

11 MR. HAGGAN: Greetings. I'm a private pilot, single-engine land, and single-engine
12 sea-rated, and have been flying in the proposed Condor LOWAT for 22 years. I have two light
13 airplanes that I fly on wheels, skis and floats. I am also an officer of Sandy River Flying Club,
14 located in Phillips, Maine, at Lindbergh Airport, a grass airstrip recently purchased by the flying
15 club. We have eight light certified airplanes, one ultra-light, and four powered parachutes in
16 hangars on the field.
17

18 I am concerned with the change of airspace usage for safety, quality of life, detrimental
19 economic impacts, and environmental reasons. Since other MOAs already exist where the F-15s
20 can train, I am in agreement with the Commonwealth of Massachusetts that a new MOA is not
21 necessary and should not be approved. I have outlined 12 reasons. I won't go through all of
22 them, because some of them are repeated. But you'll see there are many reasons not to
23 implement Condor LOWAT, as follows:
24

25 Due to the mountainous terrain and distance to FAA resources, radar and radio coverage
26 are poor or non-existent at low altitudes. This makes the addition of low, fast-flying military
27 aircraft very dangerous to other aviation, and is reason enough not to allow them. The EIS did
28 not meet criteria to prove there would be no significant impact.
29

30 Maine is different from other states in that any natural water body larger than 10 acres is
31 open for all recreational use. Basically, this means any water body large enough to land an
32 aircraft in is open to their use. Maine had 247 floatplanes or amphibious airplanes registered in
33 2006. In wintertime many of these and a lot of land-planes are converted to ski planes. These
34 and many from outside Maine use many of these bodies of water as places to recreate or work.
35 There are numerous flying services that have commercial activities on and between these waters.
36 Many times these aircraft will go to a lake or pond, on floats or skis, staying for an extended
37 period of time before departing. There is no telephone coverage or radio coverage in these
38 outback locations, making it impossible to check NOTAMS before taking off and gaining
39 significant altitudes. For this reason, it is unsafe to add high speed military aircraft to the area.
40 If Condor LOWAT was implemented, these numerous waterways need to be treated the same as
41 airports, with a 1,500 feet vertical separation and a three nautical mile separation. After
42 responsibly avoiding these, the desired 60 by 40 nautical mile area will not be available. The
43 EIS erroneously assumes all pilots will have telephone and radio coverage before flying. Due to
44 this error, the EIS did not meet criteria to prove there would be no significant impact.

1
2 Onboard radar systems are not guaranteed to be able to pick up light aircraft or to even be
3 operational. In a recent flight with an AOPA writer, the radar on one of two F-15s was non-
4 operational and the mission went on. I understand the radar is meant to see larger, faster moving
5 targets. Gliders, Piper Cubs, and other small aircraft may not have enough metal in them to even
6 return a signal. Again, the mountainous terrain can prevent radar from seeing craft not in a clear
7 line of sight. The EIS erroneously states, "On-board radar can detect civilian pilots outside of 60
8 miles, and the ANG would terminate training or move to different areas of the airspace if civilian
9 aircraft are detected." Since this statement is so excessively false, the EIS did not meet criteria
10 to prove there would be no significant impact.
11

12 Collision avoidance by visual contact cannot be guaranteed. The mountainous terrain can
13 easily hide other aircraft from F-15s. Even with radar coverage, accidents like the November
14 16th midair collision between an F-15 and a Cessna 172 near Sarasota, Florida, killing 57-year
15 old Jacque Olivier, a flight instructor, charter pilot and AOPA member, will happen. Near
16 misses, like when the F-15 crossed in front of a Boeing 757, within 125 yards, without knowing,
17 will happen. In the case of Condor LOWAT, closing at 480 knots, there is only 15 seconds, at
18 most, from visual contact until collision, assuming visual contact is made at two miles. This
19 assumes the pilot is in fact watching and not doing other cockpit duties, watching other mission
20 aircraft, or otherwise distracted. A National Transportation Safety Board safety
21 recommendation, dated July 7, 1994, discusses three accidents involving three military jets and
22 general aviation aircraft on military training routes. In the case of the A-6E and the Ag-Cat
23 collision, they indicated 12 and a half seconds of advance visual contact was needed to prevent
24 collision when only eight and a half seconds were geometrically possible. These accidents
25 happened under VFR conditions, on clear days, when pilots only had to be concerned with a
26 route, not a MOA, when a 480 knot aircraft can come from any direction. The recommendation
27 goes on to say that there had been 51 near mid-air collisions reported from 1986 to 1994
28 involving military training routes and military aircraft. Additionally, in the same period 46 pilot
29 reports were made to NASA's Aviation Safety Reporting System. For these reasons, the addition
30 of fast, low flying military aircraft must not be allowed. The EIS did not meet criteria to prove
31 there would be no significant impact.
32

33 Even if a collision is avoided, wake turbulence from the fighters can take down a light
34 aircraft. It is likely that an F-15 or other military plane could be on the same path or near the
35 same path after entering from the other side of the terrain, leaving behind wake turbulence that
36 could send the light plane to the ground. The light plane could easily not even know that the dull
37 colored military plane had even been through, since they will be moving at eight nautical miles
38 per minute, and wake turbulence can last for up to three minutes. According to the FAA circular
39 on wake turbulence recovery, the only way to avoid or recover is to be above the turbulence.
40 This is great if you know in advance where the turbulence is. The pilot of the Maule MX-7 that
41 wandered under the path of an F-16 in Florida received minor injuries and structural damage to
42 the airframe just from the turbulence from the lead ship of a four ship F-16 formation. Even
43 more shocking is the case of the Mitsubishi MU-2 that was sent to the desert by wake turbulence,
44 killing the pilot and seriously injuring the co-pilot. Recently, an F-15 nearly crashed from wake

1 turbulence while landing behind three other F-15s. Applying the afterburners is all that saved
2 him. This alone is enough reason to forbid the additional fast, low flying military aircraft. Since
3 the EIS did not even consider these accidents, the EIS did not meet criteria to prove there would
4 be no significant impact.

5
6 Unlike areas with MTR's, the proposed Condor LOWAT area is both destination and
7 departure for many flights. Avoiding the area would be a significant impact to flights,
8 decreasing the number possible and delays to remaining flights. Sightseeing flights, fire patrols,
9 fish and wildlife surveys, air taxi operations, and flight training would all suffer. The economic
10 impact is reason enough to prohibit the change to Condor LOWAT. The EIS erroneously
11 compares Condor 1 and 2 with the proposed Condor LOWAT, without considering the different
12 floor altitudes. Airplanes operating under Condor 1 and Condor 2 can fly for years without
13 going as high as 7000 feet. For this omission, the EIS did not meet criteria to prove there would
14 be no significant impact.

15
16 Fighter jets doing this training have historically had accidents in this area. An F-101B
17 that crashed after a mid-air collision with a squadron mate lies on top of Mount Abram, just three
18 miles from the regional high school. A T-33, F-102 mid-air collision put both airplanes into
19 Flagstaff Lake. A KC-97 sits atop a mountain in Newry. Remains of a jettisoned full B-52 fuel
20 tank corrode in the woods of Madrid, Maine. No effort has ever been made to clean up these
21 crash sites. The environmental impact is reason enough to stop the change to Condor LOWAT.
22 Since the EIS did not consider the real accident history in the area, the EIS did not meet criteria
23 to prove there would be no significant impact.

24
25 From October of 1975 until March of 2001, at least 38 F-15s were involved in mid-air
26 collisions, with 33 of these crashing and another 75 F-15s crashing for other reasons.
27 Thankfully, only two were lost to combat in that period. It seems we should be doing more
28 combat. With limited research, I am aware of an October 2004 mid-air collision off the coast of
29 Japan, again with F-15s. It appears the EIS used chosen data for their own conclusions. Because
30 the data used was carefully selected, the EIS did not meet criteria to prove there would be no
31 significant impact.

32
33 If Condor LOWAT is approved and implemented, allowing any military aircraft to use it,
34 we may well have the same environment as Rachel, Nevada does. They put out a list of crashes
35 in town and close by, including 12 crash sites, three of which are F-15s. For safety and
36 environmental reasons, Condor LOWAT must not be implemented. For some reason, the EIS
37 does not refer to Rachel, Nevada. This would be very important information. Due to omitting
38 this information, the EIS did not meet criteria to prove there would be no significant impact.

39
40 Maine is home to many large birds that fly the same airspace Condor LOWAT is
41 planning to use. Bald Eagles and their nests are located all through the area. Ospreys are even
42 more numerous. Turkey Vultures have inhabited the area. These birds all fly at the same
43 altitude the F-15s are planning to use. Since bird strike avoidance cannot be guaranteed, and bird
44 strikes do take down F-15s, the addition of Condor LOWAT must not be approved. The EIS

1 assumes birds fly at below 500 feet above ground level except during migration. This may be a
2 near truth in flat and plains areas. When the terrain changes as fast as in the mountainous areas
3 where Condor LOWAT is proposed, the rule is out the window. An eagle flying across rough
4 terrain does not follow the contours to stay under 500 feet. I personally have witnessed many
5 birds flying at my altitude, well above 500 feet above ground level. Since the EIS does not
6 consider the real effect of bird flight in mountainous areas, the EIS did not meet criteria to prove
7 there would be no significant impact.
8

9 As can easily be seen, I have given 12 examples of the EIS not meeting criteria to prove
10 there would be no significant impact. Your required action is obvious. The changes to Condor
11 LOWAT must be firmly rejected.
12

13 JUDGE HELGET: Next is Mr. Chris Miller.
14

15 MR. MILLER: Good evening. My name is Chris Miller. I'm speaking here both
16 personally and officially as a member of Peace Action Maine. In 1988, the Navy was testing the
17 Tomahawk cruise mission over Maine. Peace Action Maine worked statewide to get signatures
18 on a petition to have the issue put on the ballot as a referendum vote. The referendum succeeded
19 and the people of Maine voted that they did not want the missiles being tested over the state of
20 Maine. The Navy never tested missiles again over Maine.
21

22 We've already submitted written remarks opposing this expansion. Peace Action Maine
23 does not recognize the need for the type of training described in this EA. The Massachusetts Air
24 National Guard can train over Nantucket and Martha's Vineyard just fine, thank you. The
25 United States has more than enough bases, and more than enough places to train.
26

27 The reason this EIS does not include socioeconomic is because Maine is a poor state.
28 The reason this is being sited in Maine is because Maine is a poor state. How to avoid that
29 issue? Peace Action Maine believes the area under discussion should be demilitarized and left to
30 return, as much as it can, to its natural wilderness state. We're shutting down Brunswick Naval
31 Air Station. We should not be filling up with other planes from other places.
32

33 I want to put on a different hat, as a member of the Second Maine Militia. I want to
34 speak as well for all parts of living creation here. The fish, the bears, the pines, and the western
35 mountains, granted. We've not heard about anything except people really here. I recognize that
36 this is a done deal. The EIS would not be so woefully deficient were it not so. It's considered a
37 shoe-in. That makes this hearing kind of a sham. I recognize that no amount of expressed
38 concern from our so-called human representatives matters if they're not sincere. It's a done deal.
39

40 The general, and this is quoting from *The Irregular*, stated that a hotline would be
41 established for noise complaints, to create no-fly bubbles within three counties. He also stated
42 that they wouldn't fly over populated areas, over unidentified eagle nesting grounds, over Lake
43 Umbagog, a national wildlife refuge. But populated by who, I ask? Populated by the fish, the
44 bears, the wealthy in their ski condos? What about the unidentified eagles, not just the identified

1 eagles? What about the wild things in the wild areas? “If there were fish in the hatchery,” the
2 warden said to my friend David, as the fighter passed overhead so low they could count the
3 rivets, “that would have killed half of them.” And that was in about the late ‘80s. I recognize
4 that no agreements to mitigate effects will matter. Representative Saviello was going on that
5 track. The military will not honor them. It will be national security. Call in a noise complaint as
6 often as you want. The tape will be erased. The fish, the bears, the pines cannot call in noise
7 complaints. The eagle cannot call in a noise complaint. And wilderness is, at least in part, the
8 fish, the bears, the eagles. We cannot survive without them as humans.
9

10 What I fear is that this expansion will happen no matter what we do, no matter what we
11 say, no matter what process goes on; that agreements made will be dishonored; that 500 feet will
12 sometimes become 100 feet; that the F-15s will sometimes become drones and cruise missiles,
13 and maybe F-35s. I fear that those of us opposing this expansion are being bulldozed. I fear
14 that, short of running out of jet fuel, short of spikes in the runways, short of barrage balloons, and
15 rainbow flocks of kites over the western mountains, the military will have its way. What are we
16 doing here? I fear that another beautiful, intrinsically necessary part of this world, this corner of
17 Maine in which we all live, will be destroyed by the military and its quest for perfect destruction.
18 That’s what I fear. Thank you.
19

20 JUDGE HELGET: Next we have Mr. Michael Wells.
21

22 MR. WELLS: Thanks, guys, for enduring this. I know it must not be easy, but we all
23 have to get through this. I’m Mike Wells, U.S. Air Force retired, 20 years, a lieutenant colonel,
24 who flew F-15Es. I’m a Desert Storm veteran. I flew sorties over Iraq in Operation Southern
25 Watch, and also participated in Restore Democracy in Haiti. I’ve got a history. I’m a patriot.
26 I’d love to fly in this airspace, if it was approved. It would be a kick in the pants. It would be a
27 fighter pilot’s best dream realized. But now I’m on the other side of the fence, and I’m looking
28 at it from a different perspective.
29

30 I look at this term “EIS,” and I see environmental impact statement or study? It does not
31 appear to be a study, because studies are backed up by facts. This EIS is wholly inadequate. It is
32 a pre-foregone conclusion, supported by misleading statements and incomplete data. The entire
33 need is built upon the false statement that LOWAT, Category I, which is low altitude training,
34 Category I, is essential to the combat mission readiness of pilots. The Cold War was won
35 without the Condor MOA. This training has either been accomplished in other airspace
36 throughout the United States, and in the eastern United States, or it has been of such high
37 importance that they’ve garnered a waiver, which, in Air Force terms is, “It’s not really that
38 important. You don’t have to fill that square.”
39

40 The topics I’m going to discuss here in the next few minutes are the needs justification,
41 the data deficiency in the report, and the safety aspects of the EIS. First off, the needs. The
42 104th Fighter Wing, out of Massachusetts, is implicating itself if they have not accomplished this
43 training that has been so much needed for the past 15 years or so. Or, how did they accomplish
44 defeating the Soviet Union in the Cold War if they didn’t have this training? They’ve

1 accomplished this training down to 1,000 feet over the water. They have not accomplished the
2 training square of down to 500 feet over land. They've got a waiver for that. They've been very
3 mission-capable. It's a great unit. I used to fly with them when they flew A-10s.
4

5 Also, the question that has to be posed when we have this proposed need is, how is it that
6 the majority of the frontline active duty units accomplish this training, the Marines, the Air
7 Force, the Navy, without 500-foot airspace, such as the Condor MOA proposal? They do it
8 down to 1,000 feet, and they do it over water. And they're very capable.
9

10 So this need is an empty argument. The readiness aircrew program requirements have
11 existed for F-15s and other fighter aircraft for the past 15 years, at least. The author of the EIS
12 states that the deficiency of not having a suitable LOWAT area "degrades the unit's ability to
13 provide 24-hour air defense alert." This is untrue. They get a waiver. They can still sit alert,
14 they can still accomplish the mission without the 500-foot qualification. It does not disqualify a
15 pilot.
16

17 Pat Welch, the director of the Air National Guard Airspaces and Ranges, in a memo,
18 when there was a discussion about the justification statement for this airspace and the current
19 airspace that was being used, made the statement, "Change the less than optimum to
20 'insufficient' to strengthen the wording." My friends, I am embarrassed at that as an Air Force
21 officer. That is a breach of integrity, when it is indeed not optimal, but a director wants to
22 change it to "insufficient," a totally different meaning.
23

24 Let's talk about the baseline data. The baseline data talks about the square miles of
25 airspace presently affected by low-flies, and it also speaks of airspace that will be affected. Their
26 data is not true. There are IR routes and VR routes. The IR routes are unused, abandoned, un-
27 surveyed, not suitable for use at this present time, and they haven't been. They have no military
28 traffic on them. But that airspace is used in the calculation of presently affected airspace. It
29 would be sufficient to say that's analogous to a section of highway that you're asking for DOT
30 funds for, that's never been used in the last 10 years.
31

32 Once again, Pat Welch, from the Air National Guard headquarters, says in his comments
33 about this, "Delete the discussion of the currency of IR route surveys and use. It doesn't add
34 value to the discussion and could lead to demands to remove the routes from charting." They're
35 not used. But they're using it in the calculation for this proposal. He also says, "Don't highlight
36 their lack of use. Simply state that they don't provide sufficient capability for meeting training
37 requirements." My friends, that's a breach of integrity, and I'm embarrassed.
38

39 This unused airspace that we're talking about right now is roughly 50 percent of that
40 baseline square miles of coverage. Therefore, the proposed impact information is invalid. It
41 should be invalidated, as is the discussion and conclusion of the viable alternatives. When we
42 compare the Adirondack MOA in New York to the proposed Condor MOA in Maine, and look at
43 the affected amount of airspace, compared to already affected airspace, we've just invalidated
44 that entire argument by having airspace thrown into this that's not even used.

1
2 One other issue has to do with the noise data. The noise data, as we've heard today, is
3 based on an average. I've heard from somebody today, and you can check my facts on this, but
4 if a small yield nuclear weapon was detonated in Nevada, there would be, if we use the logic of
5 this report, no significant impact, because over the period of a year the noise, dust, and so forth
6 would be no more than that of a lawn mower. The noise data has to be realistic. It has to be
7 recovered. Also, the noise data is only of F-15s, two engines. But, B-1 bombers, F-35s, would
8 be allowed to fly here. B-1 bombers have four engines, roughly double the output of an F-15
9 engine. We don't have any data on that. But they would be allowed to use this.

10
11 Let's talk about safety. My experience is not only as an F-15 instructor pilot, but also as
12 the flight safety officer for an entire wing of F-15s, 72 airplanes. I was responsible for the
13 management of that safety program. And when I see "no significant impact" in this study, I'm
14 appalled. It's irresponsible. First off, the airfield and controlled airspace used for Bethel, Bean,
15 up to Rangeley, Berlin, Central Maine, and Greenville would be compromised. The baseline
16 data is invalid. It says that those airfields presently underlie special use airspace. That's not
17 true. They're adjacent to it but they do not underlie that airspace, once again falsifying the entire
18 argument, or the premise of the argument in the study.

19
20 Let's look at the type of training. We're making a comparison between benign training at
21 higher altitude and now saying there's no significant difference in safety down 500 feet with the
22 radar locked onto another aircraft. The present low, special use airspace is steady state, speed
23 and altitude, one-way routes, defined entry and exit, and turn-points, with fixed timing. The
24 fighter aircraft's radar is generally in a search mode. In the proposed type of training, the
25 altitudes, speeds are random, and the radar is generally in single-target track, locked on the
26 adversary aircraft. Visual lookout is highly focused, through the little box in the heads-up
27 display, trying to get the first visual pickup on the other aircraft. So, to think that these aircraft
28 are going to be looking out for Alan and myself as we're flying out of Phillips, or any float plane
29 transit in the area, that's not going to happen. But in the report it says there's no significant
30 impact, no difference in what's going on today. This type of focused training that's proposed is
31 currently conducted in military-exclusive airspace, meaning no civilian aircraft would be allowed
32 in there. They're in warning areas and restricted areas. But we're going to open this up and try
33 to mix civilian aircraft and military aircraft and expect that there's no significant impact in
34 safety? That is totally false.

35
36 There is no real-time data as to whether or not that MOA is hot. You can use your cell
37 phone, but there's a lot of no-coverage zones up in this neck of the woods. And somebody
38 who's out on a pond trying to bring some fisherman back to Rangeley from a remote lake
39 probably isn't going to have cell phone coverage. And the VHF, there aren't adequate repeaters
40 up in this area to have any VHF coverage. So, once again, another falsehood in the report.

41
42 I was really mostly appalled by the mishap data on Table 3-2. It does not break out the
43 drastic increase in mishap rates associated with low-level operations. It only covers the
44 cumulative rates. You cannot equate medium altitude, refueling, and air to air intercepts in a

1 somewhat benign sterile environment, to the operations and the mishap rates that will occur at
2 low altitude in a very intense, high to low intercept regime, with low altitude defensive
3 maneuvering. That mishap rate is not the same. That mishap rate is not covered in the report.
4

5 So, in conclusion, the EIS is wholly inadequate and fails to prove that no significant
6 impact would occur with this proposal, while a cursory review of reality suggests something
7 quite different. The detriment of this proposal to the people of Maine far outweighs the benefit
8 to the Massachusetts Air National Guard. It must not go forward. Thank you for your time, and
9 thank you for the work you're doing.

10
11 JUDGE HELGET: Next we have Ms. Melinda Michka.

12
13 MS. MICHKA: My name is Kay Michka, and I live in Lexington Township. I'm a
14 taxpaying citizen, therefore I feel I'm a shareholder in our nation's military, and I have a right to
15 voice my opinion concerning how it conducts its business. I had many things to do today, as the
16 rest of you did, but chose to be here instead. I could not today build raised vegetable beds to the
17 tune of gently falling rain, or hike through autumn grandeur in complete tranquility without
18 knowing whether future experiences are in jeopardy. I had no choice but to drive an hour from
19 my home to fulfill my patriotic duty.
20

21 I am opposed to combining the Condor 1 and 2 MOAs and lowering the flight floor to
22 below 7,000 MSL. I have read on page five of the provided EIS document that official
23 determinations found, and I quote, "no significant impacts on biological resources, land use,
24 safety, socioeconomic and cultural resources." I beg to differ. My husband and I are already
25 negatively affected from the current training flights that occur over our home and wood lot at
26 altitudes much higher than 500 feet MSL. Those flights interrupt normal conversation. They are
27 unnerving. They spoil the natural quality of our land use. They have adverse physiological
28 effects on us as humans, and we can understand the source. Holding a biology degree, I feel
29 certain the abundant wildlife on our property feel the ill effects of those flights as well, without
30 the luxury of logical understanding. I can only imagine the amplified effects of lower level
31 flying.
32

33 To lower the flight levels is an outrage. To give this concept a more relatable context, I
34 fly for a major commercial airline out of Boston. Every time that Boeing 757 is landing it only
35 takes approximately 15 seconds to descend to 500 feet to land, flying at a very reduced rate of
36 120 miles per hour. Fifteen seconds is not very long to go such a short distance, because 500
37 feet is not very high in the sky. So, according to your document, I am not going to be impacted
38 by the sound of F-15s screaming one-tenth of a mile above my head, releasing flares and chaff in
39 their wake.
40

41 I am disturbed to have recently read in my research that it is cheaper to complete your
42 training missions over our scenic state than to deploy training to other logical sites, something to
43 the tune of 1.2 million dollars. We've all had to tighten our belts and cut wasteful spending. Are
44 you telling me the largest military defense budget in the world cannot shift funds to pay for what

1 you consider extremely important military training? Why should the citizens of Maine be
2 expected to bear the burden of that cost, when you, part of a multi-billion dollar budget, are not
3 willing to do that yourselves?
4

5 I respectfully ask you to take your charts and graphs, your poorly substantiated document,
6 your acronyms, and your false ideas of how I am impacted by your project, and sell it to
7 someone else. Mainers are not buying, nor are we going to be bullied by mention of the
8 tragedies of September 11th, 2001, as mentioned in your document, in which I lost coworkers
9 and acquaintances. Please go away and leave us in peace.
10

11 JUDGE HELGET: Mr. Thomas Eastler.
12

13 MR. EASTLER: Gentlemen, I'm Thomas Eastler, from Farmington, Maine. And I've
14 got to tell you, the last several speeches should have been early this evening. Because they've
15 gone right into the EIS, and they've pointed out significant flaws, dozens of them, that need to be
16 addressed.
17

18 I'd like to tell you a little bit about myself. It won't take very long. I'll tell you four
19 things. I'm a retired U.S. Air Force colonel, Air Force Reserve colonel, I might add, with 30
20 years and 30 days of service to the country. I'm an active farmer in Farmington. And I
21 apologize for being here in my farm clothes. I had to be here at 2:00, and I left the farm. I'm a
22 professor of geology here at the University of Maine at Farmington. And I'm a private pilot,
23 who has flown over western Maine for decades, 35 years to be exact, with my college students.
24 In the course of 35 years of activities in and around Franklin County, I have come to understand
25 the nature of farming, flying, teaching, and business economics in western Maine. When I first
26 started all four of these activities in Farmington in 1974, I used to report to air traffic control
27 whenever I intended to fly at elevations of 7,000 feet above sea level over the landscape in
28 western Maine, because the Condor military operations area was often active, and I was
29 concerned for my safety. I made it a point not to fly at those elevations anymore than necessary.
30 I never flew my students anywhere near the lowest elevation in the Condor sector. Thus, there
31 was never a significant threat to my activities, especially to the safety of my passengers or
32 anyone else flying below 7,000 feet at that time.
33

34 The proposed lowering of the flight ceiling to 500 feet AGL in this section of Maine is
35 just not justified, under any circumstances short of domestic military emergencies. The low
36 ceilings threaten the safety of all private flight operations in the area, and put at risk anyone, like
37 myself and my students, that might be conducting terrain analysis projects over the local western
38 mountains, terrain, or any private or commercial air activities in the area. Even though I no
39 longer pilot the planes that I fly in, I still rent small aircraft and a pilot to take my students into
40 the air to conduct image data-gathering missions. Should the lower ceilings be approved, I and
41 others like me would be disenfranchised and would cease such operations immediately for safety
42 purposes. As a farmer and a businessman, I am also aware of the negative impact overall, not
43 only from the stress imposed on farm animals, but also on many other aspects of our four seasons

1 economy, as shaky as it already is. As such, I ask that the Massachusetts Air National Guard
2 withdraw their proposal. And if they don't, then I urge the FAA not to approve it.
3

4 I see no compelling military reason for conducting these low-level ceiling activities over
5 our terrain at this time. I urge Governor Baldacci and the Maine Congressional Delegation to
6 reject the Condor proposal. At the end of my written testimony is just a very short comment on
7 something I've heard for the entire two-plus hours we've been here. I hear it over, and over, and
8 over again, and I cringe every time I hear it. As an academician, I believe that definitions and
9 terms are very important, and I stress to my students, "define your terms." And since the NEPA,
10 in the early 1970s, the environmental impact statement development, talked about noise, that
11 term has been misunderstood and incorrectly defined, from the federal level, to the state level, to
12 local levels, even here at the Farmington Planning Board, where I happen to be a member.
13 "Noise" -- and I hope that maybe the ANG will finally do something about this, because nobody
14 else seems to be doing it. Although, I understand here, we've got arguments, as you've heard
15 this evening. "Noise" is defined as unwanted sound. There is no piece of equipment, no digital
16 or fancy instrument that can measure noise. And yes, in your document, and in other documents,
17 including the NEPA definitions, noise generally is referred to in decibels of sound pressure.
18

19 There's a difference between sound pressure and noise. Consider a backup beeper on a
20 small or a large piece of construction equipment, that's maybe shoveling snow here in the winter,
21 or plowing dirt or something, and it's backing up. By law, it's required to have a backup beeper.
22 So what do you hear hundreds of meters away? "Beep, beep, beep." That's not too bad. It's
23 probably not even four or five decibels. But if you're trying to do something really important at
24 the time, and it's getting in the way, because all you hear is this "beep, beep, beeping," then
25 that's a problem for you. Well, what about the loud stuff, like chain saws and things, that go
26 well over 100 decibels? Well, when you look at the federal requirements, it's all based on the
27 ability for humans not to have their hearing adversely impacted, which occurs at 85 decibels.
28 And thus, nobody wants to suggest that whatever their doing is say 120 or more. They're going
29 to make it 65, or 35, or average it, as was done in this document, not realizing that's not the
30 point. As was pointed out earlier by one of the speakers, there are other organisms in the
31 environment, our farm animals, and wildlife animals, that are not involved at all in that 85
32 decibels.
33

34 So if somebody or something is adversely affected, be it human or otherwise, and stress
35 is involved, to include, of course, the tourists, it doesn't really make any difference whether it's
36 35 decibels or 150 decibels. If it disturbs them, it is noise. And that is all that noise is. So I'm
37 hoping that maybe you'll discuss sound pressure, and that maybe you'll realize that sound
38 pressure is not that significant, because the sound pressures of a just a few 10s of decibels are
39 sufficient to cause stress in organisms, and maybe you need to do research along those lines.
40 That's all I have for today. Thank you very much.
41

42 JUDGE HELGET: Ms. Ann Williams.
43

1 MS. WILLIAMS: Good evening. Thanks for sticking around. I just want to describe a
2 noise. We were sitting on our porch a while back, at 2:00 in the afternoon, and suddenly there
3 was a noise. Clearly, it was some sort of aircraft, moving very fast, but we never saw it. The
4 noise built and built and built until my ears were bursting. I screamed as loud as I could, and
5 couldn't hear myself.
6

7 The Massachusetts Air National Guard has plans to implement low area training
8 exercises, utilizing F-15 and F-16 fighter planes, over more than two and a half million acres of
9 western Maine. Those who prepared the DEIS, the contractors, whose names were never
10 mentioned, contrary to NEPA policy, claim repeatedly that this would have no significant impact
11 on the environment, the humans, and the animals, domestic and wild, in the area. The statement
12 is made, again repeatedly, that affected individuals would likely habituate to the noise. We, and
13 the animals, would get used to it. I don't think so.
14

15 The state of Maine wildlife biologists have invested 20 years in re-establishing the
16 Peregrine Falcon in Western Maine. The 2nd colony to become established was on the steep
17 bluffs overlooking C Pond, in northwest Oxford County, which are also a nesting site for Golden
18 Eagles, Maine's rarest breeding bird. Described in this area are a number of remarkable
19 ecological features, including large fens, rare plants and animals, and significant wildlife
20 habitats. The combination of cliffs and talus at C Bluff, extensive wetlands along the Dead
21 Cambridge River, and the forested valley east of Lake Umbagog make this area a priority for
22 conservation. This I found in 2008 in a report from Maine Natural Areas Program Department,
23 from the Department of Inland Fisheries & Wildlife. On personal communication, recently, a
24 biologist flying a Cessna while making an inventory of the Peregrine colony around C Pond, was
25 subjected to a low-flying fighter jet, and witnessed a very definite "adverse effect" on both the
26 birds and on him. Do we want to risk the potential loss, not only of 20 years of research, but also
27 of the Peregrine Falcons and the Golden Eagles?
28

29 The DEIS states that one of the main responses of wildlife to the noise of over-flights is
30 to move to an unaffected area. With over-flights spreading over two and a half million acres,
31 where are the animals going to move? And how can they ever become habituated to the noise?
32 The Council of Environmental Quality, the CEQ, walks us through the NEPA process of
33 submitting a DEIS. One must be completed if the federal agency, in this case, the Air National
34 Guard, under the umbrella of the FAA, is planning something that will significantly affect the
35 quality of the human environment. The agency must submit a notice of intent in local papers.
36 Well, people in western Maine, as you have obviously discovered, do not, as a rule, read the
37 *Portland Press Herald*. Reasonable alternatives to the proposed action must be submitted. I
38 contend that none of the alternatives proposed in this DEIS are viable. They all speak to over-
39 flights, period. Where are the other possibilities, specifically the training by high-tech
40 simulators, which was reported on the military website itself in October of this month or last
41 month?
42

43 I submit, for the record, that the FAA must not support this DEIS. I request that the
44 Massachusetts Air National Guard withdraw this plan, the FAA not support it, withdraw the
plan, as they did 17 years ago, but this time, don't come back.

1
2 JUDGE HELGET: Mr. Robert Williams.
3

4 MR. WILLIAMS: My name is Bob Williams, and I go with the previous speaker. In
5 fact, I live with the previous speaker, and I was there for the famous “unheard scream.” And I
6 can assure you that a low-level aircraft coming over your head is a frightening, frightening
7 sound. We live in Lovell, a town of about 1,000 people, with two libraries, and no traffic lights,
8 in western Maine. And we love it up here. My grandfather built a camp here in 1920 and our
9 family has been here ever since.

10
11 But what I want to say is I’m authorized to make a statement for one of my friends and
12 neighbors, Tony Seger, one of our local activists in Lovell, on the issue before us. So I’d like to
13 read that, then leave it for the record. I am now Tony Seger. First, as the founder of the Western
14 Maine Cultural Alliance, I want to speak on behalf of the thousands of creative artists who were
15 drawn to this magnificent landscape to do their solitary work. The struggle to survive as an artist
16 in western Maine is difficult when times are good. In the current economy, artists and art
17 organizations are struggling more than ever in western Maine. The negative effects of low-level
18 flights would only add to that burden.

19
20 The negative impact that low-level military flights would have on an economy dependent
21 on the sounds of nature being louder than man, cannot be denied. Visitors, seasonal residents
22 and year round transplants are drawn to this region to get away from the industrialized world. If
23 you remove its virtues by shattering that silence and you leave only the inconveniences of a rural
24 location, an already fragile economy will collapse. People will leave, because there would be no
25 reason to stay. To absorb the depression of prime property values and the significant tax revenue
26 that would mean cannot be done.

27
28 I know there are those who consider such sacrifices necessary for maintaining our
29 nation’s security. I don’t believe national security is well served by these flights. National
30 security must begin with conservation, and these flights ignore that reality. The collapse of the
31 economy last year was largely due to \$4.00 a gallon gasoline. We all know that any recovery
32 will come with higher gas prices. I have been appalled to learn that domestic consumption of oil
33 just for military aviation fuel exceeds 2.6 billion gallons a year and represents the largest use of
34 fuel by any industry in the world. With such mammoth consumption gobbling up finite
35 resources, military aviation exercises do not protect our national security. They threaten it.

36
37 What I find far more frightening than threats to the economy, however, is the threat from
38 climate change, which is rapidly reaching a tipping point from which it cannot come back. Even
39 if I believed these flights made us secure, militarily, I couldn’t support such a gargantuan use of
40 fuel, when our planet is threatened with its very survival. If the military wins this battle, it will
41 be a pyrrhic victory in light of the global cost.
42

1 While flight simulators will never be the real thing, the technology has improved, and in
2 a time of monster deficits, simulators save money. Like other things missing from the EIS,
3 simulators aren't considered. Why aren't they included in a discussion of alternatives?
4

5 This point barely touches on the number of things missing from the EIS, which is little
6 more than the previous environmental assessment. Nowhere does it address the question of why
7 we're revisiting a-long-since-decided issue now, and again. The EIS never acknowledges
8 another, far more exhaustive that document already exists, when that fact should have been the
9 foundation on which the new one was built. This project was rejected in 1992. If anything has
10 changed since then, it's that we have a more profound understanding of why it is a bad idea.
11 Suffice it to say it was thoroughly dismissed by then Governor John McKernan, as showing "a
12 fundamental disregard for the interests of the people of Maine."
13

14 I believe, before we explore any other aspect of what should be a complex process with
15 numerous ramifications, we should ask why this project has suddenly again become so
16 necessary. Thank you.
17

18 JUDGE HELGET: Can I have a show of hands of people we have that would still like to
19 make comments, just to get an idea of how many we've got left.
20

21 [Individuals in the audience indicated by raising their arms.]
22

23 JUDGE HELGET: It looks like we have six. Okay. Next we have Ms. Susan Pearson.
24

25 MS. PEARSON: I'm speaking as a resident of Temple. I, as do all my neighbors that
26 you've heard from, love this land. And I'm grateful to it for sustaining us. And I feel a
27 responsibility to it. As I sit here and listen to the massive opposition to this, and I think about
28 how long this opposition has been expressed, I worry that this is just giving us voice, and our
29 voices are irrelevant, and that people in power are going to do what they want. I also worry
30 about the state of the democracy we're talking about protecting. And to whatever extent that this
31 is the case, I hope that each of you will carry our voices back and not allow the process to be the
32 sham that many of us are concerned it might be.
33

34 A few years ago I was out hanging up my laundry, and a plane similar to the one people
35 have described, went overhead, and there was this huge sound, which must be less than you're
36 talking about, because this needs approval. And I was shocked and frightened. And I had every
37 reason to believe, and I'm grateful for this, that I was safe. And one of the benefits, I thought, is
38 that it functioned as a reminder to me about the millions of people around the earth, for whom
39 when they hear that sound, have every reason to believe they're not safe.
40

41 At the same time, I do try to stay open to what people's lives are like around the world.
42 And I don't want to learn it this way. I also thought about people who suffer from traumatic
43 stress, and what impact such a sound, if unexpected, would have on them, and the animals,
44 particularly the animals in the wild. So I was shocked to hear that it was said that this would

1 have minor effects on wildlife. I can't imagine what effects they're measuring. And our
2 environment is so fragile now, given the climate change, and pollution, and so on. We need to
3 be aware of every effect.
4

5 And it seems to me that people are talking about simulators. I don't know anything about
6 that. But I'm guessing that with the sophisticated technology there is, that a lot of this can be
7 done technologically, the training, and if not, maybe that's an area for more research. I
8 remember a professor from West Point, whose name I can't remember, saying that kids playing
9 computer games, when they first pick up a gun, are able to be sharp-shooters sometimes. So I'm
10 guessing that there's another way to do this training. So I just ask you, and ask the people who
11 are making these decisions, to please treat us and our land with respect and reverence. Thank
12 you.
13

14 JUDGE HELGET: Mr. Dennis Haszko.
15

16 MR. HASZKO: My name is Dennis Haszko. I'm a resident of Farmington, a citizen of
17 Maine. I'm very grateful for our military. I have a brother-in-law due to be deployed back to the
18 Middle East, in Afghanistan, in December, so I understand what's going on. I'm also a firm
19 believer in government, and I believe in a government that should listen to its people, hopefully
20 really listen to us. Moreover, I hope this hearing is not simply going through the motions. I've
21 worked with the government, and I've worked in law, and know the notice and comment period.
22 It's a requirement. I would hope this is more than just the requirement.
23

24 We've heard some excellent commentary thus far, from people more qualified than me to
25 talk about the technical issues, all of which I agree with. This environmental impact statement is
26 flawed. So much of our economy here in western Maine is tied to our peaceful and quiet
27 environment, where so many people from Maine and beyond come to enjoy what we call "the
28 way life should be." Just like our timber and our water, our airspace, and more importantly our
29 low-level airspace, is a resource. What this low-level flight plan amounts to is a taking of that
30 resource. It is a taking in the truest legal meaning of that word. It is a taking of a vital economic
31 resource, a vital economic resource that will be gone once we allow these flight modifications to
32 happen. Our governor is against it. Overwhelmingly, everyone in this room is against it. And
33 this is a great diverse cross-section of highly intelligent people from western Maine. So I
34 conclude that I strongly believe we cannot let this happen. Thank you.
35

36 JUDGE HELGET: Mr. Robert Kimber.
37

38 MR. KIMBER: I'm Robert Kimber. I've lived in Temple, Maine now for the past 38
39 years. I first came to Maine in 1955, when my parents ran a sporting camp here. I have many
40 years of outdoor experience in Maine, working as an outdoor writer. So my livelihood and my
41 interests have been very much involved with the outdoors in Maine. This is, as has been noted
42 before in the very earliest hearing that came up about this, the second time around. This is déjà
43 vu all over again. The Massachusetts Air National Guard's idea of allowing low-level training
44 flights over our region was a terrible idea when it was first proposed in 1991 and 1992, and it's

1 just as terrible an idea now. The reasons that made it terrible then are the same ones that make it
2 terrible now. Nothing has changed.

3
4 The current draft environmental impact statement rolls out the same old assertions of no
5 significant impact and no adverse effect on peace and quiet, on wildlife, on domestic animals, on
6 outdoor recreation, and on culture. And at the same time it offers nothing to back up these
7 assertions but hocus-pocus with numbers, and pitifully inadequate analyses of the social and
8 economic features of western Maine, and the crucial roles the region's natural environment plays
9 in its social and economic life.

10
11 I have two quick examples. As has been pointed out repeatedly, both in response to the
12 1992 proposal, and in this current one, the EIS obfuscates the issue of noise by averaging out the
13 noise levels. By this slight of hand, the approximately 116 decibels that an individual
14 experiences during an F-15 over-flight, at 500 feet above ground level, gets averaged out to a
15 benign 65 decibels over a 24-hour period.

16
17 In the cultural resources section, we're reminded on page 3-58, "In 1775, Benedict
18 Arnold led a force of more than 1,000 men from the Kennebec River to Quebec City to conduct
19 an ultimately unsuccessful attack on British forces in Quebec City. His expedition passed
20 through the rugged terrain of modern Franklin and Somerset County." No conclusions for
21 recommendations having anything to do with the current proposal follow on this bit of common
22 knowledge. And in this same section, no mention is made of current cultural resources, such as
23 the University of Maine at Farmington that might indeed suffer adverse impacts if this proposal
24 were to be implemented.

25
26 The list of errors and omissions could go on and on. In his letter recommending that the
27 1992 proposal be dropped, "without additional expense to taxpayers," then Governor McKernan
28 wrote, "The state of Maine is unequivocally opposed to the proposed actions related to the
29 Condor MOAs in the Great State of Maine MOA described in the DEIS. This proposal
30 represents a serious threat to the state's economic and environmental health, to public safety, and
31 to the quality of life enjoyed by Maine's citizens."

32
33 I urge our state legislature to adopt a resolution expressing a similar sentiment. I also
34 urge Governor Baldacci to follow Governor McKernan's lead in his own response to the current
35 proposal. There's been a lot of criticism of the EIS, as though somehow it can be corrected. I
36 don't think it can be corrected. The basic idea underlying the EIS is flawed. And that idea is
37 that these flights can take place over western Maine without doing any harm. The EIS has failed
38 to demonstrate that that's the case. And no matter how much more that EIS is amplified, no
39 matter how many more words you add to it, you cannot demonstrate that there will be no adverse
40 impacts. It cannot be done. Therefore, it makes sense to withdraw this proposal and close the
41 book on this idea permanently. Thank you very much.

42
43 JUDGE HELGET: Mr. Vincent Lovell.
44

1 MR. LOVELL: With 22 years in SAC, as an aircraft mechanic on B-52s and KC-135s,
2 airplanes are the love of my life, and have been for a long time. In my opinion, we have a
3 logger-head here between the Air National Guard and the governor. The only way that I know
4 how that can be fixed is for the powers-to-be in the Guard and the governor and his powers-to-be
5 to lock down until they come out with a better situation than we have right now for low-level
6 flight airspace in the state of Maine.
7

8 Low-level flight is a very, very dangerous business. And you know that, sir. And I know
9 that. But I don't know how many folks have any idea how dangerous it is, just the training, say
10 nothing about doing it during a war. So I have a scenario. The year is 2012, and there are three
11 freighters off the coast of Maine, and it's Ali Baba and his boys coming to finish what they
12 started at 9-11. And they have the helicopters, they have the weapons, and we're sitting here like
13 a bunch of ducks. Because when they take off, and the command post at Bangor is trying to get
14 a hold of all these tankers, and see who's available, and what-have-you, to refuel the fighters,
15 they push the button for the fighters, and everybody says, "We can't go because we don't have
16 any low-level flight training." So Ali Baba and his boys do us. And it's going to be much worse
17 than 9-11 ever thought of being. We aren't going to have any tankers on the east coast, because
18 Bangor is gone. And that's the command center for the whole east coast for the tankers.
19 Because if you get fighters in the air, when they run out of gas, they're going to punch, because
20 there's no refueling for them.
21

22 We need to coordinate between the governor and the Guard, lock them down until they
23 come up with a better scenario. Pick a place, get all the ducks lined up, do the training, and be
24 ready for Ali Baba when he comes over the hill. It's my confirmed opinion, and the opinion of a
25 lot of other folks, that believe it's going to happen again between now and 2012. We've got to
26 be ready, and we've got to hard-ass, and go after them before they come after us. We have the
27 capabilities on the Maine coast to do that. And I'm talking all the military. Different ones do
28 different things up and down the coast. We can't allow them to get here again. And if we don't
29 have the training, we're not going to win. Thank you.
30

31 JUDGE HELGET: Mr. David Knapp.
32

33 MR. KNAPP: Good evening. My name is David Knapp. I live in Fryeburg. I'm
34 currently serving as a lieutenant colonel in the U.S. Army Reserve, and am a former selectman in
35 the town of Fryeburg. For the past 28 years I've served in combat as an infantry officer on three
36 separate occasions. Over the course of this time I've used close-air support in both training and
37 combat, and understand the practical application and the doctrinal aspects of air-ground support.
38

39 The fundamental question and one upon which the execution of the EIS is promulgated is
40 the winnowing down of the available training areas in the course of action development process
41 that preceded it based on that process. It was a process that led to only one recommendation, to
42 change the training altitude allowed in Condor 1 and 2. Most concerning is the fact that the
43 course of action that included deploying squadrons from their home base to other geographically
44 dispersed training locations was dismissed due to a cost benefit analysis that concluded that it

1 was too costly to deploy these squadrons from their home stations for the training that could be
2 accomplished in Condor.
3

4 Notably, however, this analysis is flawed. How could such a course of action analysis or
5 staff product conclude that it was too expensive to send airplanes to, say, Nellis Air Force Base
6 in Nevada, when the existing Condor training areas were not approved for the type of low-level
7 flight training that's being proposed right now? In other words, the analysis that led to the
8 recommendation to change Condor was assumed to be without issue, and likely cheaper, when in
9 fact the existing restrictions should have been seen as limitations and constraints upon the
10 process, as opposed to an assumption that the levels could be reduced. It seems to me that the
11 analytic assumption that the training flight altitudes could be changed was a foregone conclusion
12 in the analysis that recommended these lower altitudes. How is that possible, when the
13 conclusions of the EIS are, arguably, not comprehensive in their assessment, and are themselves
14 based on the erroneous analytic process that prompted the need for the EIS to begin with? This
15 is a classic case of the chicken and the egg. The chicken, if you will, is the need for pilots to
16 maintain proficiency in low-level attacks. And the egg is the need for someplace for them to
17 conduct that activity. A true analysis of the problem might reveal both the flawed process that
18 brought forth the elimination of other options, based on cost alone, and the need to reexamine the
19 need for this training at all. As we speak, tactical and strategic Air Force aircraft are conducting
20 close air support by dropping GPS-guided bombs from 20,000 feet in Afghanistan, arguably, on
21 terrain that is very similar to that that is provided in the Condor 1 and 2 training areas.
22

23 Can this committee begin to even examine the practical training value of low-level
24 bombing in an environment of air supremacy, when we are currently not conducting that type of
25 strike in the operational area? There is no intrinsic economic value being imparted to the state of
26 Maine by this proposal. There's no leases of air rights. There's no over-flight rights. There's no
27 leases for disruption to wildlife habitat, and the disruption of the social fabric of those that
28 choose to live in this rural area. There's no job creation for the state of Maine, nor is there any
29 technical or tactical transfer of knowledge to the components of the Maine Air National Guard,
30 who do not fly the tactical aircraft being operated by the 104th Fighter Wing. Not that these
31 lease payments could ever compensate for such disruptions, but those funds certainly could be
32 applied to create mitigating alternatives should this process actually be approved.
33

34 Fundamentally, I object to the conclusions of the analysis that precipitated the EIS to
35 begin with. If cost benefit analysis is the sole criteria upon which lowering training altitudes is
36 based, then there needs to be more and better criteria involved in that process. I would urge the
37 Air National Guard to find viable alternatives to Condor 1 and 2 for low-level flight operations,
38 and to review the process that has gotten us to this point of no return to begin with. Frankly, the
39 cost to the habitat and to the citizens of western Maine are more profound than one can possibly
40 measure. Thank you for your time.
41

42 JUDGE HELGET: Mr. Fred Smith.
43

1 MR. SMITH: As a retired Naval officer, I realized the importance of a well trained
2 military. And granted, the Air Force needs training. Unlike the Navy, the Air Force's mission is
3 generally over land, whereas the Navy's is over water. But we in central Maine have chosen to
4 live in this area partly because of the peaceful environment we enjoy. Approximately like 20
5 years ago the county voted against a regional airport in Farmington. While at the time I
6 supported this, I understood where others stood. Moreover, there is always a chance that a pilot
7 will miscalculate and crash into a mountain or a home. I witnessed this when an over confident
8 pilot chose to disregard his electronic information, plowed into a mountain, an island mountain,
9 with 36 people aboard, and I had the unpleasant task of unloading these bodies, some in boats,
10 from this boat. Why can't the Air Force fly low over water versus western Maine? The U.S.
11 Navy does.

12
13 JUDGE HELGET: Ms. Gayle Reynolds.

14
15 MS. REYNOLDS: Hi. I'm Gayle Reynolds. I'm speaking here today on behalf of the
16 ANG, the U.S. Air Force, and all other military agencies that are assuring our safety with the
17 jobs they perform. It appears their request for low altitude awareness training has brought up
18 debatable issues regarding the protection of our environment, along with other industries and
19 personal lives being affected by the training missions. I have chosen to approach the issue in a
20 more humanitarian manner and vocalize my thoughts in the way I feel it should be addressed.

21
22 I was born and raised in northern Maine, just south of Fort Kent. At a very early age I
23 became an avid outdoors person and acquired a great respect for wildlife and the solitude Maine
24 had to offer. I continued my education at the University in Fort Kent, but ended up leaving
25 Maine shortly thereafter. After 10 years of being away from Maine, I was ready to return, not to
26 northern Maine, but to the next best thing, the western mountains. I bought a house in Albany
27 township, an unorganized territory just south of Bethel. I found the perfect home, that being no
28 neighbors, no street lights to block the night sky, and wide open property surrounded by our
29 beautiful Maine woods. My life evolves around the outdoors, and this is where I spend all of my
30 free time, whether it's hiking, or just working on my property. Wild animals are a common sight
31 in my yard, and I look forward every day when I can take pleasure in watching them.

32
33 My back yard is also where I got my first experience of the ANG in action. I was thrilled
34 to watch them fly right over my house, and never gave a thought to the noise, or it causing a
35 negative impact on my home environment. It was just the contrary, as my first thought was a
36 sense of security, and secondly, the tremendous pride I felt for those pilots. Their jobs involve
37 excessive risks and dangers, that deserve the allowance of using our mountains for optimal
38 training that is necessary for peak performance. The terrain of western Maine is primarily the
39 same as what these pilots will see in combat. There are not very many options in the northeast to
40 provide this type of terrain, and I feel it should be an option for our military agencies to have use
41 of this area for that purpose alone.

42
43 Nature can produce violent and deafening thunderstorms that can shake houses with their
44 force, along with lightening strikes and high winds, causing severe damage to our woods and

1 waterways. These storms can go on for hours, causing major upheaval to the wildlife as well.
2 Animals adapt to these natural occurrences, as they do with us humans, and have for all their
3 time on earth, the logging business is a very common sight in our woods, along with the
4 equipment they need for their trade. There are constant noises that we deal with on a daily basis,
5 and wildlife has acclimated itself to fit into our society.
6

7 We have a very high rate of moose and deer strikes on our highways, but we can't have
8 our privilege of driving taken from us, being in such a rural state. Commercial airlines have now
9 become a major topic regarding bird strikes, but this won't shut down airports. I have the
10 greatest respect for all who are involved with the protection of our environment and the
11 ecological balance of nature. The same respect goes to the resort owners, who have our great
12 state to offer the people that live in a noise-filled environment on a daily basis. But I do believe
13 sacrifices need to be made, and that human life has to take precedence in this tumultuous time
14 that we live in. Making these sacrifices is assuring us the freedom to pursue our dreams,
15 something that in many countries just isn't possible. But here we may have to endure 15 to 20
16 seconds of loud noise from time to time so that we are in a state of readiness for what has proven
17 to be a constant and sometimes unpredictable threat. The sacrifice we make of our rural silence
18 for those seconds is really quite small compared to the women and men who have given their
19 lives to attain the stability and quality of life the rest of us enjoy. Thank you.
20

21 JUDGE HELGET: Is there anybody that we've missed?
22

23 [No response.]
24

25 JUDGE HELGET: Sir, I'm going to turn it back over to you for closing comments.
26

27 COL HARRIS: There are quite a few folks that have left. I want to thank everyone for
28 coming and putting your comments on public record. Obviously it's an emotional issue for a lot
29 of people. We appreciate your candid comments. Hopefully we have recorded them all
30 accordingly. Thank you for bearing with us while we were checking out the microphone and
31 making sure it was working correctly throughout the meeting. You've been very cordial dealing
32 with the passions that you obviously have on the issue. I thank you. We will take these
33 comments, and we will come up with a supplement that will be part of the environmental impact
34 statement in response to all of the comments we've heard tonight.
35

36 Before I pass it on, Major Lippert, any comments on this process?
37

38 MAJ LIPPERT: No, sir.
39

40 COL HARRIS: Thank you very much.
41

42 [The hearing concluded at 1930 hours, 14 November 2009.]
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44