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United States General Accounting Office

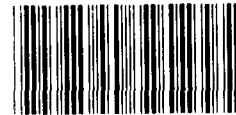
GAO

Fact Sheet for the Honorable
Jesse A. Helms, U.S. Senate

April 1988

AIRSPACE USE

Status of Proposals to Expand Special Use Airspace in North Carolina



135748

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United States
General Accounting Office
Washington, D.C. 20548

**Resources, Community, and
Economic Development Division**

B-226538

April 29, 1988

The Honorable Jesse A. Helms
United States Senate

Dear Senator Helms:

You requested that we evaluate the Federal Aviation Administration's (FAA) management of airspace set aside for training military aircrews, commonly called special use airspace, and especially the status of current proposals for additional special use airspace in North Carolina. We agreed with your office to provide a report summarizing the current status of these proposals and the public concerns that have been raised about them. Besides this report, we also agreed to provide a report that would assess FAA's management of special use airspace on a nationwide basis. That report will be issued later this year.

The Navy, Marine Corps, and Air Force cite training as the principal reason for proposing additional special use airspace in eastern North Carolina. The Navy's requirement centers around training with a new missile system; the Marine Corps needs additional airspace for low-level entry into an existing special use airspace area and for tactical air maneuvers; and the Air Force has new low-level training requirements.

In summary, FAA has not fully evaluated or approved any of the three military proposals, although it is currently evaluating the Navy proposal. The Marine Corps proposal is being processed through Navy/Marine Corps headquarters, which expects to submit it to the FAA in the spring of 1988. The Air Force is currently reevaluating its proposal and has not set a date for submittal to the FAA.

Although the Air Force and Marine Corps considered the environment in their proposals, the Navy's initial proposal did not include an environmental assessment. The Navy did not believe an environmental assessment was needed, resulting in an almost 2-year delay in order for the Navy to revise its proposal to consider environmental concerns. The Marine Corps proposal also met with considerable adverse public reaction.

In September 1987 the Director of North Carolina's Division of Aviation urged the FAA to require the military to consolidate the three proposals to show the cumulative effect on eastern North Carolina. FAA responded that consolidating the proposals was a matter for the military to decide and the agency could not require it. Subsequently, the military advised the state that the proposals must be prepared separately because of the different needs and missions of each service. Additional details on these proposals are provided in section 1 of this fact sheet.

Section 2 summarizes the concerns over the proposals raised by the public and other government agencies to FAA and the military. Local airport operators; tourist groups; environmental groups; and federal, state, and local government representatives have raised environmental, economic, safety, and legal objections to the proposals. The military, however, believes that it needs the additional airspace and that other suitable alternatives do not exist. The services also believe they have adequately considered the environment and have addressed such concerns when feasible.

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This fact sheet is based on review work done from January 1987 to February 1988 at FAA headquarters and in FAA's Southern Region. We evaluated FAA's headquarters and regional special use airspace management practices, interviewed FAA and military representatives, and obtained documentation on the military's airspace requirements.

In the Southern Region, we also interviewed state and local officials as well as citizen groups and aviation organizations to obtain their views of what impacts on North Carolina could result from the proposals. These representatives provided us with reports and documentation that showed how special use airspace affects their respective areas. Key federal, state, local, and private organizations visited are listed in appendix I.

The contents of this fact sheet were discussed with FAA and Defense officials, and their comments have been incorporated as appropriate. As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this fact sheet until 10 days from the date of this letter. At that time, we will send copies to the Secretaries of Defense and Transportation; Administrator,

B-226538

FAA; Chairman, Council on Environmental Quality; and other interested parties. If you have any questions about this fact sheet, please call me on (202) 275-1000.

Major contributors to this fact sheet are listed in appendix II.

Sincerely yours,



Kenneth M. Mead
Associate Director

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ABBREVIATIONS

EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
GAO	General Accounting Office
NEPA	National Environmental Policy Act
NOTAM	notice to airmen

SECTION 1

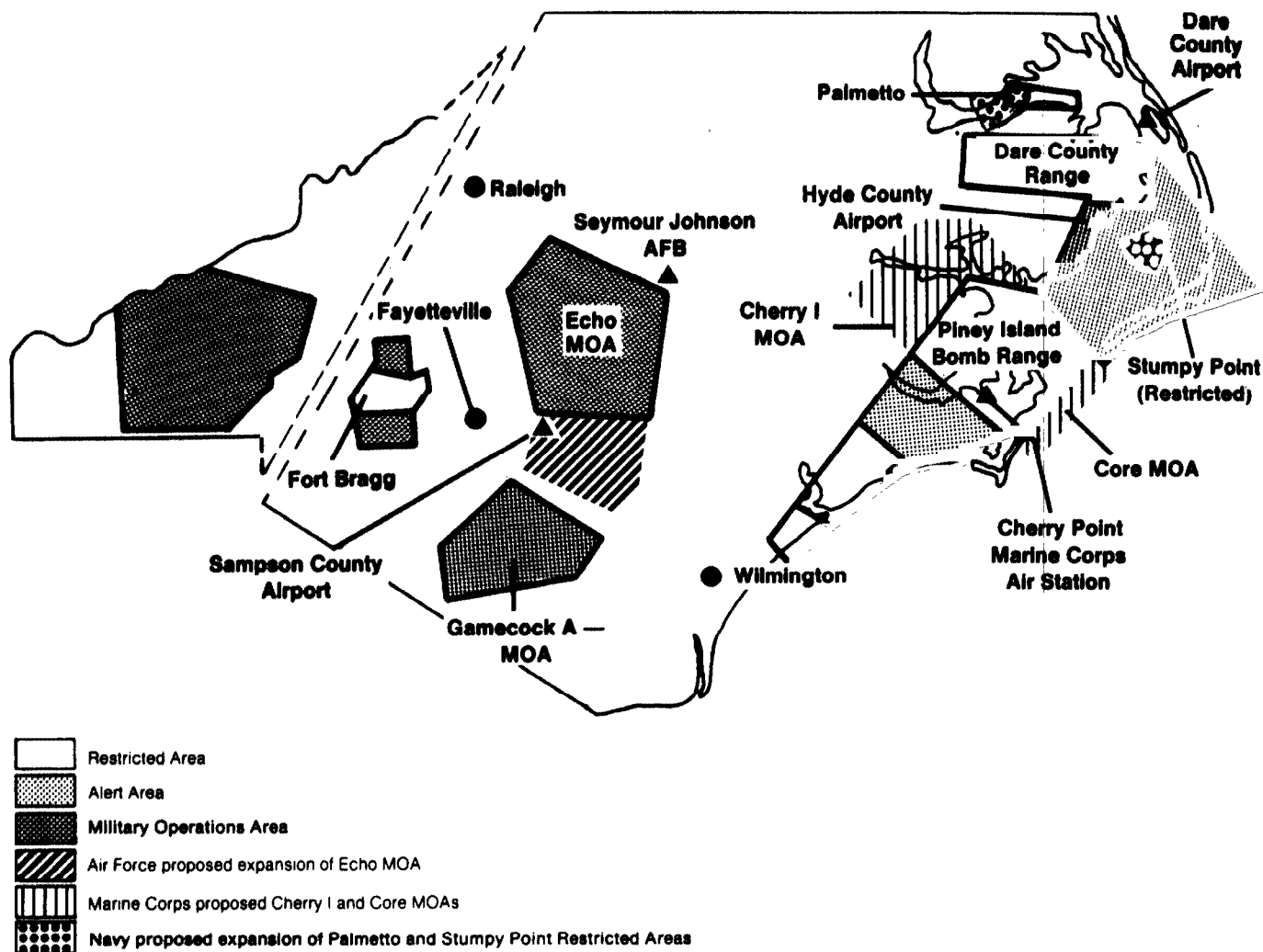
BACKGROUND ON AND STATUS OF MILITARY PROPOSALS FOR ADDITIONAL SPECIAL USE AIRSPACE

The nation's airborne military forces play a vital role in the nation's defense. To be proficient and maintain their deterrent effect, the military services must continually train flight personnel in a wide range of military tactics. These activities include basic flight training, air-to-air combat, and high and low altitude bombing. Since some of these activities are potentially hazardous to nonparticipating aircraft, the FAA has established a program to contain designated military flight activities in areas called special use airspace. This airspace has defined dimensions within which activities are confined because of their hazardous nature or within which operational limitations may be imposed on aircraft that are not part of those activities.

Three types of special use airspace areas are illustrated in figure 1.1. Restricted areas prohibit civil air traffic from entering the airspace when active by the military because aviation activities, such as air-to-air combat and high and low altitude bombing, conducted in this type of airspace are considered hazardous. Military operations areas allow civil aircraft using visual flight rules to enter the airspace when active by the military because nonhazardous activities, such as air combat maneuvers and air acrobatics, take place. Civil aviation can enter alert areas even when they are active because the military's activities, such as a high volume of student pilot training, are not considered hazardous. FAA assigns the designation, such as restricted area or military operations area, to the airspace used by the military for training to ensure that civil aircraft are warned of, or separated from, the military aircraft.

The locations of the three special use airspace proposals and the existing special use airspace areas in the state of North Carolina are shown in figure 1.1. As of March 1, 1988, the Navy proposal is under FAA regional consideration; the Marine Corps proposal is under review by the Department of the Navy/Marine Corps prior to submittal for FAA regional review; and the Air Force is reevaluating its proposal at the command level.

Figure 1.1: Existing and Proposed Special Use Airspace in North Carolina



NAVY PROPOSAL

The Navy has proposed increasing special use airspace in eastern North Carolina to ensure proper training and flight safety when using its new missile system, the Skipper II. In 1982 and 1983, in preparation for the missile system, Oceana Naval Air Station in Virginia proposed reconfiguring the Palmetto restricted area and the Stumpy Point restricted area (see fig. 1.1) in North Carolina. In 1985 after public concerns had been raised (see sec. 2), the Commander, Naval Air Forces Atlantic, became involved and directed that the proposal be rewritten. As of March 1, 1988, the revised proposal had been resubmitted to FAA and was awaiting the agency's action.

Background on the Palmetto and Stumpy Point Areas

Palmetto and Stumpy Point, two restricted areas proposed for modifications, are located principally over water in eastern North Carolina. Along with expanding the Dare County Range restricted area, the Palmetto restricted area was established in September 1978 after several years of negotiations between the Navy, Coast Guard, FAA, and state and local officials to improve civilian flight safety and widen an access corridor to Dare County Airport.

The current Palmetto proposal, according to a Navy representative, seeks to add approximately 2 miles to the southwest corner of this restricted area. The additional airspace, according to this representative, is needed to accommodate safer turning during air weapons combat training maneuvers.

Stumpy Point, a small circular restricted area, extends from the surface to 18,000 feet and is surrounded by military operations areas. In 1964 when the Dare County Range restricted area was officially established, the Navy stated that, because of the range's joint use with the Air Force, it would eliminate Stumpy Point. However, this never happened because the airspace was later needed to accommodate training activities and ensure flight safety for the Navy's new Skipper II missile. Both restricted areas located principally over water are currently used as "spillover" ranges when the Dare County Range is fully scheduled or during the fire season when the range is too dry. In preparation for the Skipper II missile, the Navy requested that Stumpy Point be added to adjacent military operations areas to create a larger restricted area, which would be activated by a notice to airmen.¹

According to North Carolina Division of Aviation officials, in May 1985 North Carolina insisted on a joint request for special use airspace to show the cumulative effect on eastern North Carolina. The Navy, along with the other two services, refused, citing individual training needs and different missions. All but the Navy withdrew their proposals at that time. The Navy later withdrew its proposal in April 1986 and submitted a revised one to FAA's Southern Region in June 1987.

Development and Status of Navy Proposal

According to the FAA Southern Region Airspace and Procedures Branch Manager, the Navy's revised June 1987 proposal included an

¹Notice to Airmen - An FAA notice containing information concerning the establishment, condition, or change in any flight information component the timely knowledge of which is essential to pilots.

environmental assessment that was not part of the original proposal. The Southern Region held two public meetings on November 3 and 4, 1987, to allow public comment. As of March 1, 1988, the proposal was still under review and consideration at the region.

MARINE CORPS PROPOSAL

The Marine Corps draft proposal provides for special use airspace in two eastern North Carolina locations to train pilots of the new AV-8B aircraft for low-altitude, high-speed overland air combat maneuvers. According to a Marine Corps official, such training cannot be conducted in Cherry Point Marine Corps Air Station's existing special use airspace because it is too small to accommodate the low level, high-speed training approaches required by the AV-8B aircraft. Thus, Cherry Point pilots must often use airspace in the western United States at considerable expense.

Since 1984 the Marine Corps has presented three revised proposals to FAA. The first two were rejected. The third is, as of March 1, 1988, under review by the Department of Navy/Marine Corps, which plans to submit it to FAA for approval.

Background on Cherry I and Core Military Operations Areas

The Marine Corps has proposed to establish two military operations areas, one on either side of existing Piney Island restricted airspace, to divert training time from Cherry Point Air Station and other southeast Marine Corps bases. According to Marine Corps officials, the proposal would save \$80 million annually in Marine Corps training funds and allow pilots to maintain skills and establish new ones.

Marine Corps officials also said they plan to develop an instrumentation range (Mid-Atlantic Electronic Warfare Range) in the Piney Island restricted area, which the Marine Corps has owned and used since the 1940s. The range would provide more realistic training for pilots in tactical and survival techniques in a hostile electronic environment. It would also allow other services to conduct attacks from the sea, flying against simulated enemy radars and defense weapons.

The two areas, Cherry I and Core, would have specific functions. The Cherry I area, approximately 25 miles by 30 miles in size, located over portions of five counties, would provide pilots the ability to perform air operations associated with low-altitude, high-speed maneuvers, including air combat maneuvering. The Core area, approximately 4 miles by 30 miles and situated over a portion of the Cape Lookout National Seashore, would connect the instrumentation range with an existing offshore

warning area. Its primary aircraft training activities would be sea-to-land, low-altitude bombing missions.

Figure 1.1 depicts both the original Piney Island restricted area and the proposed Cherry I and Core military operations areas.

Development of Cherry Point Marine Corps Air Station's Special Use Airspace Proposal

In preparation for new AV-8B aircraft at Cherry Point and a new instrumentation range in an existing restricted area, in April 1984 the Marine Corps submitted its proposal for Cherry I and Core to FAA's Washington Air Route Traffic Control Center for a required initial review. The Washington Center concurred with Core although citing that it would inhibit visual flight rule aircraft from flying to airports along the North Carolina coast. However, it did not concur with Cherry I, stating that it would, among other things, interfere with military aircraft operations at Seymour Johnson Air Force Base and the Dare County Range.

FAA's Washington Center officials told us that the Center rejected a revised Marine Corps proposal for Cherry I in January 1985 and a second revision in October 1985, after the Marine Corps and the Air Force determined that they could not develop joint-use airspace as the Center had suggested.

In addition, a 1985 FAA review of the Piney Island restricted area concluded that the area was used insufficiently to justify its continuous use designation (24 hours a day) and that nonhazardous flying occurred in the restricted airspace. FAA recommended that this area be changed from continuous to intermittent use. The Marine Corps agreed but then withdrew this change, putting it on hold until after the Core and Cherry I proposal had been resolved.

In March 1986 representatives from FAA's Washington Center, the Cherry Point Air Traffic Control Center, and the Marines met to consider Cherry Point's revised proposal on the Cherry I. The FAA indicated that it would approve this proposal, as modified, with the provision that Cherry Point provide air traffic control services through the airspace for commercial overflight traffic.

Changes to the Marine Corps Proposal

The Marine Corps, according to a Cherry Point Marine Corps official, plans no further changes to the Cherry I section of the proposal, believing the Corps has answered public comments. (See section 2 for public comments.) It has, however, amended the Core part of the proposal. It has agreed, among other things, to raise the floor of the military operations area from 100 feet above the surface to 500 feet.

Status of the Marine Corps Proposal

According to a Cherry Point Marine Corps official in January 1988, the proposal was undergoing the review and approval process by the Commandant of the Marine Corps and the Secretary of the Navy. This proposal includes the environmental impact statement, public comments, and response to those comments. According to the official, the proposal will probably be submitted to the Navy representative at the FAA Southern Region by the spring of 1988, who will officially submit the proposal to the FAA.

AIR FORCE PROPOSAL

In preparation for training maneuvers with high performance aircraft, Seymour Johnson Air Force Base officials said that the Air Force proposed to change the size, floor, and ceiling of its Echo military operations area. According to North Carolina state officials, the revised proposal appears to provide an adequate airway for civil aviation through the Echo area and the state has no objections to the current proposal. However, the Air Force has disagreed with an FAA request to restrict Echo's use during peak hours at the Raleigh-Durham Airport.

Background on the Echo Military Operations Area

The Echo military operations area is used and scheduled by the fighter wing at Seymour Johnson Air Force Base and is also used by many other service units. According to the Air Force, the Seymour Johnson wing, the main user of Echo, needs additional airspace for low altitude training over land for simulated TV-guided weapons practice and both low altitude intercept and step down training over land. The new airspace would also alleviate flight problems associated with bad weather, as when the Dare County Range does not have minimum clear weather for training.

Echo, according to an Air Force official, encompasses an area roughly 40 miles by 25-30 miles and is situated about halfway between Seymour Johnson Air Force Base and the Raleigh-Durham Airport. In addition, the proposal seeks to create a floor of 300 feet in some areas, as opposed to an existing 7,000 feet.

Figure 1.1 depicts both the boundaries of the existing Echo military operations area and the Air Force's proposed modifications.

Development of Echo Special Use Airspace Proposal

The Air Force, according to Air Force officials, began preparing a change to the Echo military operations area in 1982 and briefed the North Carolina Division of Aviation in 1984 on its

plans to expand Echo to the southwest and reduce its altitude to 100 feet. Because of many citizen complaints, the Air Force dropped the planned expansion to the south and changed the existing dimensions, with 300 feet as the lowest altitude allowed in the operation area. In addition, the Air Force excluded an area below 1,500 feet that lies within a 3-mile radius of Sampson County Airport. It also left a western air corridor for Sampson County for instrument-rule flights. The Air Force also proposed to delete an existing military operations area upon approval of Echo.

In June 1985 the Air Force submitted a proposal to FAA's Washington Center, which concurred with the proposal, providing that certain concerns were met. Those concerns included the acquisition of sufficient radar coverage for Air Force monitoring of aircraft activity at 2,000 feet and above to prevent military aircraft in special use airspace from entering into airspace outside the proposed area.

According to Air Force officials, the Echo proposal as amended, was also coordinated with the three nearest FAA air traffic control terminal facilities--Fayetteville, Raleigh-Durham, and Wilmington--with Fayetteville and Wilmington concurring with the amended proposal, which provided for boundary changes in August and September 1986. In August 1986 Raleigh facility officials disagreed with the proposal until the portion of Echo that overlay its airspace was removed. According to these officials, because of a new air traffic control system at the Raleigh-Durham Airport that resulted from the impending increase of traffic beginning in July 1987, a procedural problem developed. Raleigh facility officials noted that under the proposal, a number of commercial departures and arrivals would have been forced under and around Echo. To obtain concurrence from the Raleigh-Durham Airport, the Air Force prepared a revised proposal in October 1986, which eliminated the portion of Echo within the airport's airspace.

In December 1986 the Air Force submitted its revised proposal to FAA's Washington Center. In response to Washington Center's concerns about the June 1985 proposal, the Air Force, among other things, agreed to provide radar monitoring and military operations area containment on a workload-permitting basis. In January 1987 the Washington Center concurred with the Air Force's amended proposal.

Recent Proposed Changes to the Air Force Proposal

In February 1987 the Air Force was contacted by the Washington Center, informing it that because of the impending increase in air traffic at the Raleigh-Durham Airport, Echo's hours of use would be restricted at certain peak times. According to an Air Force official, this was not part of their January 1987 agreement with the Washington Center. Subsequently, the Air Force

and Washington Center officials discussed airspace utilization, relating to the planned air traffic increase around the Raleigh-Durham Airport. According to the Air Force, because of the increased flight training needs and weather cancellation of primary missions, scheduling the Echo military operations area to avoid Raleigh-Durham peak hours was not feasible.

Officials at Seymour Johnson and FAA's Southern Region want positive Air Force control of the Echo military operations area when it is scheduled for military use. However, the Washington Center and other FAA facilities, including Raleigh-Durham, want the Air Force to return this scheduled airspace to general use when needed during peak hours at the Raleigh-Durham Airport, preferably three 45-minute periods when airline traffic is at its peak.

Status of the Air Force Proposal

Meetings were held in April and July 1987 between FAA, Air Force, and airport officials to discuss the utilization of airspace in eastern North Carolina as it is affected by the growing traffic demands of the Raleigh-Durham Airport. As of March 1, 1988, no agreement had been reached concerning placing specific time restrictions on the Echo military operations area during peak airline traffic hours.

SECTION 2

PUBLIC CONCERNS ABOUT THE MILITARY PROPOSALS

Many complaints have been made to FAA and the three services over the proposed expansions of existing special use airspace. These complaints have come from different sources, including the local aviation community, the tourist industry, environmentalists, and state and local governments. Their concerns centered around four issues--environmental, economic, safety, and legal.

ENVIRONMENTAL ISSUES

In general, the environmental assessments and environmental impact statements¹ for the three current proposals have been perceived as being too brief to substantively address many of the potential areas of concern to the state and public. The following segments summarize the environmental concerns raised by various groups, as well as the military's response to them.

Concern Number 1 - Adverse Effects on the Environment Are Not Addressed in Assessments or Impact Statements

A frequently heard complaint about the special use airspace proposals concerned the military's inadequate environmental assessments and environmental impact statements. According to an official of the Environmental Protection Agency (EPA), the environmental assessments associated with the Navy's Palmetto and Stumpy Point proposal have not addressed the safety of lasers used with the Navy's Skipper II missile, when seen by the naked eye. Further, according to EPA, the cumulative impact of the military services' proposals might be better evaluated in a single Department of Defense environmental impact statement, rather than individual statements or assessments.

According to Navy lawyers, only an environmental assessment was required for the Palmetto and Stumpy Point proposal and not an environmental impact statement, because the Navy was not creating a new range or changing military maneuvers, which would require a

¹Environmental Assessment - a concise document describing the environmental impacts of a proposed action and alternatives to the action.

Environmental Impact Statement - a document, which is an extension of an environmental assessment, that addresses the major impacts that a proposed action creates that significantly affect the quality of the human environment.

full statement. However, according to a North Carolina state environmental official, in January 1987 the Navy did prepare a more in-depth supplemental environmental assessment for both restricted areas in the proposal. That assessment included studies on the safety of the laser for the new missile.

In June 1987 the North Carolina Division of Aviation wrote the FAA, stating that the January supplemental environmental assessment, along with the Navy's responses to issues previously raised by North Carolina with the FAA, was inadequate and not in conformance with the National Environmental Policy Act (NEPA) or the regulations of the President's Council on Environmental Quality. NEPA and the Council's regulations require all federal agencies to prepare appropriate documentation when proposing to take an action that significantly affects the quality of the human environment. According to the state, the January 1987 environmental documents, with the exception of studies on laser effects on humans, did not include details on environmental effects. (See further discussions under "Legal Issues.")

Further, members of the general public, Department of the Interior (Cape Lookout National Seashore), and the state of North Carolina (including the Departments of Justice, Natural Resources and Community Development, and Transportation; the Division of Marine Fisheries; and the Wildlife Commission) have also expressed concern regarding the adequacy of the Marine Corps' draft environmental impact statement on the Cherry I and Core proposal. Among the objections, the draft failed to address such issues as noise impacts at specific elevations, forestry operations, and commercial and recreational fishing, as well as specific impacts on wildlife.

Concern Number 2 - Historic Sites,
Domesticated Animals, and Wildlife
Affected by Noise

The towns and communities affected by the proposed Marine Corps Cherry I military operations area have stated that the environment (including wildlife, waterfowl, historical sites, and the quality of life in general) will be negatively affected by the doubling of jets, lower flight altitudes, increased jet speed, and resulting noise. The local communities near the proposed Core military operations area believe the jets will cause adverse environmental effects on wildlife and historic areas, such as the lighthouse at the Cape Lookout National Seashore, located within the Core area.

In October 1984 the Air Force solicited comments from federal and state agencies in preparation for conducting an environmental assessment for its Echo proposal. The North Carolina Department of Agriculture responded with concerns about the effect of low-level training flights and resulting noise on poultry. One local

government also opposed the plan, citing the detrimental effects of loud noise on the turkey and swine industries. The Air Force and Navy also received complaints from the U.S. Fish and Wildlife Service regarding the proposed areas' effect on the nesting habits and migration routes of birds and waterfowl.

Concern Number 3 - Adverse Impact of Proposals on Other Aviation

The North Carolina Department of Transportation, on the basis of complaints received from the public, raised several concerns regarding the impact on necessary aerial surveillance activities, forest fire fighting activities, local airport operations, and economic development. The department also received safety concerns regarding the effect of low-flying aircraft on crop dusters.

A North Carolina Division of Aviation official maintains that the Marine Corps' proposal for two new military operations areas should be incorporated with its proposed change in use for the Piney Island restricted area. In addition, the FAA should then review all three military proposals collectively to determine the total environmental impact on eastern North Carolina.

Military Services' Responses

Although complaints have been received from individuals and concerned groups about the effect of the proposals on humans, fish and wildlife, and property, the military services believe they have adequately considered the environment and have addressed such concerns when feasible. The FAA Southern Region believes that although the Navy did not give the environment adequate initial consideration in its Palmetto and Stumpy Point proposal, it has since taken environmental concerns into account with its current revised environmental assessment.

In addition, the Air Force's final environmental assessment, for its Echo proposal, dated May 1986, determined that because of the short duration of low-level flight activity (6 hours per day for 5 days per week) and the extent of the area over which the flights would operate, the noise effects on any one area would be minimal. Air Force studies of the effects of noise on the turkey industry found that the animals adapt quickly to noise and that local farmers have a positive attitude towards the proposal. Further, the Air Force, stated that the floor of the proposed Echo military operations area would be raised to 500 feet in the crop-dusting months.

ECONOMIC ISSUES

Some residents of eastern North Carolina are also concerned about a detrimental effect on their economy. For example, according to a North Carolina Division of Aviation official, the

state has received many complaints from area businesses about establishing the two Marine Corps military operations areas, Cherry I and Core. According to businesses and airport commissions, Cherry I will restrict airspace near local airports and thus hinder current industrial growth and future expansion and economic growth. The businesses situated within the Core area, including the fishing and tourist industries, have also expressed opposition to the additional special use airspace. For example, low-flying jets could affect recreational and commercial fishing and law enforcement aircraft needed for management of commercial fishing grounds.

Local communities also cited the possible effects of the Air Force's Echo on future business and industrial growth. They feared that possible danger to nonparticipating aircraft would isolate general aviation airports in the area.

SAFETY ISSUES

The safety issues raised about the three military proposals pertain chiefly to civilian aviation, including that of other government agencies, and safety on the ground and water under the proposed special use airspace.

Civilian Aviation

Safety issues have been raised by citizens in eastern North Carolina regarding both the Navy and Marine Corps proposals, including the lack of radar and communication between civilian pilots and the Navy ranges. Further, the aviation community has been concerned about the reduction of available airspace between the Dare County Range and the Palmetto restricted area, which compresses low-flying traffic into a smaller area.

North Carolina Division of Aviation and other officials stated that existing special use airspace impedes aviation activities of other government agencies and the proposed increased airspace would further impede them. For example, federal, state, and local law enforcement agencies using aircraft are currently often hampered in conducting effective enforcement because of high-speed, low-level military aircraft and/or restrictions from flying in some areas.

A North Carolina aviation official believes the revised proposal, which reconfigured the Palmetto and Stumpy Point restricted areas, satisfies some of the safety and aeronautical concerns, but he also wants the Palmetto restricted area to be made available to civil aircraft through a notice to airmen when not in use by the military. In addition, he noted that since radar has not been added to eastern North Carolina, the proposal still does not satisfy either the state's desire for more availability of the airspace to civil aircraft or the safety concerns of pilots, i.e.,

being advised of the location of other aircraft flying in this area.

According to various state and local officials, other aviation activities are hampered by military special use airspace, such as the Forest Service, impeded in fire fighting, and various state and federal agencies, interrupted in search and rescue operations. Fish spotter pilots have also expressed concerns about the low-flying jets coming too close to them.

Ground and Water Safety

The special use airspace at the Navy's Stumpy Point bombing range, according to state and local aviation officials, is restricted to the water's surface, which the local citizens believe can create an unsafe boating and fishing environment. A similar safety concern expressed by citizens, the local aviation community, and local governments pertains to areas within the two proposed Marine Corps areas. Citizens are concerned about possible military aircraft crashes in populated areas and the potential for incidents between military jets and the large civil aircraft population.

According to Marine Corps officials, the Cherry Point Marine Corps Air Station has excellent air control coverage and can usually provide adequate air traffic control service to both civil and military aircraft using the area. However, the Marine Corps admits that its radar facility would not be able to see below 500 feet within the proposed Core area and that its coverage becomes less effective at the outer edge of the Cherry I area.

LEGAL ISSUES

According to the Deputy General Counsel of the President's Council of Environmental Quality, both the Navy and Marine Corps proposals have raised several legal issues concerning the military services' compliance with North Carolina's Coastal Management Plan and NEPA. In addition, North Carolina maintains that no one other than the state can legally control the state's inland sounds and waters that underlie special use airspace.

Inconsistency With North Carolina Coastal Management Plan

North Carolina also raised, as a legal issue, the Navy's failure to prepare and submit for the state's review a certification stating that any proposed activity will be, to the maximum extent practicable, consistent with the state plan under the Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1451-1464). North Carolina is waiting for Navy comments as of March 1, 1988, on this matter.

Noncompliance With NEPA

Historically, in its management of airspace, FAA believes its role is limited to addressing only aeronautical concerns associated with that airspace. As a result, FAA does not evaluate any environmental assessments relating to special use airspace and believes it does not have a legal responsibility to do so. Rather, FAA relies on the military's environmental assessment as being adequate to address environmental concerns. The Council on Environmental Quality believes the FAA should independently verify the military-prepared environmental assessments relating to special use airspace.

Coastal and statewide organizations, along with the North Carolina Department of Justice, have commented on the legality of establishing the proposed special use airspace. According to the state Department of Justice, the Navy failed to provide an adequate environmental assessment by not examining the proposed project or its impact. The North Carolina Assistant Attorney General said the proposal had not met NEPA or Navy environmental criteria regarding environmental impact statements. Instead, the Navy had only updated its environmental assessment and had not prepared a full statement because it viewed the proposal as an addition to existing special use airspace and not a request for new airspace.

An environmental consultant, representing four groups with environmental concerns, commented in 1987 that the Marine Corps' draft environmental impact statement did not contain sufficient alternatives to the proposed action, as required by NEPA. He stated that the two alternatives presented in the draft statement did not provide the information required for the public to comment realistically on the alternatives. In June 1987 the Marine Corps responded that the Core alternatives, although not fully explained in the draft statement, had been based on careful review and that it had complied with NEPA.

The North Carolina Department of Justice believed, among other legal concerns, that the Marine Corps failed to assess the cumulative environmental impacts of the military operations areas in the draft environmental impact statement. Further, the Department believes that the draft failed to consider the effect of the Core military operations area on property held by the state in public trust.

Our forthcoming report on FAA's nationwide management of special use airspace will also address the disagreement between

FAA and the Council on Environmental Quality on FAA's environmental role in special use airspace.²

²Airspace Use: FAA Needs to Improve Its Management of Special Use Airspace (GAO/RCED-88-147).

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Southern Regional Office, Atlanta, Georgia
Atlanta Center, Atlanta, Georgia
Washington Center, Leesburg, Virginia
Raleigh-Durham Air Traffic Control Facility, Raleigh,
North Carolina
Fayetteville Air Traffic Control Facility, Fayetteville,
North Carolina

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Department of the Air Force
Washington, D.C.

Department of the Navy
Washington, D.C.

Headquarters, U.S. Marine Corps
Washington, D.C.

Naval Air Forces - U.S. Atlantic Fleet
Norfolk, Virginia

Tactical Air Command
Langley Air Force Base, Virginia

Pope Air Force Base, North Carolina

Seymour Johnson Air Force Base, North Carolina

Fort Bragg, North Carolina

Cherry Point Marine Corps Air Station
Cherry Point, North Carolina

DEPARTMENT OF THE INTERIOR

Cape Lookout National Seashore
Beaufort, North Carolina

STATE, LOCAL, AND OTHER

North Carolina Division of Aviation
Raleigh, North Carolina

Dare County Airport
Manteo, North Carolina

Fayetteville Airport
Fayetteville, North Carolina

Beaufort Airport
Beaufort, North Carolina

North Carolina Marine Fisheries Division
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Washington, D.C. 20548**

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