

GAO

Report to the Honorable
Jesse A. Helms, U.S. Senate

August 1988

AIRSPACE USE

FAA Needs to Improve Its Management of Special Use Airspace



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

B-226538

August 5, 1988

The Honorable Jesse A. Helms
United States Senate

Dear Senator Helms:

At your request, we reviewed the Federal Aviation Administration's (FAA) management of special use airspace, which is set aside primarily for the military's training use. FAA is charged with ensuring the safe and efficient use of all the nation's airspace and, as such, must balance the sometimes conflicting military and civil aviation needs for that airspace. These increasing needs could pose potential safety and efficiency questions for the nation's air traffic control system, including increases in flight delays and potential safety problems. Additionally, the environmental impact of proposed military use of special use airspace needs to be considered.

Results in Brief

FAA is not effectively managing special use airspace to ensure its efficient and appropriate use. Specifically,

- FAA does not have adequate utilization data for areas in which hazardous flight training activities occur and requires no data to be provided for other special use airspace areas. Without such data FAA cannot ensure the efficient and appropriate use of the airspace.
- Two 1987 Navy analyses of special use airspace illustrated that (1) the Navy does not have a standard, centralized system for documenting and reporting airspace usage both internally and to FAA and (2) inefficient and inappropriate airspace use has occurred.
- Even if FAA had the data necessary to understand how special use airspace is being used, it has not established guidance for its regions to reduce or eliminate special use airspace that is inefficiently or inappropriately used.

In addition, FAA is currently clarifying certain management aspects of its environmental responsibilities stemming from the military's proposed use of special use airspace with the Council on Environmental Quality (CEQ), a federal agency overseeing implementation of the procedural provisions of the National Environmental Policy Act of 1969. Specifically, the two agencies are discussing FAA's role in independently evaluating the military's environmental assessment or impact statement when proposing special use airspace (see app. I).

Background

The Federal Aviation Act of 1958 charges FAA with safely and efficiently managing the nation's airspace. In carrying out this responsibility, FAA must balance the sometimes conflicting military and civil aviation needs. Both FAA and the military recognize that providing special use airspace for the military is an issue of growing national importance, because both the military's flight training needs and the number of civil aviation flights have grown.

Prior to the mid-1970s, military flight training activity was virtually unconstrained across the entire United States, and civil aviation was unaware of the location or type of flight activity being conducted. Following a series of collisions and near collisions between general aviation and military aircraft, FAA initiated the concept of special use airspace with the establishment of military operations areas.

In September 1987 special use airspace consisted of 556,152 square miles, or about one-fifth, of the airspace within the continental United States. Special use airspace increased in square mileage by 22 percent and in the number of areas by 40 percent between 1978—its FAA program origination date—and 1987 (see app. II).¹ These areas have defined dimensions within which flight restrictions may be imposed on aircraft that are not participating in the training because certain military training and ordnance testing can be dangerous. Special use airspace categories (see app. III) identify for civilian pilots the hazard level of the military activity, alerting them to the general accessibility of the airspace. Appendix IV contains a composite view of special use airspace. In December 1987 the Congress enacted legislation affecting the management of special use airspace. Specifically, the Airport and Airway Safety and Capacity Expansion Act of 1987 requires the Secretaries of Transportation and Defense to

“jointly conduct a national review of the need and utilization of special use airspace with a view to determining its impact on civil aviation operations and on the quality of the environment.”

According to FAA officials, a joint work group on the congressionally mandated national review held its initial meeting in April 1988.

¹Historical data on special use airspace growth was not kept prior to 1978.

Special Use Airspace Can Have an Adverse Effect on Civil Airspace

Special use airspace can preclude civil use of airspace and, by its location, limit air traffic to and from a particular location. For example, for over 2 years the location and use of special use airspace in southern California has, according to FAA, extensively affected air traffic flow into and out of that very congested part of the country. Military airspace restricts the flow of air traffic at the three east-west entry/exit points for the Los Angeles basin (see app. V). The Department of Defense (DOD), however, states that special use airspace is only one of several factors affecting the flow of air traffic in the area.

According to FAA officials, the compression of air traffic during heavy periods of demand in the Los Angeles area has resulted in an increasing number of delays directly affecting the flying public and creating a potential safety problem. To counter this, FAA in June 1987 initiated flow control procedures to limit the air traffic destined for Los Angeles. Thus, air carriers are sometimes delayed either at their point of origin or at some point prior to approaching the Los Angeles area.

The military believes it needs the airspace around the Los Angeles basin. The military services have developed these areas into sophisticated training complexes, investing in ground facilities and equipment to support expanding weapons system deployment, combat training, and flight testing. According to military officials, training requirements for these areas increased during the 1980s to the extent that available airspace is often insufficient. This has created a problem of competing priorities—commercial airlines are clogging the remaining airspace and the military wants to increase its airspace for its expanding missions.

A similar situation in which special use airspace areas are beginning to have a major, cumulative effect on a geographical area is occurring in North Carolina. Three military components have proposed adding to or reshaping existing special use airspace areas in the eastern part of the state, as shown in appendix VI. State and local officials have expressed concerns to FAA and the military that these proposals, combined with existing military airspace, will have significant economic, safety, and environmental effects. This situation is discussed in our fact sheet on the status of special use airspace proposals in North Carolina.²

²Airspace Use: Status of Proposals to Expand Special Use Airspace in North Carolina (GAO/RCED-88-133FS, April 29, 1988).

FAA Does Not Have Data to Effectively Manage Special Use Airspace

In July 1987 an FAA-sponsored steering committee, which included military representatives, made several recommendations to reduce the congestion problems in the Los Angeles basin by improving the traffic flow during busy traffic periods. Specifically, the committee recommended the development of new jet routes through established military special use airspace, thereby providing parallel arrival and departure routes to and from southern California airports. The committee concluded that these changes were necessary because (1) the location of special use airspace had not been adequately changed to accommodate current civil air traffic demands and (2) joint-use procedures between the military and FAA were often ineffective. However, the military users objected, stating the recommendations would have a significant adverse impact on most military activity in the region. FAA recognizes that these initial recommendations are not necessarily its final action plan.

FAA did not have adequate data to determine what impact these recommendations would have on the military. Specifically, FAA officials could not provide the following information for the steering committee:

- number and type of military operations that may be affected by the loss of special use airspace (actual military utilization of special use airspace);
- number of times special use airspace was not used by the military as scheduled, thus unnecessarily preventing civil use;
- number of times special use airspace was needed by civil traffic to avoid bad weather and could not be obtained; and
- number of instances when special use airspace could not be obtained for civil use because of lack of coordination between the FAA and military.

At the conclusion of our review, FAA still did not have the needed data.

FAA does require the military to report its use of restricted areas; these are, however, the only special use airspace areas reported to FAA. Moreover, these reports differ from FAA region to region; some reports reflect actual use, while others reflect only planned use. In addition, FAA does not routinely determine whether the military uses the airspace for its originally designated purpose.

FAA's Northwest Mountain Region illustrates these data problems. The military services vary in terms of what they report to the region on restricted areas, and some military services report only scheduled-use data—not actual. The regional office, therefore, has no data to determine the military services' actual use of these areas or to compare

actual with scheduled use. A similar situation exists in FAA's Western Pacific Region where some annual utilization reports on restricted areas contain planned or scheduled use but not actual use.

According to both FAA and military officials in FAA's Southern Region, annual utilization reports on restricted areas lack a standard format; contain different data both among and within services; and thus, have limited usefulness. For example, one military service might report the total number of training missions into an airspace, regardless of the number of aircraft involved with each mission, while another service might count each aircraft.

FAA's Eastern Region airspace officials do not review annual utilization reports on restricted areas and have submitted only one required regional review summary of these reports to FAA headquarters since 1982. According to a regional airspace official, these utilization reports are of little value since most reports show identical data year after year. Furthermore, the content varies with some reports showing planned utilization while others show number of missions or time the airspace is used. The region cannot, therefore, use the data for comparison purposes.

FAA headquarters airspace officials maintain, however, that utilization reports should be reviewed by regional personnel. They have therefore requested some regions to gather additional information on selected restricted areas, with a view toward revising or revoking airspace.

Navy Studies Identify Report and Usage Problems

In January 1987 a Department of Navy staff study on special use airspace utilization reports recognized as a problem the lack of a standard, centralized system for documenting and reporting its airspace usage. The study noted that "methods for gathering such data vary among activities" and "discrepancies routinely exist between military reports and FAA data." The study also recognized that no data are recorded for military operations areas or warning areas unless ordered by local commanders or air traffic control facilities for their own purposes.

In addition, the Navy contracted with a private consultant to analyze, for its own use, Navy and Marine Corps airspace requirements. As part of the study, Project Blue Air, utilization data on 191 special use airspace areas—consisting of 47 military operations areas, 57 restricted areas, and 87 warning areas—were gathered for the period January 2

through March 31, 1987. The study determined the extent of actual utilization of special use airspace by computing for each area studied the percent of available hours used (actual hours used divided by hours available for use). When active, special use airspace under naval authority was used 22.2 percent of the total available hours. On the basis of time available, restricted areas were used 25.7 percent, military operations areas, 24.4 percent; and warning areas, 18.9 percent. Seven restricted and three military operations areas were not utilized at all during the period.

An analysis of airspace use conducted as part of Project Blue Air also revealed that airspace was sometimes used for other than its intended purpose. The report cited 10 instances, as "only a few examples," of nonhazardous activities, such as basic military student aviation training and parachute drops and jumps, being conducted in specific restricted areas. The report concluded that

"this abuse creates circumstances that justify the FAA formally asking the Navy to revalidate and fully justify its requirements for some special use airspace."

FAA Headquarters Does Not Provide Adequate Usage Guidance to Regions

FAA headquarters has not established specific guidance or standards by which its regions, which are responsible for reviewing certain special use airspace utilization, can reclaim or modify underutilized airspace. Without specific guidance as to what to do in the case of under utilization or inappropriate use, FAA does not have the management tools to consistently and uniformly question the military's continued need for particular special use airspace areas.

Examining utilization data can provide a basis for FAA to manage the airspace and for FAA's inquiry into whether the military continues to need certain airspace. For example, Army utilization reports on a specific restricted area in FAA's Northwest Mountain Region indicated continuous use 24 hours a day. FAA regional officials recognized that if the entire area was viewed as a single unit, and if part of the unit was used, the area would be considered fully utilized. However, they believed only small segments were in use at any one time. Because the restricted area borders the approach to an airport, an FAA regional official has requested the military to release the section of the airspace next to the airport approach. Having that airspace, FAA need not provide radar coverage when the remaining restricted area was in use. The region, therefore, requested that the Army's next utilization review include a sampling of the location of training activities in the area. With this more

specific information, the region plans to show that military activities seldom, if ever, require the small airspace section blocking the airport approach and that the military should release this airspace for civil use.

FAA's Northwest Mountain Region had considered revoking two restricted areas for several years but, according to regional airspace managers, lacked guidance for questioning and revoking that airspace. According to 1986 regional correspondence, both areas—intended for use as a missile-firing range—had not been activated during the previous 3 or 4 years. The region therefore notified the Air Force that both areas could be revoked. However, the military negotiated the continued use of one area on the basis of promise of use in fiscal year 1988 but had no support to justify the continued use of the other area. In June 1987 FAA revoked this airspace.

In another case, the FAA regional office made three separate unsuccessful attempts, from 1982 to 1984, to recover a military operations area. The military representative to the regional office had indicated that the military had future plans for the infrequently used area. The military stated it needed the airspace for new aircraft expected in 5 or 6 years. These discussions evolved from 1982 to June 1987, when the military finally agreed to relinquish the airspace. According to FAA regional officials involved in the discussions, they had been hampered by not having specific guidelines or criteria to judge the military's actual and planned use of the airspace.

Conclusions

If FAA is to effectively manage special use airspace, it needs to know where, when, and how airspace is being utilized. To do this, FAA needs users to report actual data in sufficient detail, not only for restricted areas but also for other areas, such as military operations areas. The Navy's Project Blue Air demonstrated, for example, that the hours and airspace available to the Navy for some of its special use airspace areas were in some cases excessive to its need. Further, FAA needs to periodically review existing airspace use to determine that the airspace is being used for its designated purpose.

FAA's regions have no specific guidance or standards for modifying or disestablishing special use airspace, particularly as it relates to low usage. We recognize that infrequent use by the military of special use airspace should not be the sole criterion to determine if the military needs the airspace. Therefore, to assist the regions in exercising proper

judgment on this matter and to provide them with consistent, clear procedures, FAA headquarters should develop guidance for its regions on whether significant gaps between actual usage and available time justify changing or revoking the airspace in whole or part.

Recommendations

We recommend that the Secretary of Transportation direct the Administrator, FAA, to

- require standardized user reporting of actual usage data for restricted areas and expand the reporting requirement to other areas, such as military operations areas,
- review periodically the usage reports and ensure that the airspace is being used for the designated purpose, and
- establish standards for measuring the effectiveness of special use airspace utilization to develop a starting point for all regional discussion of modification or disestablishment of special use airspace.

Agency Comments

Comments on a draft of this report were provided by the Departments of Transportation and Defense, and by the Council on Environmental Quality. DOD concurred with most of our recommendations but emphasized that military requirements, and not just utilization figures, must be considered in designating special use airspace. We agree with DOD on the need to consider military requirements in making these determinations. Accordingly, our third recommendation to FAA states that a utilization-based standard should be used as a “starting point” for discussions about the modification or revocation of infrequently used special use airspace.

Transportation generally concurred with our recommendations but raised several issues about the report. For example, Transportation said that the report did not sufficiently recognize FAA program improvements and other actions in the administration of special use airspace. We acknowledge that some improvement in the administration of special use airspace has recently occurred but believe that serious and long-standing problems continue to affect the program.

The text of the three agencies’ comments, and GAO’s detailed responses, are included in appendixes VII, VIII, and IX.

We performed our review from August 1986 to February 1988, in accordance with generally accepted government auditing standards. A discussion of our objectives, scope, and methodology in preparing this report are contained in appendix X.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 10 days from the date of this letter. At that time, we will send copies to the Secretaries of Defense and Transportation; the Secretaries of the Army, Navy, and Air Force; the Administrator, FAA; Chairman, Council on Environmental Quality; and other interested parties.

This work was performed under the direction of Kenneth M. Mead, Associate Director. Other major contributors are listed in appendix XI.

Sincerely yours,

A handwritten signature in black ink that reads "J. Dexter Peach". The signature is written in a cursive style with a large, prominent initial "J".

J. Dexter Peach
Assistant Comptroller General

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Contents

Abbreviations

CEQ	Council on Environmental Quality
DOD	Department of Defense
FAA	Federal Aviation Administration
GAO	General Accounting Office
NEPA	National Environmental Policy Act

Disagreement Over FAA's Environmental Responsibilities Associated With Special Use Airspace

Under the National Environmental Policy Act of 1969 (NEPA), agencies are required to consider the impacts their decisions may have on the environment. To document their consideration of these potential impacts, they are required to prepare "environmental assessments." In cases where substantial impacts are possible, more detailed "environmental impact statements" are required.

FAA believes that any environmental impacts stemming from the use of special use airspace, such as the operation of military aircraft at altitudes close to the ground or the firing of ordnance, should have been considered by the military component requesting the airspace before FAA is asked to designate the airspace for the activity. Therefore, FAA does not substantially review or independently evaluate the military's environmental assessments. Rather, it simply determines that the military has stated—in the form of a certification—that the military complied with NEPA provisions.

Although we did not evaluate the accuracy and reliability of the environmental assessments associated with various special use airspace proposals, we asked the President's Council on Environmental Quality—the agency that oversees federal agency implementation of the procedural provisions of NEPA—whether FAA was allowed to, in effect, delegate responsibility for compliance with NEPA to agencies requesting the special use airspace. We requested the Council's opinion as to whether FAA's actions adhere to the Council's regulations implementing NEPA.

In its June 4, 1987, written response to us, the Council said its regulations do not permit FAA to delegate responsibility for NEPA compliance. Instead, FAA may permit the military to prepare an environmental assessment for FAA or adopt the military's environmental assessment. However, the Council believes that FAA has an independent responsibility to evaluate that the documentation accurately addresses the environmental impacts associated with the proposed action and complies with NEPA. According to the Council, FAA cannot simply determine if the military has certified its compliance with NEPA. These views were reiterated in our subsequent meetings with a Council official and in letters from the Council to FAA.

Consequently, according to the Council, FAA needs to modify its current procedures relative to environmental assessments to fully reflect its independent evaluation that the military's assessments meet NEPA requirements. In a March 1988 letter to FAA, the Council noted that it had not yet received FAA's response to its earlier communications. The

**Appendix I
Disagreement Over FAA's Environmental
Responsibilities Associated With Special
Use Airspace**

Council therefore formally asked FAA to revise its policies and procedures to ensure that FAA independently evaluates the scope and content of both environmental assessments and environmental impact statements that the military prepares for special use airspace proposals. According to FAA officials, the FAA has stopped processing special use airspace actions that require an environmental assessment, pending the revision of its environmental review procedures.

FAA stressed that its decision to approve, deny, or chart a special use airspace area will continue to be based on aeronautical considerations such as what effect the airspace proposal has on federal airways and jet routes. Furthermore, FAA airspace officials emphasized that DOD should have considered environmental impacts prior to requesting a special use airspace area.

Special Use Airspace Growth Within the Continental United States From February 1978 to September 1987

Area in square miles

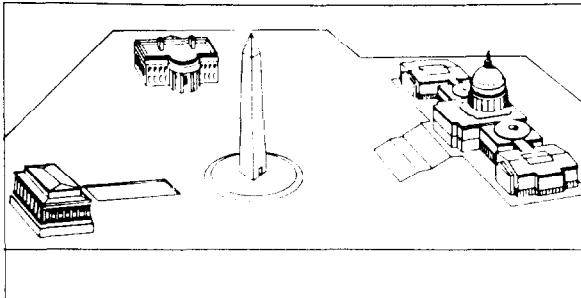
Type	Total number 1978	Total number 1987	Total area 1978	Total area 1987	Net increase	
					Total number	Total area
Prohibited Areas	6	8	37	81	2	44
Restricted Areas	257	329	75,833	85,696	72	9,863
Military Operations Areas	225	354	354,524	416,695	129	62,171
Alert Areas	28	33	24,814	53,680	5	28,866
Total	516	724	455,208	556,152	208	100,944

Note: Special use airspace is not designed solely for military purposes. For example, none of the prohibited areas are established for military purposes. Furthermore, according to FAA, six restricted areas are currently assigned to the Department of Energy and two to the National Aeronautics and Space Administration.

Source: Federal Aviation Administration, Airspace Branch.

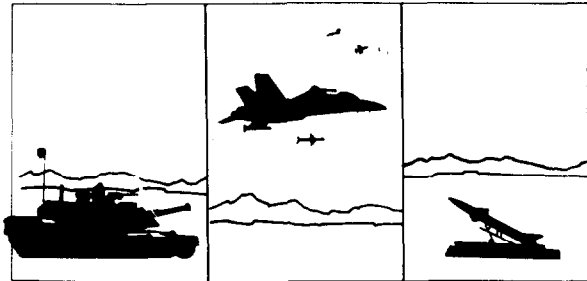
Categories of Special Use Airspace

Prohibited Area



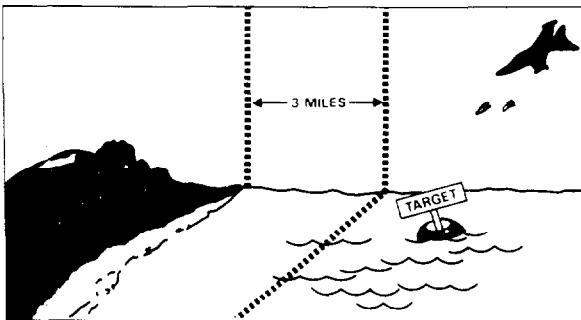
Designated for Security or Other Reasons Associated With the National Welfare

Restricted Area



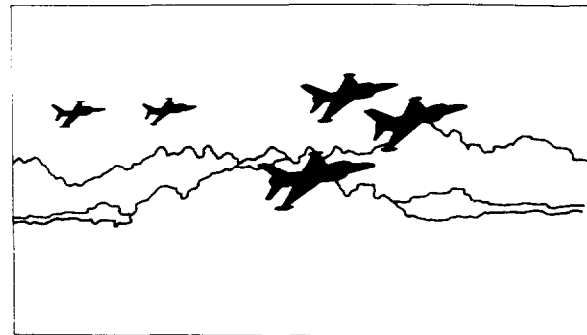
Designated When It Is Determined Necessary to Confine or Segregate Activities Considered Hazardous to Nonparticipating Aircraft

Warning Area



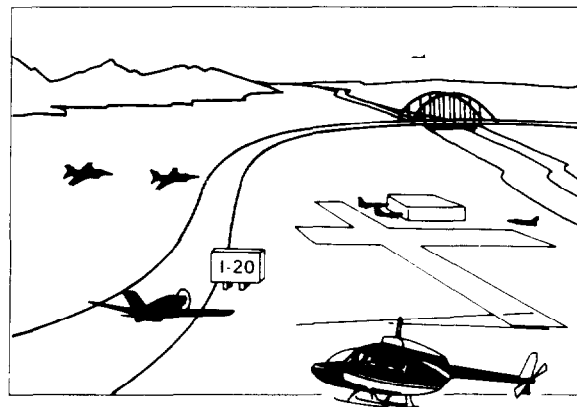
Established to Contain Hazardous Operations Conducted in International Airspace by U.S. Military Forces

Military Operations Area



Established to Contain Certain Military Activities Such as Air Combat Maneuvers, Intercepts, Acrobatics

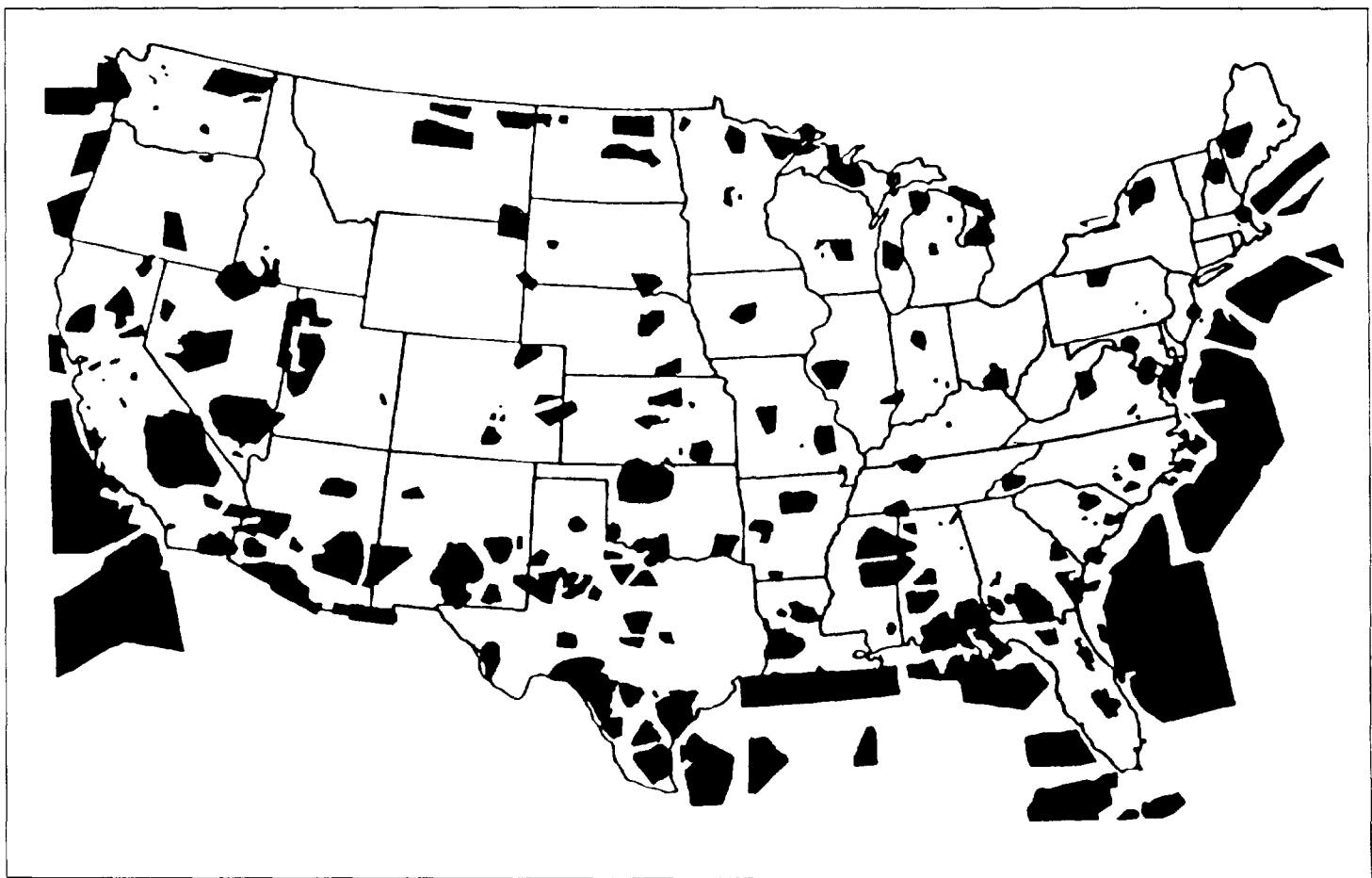
Alert Area



Informs Pilots of Specific Areas Wherein a High Volume of Pilot Training, or an Unusual Type of Aeronautical Activity Is Taking Place

Source: Federal Aviation Administration, Airspace Branch.

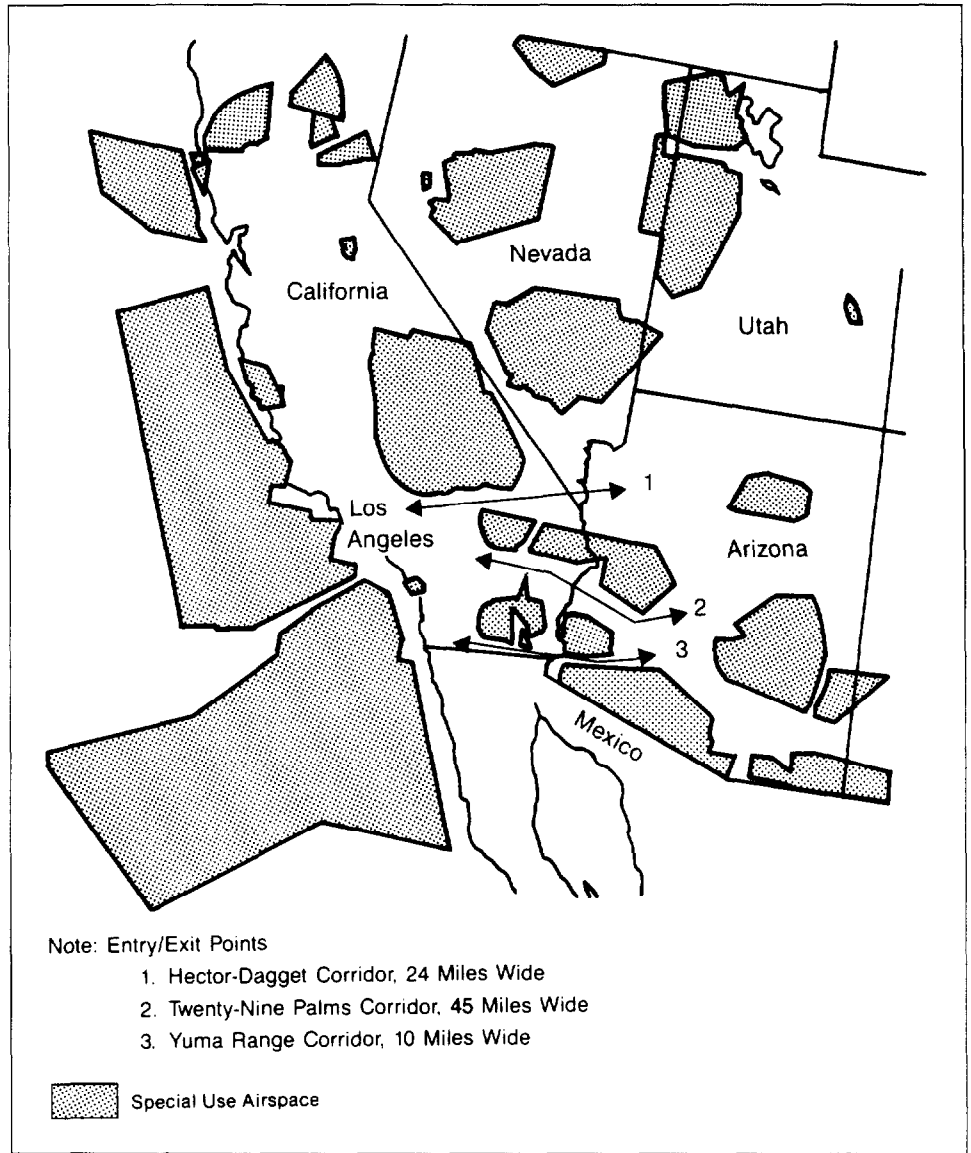
Composite View of Special Use Airspace



Note: Airspace has three specific dimensions. The first, and most obvious, of these is the vertical, horizontal, and lateral measurements that define a specific volume of airspace. Second, any given volume of airspace is centered over a specific geographic location and at some height above it. The final dimension of airspace is time. Any given volume of airspace, at any location, may be available for any period of time ranging from specified hours per day to continuously, that is, 24 hours per day. The above map shows the general geographic location of special use airspace relative to the continental United States. However, all areas are not being used at the same time.

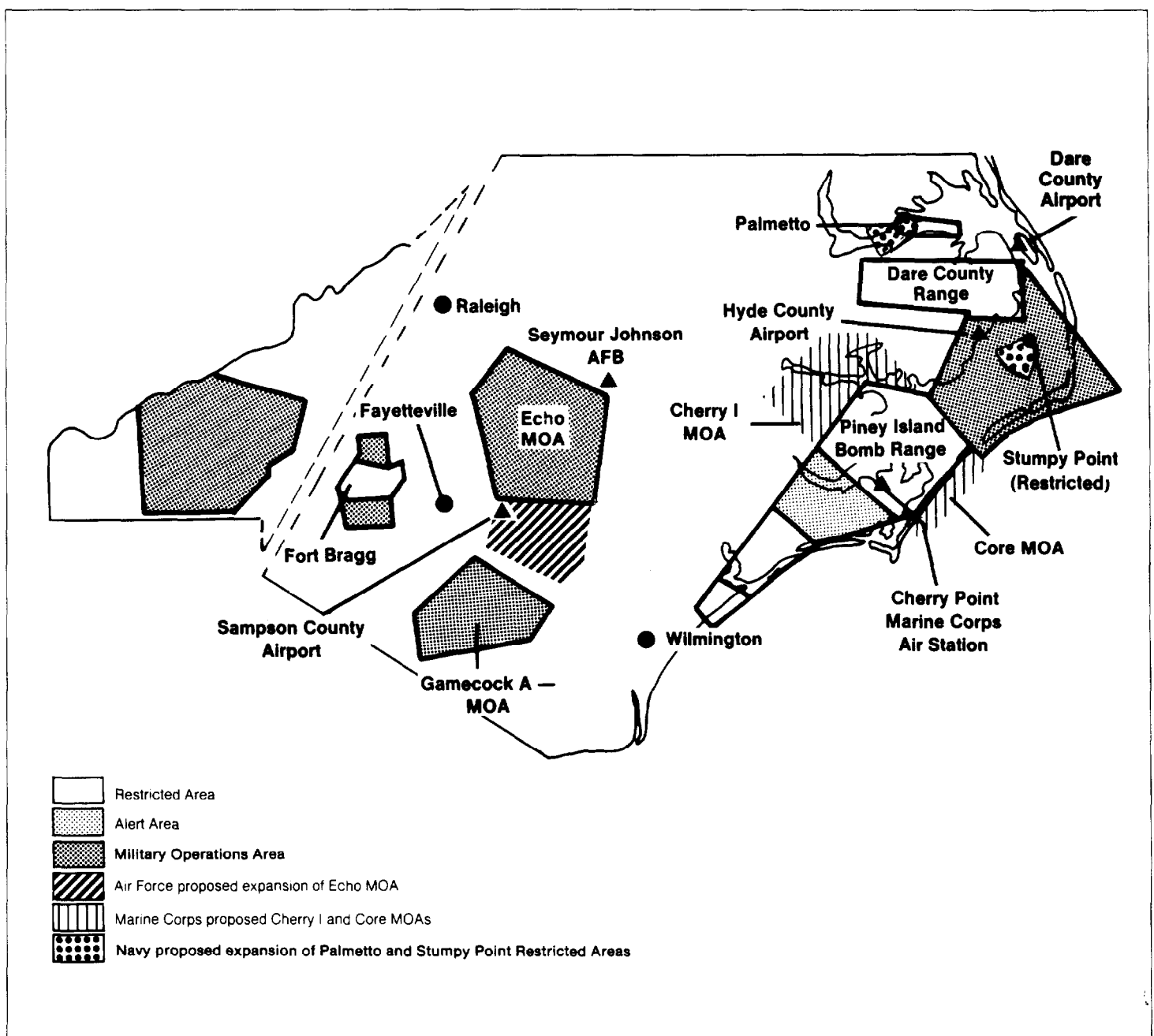
Source: Federal Aviation Administration, Airspace Branch.

Special Use Airspace in the Los Angeles Basin



Source: FAA Central Flow Control.

Existing and Proposed Special Use Airspace in North Carolina



Comments From the Department of Transportation

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



U.S. Department of
Transportation

Assistant Secretary
for Administration

400 Seventh St. S.W.
Washington, D.C. 20590

JUN 13 1988

Mr. Kenneth M. Mead
Associate Director
Resources, Community, and Economic
Development Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Mead:

Enclosed are two copies of the Department of Transportation's comments concerning the U.S. General Accounting Office draft report entitled, "Airspace Use: FAA Needs to Improve Its Management of Special Use Airspace."

Thank you for the opportunity to review this report. If you have any questions concerning our reply, please call Bill Wood on 366-5145.

Sincerely,

Jon H. Seymour

Enclosures

Enclosure

Department of Transportation Reply to
General Accounting Office Draft Report
Entitled: "Airspace Use: FAA Needs to
Improve Its Management of Special Use Airspace"

SUMMARY OF GAO FINDINGS AND RECOMMENDATIONS

The General Accounting Office (GAO) draft report states that the Federal Aviation Administration (FAA) is not effectively managing special use airspace to ensure its efficient and appropriate use. Specifically, GAO states that the FAA does not have adequate utilization data for areas in which hazardous flight training activities occur and requires no data to be provided for other special use airspace areas. According to GAO, without such data, FAA cannot ensure the efficient and appropriate use of the airspace.

Also, the report states that two 1987 U.S. Navy analyses of special use airspace illustrated that the Navy does not have a standard, centralized system for documenting and reporting airspace usage both internally and to the FAA, and that inefficient and inappropriate airspace use has occurred. GAO states that even if the FAA had the data necessary to understand how special use airspace is being used, it has not established guidance for its regions to reduce or eliminate special use airspace that is inefficiently or inappropriately used.

In addition to the above, GAO states that the FAA is currently clarifying certain management aspects of its environmental responsibilities stemming from the military's proposed use of special use airspace with the Council on Environmental Quality (CEQ), a Federal agency responsible for administering environmental policy. Specifically, the two agencies are discussing FAA's role in independently verifying the military's environmental assessment or impact statement when proposing special use airspace.

GAO recommends that the Secretary of Transportation direct the Administrator, FAA, to: (1) require standardized user reporting of actual usage data for restricted areas and expand the reporting requirement to other areas, such as military operation areas (MOA); (2) review periodically the usage reports and ensure that the airspace is being used for the designated purpose; and (3) establish specific uniform guidelines, using actual utilization reporting data, to be used by the regions for initiating discussions of special use airspace modification and revocation.

SUMMARY OF DEPARTMENT OF TRANSPORTATION POSITION

The Department generally concurs with GAO's recommendations. However, we suggest the recommendation on establishing guidance to measure the effectiveness of special use airspace utilization be rewritten for greater clarity to avoid misunderstanding its scope. Before responding to each of these specific recommendations, we would like to make some general comments about the overall project.

See comment 1.

We believe that the report does not recognize the substantial improvement in the program administration of special use airspace despite severe resource limitations. Since 1985, FAA headquarters has been communicating to regional offices and the Department of Defense (DOD) that increased emphasis was being placed on special use airspace justification and that restricted area annual utilization reports would receive greater scrutiny. Over 80 such reports have been challenged in the past 2 years.

See comment 2.

The U.S. Navy cited increased FAA emphasis on justification for the retention of special use airspace as one factor in its decision to proceed with the 1987 Blue Air Study. Navy representatives stated that never before has the attention of upper level Navy management been focused on airspace issues as it is today. The Air Force and Army have announced plans to conduct similar studies of their airspace needs. Continuing FAA headquarters scrutiny of military airspace use has had a direct bearing on prompting these actions.

See comment 3.

The GAO report does not note some significant actions taken as a result of the FAA review of restricted area utilization reports between April 1985 and December 1987. Some examples include: (1) times of use were reduced for 78 restricted use areas, of that number 53 of these areas had been continuous areas; (2) approximately 16 areas were subdivided to enable release of less frequently used portions of special use airspace for public access, which enhanced the efficient utilization of airspace; (3) six restricted areas were revoked and three MOA's were abolished for lack of use; and (4) three restricted areas and one MOA were modified, releasing airspace to accommodate airport approaches and/or additional en route airspace for civil traffic.

See comment 4.

We are also concerned about the apparent misconceptions the report conveys regarding the scope, growth and history of special use airspace. One case in point is MOA's. Statistics used in the report imply a steady enlargement in the amount of airspace assigned as such. The report does not note, however, that the MOA program was not instituted until the mid-1970's. Prior to that time, most military flight training was conducted in a visual flight rule environment, in compliance with the Federal Aviation Regulations, virtually unconstrained across the whole U.S. The public was not aware of the locations of these areas nor of the activities being conducted. As a result of a series of collisions and near-collisions between general aviation and military aircraft, the MOA program was conceived to contain nonhazardous military flight training activity and to advertise to the public where these activities occur. The

Appendix VII
Comments From the Department
of Transportation

3

program, in fact, substantially reduced the amount of airspace the military would be permitted to use for nonhazardous activities. In light of this background, it can logically be expected that there would be a natural growth in the program. However, the GAO report does not point out that the establishment of this program, by confining military training within specific charted areas, actually constituted a significant reduction in the amount of military training airspace which had previously been available nationwide.

See comment 5.

With regard to the FAA's environmental procedures for special use airspace designations, the FAA is currently in the process of revising these procedures per direction by CEQ. FAA's decision to approve, deny, or chart a special use area will be based on aeronautical considerations. However, FAA must follow applicable National Environmental Policy Act review and approval requirements. It is important to emphasize that the DOD is the lead agency for environmental review and must decide on its mission necessity in the face of environmental concerns.

See comment 6.

In regard to GAO's first recommendation, the Department concurs and also plans to work with the DOD in adding actual usage reporting data on other areas, such as MOA's. The FAA has recently moved to implement a Military Operations Division which will focus on many of the concerns raised in the GAO report. The new division will include, among its functions, the collection of extensive data on special use airspace utilization, emphasizing real-time use of airspace nationwide. The division will bring more of the airspace processing function to FAA headquarters for improved standardization and tighter program control. The recently announced "straight line" authority within the FAA, which came out of a 45-day study on FAA operations, will also provide enhanced policy guidance to the field.

Concerning GAO's second recommendation, we concur and will take appropriate action to periodically review the usage reports and ensure that the airspace is being used for the designated purpose. This requirement, in fact, already exists and is contained in FAA Order 7400.2C, Procedures for Handling Airspace Matters.

With respect to GAO's last recommendation, we concur; however, we suggest the recommendation be rewritten for greater clarity to avoid misunderstanding its scope. We believe that "the FAA should establish a standard to measure the effectiveness of the DOD special use airspace utilization for the purpose of considering subsequent modification or disestablishment." It is believed that a final determination will, in most cases, be somewhat subjective since each area must be specifically examined on its own merits to decide if sufficient justification exists to retain, modify as a result of new requirements, or disestablish the area. We use "disestablish" so that it effectively applies to both regulatory and nonregulatory airspace. We also suggest that the GAO's statements regarding lack of guidance on handling airspace review and disestablishment are more indicative of an internal FAA training problem than of inadequate policy guidance in this area. Notwithstanding, we will address this issue with the establishment of the new division discussed above.

See comment 1.

The following are GAO's comments on the Department of Transportation's letter dated June 13, 1988.

GAO Comments

1. We agree with FAA and have revised the recommendation language as appropriate.
2. While some improvement in the program administration of special use airspace has recently occurred, nonetheless, both DOD and FAA recognize that many longstanding problems continue to affect the program. For example, airspace areas are used for other than their designated purpose, utilization reports are only required for restricted areas and do not always identify actual usage, and required on-site reviews of problem special use airspace areas have not been made. Furthermore, FAA has not ensured that the utilization of each area of special use airspace, except prohibited and warning areas, has been reviewed on an annual basis. In addition, DOD and affected airspace users have noted FAA still needs to improve its notification system to provide more accurate information to general aviation pilots as to whether a special use area is in use or not in use.
3. We agree with FAA that its emphasis on justification for the retention of special use airspace was one factor spurring the Navy to proceed with the 1987 Blue Air Study. However, according to another Navy Department utilization study, the service recommended the need to move expeditiously in assessing airspace utilization in light of interest expressed by GAO, civil aviation interest groups, and states' departments of transportation in special use airspace utilization.
4. FAA said that significant actions have been taken as a result of FAA's review of restricted area utilization reports between April 1985 and December 1987. Overall, the number of restricted areas, military operations areas, and warning areas has increased. Additionally, FAA cites six restricted and three military operations areas revoked and three restricted and one military operations areas modified as evidence of the scope of its oversight. These areas, however, represent only about 1 percent of the respective total number of these areas around the country.
5. We revised the background section of the report to more clearly reflect the scope, growth, and history of special use airspace.
6. Although FAA has agreed to revise its environmental procedures for evaluating special use airspace proposals to comply with NEPA review

**Appendix VII
Comments From the Department
of Transportation**

and approval requirements, it indicates in its letter that its “decision to approve, deny, or chart special use airspace areas will be based on aeronautical considerations.” Therefore, it is unclear whether FAA’s proposed review changes will differ substantively from its current practice of basing its decisions on aeronautical concerns, and, consequently, whether this issue will still require resolution by CEQ and FAA.

Comments From the Department of Defense

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



COMMAND, CONTROL,
COMMUNICATIONS
AND
INTELLIGENCE

ASSISTANT SECRETARY OF DEFENSE

WASHINGTON DC 20301 3040

26 MAY 88

Mr. J. Dexter Peach
Assistant Comptroller General, Resources,
Community, and Economic Development Division
US General Accounting Office
Washington, DC 20548

Dear Mr. Peach:

This is the Department of Defense (DoD) response to the General Accounting Office (GAO) draft report, "AIRSPACE USE: FAA Needs to Improve Its Management of Special Use Airspace," dated April 19, 1988 (GAO Code 341163), OSD Case 7620. The DoD partially concurs with the GAO draft report findings and recommendations.

The Special Use Airspace (SUA) program procedures currently in use in the United States are the evolutionary product of over 40 years of careful development by the DoD, with the cooperation and assistance of the Federal Aviation Administration (FAA) and its predecessors. The DoD must have airspace to conduct the training and research and development operations necessary to maintain a strong national defense posture. From the beginning, the thrust has been to provide for national defense airspace requirements, while enhancing safety and minimizing the impact on the flying public and, in recent years, the population on the surface. To this end, the SUA program, as it exists today, is remarkably successful. Despite unprecedented advances in weapons system technology, vast increases in commercial and private air activity, and population shifts that have significantly encroached upon many of the long established DoD centers of air activity, the safe and relatively unimpeded flow of air traffic in the United States remains a model for the industrialized nations of the world.

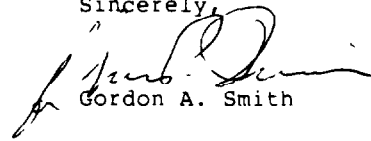
It is also recognized that there is room for improvement. The DoD, in concert with the FAA, has initiatives ongoing to meet the challenges of ever increasing military and civil airspace demand. If funding for air traffic control system development and equipment acquisition is forthcoming, the next decade should see marked improvement in the ability to rapidly and safely shift airspace from military to civil use and vice versa. While the requirement for military SUA is not likely to change for the foreseeable future, the DoD and the FAA are jointly responsible for rapidly returning the airspace to civil

Appendix VIII
Comments From the Department of Defense

use during periods of military inactivity. Improvement in this function will greatly increase national airspace system capacity and efficiency.

The detailed DoD comments on the report findings and recommendations are provided in the attachment.

Sincerely,



Gordon A. Smith

Attachment

GAO DRAFT REPORT DATED APRIL 19, 1988
(GAO CODE 341163) OSD CASE 7620

"AIRSPACE USE: FAA NEEDS TO IMPROVE ITS
MANAGEMENT OF SPECIAL USE AIRSPACE"

DEPARTMENT OF DEFENSE COMMENTS

* * * * *

FINDINGS

FINDING A: Managing the Nation's Airspace. According to the GAO, the Federal Aviation Act of 1958 charged the Federal Aviation Administration (FAA) with safely and efficiently managing the nation's airspace. The GAO noted that this means the FAA must balance the sometimes conflicting military and civil aviation needs. The GAO observed that both the FAA and the military recognize that providing special use airspace for the military is an issue of growing national importance because both the military flight training needs and the number of civil aviation flights have grown. The GAO noted that, in 1987, special use airspace consisted of 1,063,957 square miles or about one-third of the nation's airspace--an increase of 270,584 square miles (or 34 percent) since 1978. According to the GAO, these special use areas have defined dimensions within which flight restrictions may be imposed on aircraft that are not participating in training (because certain military training and ordnance testing can be dangerous). The GAO also noted that special use airspace categories identify the hazard level of the military activity in the airspace, alerting civilian pilots to the general accessibility of the airspace. The GAO reported that in December 1987, the Congress enacted legislation affecting the management of special use airspace--i.e., the Airport and Airway Safety and Capacity Expansion Act of 1987--which required the Secretaries of Transportation and Defense to "jointly conduct a national review of the need and utilization of special use airspace (SUA) with a view to determining its impact on civil aviation operations and on the quality of the environment." The GAO observed that a joint group is being formed to begin this study. (pp. 1-3/GAO Draft Report)

DOD RESPONSE: Partially Concur. The amount of existing SUA, as reported by the GAO, in terms of square miles is misleading. Of all categories of SUA, only one must be avoided in all cases--the prohibited area. There are less than 10 small prohibited areas in the United States which are restricted primarily for reasons of presidential security. None are established for DOD purposes. All other SUA categories either impose no restriction on the flying public or place restrictions on the public only when the area is activated for military purposes. The DoD acknowledges that difficulty currently exists in rapidly

switching control of restricted airspace between the DoD and the FAA in some areas. The DoD and the FAA have initiatives in progress to correct this problem (see DoD responses to Findings C and D).

In order to ensure a full understanding of the complexities of SUA, descriptions of the various categories follow:

- Alert Area: Imposes no restrictions on users of the National Airspace System (NAS). It merely alerts pilots that a minimum of 250,000 aircraft operations per year are being conducted within that area or unusual (nonhazardous) aerial activity exists. Alert areas are not only established for the DoD, but also for civil flight activity.
- Military Operations Area (MOA): When activated, contains activity that is considered noncompatible with nonparticipating Instrument Flight Rules (IFR) aircraft. There is no restriction on Visual Flight Rules (VFR) aircraft operating within a MOA. If standard IFR separation can be assured between participating aircraft and nonparticipating IFR aircraft, then the nonparticipating aircraft may be routed through these areas.
- Restricted Area: For activities that are considered to be hazardous to all nonparticipating aircraft. The controlling Air Traffic Control (ATC) facility may direct nonparticipating IFR aircraft through an active restricted area provided standard IFR separation can be made for those aircraft. The VFR traffic may also be permitted to transit these areas, provided separation can be provided from ongoing activity. Only a small percentage of current restricted areas are listed as active full time. The large percentage are designated as "joint use," meaning they are released to the FAA for use by the public when not in use by the military. In addition, military restricted areas are designated as "shared use," meaning they may be used by agencies other than the designated Using Agency. This helps prevent the proliferation of SUA and provides for more efficient use. Restricted areas are often segmented vertically and horizontally. This allows the Using Agency to activate only that part of a restricted area needed to contain the ongoing activity.
- Warning Areas: Established outside the NAS in international airspace. They are not under the jurisdiction of the FAA. The DoD has the responsibility for the management of warning areas. It should be noted that aircraft operating in international airspace do not have the same guarantee for separation from other aircraft that is provided for aircraft operating in the NAS.

It is also emphasized that the SUA quantification provided by the GAO is only a two dimensional measure of the square miles contained within SUA lines on national and international charts and has no significant meaning in terms of impact on nonmilitary

aviation, the environment, or the DoD/FAA airspace management. Times of usage and altitude parameters must also be taken into account.

In addition, the GAO statement that one-third of the nation's airspace is SUA is misleading. To achieve the reported value, all warning areas, which constitutes over 45 percent of SUA and which exist almost entirely over international waters, would have to be included as if they were over the continental US.

See comment 1.

FINDING B: Special Use Airspace Effect on the Nation's Airspace. The GAO found that special use airspace can preclude civil use of airspace and limit air traffic to and from a particular location. The GAO cited, as an example, that, according to the FAA, for over 2 years the location and use of SUA in Southern California has extensively affected air traffic flow into and out of that very congested part of the country. According to GAO, military airspace, which comprises 50 percent of the Los Angeles Air Traffic Control Center's airspace, restricts the flow of air traffic at the three east-west entry/exit points for the Los Angeles basin and, during heavy periods of demand in the Los Angeles area, has resulted in an increasing number of delays directly affecting the flying public and creating a potential safety problem. The GAO noted that, in June 1987, the FAA initiated flow control procedures to limit the air traffic destined for Los Angeles, resulting in air carriers being delayed either at their point of origin or at some point prior to approaching the Los Angeles area. The GAO reported that the military maintains that it needs the airspace around the Los Angeles basin and that the military Services have invested in ground facilities and equipment to support expanding weapon systems deployment, combat training, and flight testing in this area. The GAO noted that, as a result, training requirements for these areas increased during the 1980s to the extent that available airspace is often insufficient. The GAO concluded that this has created a problem of competing priorities--commercial airlines are clogging the remaining airspace, and the military wants to increase its airspace for expanding missions. The GAO found that a similar situation (in which special use airspace areas are beginning to have a major, cumulative effect on a geographical area) is occurring in North Carolina, where three military components have proposed adding to or reshaping existing SUA areas in the eastern part of the state. (The GAO will issue a separate fact sheet report on the North Carolina situation.) (pp. 3-5/GAO Draft Report)

DOD RESPONSE: Partially Concur. Certain categories of SUA will limit air traffic. The purpose of restrictive SUA is to limit nonparticipating air traffic for reasons of safety and national security.

The GAO conclusion that SUA comprises 50 percent of the Los Angeles Center area of cognizance is misleading because it

includes warning area airspace which is in international waters and, therefore, not under the jurisdiction of the FAA.

The SUA adjacent to the Los Angeles basin is required because of:

- Proximity to several military installations;
- Billions of dollars in ground systems investments; and
- Several one-of-a-kind systems with unique capabilities.

Relocation of the facilities/installations would be cost prohibitive and would not correct the problem--it would only move the problem somewhere else.

The DoD does not agree with the FAA on the cause of the Los Angeles basin traffic flow problem. Civil traffic is routinely routed through the R-2508 Complex. This is one of the largest SUA areas managed by the military. It is composed of SUA belonging to Edwards Air Force Base, George Air Force Base, China Lake Naval Weapons Center, and Fort Irwin Army Base. Better than 95 percent of the commercial traffic desiring to transit this complex is permitted to do so. The Navy and Marine Corps are providing Air Traffic Control (ATC) services to commercial aircraft that request to transit SUA adjacent to Yuma, Arizona.

The DOD maintains that SUA is only one among a number of complex factors that limit traffic flow in the Los Angeles basin. Airline "hubbing" decisions, lack of airport facilities, continental geography, competitive scheduling practices, and nonstandard flight delay reporting all complicate the problem.

With reference to North Carolina, the unrestricted hubbing effort on the part of American Airlines at Raleigh, North Carolina, is already having an adverse impact on the SUA at Fort Bragg and Pope Air Force Base.

See comment 2.

FINDING C: Insufficient Data for the FAA to Review the Use of Special Use Airspace. According to the GAO, in September 1987, an FAA-sponsored steering committee (which included military representatives) recommended the development of new jet routes through established military SUA, thereby providing parallel arrival and departure routes to and from Southern California airports. The GAO reported the committee concluded that these changes were necessary because:

- The location of SUA has not been adequately changed to accommodate current civil air traffic demands; and
- Joint-use procedures between the military and FAA were often ineffective.

The GAO further reported that the military users objected, stating the recommendations would have a significant adverse impact on most military activity in the region. The GAO concluded, however, that the FAA did not have adequate data to determine what impact these recommendations would have on the military. According to the GAO, the FAA requires the military to report its use of restricted areas; but, these are the only SUA areas reported to the FAA. The GAO found that these reports differ from FAA region to FAA region--i.e., some reports reflect actual use (in differing formats), while others reflect only planned use. The GAO also found that the FAA does not routinely determine whether the military uses the airspace for its originally designated purpose. The GAO further concluded that, if the FAA is to manage SUA effectively, it needs to know where, when, and how airspace is being utilized; therefore, the military users need to report actual data in sufficient detail, not only for restricted areas, but also for other areas such as military operations areas. (pp. 5-8, p. 13/GAO Draft Report)

DOD RESPONSE: Partially Concur. Both the DoD and the FAA have been working for a number of years to develop fully automated systems that will provide real time joint civil/military utilization of SUA areas. The Military Airspace Management System (MAMS) will be tested this summer in proximity to the Los Angeles basin. When the MAMS is fully developed, it will interface with the FAA at the local, regional, and national levels. This should eliminate the requirement for reporting, since the FAA system will have access to all SUA utilization data through the MAMS.

With regard to the reporting issue, it must be understood that the amount of usage cannot, by itself, be considered a pivotal factor in making decisions about SUA. The military has requirements for SUA that may be used as little as three or four times a year. As long as this airspace is not activated, they represent no impediment to the public and, when activated, they serve an important purpose. It is in the nation's interest that the DoD continues to determine the requirements for SUA. Only the DoD can accurately and properly assess its needs in support of national security.

FINDING D: Navy Studies Identify Report and Usage Problems.

The GAO reported that, in a January 1987 study on SUA utilization reports, the Navy recognized the lack of a standard, centralized system for documenting and reporting its airspace usage and noted that "methods for gathering such data vary among activities" and "discrepancies routinely exist between military reports and FAA data." The GAO further reported the study also recognized that data are not recorded for military operations areas or warning areas unless ordered by local commanders or ATC facilities for their own purposes. The GAO noted that Project Blue Air analyzed Navy and Marine Corps airspace use data on 191 SUA areas--consisting of 47 military operations areas, 57

See comment 3.

restricted areas, and 87 warning areas for the period January 2 to March 31, 1987. According to the GAO, the study determined that SUA under naval authority was used 22.2 percent of the total available hours, restricted areas were used 25.7 percent of the time, and eight restricted and three military operations areas were not used at all during the period. The GAO noted that the report cited ten instances of non-hazardous activities (such as basic military student aviation training and parachute drops and jumps) being conducted in specific restricted areas and concluded that "this abuse creates circumstances that justify the FAA formally asking the Navy to revalidate and fully justify its requirements for some special use airspace." The GAO concluded that the FAA needs to review existing airspace use periodically to determine that the airspace is being used for its designated purpose. (pp. 8-9, pp. 13-14/GAO Draft Report)

DOD RESPONSE: Concur. The Army and Air Force are in the final stage of letting a contract to expand the Navy/Marine Corps Blue Air Study into a DoD initiative. The Services are validating a statement of need for a Military Airspace Management System (MAMS). This initiative, once completed, will provide the FAA with a real time awareness of military activity in SUA under their jurisdictional oversight.

FINDING E: FAA Headquarters Does Not Provide Adequate Usage Guidance to Regions. The GAO reported that the FAA has not established specific guidance or standards by which its regions, which are responsible for reviewing certain SUA utilization, can reclaim or modify underutilized airspace. The GAO concluded that, without such guidance, the FAA does not have the management tools to question, consistently and uniformly, the continued military need for particular SUA areas. The GAO further concluded that to assist the regions in exercising proper judgment and to provide consistent, clear procedures, the FAA headquarters should develop guidance for its regions on whether significant gaps between actual usage and available time justify changing or revoking the airspace in whole or part. (The GAO emphasized, however, that infrequent use by the military of SUA should not be the sole criterion to determine if the military needs the airspace.) (pp. 10-14, p. 14/GAO Draft Report)

DOD RESPONSE: Non Concur. The FAA does have adequate written guidance for management of SUA. However, the funds and personnel necessary to implement these directives have not been forthcoming.

FINDING F: Disagreement Over FAA Environmental Responsibilities Associated With Special Use Airspace. The GAO reported that, under the National Environmental Policy Act of 1969 (NEPA), agencies are required to consider the impacts their decisions may have on the environment and are required to prepare "environmental assessments;" and in cases where substantial

See comment 4.

Appendix VIII
Comments From the Department of Defense

impacts are possible, more detailed "environmental impact statements" are required. According to the GAO, the FAA contends that any environmental impacts stemming from the use of SUA, such as the operations of military aircraft at altitudes close to the ground or the firing of ordnance, should have been considered by the military component requesting the airspace before the FAA is asked to designate the airspace for activity. The GAO found that the FAA, therefore, does not substantially review or independently verify the military environmental assessments; instead, it simply verifies that it is stated--in the form of a certification--that the military complied with NEPA provisions. At the request of the GAO, an opinion was obtained from the President's Council on Environmental Quality on whether the FAA actions adhere to the Council regulations implementing the NEPA. The GAO reported the Council's position is that its regulations do not permit the FAA to delegate responsibility for NEPA compliance. According to the Council, the FAA may permit the military to prepare an environmental assessment for the FAA or the FAA may adopt the military environmental assessment. It is the Council's position, however, that the FAA has an independent responsibility to verify that the proposed documentation accurately addresses the environmental impacts associated with the proposed action and complies with the NEPA--i.e., the FAA cannot meet its obligations simply by determining if the military has certified its compliance with the NEPA. The GAO reported that the Council formally asked the FAA to revise its policies and procedures to ensure that the FAA independently evaluates the scope and content of both environmental assessments and environmental impact statements that the military prepares for SUA proposals. (pp. 11-14/GAO Draft Report)

DOD RESPONSE: Partially Concur. The DoD agrees with the facts as presented and recognizes there is a disagreement on this issue. The DoD disagrees with the Council's position. Special use airspace development procedures are already protracted. Duplication of DoD NEPA procedures by the FAA will further exacerbate this lengthy process, require additional funding, and result in no appreciable improvement.

See comment 5.

RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommended that the Secretary of Transportation direct the Administrator, FAA, to require standardized user reporting of actual usage data for restricted areas and expand the reporting requirement to other areas, such as military operations areas. (pp. 14-15/GAO Draft Report)

DOD RESPONSE. Concur. Although the value of utilization reports for some categories of SUA is questionable, the Military Airspace Management System (MAMS) (discussed in the DoD response to Finding C) will provide all usage data to the FAA, thus obviating this issue. The DoD will support increased reporting requirements once the MAMS has been implemented.

RECOMMENDATION 2: The GAO recommended that the Secretary of Transportation direct the Administrator, FAA, to review periodically the usage reports and ensure that the airspace is being used for the designated purpose. (p. 15/GAO Draft Report)

DOD RESPONSE. Concur. The DoD welcomes such a review and would work with the FAA.

RECOMMENDATION 3: The GAO recommended that the Secretary of Transportation direct the Administrator, FAA, to establish specific, uniform guidelines, using actual utilization reporting data, to be used by the regions for initiating discussions of SUA modification and revocation. (p. 15/GAO Draft Report)

DOD RESPONSE. Partially Concur. The DoD does not object to the FAA developing guidelines by which the regions determine when to initiate discussions with the military concerning justification for a particular SUA. Final decision-making, however, must be based on the merits of the military's requirements for the particular SUA in question and not just utilization figures. Only the DOD can and must determine its requirements for SUA. The uniqueness of many military operations preclude the use of a standardized formula approach to SUA decision-making.

See comment 6.

The following are GAO's comments on the Department of Defense's letter dated May 26, 1988.

GAO Comments

1. To avoid any misunderstanding, we revised the report to differentiate between the amount of special use airspace which overlies the continental United States as compared with that overlying international waters. However, we do not agree with DOD's contention that a two dimensional measure of special use airspace has no significant meaning in terms of impact on civil aviation. While civil aircraft may transit all types of special use airspace areas, except prohibited areas, flying through such airspace requires pilots to obtain special permission and/or exercise extreme vigilance to ensure safety. As such, prudent pilots tend to avoid flying through special use airspace.
2. We have revised the report to point out that DOD stated other factors, in addition to special use airspace, contribute to the air traffic flow problem in the Los Angeles basin.
3. The Military Airspace Management System (MAMS) has been on the drawing board since the early 1980s and, in all likelihood, will not be fully implemented until the early 1990s. In the meantime, FAA should require DOD to submit complete, accurate reports on airspace usage. In our conclusions, we recognize that utilization cannot be the sole determinant for modifying existing special use airspace. It should, however, provide FAA regions with consistent, clear procedures for reviewing airspace and be a basis for initiating discussions questioning infrequently used airspace. In addition, while we recognize that only DOD can determine its needs, nevertheless, FAA has the responsibility of managing the special use airspace program and needs accurate, complete data to make informed decisions on DOD proposals for additional airspace.
4. We do not agree that FAA has adequate written guidance for the management of special use airspace. Such guidance contained in FAA Handbook 7400.2C Part 7, Par. 7150, provides existing regional criteria to initiate alteration or revocation action against existing special use airspace. We believe this guidance is too general to be of practical value.
5. DOD agrees with our presentation of the facts. Both DOD and FAA, however, disagree with CEQ's opinion as to FAA's special use airspace responsibility under NEPA. This issue rests with CEQ and FAA. It is our position, however, that the issue must be resolved.

6. We agree that the military must determine special use airspace requirements. We have not identified utilization as the only factor that determines whether a particular military unit keeps its existing special use airspace. Other factors such as a military unit's change in its mission and/or requirements may justify continued use of special use airspace. For these reasons, we specify in one of our recommendations only that FAA needs to establish a standard to initiate discussions between FAA and the military questioning infrequently used airspace. We believe this is a reasonable approach.

Comments From the Council on Environmental Quality

Note: GAO comments supplementing those in the report text appear at the end of this appendix.

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, NW
WASHINGTON, DC 20503

May 10, 1988

Mr. Kenneth M. Mead
Associate Director
Resources, Community, and
Economic Development Division
General Accounting Office
Washington, D.C. 20548

Dear Mr. Mead:

The draft report entitled "Airspace Use: FAA Needs to Improve Its Management of Special Use Airspace" was referred to me for review and response. In general, the report accurately reflects the information provided by the Council on Environmental Quality, although I have the following comments.

First, the Council is not "responsible for administering environmental policy" (Report at 2) nor "responsible for administering NEPA" (Report at 12). Rather, the Council acts as a Presidential advisor on environmental matters and oversees federal agency implementation of the procedural provisions of the statute. See NEPA, Section 204; and Executive Order No. 11514, as amended by Executive Order No. 11991. Administration of NEPA is the responsibility of each individual agency.

The Council has promulgated regulations to implement the procedural provisions of NEPA and approves federal agencies' procedures to implement the statute. CEQ will not approve such procedures if it finds that they are inconsistent with either NEPA or the CEQ regulations. See 40 CFR § 1507.3. The Council does address broad issues of NEPA implementation, but is not involved in the day-to-day administration of the statute.

Second, the report states that the Council "decides whether agencies' actions adhere to the Council's regulations implementing NEPA." Report at 12. While CEQ can and does review federal agency actions and take a position on whether those agencies have complied with NEPA, the Council can only advise federal agencies to follow particular procedures in particular instances.

See comment 1.


See comment 1.

Appendix IX
Comments From the Council on
Environmental Quality

Mr. Kenneth M. Mead
May 10, 1988
Page Two

I appreciate the opportunity to review the draft report and hope that these comments are useful to you. Please call me at 395-5754 if you have any questions.

Sincerely,


Lucinda Low Swartz
Deputy General Counsel

**Appendix IX
Comments From the Council on
Environmental Quality**

The following are GAO's comments on the Council on Environmental Quality's letter dated May 10, 1988.

GAO Comments

1. We have revised the report language to more accurately reflect the Council's role regarding the environment and the National Environmental Policy Act of 1969 as appropriate.

Objectives, Scope, and Methodology

To assess the effectiveness and efficiency of the special use airspace program, we interviewed FAA and military representatives on the military's current and future airspace requirements, FAA's process for approving special use airspace proposals, and FAA's monitoring of existing special use airspace. We also reviewed FAA and DOD policies, regulations, and documents, including two 1987 Navy studies of special use airspace—one on utilization reports and the other on airspace requirements. We also requested the Council on Environmental Quality's opinion as to whether FAA can delegate responsibility for compliance to NEPA to agencies requesting special use airspace. We performed our review of special use airspace management practices in FAA's Western-Pacific, Northwest Mountain, Southern, and Eastern regions. There we reviewed the policies and procedures of the special use airspace program and talked with FAA managers about their roles and responsibilities in managing the program.

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