



January 10, 2022

FAA Eastern Service Center
Operations Support Group (AJV-E23)
Military Liaison Officer
1701 Columbia Ave
College Park, GA 30337

Sent via the Internet

Wilderness Watch, Standing Trees, Vermonters for a Clean Environment, and RESTORE: The North Woods provide these comments on the draft “Proposal to establish the Chugs Military Operations Area (MOA), Airspace Study 21-ANE-201-NR.”

Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper administration of the National Wilderness Preservation System.

Standing Trees works to protect and restore forests on New England’s public lands.

Vermonters for a Clean Environment advocates for the wellbeing of all Vermonters, striving for the protection of the natural world: land, air, water, wildlife, people, and especially the web of life.

RESTORE: The North Woods is a New England-based nonprofit organization whose mission is to restore, preserve, and defend wildlife, wilderness, and public lands.

Background

The proposed Chugs MOA poses a serious danger to the Congressionally protected wilderness character of at least three Wilderness areas in southern Vermont on the Green Mountain National Forest as well as the Congressionally designated White Rocks National Recreation Area.

The mature forests, wetlands, and wild ridgelines and peaks in the Peru Peak, Big Branch, and Lye Brook Wilderness Areas in the Green Mountains are home to native wildlife such as moose, pine marten, bobcats, black bears, wild turkeys, beavers, whitetail deer, brook trout, rare birds, and more. The Peru Peak Wilderness consists of 7,825 acres, and its remote northern half is trail-less, offering undisturbed wildlife habitat and opportunities for solitude. Nearby Big Branch is 6,725 acres. The Lye Brook Wilderness is 18,122 acres and protects the forests around Stratton Pond, a popular backpacking destination. The quiet and remote mature forests of the nearby 22,330-acre Glastenbury Wilderness, which is immediately adjacent to the Chugs MOA (portions may actually be within the MOA, but the map provided is insufficiently detailed to determine with certainty), provide secure habitat for female black bears and many species of birds. The historic Appalachian National Scenic Trail, managed by the National Park Service, and the Long Trail cross all of these areas.

Wilderness areas are rare in New England. Just 3% of the landscape across the six-state region, including a similar percentage within Vermont and only 1% in Massachusetts, is managed as wilderness or an equivalent designation, protecting quiet landscapes where motorized intrusions are prohibited to preserve the natural soundscape as well as natural processes, intact ecosystems, and opportunities for solitude and primitive recreation. The four aforementioned Wilderness areas are located within a four-hour drive of some of the largest metropolitan areas in the US, including Boston and New York City. More than 40 million Americans live within a half-day's drive of these popular destinations for relaxation, physical recreation, and spiritual renewal.

Put simply: the Peru Peak, Big Branch, Lye Brook, and Glastenbury Wilderness Areas are magnets for people seeking salvation and rejuvenation made possible through encounters with wild nature, in a region where peace and quiet is increasingly challenging to find. This proposal to make the Chugs MOA permanent jeopardizes the wilderness character of these unique areas.

The FAA review fails to account for Wilderness impacts

The first sentence of Section 2(a) of the 1964 Wilderness Act describes the purpose of the Act:

In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; ...

In brief, that purpose is to keep some areas unoccupied and unmodified. And this protection is for present and future generations--for all time--in perpetuity. Further, Congress defined wilderness in section 2(c) as a place "in contrast" to areas where humans and their works dominate, "where the earth and its community of life are untrammled by man, where man himself is a visitor who does not remain." Thus, there is a clear intention that Wilderness must remain in contrast to modern civilization, its technologies, conventions, and contrivances. Indeed, there is the mandate to preserve wilderness in perpetuity.

Nowhere in this review document does it analyze the affirmative duty that the US government has to protect Wilderness.

Additional questions include:

- How many flights would produce sonic booms?
- What are the decibel levels a human will hear at ground level?
- What are the alternative locations where these sorties could take place?
- Could the frequency and total number of the sorties be reduced?
- What monitoring will there be to gauge impacts to human health as well as wilderness character?

The Wilderness Act proscribes intentional human degradation. Indeed, the Act in section 2(a) requires that Wildernesses, “shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired” Section 4(b) requires that, “each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.” Thus, by definition, impairment of Wilderness is significant.

In addition to potential harms to Congressionally designated Wilderness, the overflights also threaten the White Rocks National Recreation Area, designated with passage of the [Vermont Wilderness Act of 1984](#). Title II, Section 201 of the legislation that established the White Rocks NRA is instructive:

TITLE II—WHITE ROCKS NATIONAL RECREATION AREA
FINDINGS AND POLICY
SEC. 201.

(a) Congress finds that—

(1) Vermont is a beautiful but small and rural State, situated near four large cities with combined metropolitan populations of over fifteen million;

(2) geographic and topographic characteristics of Vermont provide opportunities for large numbers of people to experience the beauty of primitive areas, but also place unusual pressure to provide options to maximize the availability of such lands for a variety of forms of recreation;

(3) certain lands designated as the Big Branch and Peru Peak Wilderness Areas by title I of this Act are suitable for inclusion as part of the national recreation area; and

(4) certain other lands in the Green Mountain National Forest not designated as wilderness by this Act are of a predominantly roadless nature and possess outstanding wild values that are important for primitive and semiprimitive recreation, watershed protection, wildlife habitat, ecological study, education, and historic and archeological resources, and are deemed suitable for preservation and protection as part of a national recreation area.

(b) The purpose of this title is to designate certain National Forest System lands in the State of Vermont as the White Rocks National Recreation Area in order to preserve and protect their existing wilderness and wild values and to promote wild forest and aquatic habitat for wildlife, watershed protection, opportunities for primitive and semiprimitive recreation, and scenic, ecological, and scientific values.

A full analysis of impacts should assess the threat to the White Rocks NRA as well as to designated Wilderness areas.

Impacts to wildlife from noise can be significant. Attached to our comment email is a literature review about impacts to wildlife from noise, as well as a decision from a related lawsuit.

In sum, the proposal fails to analyze any impacts to wilderness and the White Rocks NRA.

NEPA and other public process concerns

A federal agency action of this significance requires rigorous analysis under NEPA, involving the preparation of an Environmental Assessment or Environmental Impact Statement. Responsible federal agencies should analyze a full range of possible alternatives to the current proposal, including a No Action alternative.

Regardless of the failure to conduct a NEPA analysis, the FAA did not make a reasonable attempt to inform the public and solicit comments. We find it difficult to comprehend that no email address was provided for comment submissions, especially during a pandemic when it is unsafe to travel to post offices. We argue that it is the civic duty of each American to avoid in-person encounters in these challenging times, and that the FAA is putting lives in danger by not providing an email address for comments. Only after several phone calls did the FAA finally share an email address for submissions. However, this step was not taken until January 6, with only four full days remaining in the comment period.

Similarly, the failure to conduct an online information session/presentation, properly noticed and advertised, ensured that very few comments would be received from the public.

Given the combination of a disregard for public health and inadequate outreach, we request that the comment period be extended by an additional 45-60 days to allow time for the FAA to schedule online public meetings.

Conclusion

A decision to make the Chugs MOA permanent will have long-term ramifications for wilderness character and the health of people and wildlife. A proper review would include coordination between multiple agencies, a high degree of public education and input, and a detailed assessment of a range of alternatives to the proposed action.

We appreciate your careful consideration of our comments and look forward to your response.

Sincerely,



Wilderness Watch
PO Box 9175
Missoula, MT 59807



Zack Porter
Director, Standing Trees
17 N Park Dr
Montpelier, VT 05602