

**Wm. Gregory Bruce
Bay Aircraft Owners, Inc.
P002 Individual Letter**

Comment 1

1. The screening criterion “Compatibility with Airspace Configuration/Utilization” is invalid and arbitrary. This criterion was contrived by a consultant for just this EIS and does not exist in the FAA’s own airspace/airport design methodology. FAA’s “Airports District Office” did not even seek an official opinion from FAA’s airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III “Response to Comments – Federal, State, and Local Agencies”. These comments are considerably more objective and benign in their view of the alternatives. From Gen Egginton’s comment: “Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall’s SUAs, ATCAAs, approaches and departures.” These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any “potential conflicts” – only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall’s mission. FAA is acting arbitrarily if it sets out to relieve “potential conflicts” rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

Response

The Commentor is incorrect in stating that the criterion was contrived by a consultant for just this EIS and does not exist in the FAA’s own airspace/airport planning and design methodologies. Please refer to FAA Advisory Circular 150/5070-6B, *Airport Master Plans*, Appendix E, “Airport Site Selection”. The EIS is a federal document prepared by the FAA with input from the appropriate lines of business, including Air Traffic. Airspace issues are considered by the FAA for every project involving changes to an existing airfield or development of a new airfield. The FAA routinely coordinates with the DOD when there is military airspace in proximity to a proposed project. Military airspace issues have been appropriately considered throughout the planning process for this project, beginning with the feasibility analysis and site selection study, and continuing into the development of this EIS. The Level 1 screening criteria, which include more than just airspace criteria, are designed to eliminate alternatives that would not meet the objectives outlined in the purpose and need. See Section 3.3.1 of the FEIS. The “Compatibility with Airspace Configuration/Utilization” criterion addresses an element of the federal purpose and need to ensure that the airport meets the FAA design standards and is operated in a safe and efficient manner, as indicated in Section 2.5.2 of the FEIS. Specifically, the criterion is to ensure that any alternative would not increase the potential for airspace conflicts.

The Commentor implies that the letters received from Brigadier General New and Brigadier General Egginton have inappropriately been considered differently in the EIS. General New’s letter was provided prior to publication of the DEIS and provides input from the DOD regarding the need to “de-conflict” civil aircraft operations and Tyndall Air Force Base. Thus, this letter was able to be considered in the development and screening of alternatives. By contrast, General Egginton’s comments were provided in response to the DEIS, after the proposed action addresses the need to de-conflict operations as identified by General New. In FAA’s opinion, General Egginton’s comments were made with the benefit of these concerns having already been addressed by the West Bay Site alternatives put forth in the EIS, and support the need to ensure that any alternative that the FAA may select as its preferred alternative does not in any way further complicate the complexity of the airspace or hinder the ability of Tyndall AFB to further its mission. It is not the purview of the DOD to identify a preferred alternative for this FEIS. Appropriately, General Egginton’s letter does not identify a preferred alternative. The purpose of.

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- Response Con't** the "Compatibility with Airspace Configuration/Utilization" criterion is to ensure that any alternative would not increase the potential for airspace conflicts
- Comment 2** 2. If one accepts that the Level 1 screen "Compatibility with Airspace Configuration/Utilization" is valid (and I do not for reasons given above), FAA's application of this screen is contradictory and arbitrary. (See Table S-1, "Summary of Alternatives Evaluation – Level 1 – Purpose and Need"). The "No-Action" alternative passes this screen for the obvious reason that it cannot be rationalized away like the "Separate Facilities" alternative, even though all future operations would operate in this supposedly unacceptable "potential conflict" environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the "No-Action" alternative. The "Separate Facilities" alternative is found to fail this screen, even though all future operations would be split between three airspace-standards-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged "potential conflicts".
- Response** Compatibility with Airspace Configuration/Utilization is only one of three factors used in Level 1 Screening, the other two address meeting FAA safety and design criteria and providing for aviation demand. The FAA acknowledges that the No-Action Alternative does not meet the Level 1 evaluation, but is required by NEPA's implementing regulations published by CEQ to be carried forward for detailed analysis. See Section 3.7 of the FEIS. This does not mean that another alternative that does not meet the Level 1 evaluation should be carried forward. The reasons for the failure of the "Separate Facilities" alternative are discussed in Section 3.4.5 of the FEIS. The FAA disagrees with the opinion of the Commenter, for the reasons included in Section 3.4.5 of the FEIS.
- Comment 3** The irony of comparing FAA's conduct in other settings is compelling; just last week FAA and the ATL Sponsor proudly announced their intent to operate 240+ operations PER HOUR on five runways within two miles, with FTK 10 nm away (346 operations per day), PDK 16 nm away (639 operations per day) and MGE 17 nm away (Private use/military including F/A 22 manufacturing test flights). The "complexity" of turning this operation from east-approach to west-approach must exceed in one day the cumulative alleged "complexity" and "potential for conflicts" of the PFN airspace for years. One must conclude that FAA is either reckless at ATL or feckless at PFN.
- Response** Comparisons of operations or procedures at particular airports or within particular airspace environments are often meaningless, because of the varying conditions at the specific locations. The number of operations at any given airport or how the airspace is operated at other airports is not relevant to the comparison of alternatives in this EIS. The purpose of the "Compatibility with Airspace Configuration/Utilization" criterion is to ensure that any alternative would not increase the potential for airspace conflicts as a result of the Airport Sponsor's proposed project.
- Comment 4** This is to request that FAA select another preferred alternative among the 6800-foot alternatives on the existing site – this is the only defensible conclusion to this NEPA process. It would then be left to the Sponsor whether to undertake such a project. Perhaps a more objective Sponsor board would then re-direct the effort to developing a new airport in the future, using the information developed in this EIS to improve the process and overcome the gross deficiencies of the Sponsor's current approach

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Response The comment above consists of statements of opinion and preference of the Commentor. NEPA requires the FAA to use the EIS process to analyze alternatives, obtain input from the public and agencies, and then make an informed decision in selecting its preferred alternative. The FEIS documents the technical analysis and NEPA process including input from interested parties. This ROD documents the FAA's findings and identifies the actions for which the Airport Sponsor has environmental approval from the FAA to undertake.

Comment 5 As documented in our enclosed specific comments, we contend that there is significant new information relative to environmental concerns bearing on the proposed relocation, sale and redevelopment of the existing airport and the Level I denial of the alternative Separate Commercial and General Aviation Facilities and their impacts to meet the NEPA requirements for the FAA to be obligated to perform a Supplemental EIS. Bay Aircraft Owners Association, therefore, requests that a Supplemental EIS including public hearings and comments be prepared.

Response Regarding the comment that information about redevelopment of the existing site requires the FAA to prepare a Supplemental EIS, FAA disagrees for the following reasons. Redevelopment of the existing airport site is not, standing alone, subject to NEPA review as it is not part of the proposed project evaluated in the EIS nor is it a "major federal action". Rather, it is a local decision fully outside of FAA's purview and approval authority. However, there is a relationship between the proposal to relocate PFN and the future federal decisions regarding transfer of the Airport Sponsor's federal grant obligations to the relocated airport, decommissioning of the Existing Site facilities and release for disposal of the Existing Site for non-aeronautical use (referred to herein as "decommissioning and release"). In other words, future decisions regarding decommissioning and release would not be necessary absent FAA approval to relocate PFN to the West Bay Site. Without decommissioning and release, there could be no redevelopment of the existing site. As a result of the relationship between decommissioning and release and redevelopment of the existing site, the FAA disclosed the indirect impacts of decommissioning and release in the current EIS. Such indirect impacts include the impacts associated with redevelopment of the existing site. These impacts were evaluated in the Draft EIS, based on the best available information at the time of that document. (See Sections 2.2.2 and Chapter 5 of the DEIS). This information was refined and expanded in the Final EIS, after the release of the *Redevelopment Report* and the greater detail that became available in that report. At this time, there is no approved plan for redevelopment. As explained in the EIS, the three scenarios presented in the RFP and Redevelopment Report represent only three proposals of a potentially limitless number of redevelopment options, any of which might be approved. Even when a final redevelopment option is selected, that decision is outside of the purview and authority of the FAA. Once FAA's decisions regarding decommissioning and release are ripe for review and approval, and more definitive information is available regarding the redevelopment plan that will be presented to local authorities for approval, additional NEPA evaluation will be undertaken. The FAA believes the approach taken was reasonable and in keeping with the spirit of NEPA, where information is not available to prepare a more definitive analysis. For these reasons, a supplemental EIS was not required.

The FAA believes that the issue of Separate Commercial and General Aviation Facilities has been adequately addressed in both the DEIS and FEIS and that no new information has been presented that would change the Level 1 evaluation for this alternative or warrant preparation of the supplemental EIS. See Sections 3.2.6 and 3.4.5 of the FEIS regarding consideration of the two separate airports proposal.

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Comment 6 Bay Aircraft Owners Association, Inc. also requests a copy of any Supplemental EIS and the Record of Decision be sent to us at the above address.

Response The FAA does not believe that any information was developed that would meet the CEQ standard for the development of a Supplemental EIS or affect the FAA's choice among alternatives considered in the EIS. The ROD will be available for public review at the Panama City/Bay County International Airport, Bay County Public Library, FAA Orlando Airports District Office, and Panama City/Bay County International Airport's website at www.pcairport.com.

Comment 7 (5-1-1) 1. The screening criterion "Compatibility with Airspace Configuration/Utilization" is invalid and arbitrary. This criterion was contrived by a consultant for just this EIS and does not exist in the FAA's own airspace/airport design methodology. FAA's "Airports District Office" did not even seek an official opinion from FAA's airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III "Response to Comments – Federal, State, and Local Agencies". These comments are considerably more objective and benign in their view of the alternatives. From Gen Egginton's comment: "Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall's SUAs, ATCAAs, approaches and departures." These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any "potential conflicts" – only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall's mission. FAA is acting arbitrarily if it sets out to relieve "potential conflicts" rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

Response See response to Comment 1 above.

Comment 8 (5-1-1) 2. If one accepts that the Level 1 screen "Compatibility with Airspace Configuration/Utilization" is valid (and I do not for reasons given above), FAA's application of this screen is contradictory and arbitrary. (See Table S-1, "Summary of Alternatives Evaluation – Level 1 – Purpose and Need"). The "No-Action" alternative passes this screen for the obvious reason that it cannot be rationalized away like the "Separate Facilities" alternative, even though all future operations would operate in this supposedly unacceptable "potential conflict" environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the "No-Action" alternative. The "Separate Facilities" alternative is found to fail this screen, even though all future operations would be split between three airspace-standards-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged "potential conflicts".

Response See response to Comment 2 above.

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Comment 9 (5-1-1) As a senior and regular user of the PFN airport and the regional airspace for IFR operations, it is very disturbing the see the FAA ADO allow a consultant to twist objective analysis in this way to accommodate a local political pork project. The irony of comparing FAA's conduct in other settings is compelling; just last week FAA and the ATL Sponsor proudly announced their intent to operate 240+ operations PER HOUR on five runways within two miles, with FTK 10 nm away (346 operations per day), PDK 16 nm away (639 operations per day) and MGE 17 nm away (Private use/military including F/A 22 manufacturing test flights). The "complexity" of turning this operation from east-approach to west-approach must exceed in one day the cumulative alleged "complexity" and "potential for conflicts" of the PFN airspace for years. One must conclude that FAA is either reckless at ATL or feckless at PFN.

Response See response to Comment 3 above.

Comment 10 (2-1-2) Section 3.4.5 and Table 3-2 state that the Separate Facilities meets the "FAA Safety and Design Criteria" and the "Provides for Demand Within the Market Area" criteria. Thus the only criteria you claim it does not meet is the "Compatibility w/Airspace Configuration/Utilization" criteria. In your 3.4.5 Summary you state that this was due to the "concern expressed by the USAF regarding the increased airspace interactions that would apply because of the operations having to be coordinated at two civilian airport sites along with Tyndall AFB."

Response The Commentor is incorrect in implying that the concern expressed by USAF is what FAA used to determine that the separate facilities alternative did not meet the Level I airspace criterion. Section 3.4.5 of the FEIS documents that the separate facilities would increase the complexity of airspace operations within the Panama City-Bay County region and therefore does not meet this criterion. Statements by the USAF cited in the FEIS support the FAA's independent finding.

Comment 11 (2-1-2) Air Traffic Control is executed within a well-defined design of airspace and procedures, by personnel trained and certified to operate the ATC system. "Potential for conflicts" is not a defined term in the ATC regime, thus there is no rational basis to reduce or avoid it. No formal airspace study has been done for the various 2- and 3- airport alternatives. The Sponsor's consultants relied on the "Feasibility Study, 2000" and their own analysis to narrow the site selection to various runway alignments in the West Bay area. They generated *pro-forma* TERPS (airspace design and approach/departure routes) for only the West Bay airport. Without a formal and comprehensive airspace analysis, it is not possible to conclude that any multi-airport configuration is decisively superior. The studies and interviews disclosed in the DEIS and FEIS show that any of the alternatives discussed are well within the capabilities of routine airspace and ATC design and practice.

It is our contention that the Separate Facilities is and can continue to be compatible with current airspace configuration and utilization.

Response The FAA has completed the appropriate level of airspace review for decisionmaking through the planning process and for this EIS. It is possible to obtain enough information to determine that one configuration or alternative would have a greater potential for airspace conflicts than another without conducting a formal airspace review. Formal flight procedures are not completed until after the approval process. The criterion to limit complexity of airspace is one of many decisionmaking factors. The FAA recognizes that complex airspace exists in other areas, however, it is the goal of the FAA to undertake projects in a manner that does not further contribute to airspace complexity when such opportunities exist.

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- Comment 12** (3-2-3) We are aware of the conclusions stated in 3.4.5.1. As stated above, we disagree with the conclusion that the Separate Facilities alternative does not meet “Compatibility with Airspace Configuration and Utilization. We believe that you are and were aware of 7400.2 but you sequenced the studies so you didn’t have to do one for the 3-airport scenario. As best as we can determine from the material you have made available, you did not apply for a formal airspace study of the 3 airport alternative.
- Response** The FAA acknowledges the Commentor’s disagreement. See the response to Comment 11 above regarding the Commentor’s suggestion that a “formal airspace study” was necessary for the “3 airport alternative.”
- Comment 13** (1-1-4) We are well aware that PFN is currently designated as a Part 139, commercial service airport. Our point is that there are only 12 scheduled commercial airline flights a day (13 on Saturdays) into and 12 out of PFN each day (13 on Saturdays). That is 24 operations as [sic] day (26 on Saturdays) out of an average of 249 operations at PFN per day. Therefore, despite it being a Part 139 designated airport, the vast majority of its operations are general aviation type of operations (70% - 80%) and military.
- Response** The Commentor is correct that PFN is designated as a commercial service airport and the FAA acknowledges that PFN, as well as many other Part 139 airports, have more general aviation operations than commercial. The need for the proposed project is based on the FAA’s TAF. All elements of aviation activity, including both general aviation and commercial service activity, must be accommodated and were considered in FAA’s analysis.
- Comment 14** (1-1-5) “Comment noted” is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific. It is our opinion that if your administrator believes that airports need to be protected, then why is the FAA not making every effort to preserve PFN for General Aviation, its primary user?
- Response** The Commentor expresses dissatisfaction with FAA responses to comments on the Draft EIS that consisted of “Comment noted”. This response was provided in those instances where the Commentor expressed personal opinion or otherwise offered information to which the FAA could not provide a substantive response. The FAA’s response of “Comment noted” indicates that the FAA has read and considered the comment. The purpose of the proposed project is not to eliminate an airport. The Airport Sponsor’s proposal would replace an existing airport with limited expansion capability with a facility that can be expanded to meet existing and future aviation demand and fully comply with FAA safety and design standards.
- Comment 15** (1-1-7) The Sponsor’s forecasts have, to date, proven to be grossly inflated. The FAA is well aware that none of the Sponsor’s forecasts on passenger traffic, fleet mix and financial growth as well as stated in their Feasibility Study-2000 have materialized. The decline in commercial air carrier operations at PFN since 9/11 including the loss of two major hubs, reduction in air carrier flight operations by 52%, reduction in enplanements (-8.96% ytd) and deplanements (-9.25% ytd) needs to be the basis in this FEIS. The fleet trend is Regional Jets.

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Response The forecasts from the Airport Sponsor's 2000 Feasibility Study are not relevant to the EIS. The Airport Sponsor's forecasts of aviation demand were updated and provided to the FAA in January 2004 for use in the EIS. The first forecast year in the updated forecast is 2008. Therefore, there is no basis for stating that the Sponsor's forecasts of aviation demand are grossly inflated.

The FAA has used both the FAA's TAF and the Airport Sponsor's forecast to analyze a full range of potential environmental impacts in the EIS. Aviation demand forecasts are developed to represent trends in aviation activity—passenger and cargo enplanements and aircraft operations—for planning purposes. Activity during a particular year may be above or below the forecast activity, based on specific short-term occurrences, such as the loss of service by a particular carrier. It should be noted that enplanements at PFN in 2003 exceeded pre-9/11 activity and have continued to increase with some year-to-year fluctuations.

As airlines exit and enter markets there will be short-term fluctuations in airport operations in a given market. Such fluctuations do not necessarily reflect long-term trends in the aviation industry in general or in any particular market and therefore do not affect the purpose and need for this project. The size of the aircraft and frequency of operations and market destinations are business-based decisions made by individual airlines and the FAA plays no role in those decisions. The analysis in the FEIS considered the trend toward regional jets in the overall industry, and specifically the Panama City-Bay County region but also considers the potential for larger aircraft to serve the market.

Comment 16 (1-1-7) This is why the raw data used to prepare these reports should be made [sic] available either in the text, appendix or, in this era, by way of electronic access. The public is supposed [sic] to be able to perform a scientific peer review of this \$330,000,000.00 and rising project. The Sponsor, consultants and agencies have too much at stake both financially and politically for raw data and unedited reports not to be available as part of the public review process.

Response FAA is not required to disclose the type of information that the Commentor requests. The purpose of the EIS and the requirement under NEPA is to provide information to the public and agencies that allows them to understand the nature of the problem, the development of the proposed action, the assessment of impacts of the proposed action and alternatives to that action, and the basis for the FAA's decision. Raw data and unedited reports are pre-decisional and are part of the deliberative process, and are not appropriate for release to the public.

Comment 17 (1-2-8) But the Airport allowed the North corner of the runway 14 RSA to continue to erode down to 52 feet. They, apparently, did not do a good job on restoring or maintaining that "famous" corner of the RSA.

Response The FAA acknowledges that the RSAs are deficient and have considered them as part of the purpose and need for the project. See Section 2.5.2 of the FEIS.

Comment 18 (1-2-9) "Comment noted" is not a response – please elaborate.

Response See the response to Comment 14 above. In addition, the Commentor's suggestion of enclosing and covering drainage channels that cross portions of the RSA at each end of Runway 5-23 does not represent an alternative to and is not part of the proposed action.

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Comment 19 (1-3-10) We believe that your labeling the PFN traffic volume and mix as “complex” is an example of [sic] this FEIS being arbitrary and capricious in that the authors have entirely failed to consider an important aspect of the situation at PFN. The explanation for the FEIS’s decision runs counter to the evidence that is available to the agency.

According to 325th Fighter Wing authorities the procedures for working traffic in and out of PFN have been refined over the years and there is little or no impact to either military or civil air traffic. The “high performance super sonic aircraft” such as the F-22 operate at subsonic speeds during their transition from SUAs and approaches into PAM. The approach speed for the F-22 is the same as for the F-15. It should also be noted that the F-22 is manufactured at MGE which is a joint military and private use airport located only 17 nm from ATL with its five parallel runways and 240+ operations per hour.

We cannot believe that the FAA in this FEIS, are suggesting that Tyndall’s RAPCON personnel are incapable of handling this so-called traffic “complexity” on a daily basis with the airport, including the proposed West Bay airport, separation of 10 nm and 11 nm. It is our opinion that using the rationale that this “complexity” could “result in a conflict for use of the airspace” and thus conclude that the alternative of “Separate Facilities” does not meet Level I criteria is so implausible that it can not be ascribed to a difference in view or the product of agency expertise.

Response Much of the comment above consists of statements of opinion of the Commentor and cannot be responded to in a meaningful way. The use of the term “complex” is in reference to the number of airfield facilities both civilian and military and the number of protected airspace sectors within the region. The FAA acknowledges that over time the FAA and the DOD have established procedures that allow both facilities to work. The airspace criterion was established to ensure that any alternative would not increase the potential for airspace conflicts. The FAA in no way is suggesting that RAPCON personnel are incapable of operating in a complex environment, but does not believe it is prudent to develop a more complex environment when the opportunity exists to decrease the complexity.

Comment 20 (1-3-11) The representative from Ricondo & Associates was “providing information regarding the specific technical analysis”. Ms. Lane and the representative from Kimley-Horn did not like the idea that some of us were recording our questions and his answers in order to be able to accurately retrieve his information. The Sunshine Laws of the State of Florida and I assume Federal Laws allow and provide for the audio and/or video recording of information during this Public Workshop. The local broadcast press was in attendance and even interviewing individuals, some as per arrangements of the Sponsor. This action appeared to be a form of select Censorship.

Response This is not a comment on the FEIS or any aspect of the analysis. The FAA did follow the appropriate process for public disclosure of information relevant to the EIS and to the FAA’s decision.

Comment 21 (1-5-12) We are aware that the Draft Airport Layout Plan includes proposed areas for General Aviation. Your response entirely fails to consider an important aspect of one of the problems created by relocation. Arbitrarily forcing the relocation of all General Aviation currently (and future) based at and currently (and future) using PFN to a remote site 25 miles from the economic centers of the above listed towns/communities will have a detrimental effect upon their economy. As later discussed, it is our opinion that this violates NPIAS Goals #1 and #9.

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Response Although the FAA is responding to the Airport Sponsor's proposed project, the FAA is also independently responding to its goals as set forth under the NPIAS. See Section 2.5.1 of the FEIS. The FAA is also responding to statutory mandates to establish and enhance a safe and efficient use of the nation's airspace, regulating civil and military operations in navigable airspace, and recognizing the effects of airport capacity expansion projects on airport noise. See Section 2.5.2 of the FEIS. Therefore, the Commentor is incorrect in suggesting that the FAA has simply looked to what is preferred by the Airport Sponsor. The FAA determined that the Airport Sponsor's proposed project site is within an acceptable travel time distance within the primary market area (30 minute drive time) served by the airport, as defined in Section 3.3.1.1b, therefore meeting NPIAS goal #1. The Commentor's opinion that the Airport Sponsor's proposed project violates NPIAS goal 9 is interpreted to imply that the relocation of the airport would have negative impacts on the local economy. NPIAS goal 9 refers to the national airport system and the national economy and not the local economy.

Comment 22 (1-5-13) As per my response to your response for comment 1-1-7, the Sponsor's forecasts have, to date, proven to be grossly inflated. The FAA is well aware that none of the Sponsor's forecasts on passenger traffic, fleet mix and financial growth as stated in their Feasibility Study-2000 have materialized. The decline in commercial air carrier operations at PFN since 9/11 including the loss of two major hubs, reduction in air carrier flight operations by 52%, reduction in enplanements (-8.96% ytd) and deplanements (-9.25% ytd) needs to be the basis in this FEIS. The fleet trend is Regional Jets.

Response See response to Comment 15 above.

Comment 23 (1-5-13) It is our opinion that the FAA's use of the Sponsor's forecast of large numbers of B-767s operating out of the relocated airport is an example of this EIS arbitrarily and capriciously failing to incorporate discussions of their assumptions, their choice of methods and the different interpretations being made of the data you are choosing to use. In other words show us the data to prove your assumptions such as would be found in any peer reviewed scientific publication, especially one involving \$330,000,000.00 of the taxpayer's money. If the Sponsor, consultants including Bechtel and the FAA believed that there were going to B-767 (Group IV wide-body) operations why didn't they design the sub-surface pavement of the primary runway and terminal apron to accommodate these 100 B-767s per year, instead of only Group III narrow-body jet aircraft.

Response As previously documented the FEIS includes both the FAA's TAF and the Airport Sponsor's forecast to identify the full range of potential environmental effects associated with proposed project. Although the Airport Sponsor's forecast does include B-767's by year 2018, the forecasted number of departures is less than one per day throughout the forecast period (2028). This level of activity is sufficient for the aircraft to be considered the design aircraft under the Airport Sponsor's forecast. FAA is unable to verify the source of information regarding the design of sub-surface pavement and as a result is unable to provide a meaningful response to the comment. FAA would ensure that any final design would conform to FAA design standards for the design aircraft.

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Comment 24 (2-1-14) Once again, as discussed below, it is our opinion that the Feasibility Study's information on this subject which is, in turn, used as a excuse to deny the alternative of Separate Facilities is biased, arbitrary and capricious in that it fails to consider all aspects of the "conflict" topic. Thus the decision to deny the alternative of Separate Facilities due to alleged "Compatibility with Airspace Configuration/Utilization" problems runs counter to the evidence that should have been available to the agency, to evidence that was presented by various individuals and public organizations concerning this Level I denial.

Response See response to Comments 1 and 19 above regarding the need for this screening criterion. Also, the information in the Feasibility Study was not used to eliminate the Separate Facilities alternative. That alternative was eliminated during the Level I alternatives evaluation, conducted independently by the FAA for this EIS.

Comment 25 (2-1-15) None of the 24 lines in Section 1.5 refer to the Separate Facilities alternative. Two separate sentences in paragraph two of Section 1.5, however, do state that: "The current routes to and from PFN have been established to avoid conflicts with operations within the military's Special Use Airspace (SUA) areas" and (the last sentence of Section 1.5) "Likewise, routes between Tyndall AFB and Eglin AFB and the SUA areas have been established to avoid conflicts with aircraft flying to and from PFN".

Response Section 1.5 of the FEIS describes existing airspace conditions in the Panama City - Bay County area and does not describe the proposed action or any alternatives to this action. Therefore, there would not be expected to be a reference to the Separate Facilities Alternative.

Comment 26 (2-1-15) Concerning your reference to Appendix B: We note that in this FEIS you have added a copy of a MEMORANDUM dated June 13, 2003 as an addition to the "Note to File" dated December 21, 2003. This Memorandum refers to a meeting on April 28, 2003. Although Mr. Williams of Sub-Consultant Ricondo & Associates states "that the purpose of the meeting was to assure (*my underline*) that the EIS team had the appropriate input from the Department of Defense regarding the proposed actions and the alternatives (*my underline*) and to identify areas where additional information may be needed" There is NO (*my underline*) mention anywhere in this Memorandum about the alternative Separate Commercial and General Aviation Facilities.

Response The Separate Facilities Alternative was introduced as an alternative to the proposed action based upon input received at a public workshop held on May 13, 2003, after the date of the referenced meeting on April 28, 2003.

Comment 27 (2-1-15) With reference to this FEIS using the excuse of potential airspace conflicts as a reason for denying the Separate Facilities alternative, it should be noted that this Memorandum states that "Concern was also expressed regarding the interaction with the Tyndall Military Operations Area (MOA) located east of the proposed site' and "The proximity of Restricted Areas 2914A and 2914B, west of the proposed site were also objects of concern (*my underline*).

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Response The purpose of the meeting was to obtain input from USAF personnel regarding the proposed action and the alternatives that had been identified at that time. The Commentor is correct that military personnel referenced the proximity of Restricted Areas 2914A and 2914B, west of the proposed site were also objects of concern. It was further noted that the assumed airspace designation for the proposed site included an appropriate buffer from military airspace. Therefore, the proximity of the Restricted Areas was not identified as a factor that would increase complexity of the airspace as a result of the proposed action and the proposed action did meet the Level 1 airspace criteria.

Comment 28 (2-1-15) It should also be noted that this Memorandum makes reference to an "Attachment B". Attachment B is not included in the Appendix B of this FEIS. It is our contention that Sub-Consultant's unedited reports and raw data should be included as a part of the DEIS and FEIS.

Response The exclusion of the referenced Attachment was an oversight in the development of the DEIS and it is not possible to recreate the specific Attachment at this time. The Attachment provided a map that depicted the general locations of the alternative airport site locations. The map is similar to those presented in earlier planning documents and was used simply as a point of reference for USAF to provide input regarding the potential concerns or statements regarding the alternatives sites. The lack of availability of this map does not affect the FAA's decisionmaking process.

Comment 29 (2-1-15) Appendix B also contains "Note to File" dated December 21, 2003 which refers to a meeting held three months earlier on September 25, 2003. This "Note to File" does devote one paragraph to the alternative of leaving General Aviation traffic at PFN. It states that this "would result in a procedurally similar situation between KPAM and KPFN as is seen currently which would be acceptable". It states that "This scenario would have the two airfields approximately 10 miles apart and MAY (*my underline*) result in a confliction between the two airports." There was no mention that the ability of Tyndall RAPCON to handle this "may...confliction" was of concern. Again, we are not provided with the sub-consultant's unedited reports and raw data. There is no discussion of assumptions, choice of methods and the different interpretations that could have been made of raw data and unedited reports.

Response The information in the memorandum expresses specific substantive information that was obtained and discussed at the meeting. The referenced paragraph does state the existing procedures between operations at KPFN (the existing Airport) and KPAM (Tyndall Air Force Base) would continue using existing procedures. However, the paragraph also states that concern was expressed about potential interactions between operations at KPFN and operations at the proposed site. This statement supports the assessment that the implementation of the Separate Facilities alternative would have the potential for increasing the complexity of the airspace, therefore confirming that the alternative does not meet the Level 1 airspace screening criteria.

See Response to Comment 16 regarding the availability and distribution of raw data and unedited reports.

Comment 30 (2-1-15) Discussions with the Ricondo representatives about the raw data and unedited reports during the Public Workshop on January 11, 2005 results in our arriving at a different conclusion concerning the alternative of Separate Facilities.

Response The Commentor has not provided specific information that would lead to his conclusion concerning the Separate Facilities alternative. Without such information, the FAA cannot respond to this comment. The FAA stands behind its finding that the alternative does not meet the Level 1 airspace screening criteria.

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Comment 31 (2-1-15) Therefore, we disagree with your response. We believe that this FEIS offers a explanation for its decision to deny the alternative of Separate Facilities that runs counter to all the evidence before the agency or that should have been before the agency.

Response FAA acknowledges the Commentor's disagreement. However, FAA stands behind its finding regarding the Separate Facilities alternative.

Comment 32 (2-1-16) Your statement is true, but the words Feasibility Study are not mentioned in the paragraph to which you are currently responding (2-1-16). My comments, which you have labeled as 2-1-14 through 2-1-19 are in reference to Section 2.2.1 of the DEIS.

Response Section 2.2.1 of the FEIS includes the history of the Airport Sponsor's proposed project, which does reference the Feasibility Study throughout. See Response to Comment 29 above regarding the specifics of the meeting referenced in original comment 2-1-16.

Comment 33 (2-1-17) It is our contention that this FEIS does NOT fully disclose the results of independent analyses completed throughout the EIS process. The sections dealing with the alternative Separate Commercial and General Aviation Facilities consistently fail to provide the sub-consultant's and consultant's unedited reports and raw data. It does not fully disclose or make available the discussions of assumptions, choice of methods and different interpretations that can be made of the consultant's and sub-consultant's unedited reports and raw data. Therefore, we, the public, are unable to adequately evaluate the independence and biases of the analyses and conclusions. This is one of the many reasons we feel that the decision to exclude the alternative Separate Commercial and General Aviation Facilities is arbitrary, capricious, and an abuse of discretion and otherwise not in accordance with the law.

Response The Commentor has not made specific requests regarding the types of information that he feels has not been disclosed, therefore FAA cannot provide a meaningful response to comments regarding methodologies and assumptions. The entire FEIS document provides assumptions, methodologies, and results of the FAA's independent and unbiased analyses of purpose and need, alternatives, and environmental consequences. See Response to Comment 16 regarding the availability and distribution of raw data and unedited reports.

Comment 34 (2-1-18) We disagree. In the first place, the "minutes" you refer to are not minutes, but rather a Memorandum written by a sub-consultant 1 ½ months later, where are the actual "minutes"?

Response See Response to Comment 16 regarding the availability and distribution of raw data and unedited reports. The "meeting minutes" referred to in the response to comment 2-1-18 is the meeting summary included in Appendix B of the FEIS which provides specific substantive information that was obtained and discussed at the meeting.

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Comment 35 (2-1-18) We contend that this FEIS and the DEIS do not “objectively” disclose “reasonable alternatives”. We believe that the decision to exclude the alternative Separate Commercial and General Aviation Facilities was a biased decision that runs counter to the evidence that was available to the agency and its consultant, Kimley-Horn. We further contend that the additional, yet still incomplete, documentation that has been added to this FEIS (for example: Appendix B’s Memorandum and [Vol. III, F 0004] B/G Egginton’s comments) supports our conclusion that this FEIS failed to consider an important aspect of the alternative Separate Commercial and General Aviation Facilities and offered an explanation for its decision to not carry the alternative Separate Commercial and General Aviation Facilities to Level II evaluation that runs counter to the evidence before the agency and its consultants and sub-consultants.

Response FAA acknowledges the Commentor’s opinion that the FEIS and the DEIS do not “objectively” disclose “reasonable alternatives”. The FAA stands behind its finding that the Separate Facilities alternative does not meet the Level 1 airspace screen alternative and does not warrant further discussion or analysis.

General Egginton’s comments were provided in response to the DEIS and in FAA’s opinion were made with the benefit of these concerns having already been addressed by the West Bay Site alternatives put forth in the EIS, and support the need to ensure that any alternative that the FAA may select as its preferred alternative does not in any way further complicate the complexity of the airspace or to hinder the ability of Tyndall AFB to further its mission.

The remainder of this comment consists of statements of opinion and conclusions of law for which the FAA cannot provide a meaningful response.

Comment 36 (2-1-18) It should be noted that despite numerous references to B/G New’s 2002 letter throughout this document, your only response (except four lines about the VORTAC) to B/G Egginton’s official comments to the DEIS was “Comment noted” This is one more example in this section (FEIS Vol. V, P024) that this FEIS is so flawed and prejudicial that the FAA should set aside the Separate Commercial and General Aviation Facilities alternative conclusions and undertake a Supplemental EIS prior to issuing any Record of Decision.

Response The Commentor expresses dissatisfaction with FAA responses that consisted of “Comment noted”. See response to Comment 14 above.

The FAA does not believe that any information was developed that would meet the CEQ standard for the development of a Supplemental EIS or affect the FAA’s choice among alternatives considered in the EIS.

Comment 37 (2-1-19) Our comments in the paragraph above, under your label 2-1-19, are in response to the information you have listed in Section 2.2.1 where you are listing the “issues identified” by the Feasibility Study. Issue number five was Storm Surge and Floodplain impacts. The next sentence in Section 2.2.1 of the FEIS is “The recommendations of the Feasibility Study was to relocate the existing and future operations of PFN to a new site”.

If the FAA and Airport Sponsor did not undertake relocation, then General Aviation would not have to be involved in this lengthy and involved process in order to protect NPIAS goals #1-#9.

Storm surge is further discussed under my comments about 2.4.2.5 (your response labeled 2-2-37).

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Response The Commentor's intent is unclear, however, it appears that the Commentor is concerned that the Sponsor's identification of storm surge as an element of its statement of purpose and need is inappropriate. The FAA has not identified storm surge concerns as an element of federal purpose and need nor has it used the potential effects of storm surge as an alternatives screening criterion. The EIS does disclose that PFN is in an area of Category 4 storm surge. See Figure 2-7. The West Bay Site, however, is not in a storm surge area.

See response to Comment 21 above regarding NPIAS goals 1 and 9.

Comment 38 (2-1-20) As discussed earlier, the Sponsor failed to aggressively maintain the entire width of the Runway 14 RSA. This corner became the famous 52 foot RSA that was constantly highlighted in the TV and print commercials during the Sponsor's and Chamber of Commerce's public relations campaign. The Sponsor also failed to aggressively pursue the use of EMAS as discussed by Donald Hodges, PE (Ret.)

Response The FAA acknowledges that the RSAs are deficient and have considered them as part of the purpose and need for the project. The Commentor is correct that the Airport Sponsor has not pursued EMAS at this time. However, in response to comments on the DEIS, the FAA included EMAS alternatives at the existing site into the EIS. See FEIS Section 3.2.8.4 for a description of the EMAS alternatives considered and FEIS Chapter 5 (throughout) for the assessment of the EMAS alternative carried through the full analysis.

Comment 39 (2-1-20) That was the purpose of our letter to Ms. Lane dated May 22, 2003. In addition to identifying and analyzing probable adverse environmental impacts and possible mitigation, the EIS process should identify and analyze reasonable alternatives. It is General Aviation's belief that the alternative Separate Commercial and General Aviation Facilities meets the definition of a "reasonable alternative" and should be considered by the EIS on an equal basis. It is a feasible alternate course of action that meets the proposal's objective at a lower environmental cost and a decreased level of environmental degradation than the sponsor's proposal. It is our belief that the airport Sponsor is scared that allowing PFN to remain as a General Aviation facility would significantly erode the number of operations at the proposed facility for all the reasons mentioned throughout my original comments to the DEIS.

Response The FAA acknowledges the opinion of the Commentor. The FAA believes that the alternatives analysis is adequate and meets CEQ and NEPA requirements. Any comments regarding traffic levels and any effects on traffic at the proposed site if the existing Airport site remains open is conjecture on the part of the Commentor.

Comment 40 (2-2-22) Our comments listed above as 2-2-22 were made because Section 2.4.2.1 contained numerous inaccuracies. It is our opinion that this Section, including the paragraph referenced above, is another example of this FEIS being biased.

Response FAA has reviewed Section 2.4.2.1 of the FEIS again and has found no inaccuracies in its generalized descriptions of various airspace segments and no bias is added to the FEIS process as a result of the generalized definitions of various airspaces. These generalized descriptions are provided so that all segments of the interested public will be able to read and understand the EIS, regardless of their familiarity with substantive aviation issues and terminology.

Comment 41 (2-2-22) I assume that your statement "Comment noted regarding operations within special use airspace" means that we are correct.

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Response FAA has reviewed Section 2.4.2.1 of the FEIS again and has found no inaccuracies in its generalized descriptions of various airspace segments. The comment on the DEIS regarding operations within the special use airspace was consistent with information presented in the DEIS.

Comment 42 (2-2-22) We assume that you are referring to the statements contained in the Appendix B document Memorandum dated June 13, 2003 concerning a meeting on April 28, 2003. Mr. Wintersole's name is mentioned four (4) times in that memorandum, but there is no mention about additional airspace requirement for F-22 training. The memorandum does mention that Mr. Wintersole attended two prior meetings with the "study team" but, once again, your (FAA/Kimley-Horn) policy of withholding select reports, unedited reports and raw data make this FEIS incomplete especially with reference to the accuracy of the data that the agency had available and/or used in arriving at the decision to not carry forward the alternative Separate Commercial and General Aviation Facilities to a Level II evaluation. It is further noted in this June 13, 2003 Memorandum that reference is made to an Attachment B, that is not included in this FEIS. Reference is also made to a "copy of memorandum" that was distributed to the participants at this April 28, 2003 meeting by Captain Patnett. A copy of that memorandum is, also, not available in this FEIS.

With reference to the alleged statement by DOD employee Gene Wintersole that there was a possibility of additional airspace requirements for F-22 training, you have failed in your response to mention the fact that Section 2.2 of Appendix A, Airport Airspace Analysis (updated) in discussing whether the F-22 would require additional airspace states "But according to Tyndall AFB representatives, there is sufficient special use airspace in the region to meet (F-22) training requirements". Even though the Tyndall AFB representative is not identified, I wonder if that could also have been Gene Wintersole since he was the DOD civilian Man[a]ger Airspace. Note should be made that Tyndall AFB officials inform us that Mr. Wintersole has been retired for a couple of years and, therefore, is not available to us for confirmation, elaboration or explanation of any of his alleged remarks. Thus the value of having available the unedited reports and raw data.

Response The Commentor is correct in stating that there has been no request or other action to expand the Tyndall airspace to accommodate F-22 training activity. However, the potential need to expand the airspace did not make up the core of the airspace criterion, but was one additional factor that would further exacerbate the potential for airspace conflicts between civilian and military aircraft.

Please see response to comment 28 above regarding the "Attachment B" referenced in the comment. In addition, FAA did not retain the "copy of memorandum" referenced in the comment. The memorandum at issue was not prepared by FAA nor has it been relied upon in the decision making process, and there is no legal requirement that it be presented in the FEIS. If the commentor wishes to obtain a copy of the subject memorandum, this would be a record of the USAF and might be available from USAF.

See Response to Comment 16 regarding the availability and distribution of raw data and unedited reports.

Comment 43 (2-2-24) I do not see where I discuss the proposed site's proximity to R-2914A in the above paragraph you label 2-2-24. My remarks were in response to statements contained in DEIS Section 2.4.2.1. I ascertain that my remarks in the above paragraph are true and factual.

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- Response** The FEIS, in its definition of Special Use Airspace states that such airspace has specifically defined lateral and vertical dimensions and where non-participating aircraft are either prohibited for entering or their passage is limited. The Commentor's summary of the specific vertical dimensions and the times of operation, etc., are consistent with the generalized definition presented in Section 2.4.2.1 of the FEIS.
- Comment 44** (2-2-24) You mentioned the proximity of the proposed site's Class D airspace to R-2914A, I will address that issue in my response to your response to the paragraph you have labeled as 2-2-26. See below
- Response** See Response to Comment 48 below.
- Comment 45** (2-2-25) Your response to comment 2-2-22 states "The definition of Special Use Airspace (SUA) represents the various types of defined airspace that have varying types of restrictions for use, depending on the specific type of SUA. The overall definition of SUA was provided for simplification to the reader. All assessments were prepared based on the stated restrictions or limitations within the various SUAs as defined and as provided on aeronautical charts Comment noted regarding operations within special use airspace." In this paragraph which you label 2-2-25, I was responding to the statement in DEIS Section 2.4.2.1 which states that it is important to consider the difference in performance characteristics between civilian aircraft and military aircraft and later states that civilian aircraft need to have reliable access to and from PFN or any other civilian airport. I maintain that my remarks in this paragraph are correct. I do not see the relevance of your referring to the definition of SUAs.
- Response** Upon further review the response to comment 2-2-25 in the FEIS was incorrect. In reference to comment 2-2-25, the Separate Facilities Alternative is not an option because it did not meet the stated purpose and need and therefore did not pass Level 1 screening. The Commentor's original comment referencing Appendix B of the DEIS preceded development of the Level 1 screening criteria and therefore is taken out of context. The FAA acknowledges the comment regarding the operational characteristics of the F-15, F-16, and F-22 aircraft.
- In reference to Comment 45, the FAA has not indicated that the remarks of the Commentor are incorrect. The discussion of differences in aircraft operating characteristics is not about differences in performance between various types of military aircraft, but between military aircraft and civilian aircraft.
- Comment 46** (2-2-26) B/G New's "famous letter" dated September 3, 2002 (received by Mr. Curtis on September 10, 2002) only refers to three scenarios/alternatives: "expansion of the existing airport facilities, relocation of the airport to a site in the West Bay area, or take no action". No where in his letter does he mention or refer to the alternative Separate Commercial and General Aviation Facilities. In the next paragraph he states: "we need to be able to safely operate in our local airspace and training ranges (my underlining) with a minimum of conflict with other air traffic". He makes no mention or reference to the non-special use airspace restriction requires (my underlining) civil aircraft arriving or departing PFN to the north to utilize the VFR Flyway". As stated in my DEIS comments about DEIS Section 2.4.2.1 (your paragraph 2-2-22 and 2-2-24, I respectfully contend that the General is incorrect.
- In the next sentence, General New states "Aircraft arriving or departing from PFN to the south must (my underlining) avoid the Tyndall Terminal Restricted Area. Civilian aircraft can penetrate Tyndall's Terminal Airspace with permission from the controlling agency, usually Tyndall RAPCON but also Tyndall ATCT or when

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Tyndall is close as it usually is between 2200 and 0600 local time with the permission of JAX Center.

In the next sentence, General New states “While the two airports have adjusted these issues and work them safely on a daily basis, it is not a desirable (*my underline*) situation to have commercial (*my underline*) aircraft and high performance fighter aircraft in this (*my underline*) close proximity”. I assume that the General is referring to Air Carrier aircraft when he uses the term “commercial”. The FAA has published separation standards for all aircraft operating in their airspace based upon what they consider safe standards for all aircraft operating in their airspace based upon what they consider safe vertical and lateral distances and the type of aircraft involved as well and the meteorological conditions. The General does not define the distance he is referring to with his use of the work “this”. If the General is implying that Commercial/Air Carrier or even General Aviation aircraft and military aircraft cannot operate in controlled or even uncontrolled airspace together as long as they follow FAA rules and regulations, then I respectfully disagree with him. That is why the FAA, including ATC, have rules and regulations. For example, I have flown into KPHF and have had approach control vector high performance fighter aircraft on approach into KLFI beneath me while we were both within the respective Class D airspace. Yes, I was in “close proximity” (1000 feet) to two F-15s but we were both under positive ATC control and we had each other in visual contact. This was not an undesirable situation nor was it unsafe. Please remember that Langley AFB (KLFI) is only 7 miles from Newport News/Williamsburg International Airport (KPHF). The Class D airspace overlaps. KPHF is a certified air carrier airport and KLFI is home to an operational F-22 unit. It does not require “de-confliction” of military operations with civil aircraft operations.

Next General New states that there is “only a 9 nautical mile separation between Runway 13 at Tyndall AFB and Runway 14-PFN”. Since the Class D airspace for the two airports do not overlap the two airports must be at least 10 nm apart.

Then General New makes the statement “Whatever decision is made concerning future PFN operations; our concern is that it should consider (*my underline*) the de-confliction of Tyndall military operations with civil aircraft operations”. I believe that as he states in his next sentence, he is referring to the expansion of PFN facilities assuming that the expansion would mean an increased number of “commercial air carriers and large frame aircraft”. We contend that General New was not presented the option of the Separate Commercial and General Aviation Facilities and, therefore, his “de-confliction” statement should not be considered in evaluating the Level I criteria for the alternative Separate Commercial and General Aviation Facilities.

The final sentence in that third paragraph, which is the sentence your response quotes, says: “Expanding the existing PFN facilities would present unique challenges and lead to greater conflict with Tyndall AFB operations, assuming the expansion would attract more commercial air carriers and large frame aircraft”. He is “assuming” an increase the number and size of “commercial air carriers”. This sentence does not indicate any reference to keeping only general aviation aircraft at PFN. I believe that because the alternative of Separate Commercial and General Aviation Facilities was apparently not included in Mr. Curtis’ letter to General New and because General New does not mention this alternative in this September 3, 2002 letter, you and your agency can not assume that any of General New’s comments apply to our recommended alternative.

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- Response** It should be noted that at the time that General New wrote the September 3, 2003 letter, the Separate Facilities alternative had not been identified and it would not be expected that General New could provide input to that alternative. The General's letter accurately describes the potential increases in conflicts associated with increases in operations at the existing Airport site as well as increases in the sizes of aircraft operating at the existing Airport site. Regarding the identification of alternatives that lead to the de-confliction of Tyndall military operations with civil aircraft operations in fact does support the elimination of any alternative that would increase airspace complexity and the potential for aircraft operations and therefore supports the elimination of the Separate Facilities alternative.
- Comment 47** (2-2-26) I see no mention in the paragraph to which you are supposedly responding (your label 2-2-26) about radar coverage problems at the proposed site. However, this was first brought to our attention by ATC personnel and was part of the technical discussion with representatives at the January 11, 2005 workshop/hearing.
- Response** The FAA acknowledges the comment.
- Comment 48** (2-2-26) The only problem is that airport layout could not accommodate a true crosswind runway due to the fact the R-2914A is only 3 miles from the western edge of the conceptual Class D airspace. We again propose the alternative Separate Commercial and General Aviation Facilities, then you would not need the so-called crosswind runway, nor the relocation of the PFN VORTAC.
- Response** The proposed layout plan, although not providing a perpendicular crosswind runway does provide adequate wind coverage based upon FAA criteria.
- Comment 49** (2-2-27) Thank you for including the Memorandum dated June 13, 2003 giving the sub-consultants summary of the April 28, 2003 meeting. But again this FEIS does not incorporate the sub-consultant's raw data and unedited reports. The memorandum and the Notes to File are merely the sub-consultant's raw data and unedited reports. The memorandum and the Notes to File are merely the sub-consultant's choices and judgments of what to include in their report. For something so critical as the permanent destruction of a excellent airport, the public should have available the raw data and unedited transcripts and all the material that was used at these meetings. For instance the memorandum of the April 28, 2003 meeting refers to the fact that Mr. Wintersole had been involved in two meetings with the study team, PBS&J and the Sponsor. The Appendix does not contain any material about those meetings. Reference is also made to a map prepared by Ricondo & Associates provided as Attachment B; but this Attachment B map is not included in the FEIS. And finally reference is made to a "copy of memorandum" distributed by Captain Patnett; again, this is not included in the FEIS.
- Response** Please see Responses to Comments 28 and 42 regarding Attachment B and the "copy of memorandum" addressed in this comment. Please see Response to Comment 16 regarding the availability of raw data and unedited reports.
- Comment 50** (2-2-27) With reference to your reference to sentence two, paragraph two of B/G New's letter of September 3, 2003, please refer to my comments about B/G New's letter under our response to my DEIS comments you have labeled as 2-2-26.
- Response** Please see Response to Comment 46 above.

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Comment 51 (2-2-28) The sentence you are referring to follow footnote (3). The sentence you refer to contains a key word “may”, it does not say will. Again, I and perhaps you (since the identity and qualifications of the author of these responses is not revealed) are well aware of numerous airports with closer than 10 nm in which ATC does not have a problem keeping aircraft including high performance fighters separated. I have already made reference to KPHF and KLFY in a previous response. I also gave examples throughout my original DEIS comments. The representative from Ricondo & Associates at the January 11, 2005 public meeting had previously worked the Chicago approach control and discussed the lack of any technical conflicts/problems with our proposed three airport configuration and traffic mix that ATC could not safely handle and do handle throughout the United States on a daily basis. Please also see my later discussion about B/G Eggington’s letter dated January 25, 2005 which you included under Vol. III “Responses to Comments-Federal, State, and Local Agencies”. B/G Eggington’s comment make no mention of the superiority of any potential configuration and do not request addressing any “potential conflicts”. You should note that B/G Eggington’s letter was dated six days after we met with his RAPCON staff on January 19, 2005 (see references to same in my original DEIS comments. He introduced himself to us prior to our RAPCON meeting and then excused himself from the meeting itself. I feel confident his staff fully briefed him on the contents of our January 19, 2005 prior to his final draft of his January 25, 2005 response to the DEIS.

Response The use of the word “may” refers to the potential for an event or circumstance to occur. Again, the FAA has not implied that controllers cannot manage complex airspace. The FAA recognizes that complex airspace exists in other areas, however, it is the goal of the FAA to undertake projects in a manner that do not further contribute to airspace complexity when such opportunities exist. Regarding the comments regarding General Eggington’s letter, General Eggington’s comments were provided in response to the DEIS and in FAA’s opinion support the need to ensure that any alternative that the FAA may select as its preferred alternative does not in any way further complicate the complexity of the airspace or to hinder the ability of Tyndall AFB to further its mission. It is not the purview of the DOD to identify a preferred alternative for this FEIS.

Comment 52 (2-2-28) It is ironic that your FEIS response to B/G Eggington’s official USAF comments on the DEIS was “Comment noted” plus four lines about the PFN VORTAC.

Response General Eggington’s comments were provided in response to the DEIS and in FAA’s opinion support the need to ensure that any alternative that the FAA may select as its preferred alternative does not in any way further complicate the complexity of the airspace or to hinder the ability of Tyndall AFB to further its mission. It is not the purview of the DOD to identify a preferred alternative for this FEIS.

Comment 53 (2-2-30) The sentence in the DEIS Section 2.4.2.1 to which I was referring (and as embedded in my DEIS comments) states “The introduction of higher-performance aircraft in the military fleet and more jet aircraft in the commercial fleet serving PFN would result in a higher potential for airspace conflicts between operations at PFN and Tyndall AFB (my underline)”. We disagree with the DEIS’ and FEIS’ use of the word “would result”. There is no documentation provided in either the DEIS or FEIS that this is a fact. F-22s are currently operating out of KPAM along with F-15s. There has, to date, been no increase in airspace conflicts between operations in PFN and KPAM. B/G Eggington in his official DEIS comments (January 25, 2005) makes no mention of potential conflicts and this was after the F-22 had begun training operations at Tyndall AFB.

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The FAA stands behind the statement that increases in operations and the introduction of higher performance aircraft would result in the increased potential for airspace interactions. The Commentor is taking the phrase “would result” out of context. The overall statement in the DEIS and FEIS was that the “introduction of higher-performance aircraft in the military fleet and more jet aircraft in the commercial fleet serving PFN would result in a higher potential for airspace conflicts between operations at PFN and Tyndall AFB”. The use of the phrase “higher potential” was intended to state that any increases in complexity to the airspace could increase the chance of potential conflict between military and civilian aircrafts.

Comment 54

(2-2-30) As I stated in our response to your response concerning our DEIS comments on Section 2.4.2.1 (your label 2-2-23), Mr. Wintersoles’ name is mentioned four times in the memorandum dated June 13, 2003 concerning the April 28, 2003 meeting, but there is no mention about additional airspace requirement for F-22 training. The memorandum does mention that Mr. Wintersole attended two prior meetings with “the study team” but, once again, your (FAA/Kimley-Horn) policy of with holding select reports, unedited reports and raw data make this FEIS incomplete especially with reference to the accuracy of the data that the agency had available and/or used in arriving at the decision to not carry forward the alternative Separate Commercial and General Aviation Facilities to a Level II evaluation. It is further noted in this June 13, 2003 Memorandum that reference is made to an Attachment B, that is also not included in the FEIS. Reference is also made to a “copy of memorandum” that was distributed to the participants at this April 28, 2003 meeting by Captain Patnett. A copy of that memorandum is also not available in this FEIS.

With reference to the alleged statement by DOD employee Gene Wintersole that there was a possibility of additional airspace requirements for F-22 training, you have failed in your response to mention the fact that Section 2.2 of Appendix A, Airport Airspace Analysis (undated) in discussing whether the F-22 would require additional airspace states “But according to Tyndall AFB representatives, there is sufficient special use airspace in the region to meet (F-22) training requirements”. Even though the Tyndall AFB representatives, there is sufficient special use airspace in the region to meet (F-22) training requirements”. Even though the Tyndall AFB representative is not identified, I wonder if that could also have been Gene Wintersole since he was the DOD civilian Man[a]ger Airspace. Note, should, again, be made that Tyndall AFB officials inform us that Mr. Wintersole has been retired for a couple years, and, therefore is not available to us for confirmation, elaboration or explanation of any of his alleged remarks. Thus the value of having available the unedited reports and raw data.

Response

The Commentor is correct in stating that there has been no request or other action to expand the Tyndall airspace to accommodate F-22 training activity. However, the potential need to expand the airspace did not make up the core of the airspace criterion, but was one additional factor that would further exacerbate the potential for airspace conflicts between civilian and military aircraft.

See Response to Comment 16 regarding the availability and distribution of raw data and unedited reports.

See responses to comments 28 and 42 above regarding “Attachment B” and the “copy of memorandum” referenced in the comment.

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Comment 55 (2-2-31) This “reader” is extremely familiar with B/G New’s “famous” letter of September 3, 2003. We are also familiar with the political circumstances that prompted B/G New to write this letter and the fact that it is listed in Appendix D and not in Volume III as an official “Response to Comments – Federal, State, and Local Agencies”. We would recommend that the author of these responses, the FAA and Kimley-Horn “be directed to” “the complete correspondence from” B/G Egginton, Commander of the 325th Fighter Wing to Ms. Lane dated January 25, 2005 or 1 ½ years after B/G New’s Letter. It is also noted that your official response as listed in VOL. III to B/G Egginton’s USAF comments about the DEIS (Vol. III, F-0004) are the words “Comment noted”.

Response The FAA has read and considered both General New’s and General Egginton’s letters. The Commentor incorrectly implies that the letters received from Brigadier General New and Brigadier General Egginton have inappropriately been considered differently in the EIS. General New’s letter was provided prior to publication of the DEIS and provides input from the DOD regarding the need to “de-conflict” civil aircraft operations and Tyndall Air Force Base. General Egginton’s comments were provided in response to the DEIS, after the proposed action had already been formulated to address, in part, the need to de-conflict operations as identified by General New. In FAA’s opinion, General Egginton’s comments were made with the benefit of these concerns having already been addressed by the West Bay Site alternatives put forth in the EIS, and support the need to ensure that any alternative that the FAA may select as its preferred alternative does not in any way further complicate the complexity of the airspace or to hinder the ability of Tyndall AFB to further its mission.

Comment 56 (2-2-32) Your 1-1-6 response says “the text has been revised as appropriate. I, therefore, assume that you accept the rest of the above paragraph.

Response As stated, the text of the FEIS was revised as appropriate to respond to the comments included in Comment 1-1-6 on the DEIS and repeated in Comment 2-3-32 on the DEIS and referenced in this comment on the FEIS. Section 2.4.2.2.2 describes limitations regarding the further development at the existing Airport site as the commercial service airport serving the region and is not the appropriate location to address alternatives to the proposed action. The Airport Sponsor has not proposed further development of the existing Airport site to accommodate only general aviation operations. The comments provided by the Commentor in Comment 2-2-32 on the DEIS regarding the ability to develop the existing Airport site to accommodate only general aviation activity reflect the Commentor’s opinion and are not based on specific planning efforts.

Comment 57 (2-2-33) Your 2-1-16 response states “The September 2003 meeting was conducted for the EIS process and was held 3 years after the Feasibility Study was completed”. I assume you are still referring to the September 25, 2003 meeting referred to in Vol. II, Appendix B. However, my comment you have labeled as 2-2-33 is in his response to DEIS Section 2.4.2.2.2, not the September 25, 2003 Tyndall RAPCON meeting. It is yet another reason why the alternative Separate Commercial and General Aviation Facilities should have been carried forward to Level II analysis.

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Response As described in the Response to Comment 56 above, Section 2.4.2.2.2 describes limitations regarding the further development at the existing Airport site as the commercial service airport serving the region and is not the appropriate location to address alternatives to the proposed action. The Commentor does not specifically identify what is “yet another reason why the alternative Separate Commercial and General Aviation Facilities should have been carried forward to Level II analysis”. The Separate Facilities alternative was eliminated in the Level 1 airspace screening evaluation and not because of limitations on development at the existing Airport site.

Comment 58 (2-2-35) Again, that was the purpose of our letter to Ms. Lane dated May 22, 2003 and the purpose of our comments to the DEIS and our comments to this FEIS. In addition to identifying and analyzing probable adverse environmental impacts and possible mitigation, the EIS process should identify and analyze reasonable alternatives. It is General Aviation’s belief that the alternative Separate Commercial and General Aviation Facilities meets the definition of a “reasonable alternative” and should be re-considered by a Supplemental EIS, this time on an equal basis. It is a feasible alternate course of action that meets the proposal’s objective at a lower environmental cost and decreased level of environmental degradation than the sponsor’s proposal. A one runway air carrier airport (even a 10,400 foot Group IV/ ADG IV wide-body runway airport) can be built on 2,000 acres, therefore much less environmental concerns and impact.

Response The FAA has fully documented why the Separate Facilities alternative was eliminated in the Level 1 screening process. The FAA does not believe that any information was developed that would meet the CEQ standard for the development of a Supplemental EIS or affect the FAA’s choice among alternatives considered in the EIS

Comment 59 (2-2-36) Again, Bay Aircraft Owners, Inc. believe that your repeated use of the response that there is no proposal by the Airport Sponsor to retain PFN as a general aviation airport is arbitrary and capricious in that the DEIS and now this FEIS have entirely/repeatedly failed to accurately and completely consider all important aspect of the alternative Separate Commercial and General Aviation Facilities. According to Vol. I, Section 1.2, there is no proposal by the Airport Sponsor (and its co-sponsors) to adopt any alternative other their proposal to close the existing PFN and relocate all of its facilities and operations to their proposed West Bay site.

Response This comment is a legal conclusion to which the FAA believes a response is not necessary. The Separate Facilities alternative was eliminated in the Level 1 airspace screening evaluation.

Comment 60 (2-2-36) Bay Aircraft Owners Association, Inc. appreciates the fact that the FAA, since the issuance of the DEIS, has “acknowledged that there are impacts associated with redevelopment of the existing site” and because of this significant new information issued a Change Order costing, I believe around \$500,000.00 to analyze this impact. On behalf of the Bay Aircraft Owners, Inc., I am familiar with the new information and the circumstances contained in Appendix V of this FEIS that relevant to all of our environmental concerns. We agree that this information has a significant bearing on the Sponsor’s proposed action and its impacts. However, we disagree with your response that “Any redevelopment of the Existing Site would be analyzed through a future DRI process, and discussed with appropriate federal, state, and local agencies.

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- Response** See responses to comment 5 above regarding the relationship between decommissioning and release and redevelopment of the existing site.
- State and federal laws would require any future redevelopment of the Existing Site to be analyzed through a future DRI process, and coordinated with the appropriate federal, State, and local agencies.
- Comment 61** (2-2-36) Bay Aircraft Owners, Inc. has been carefully and, to the extent that information is made available to the public, compulsively monitoring the entire relocation project since we first became aware of it in 2000. It is our and our counsel's opinion that since the FAA has declared that both facilities cannot survive for operational reasons (Vol. I, Section 3.4.5.1) and because the Sponsor has and continues to declare at every Airport Authority Board meeting that it must have or collateralize the financial proceeds from the sale of the existing facility (PFN) in order to undertake and proceed with the relocation of the project, the redevelopment of the existing site meets the criteria [40 C.F.R. § 1502.9(c)(1)] for FAA's obligation to prepare a Supplemental EIS.
- Response** See response to comment 5 above regarding the request for FAA to prepare a Supplemental EIS.
- Comment 62** (2-2-36) It is interesting to note that the 250-slip marina you refer to in the "composite redevelopment scenario for the Existing Site" (Appendix V, Option 1), the reclaiming of "the portion of the runway previously filled in the bay" (Option 2) and the public boat ramp (Option 3) all involve severe impacts on/to seagrass beds as well as state shellfish resources. Pollution from marina discharges such as oil, fuel, sewage, fish waste, litter, prop scarring of seagrass beds, shading of seagrass beds by the docks and piers would all contribute to the destruction of seagrass beds. This is the same seagrass beds that Vol. I, Section 2.2.1 refers to when it states that because of significant adverse environmental impacts to Goose Bayou (the body of water referred to in Appendix V, Options 1, 2, and 3), which are Class II Surface Waters protected under State law, and the concerns over whether the impacts could be mitigated, the Airport Sponsor terminated and the 1998 Environmental Assessment. We contend that these environmental impacts to Goose Bayou secondary to the redevelopment of the existing site will be no different and probably more severe than the environmental impacts referred to in Vol. 1, Section 2.2.1.
- Response** FAA does not disagree that the impacts that would be associated with development of a marina at the Existing Airport Site could be extensive. However, FAA has no control over what potential future development proposals may be offered and accepted by local approving authorities. It is conjecture at this time to try to predict both what the development might ultimately be and whether agencies with jurisdiction and approval authority would approve or grant necessary permits for such development. See response to comment 5 above regarding the request for FAA to prepare a Supplemental EIS.
- Comment 63** (2-2-36) Further, the above mentioned Options in Appendix D as well as Exhibits 25, 26 and 27 avoid evaluating and depicting the environmental impacts associated with dredging and ditching required to develop usable navigable channels from the marine facilities in Goose Bayou seaward into North Bay. It is Bay Aircraft Owners, Inc. contention that this further obligates the FAA to undertake a Supplemental EIS as required by NEPA at this time and NOT through a "future DRI process".
- Response** The FAA does not believe that any information was developed that would meet the CEQ standard for the development of a Supplemental EIS or affect the FAA's choice among alternatives considered in the EIS. See Response to Comment 5 above.

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Comment 64 (2-2-36) Once again, it is our opinion that “Comment noted” is not a response.

Response See Response to Comment 14 above.

Comment 65 (2-2-38) It is our opinion that “Comment Notes” is not a valid response, please elaborate.

Response See Response to Comment 14 above.

Comment 66 (2-2-39) We understand why you had to choose that orientation because of the close proximity of R-2914. We have not seen an official Latitude/Longitude designated for the center of the conceptual Class D airspace. The only numbers I have been able to find have been N 30° 21.5', W 85° 47.9'. Therefore, I can not verify that the exact distance from the western border of the proposed Class D airspace and the eastern border of R-2914A would be 3 nm as you alleged in your response to comment 2-2-26. Again, no raw available to the public for peer review.

It is my understanding that the same windrose analysis you refer to in you response also indicated that the crosswind coverage of the primary runway (16-34) provides adequate coverage more than 95% of the time. It is my further understanding that according to FAA Standards this coverage does not necessitate a crosswind runway and that the FAA will generally not participate in funding for such a crosswind runway that is not required for 95% of the time. The Airport Sponsor at its April 10, 2006 workshop stated that it was their opinion that “the crosswind runway is not justified at this time from an airfield capacity standpoint”. The alternative Separate Commercial and General Aviation Facilities would further eliminate any need for a “crosswind” runway at the West Bay site.

Response As stated, the Runway 3-21 alignment for the crosswind runway provides for appropriate and adequate wind coverage and removes any potential for conflicts with R-2914. The Commentor is correct in that the FAA advisory guidance does not require a crosswind runway when a primary runway provides 95% or greater wind coverage. The Separate Facilities alternative would not remove the potential need for development of a crosswind runway at the proposed site, because it is anticipated that a number of general aviation operations may choose to relocate to the new site.

Comment 67 (2-2-40) “Comment noted” is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific.

Response See Response to Comment 14 above.

Comment 68 (2-2-41) “Comment noted” is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific.

Response See Response to Comment 14 above.

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Comment 69 (2-2-42) The title of Vol. I, Section 2.4.2 is “Develop for Consistency with Local Planning Objectives”. The FEIS then contains seven paragraphs trying to justify that the “Airport Sponsor’s Purpose and Need” (Vol. I, Section 2.4) is consistent with “... Local Planning Objectives”. It is our contention that retaining PFN as a General Aviation airport (Separate Commercial and General Aviation Facilities alternative) would do a better job of protecting the environment of the current site. Therefore, the alternative Separate Commercial and General Aviation Facilities should be carried forward to Level II analysis. After review of Appendix V “Background Analysis and Master Planning Report for Redevelopment” dated October 7, 2005, it is our opinion that Appendix V contains significant new circumstances and information relevant to environmental concerns and bearing on the Sponsors Proposed action to redevelop the existing PFN and especially its impacts on Goose Bayou and North Bay (40 C.F.R. § 1502.9(c)(1). Again, it is Bay Aircraft Owners, Inc. contention that this obligates the FAA to undertake a Supplemental EIS as required by NEPA at this time and NOT through a “future DRI process”.

Response The FAA’s purpose and need was developed independently as documented in Section 2.5.1 and 2.5.2 of the FEIS. The Level 1 evaluation of alternatives in the EIS was conducted using criteria developed in accordance with the FAA’s purpose and need. See Responses to Comments 5, 6, 35 above regarding redevelopment of the existing site, the need for an SEIS, and Level II analysis, respectively.

Comment 70 Comment noted” is not an adequate response.

Response See response to Comment 14 above.

Comment 71 (2-3-44) You are correct, it is the opinion of Bay Aircraft Owners Association and the 167 General Aviation aircraft owners and pilots whom we surveyed, that the forced relocation of all General Aviation activities to the Sponsor’s West Bay site does not meet the needs of all segments of and a majority of local Bay County, Florida General Aviation. It is our further opinion that the FAA’s and Kimley-Horn’s analysis are biased and frequently incorrect. Section 2.5.1 fails to contain access to the raw data and unedited reports used to arrive at the interpretations made in the particular FAA analysis you refer to in this response.

Response This comment consists of statements of opinion for which the FAA cannot provide a meaningful response. See Response to Comment 16 above regarding access to raw data.

Comment 72 (2-3-45) Again, it is our opinion that the FAA’s analysis of the nine NPIAS goals are flawed and biased. Its conclusions listed under Vol. I, Section 2.5.1 fails to include or even reference (to allow peer review) the unedited reports and raw data. Again, we request a Supplemental EIS that includes such raw data and unedited and complete reports from all the consultants and their sub-consultants. The consultants seem to have merely made their choices of what data to include and the judgments/conclusions are the most favorable interpretation that is available in order to gain approval for this relocation project.

Response See response to Comment 5 above regarding the request for FAA to prepare a Supplemental EIS. This comment consists of statements of opinion for which the FAA cannot provide a meaningful response. See Response to Comment 16 above regarding access to raw data.

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Comment 73 (2-3-46) Again, Bay Aircraft Owners, Inc. believe that your repeated use of the response that there is no proposal by the Airport Sponsor to retain PFN as a general aviation airport is arbitrary and capricious in that the DEIS and now this FEIS Have entirely/repeatedly failed to accurately and completely consider all important aspects of the alternative Separate Commercial and General Aviation Facilities. According to Vol. I, Section 1.2, there is no proposal by the Airport Sponsor (and its co-sponsors) to adopt any alternative other than their proposal to close the existing PFN and relocate all of its facilities and operations to their proposed West Bay site.

In addition, a Memorandum from sub-consultant Ricondo & Associates (same sub-consultant involved in the Airspace and Air Traffic Control work listed in Appendix B) dated November 17, 2003 (Vol. II, Appendix L) summarizing a meeting on November 12, 2003 states that Ms. Debbie Calevich of Kimley-Horn, the FAA's prime contractor, in response to an inquiry by Brenda Johnson, EPA, as to "(...whether it is feasible to keep the existing airport open and re-locate the air carrier traffic to a new facility)" replied "...that the population of the region cannot support two airports and that the existing site would most likely be redeveloped with a mixture of industrial and commercial land uses". Ms. Lane, FAA, is listed as being present but there is no mention of her commenting on this biased statement that was being made one year prior to the release of the Draft EIS. It is our contention this prejudicial statement made to participants of this Air Quality Modeling Methods Meeting is further evidence that this EIS has been prepared by the consultants, sub-consultants and even the FAA as a supporting document as a part of the procedure for gaining approval for the Sponsor's proposed project. The above statement by Ms. Calevich, an official representative of the prime contractor, in the presence of Ms. Lane the FAA's representative, shapes the contents and conclusions of this FEIS by influencing the way scientific data was collected, analyzed, interpreted and presented.

Response This comment consists of statements of opinion and legal conclusions to which the FAA cannot provide a meaningful response. Furthermore, the comment fails to identify what aspects of the problem the FAA has failed to consider with respect to the Commentor's preferred Separate Facilities alternative. The Separate Facilities alternative was eliminated in the Level 1 airspace screening evaluation, an objective process based on FAA's identified purpose and need for the project. Although the FAA is responding to the Airport Sponsor's proposed project, the FAA is also independently responding to its goals as set forth under the NPIAS. See Section 2.5.1 of the FEIS. The FAA is also responding to statutory mandates to establish and enhance a safe and efficient use of the nation's airspace, regulating civil and military operations in navigable airspace, and recognizing the effects of airport capacity expansion projects on airport noise. See Section 2.5.2 of the FEIS. Neither FAA nor its contractor Kimley-Horn and Associates, Inc., nor any of its representatives, have prepared the EIS "as a part of the procedure for gaining approval for the Airport Sponsor's proposed project." Rather, all data and analysis were objectively prepared for the EIS, including the analysis resulting in the elimination of the Separate Facilities proposal during the alternatives screening process.

Comment 74 (2-3-47) Please see our response to your 2-3-46 response.

Response Please see Responses to Comments 72 and 73 above.

Comment 75 (2-3-48) Please see our response to your 2-3-46 response.

Response Please see Responses to Comments 72 and 73 above.

Comment 76 (2-3-49) Please see our response to your 2-3-46 response.

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Response Please see Responses to Comments 72 and 73 above.

Comment 77 (2-3-50) As per the sentence prior to the one quoted above, the scenario being discussed at that time was the Separate Commercial and General Aviation Facilities or three airport scenario not the current two airport scenario as you imply.

Response The meeting notes dated December 21, 2003, that reflect the September 25, 2003, meeting and provided in Appendix B of the FEIS, clearly state that operations at the Existing Airport Site and Tyndall AFB would be conducted in the same manner they are today, but that the potential for interactions between operations at the Existing Airport Site and the proposed site would be of concern. The response does not imply a two airport scenario.

Comment 78 (2-3-51) We have read, studied and researched as much as possible is allowed to research, short of Court Orders, for access to unedited reports and raw data from the various consultants and sub-consultants concerning Section 4.6 (Alternative 4) of the Feasibility Study and Vol. I, Section 3.4.5.1 of the FEIS. We do not find that a Comprehensive Airspace Analysis and an Airport Layout Plan were performed for the alternative Separate Commercial and General Aviation Facilities. Even though 3.4.5.1 states that this alternative meets Level I criteria for "... FAA Safety and Design Criteria" and "Provides for Demand within the Market Area", neither this section nor Appendix B contains the raw data and unedited reports of the Comprehensive Airspace Analysis and the Airport Layout Plan to support the conclusion in 3.4.5.1 that this alternative does not meet the "Compatibility with Airspace Configuration/Utilization" criteria.

Response The Commentor suggests that FAA has improperly failed to conduct a Comprehensive Airspace Analysis and Airport Layout Plan for the Commentor's preferred alternative. The FAA has completed the appropriate level of airspace review for decisionmaking through the planning process and for this EIS. FAA would not look at an alternative that fails to meet the screening criteria in the level of detail requested by the commentor. Furthermore, formal air space analysis and flight procedures are not completed until after the NEPA process is complete and FAA has issued a Record of Decision.

The "Compatibility with Airspace Configuration/Utilization" criterion is intended to limit complexity of airspace as one of many decisionmaking factors. The FAA recognizes that complex airspace exists in other areas, however, it is the goal of the FAA to undertake projects in a manner that do not further contribute to airspace complexity when such opportunities exist.

Comment 79 (2-3-51) It is our opinion that the new material being revealed in the various Appendices of this FEIS meets the Council on Environmental Quality's NEPA regulations for a Supplemental EIS. It is, also, our opinion that Section 3.4.5.1 of this FEIS has failed to entirely consider important aspect (example: B/G Egginton's official comments) of this alternative and as a result of these failures have offered an explanation for its decision to deny that this alternative is, in fact, compatible with local airspace configuration and utilization to the extent that the FAA's non-compatibility decision can not be ascribed to a mere difference in view or the product of agency expertise.

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Response The FAA does not believe that any information was developed that would meet the CEQ standard for the development of a Supplemental EIS or affect the FAA's choice among alternatives considered in the EIS. See response to comment 5 above regarding the request for FAA to prepare a Supplemental EIS.

FAA has fully considered comments from USAF General Egginton. Those comments do not change the FAA's analysis of the application of the screening criteria to the Separate Facilities alternative.

Comment 80 (2-3-52) Appendix B's Memorandum dated June 13, 2003 concerning the April 28, 2003 meeting you are referring to is an example of relevant material that was not included in the November, 2004 DEIS.

Response The FAA has considered and included all relevant information in the FEIS and in its decisionmaking process.

Comment 81 (2-3-52) As discussed in Our Response to your response for comment 2-2-23, in the Appendix B Memorandum dated June 13, 2003 concerning a meeting on April 28, 2003. Mr. Wintersole's name is mentioned four times, but there is no mention about additional airspace requirement for F-22 training. The memorandum does mention that Mr. Wintersole attended two prior meetings with "the study team" but, once again, your (FAA/Kimley-Horn) policy of withholding select reports, unedited reports and raw data that the agency had available and/or used in arriving at the decision to not carry forward the alternative Separate Commercial and General Aviation Facilities to a Level II evaluation. It is further noted in this June 13, 2003 Memorandum that reference is made to an Attachment B, that is not included in the FEIS. Reference is also made to a "copy of memorandum" that was distributed to the participants at this April 28, 2003 meeting by Captain Patnett. A copy of that memorandum is also not available in this FEIS.

Response The FAA has not withheld any information, data or reports that are relevant to the EIS and appropriate for public disclosure. The Commentor is correct in stating that there has been no request or other action to expand the Tyndall airspace to accommodate F-22 training activity. However, the potential need to expand the airspace did not make up the core of the airspace criterion, but was one additional factor that would further exacerbate the potential for airspace conflicts between civilian and military aircraft.

See responses to comments 28 and 42 regarding "Attachment B" and the "copy of memorandum" referenced in this comment.

Comment 82 (2-3-52) With reference to the alleged statement by DOD employee Gene Wintersole that there was a possibility of additional airspace requirements for F-22 training, you have failed in your response to mention the fact that Section 2.2 of Appendix A, Airport Airspace Analysis (undated) in discussing whether the F-22 would require additional airspace states "But according to Tyndall AFB representatives, there is sufficient special use airspace in the region to meet (F-22) training requirements". Even though the Tyndall AFB representative is not identified, I wonder if that could also have been Gene Wintersole since he was the DOD civilian Man[a]ger for the 325th Fighter Wing's Operation Support Squadron. Note should be made that Tyndall AFB officials inform us that Mr. Wintersole has been retired for a couple years and, therefore, is not available to us for confirmation, elaboration or explanation of any of his alleged remarks. Thus the value of having available the unedited reports and raw data.

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Response The Commentor is correct in stating that there has been no request or other action to expand the Tyndall airspace to accommodate F-22 training activity. However, the potential need to expand the airspace did not make up the core of the airspace criterion, but was one additional factor that would further exacerbate the potential for airspace conflicts between civilian and military aircraft.

See Response to Comment 16 regarding the availability and distribution of raw data and unedited reports.

Comment 83 (2-3-52) You also fail to mention in your response(s) that no where in B/G Egginton's January 25, 2005 letter to Ms. Lane (which we contend should be the Letter of Authority from the USAF) did he request new airspace including any need for F-22 new airspace. Mr. Wintersole was a civilian employee of the 325th Fighter Wing's Operation Support Squadron (OSS), he was not a DOD representative. Therefore, it is my understanding that B/G Egginton was Mr. Wintersole's superior and his comments supersede /over rule Mr. Wintersole's.

Response The Commentor is correct in stating that there was no request or other action to expand the Tyndall airspace to accommodate F-22 training activity mentioned in General Egginton's letter. However, the potential need to expand the airspace did not make up the core of the airspace criterion, but was one additional factor that would further exacerbate the potential for airspace conflicts between civilian and military aircraft.

General Egginton's comments were provided in response to the DEIS, after the proposed action had already been formulated to address, in part, the need to de-conflict operations as identified by General New. In FAA's opinion, General Egginton's comments were made with the benefit of these concerns having already been addressed by the West Bay Site alternatives put forth in the EIS, and support the need to ensure that any alternative that the FAA may select as its preferred alternative does not in any way further complicate the complexity of the airspace or to hinder the ability of Tyndall AFB to further its mission.

Comment 84 (2-3-53) We do not believe "Comment Noted" is an adequate response.

Response See Response to Comment 14 above.

Comment 85 (2-3-54) We do not believe "Comment Noted" is an adequate response.

Response See Response to Comment 14 above.

Comment 86 (2-3-55) We do not believe "Comment Noted" is an adequate response.

Response See response to Comment 14 above.

Comment 87 (2-3-56) Vol. I, Section 3.4.5 titled "Separate Commercial and General Aviation Facilities". Section 3.4.5.1 states "This alternative was included in the Airport Sponsor's *Feasibility Study* and a request for analysis of the alternative was made at the May 13, 2003 public information meeting". The Airport Sponsor did/does not want this alternative because as stated in the *Feasibility Study* (4.6), they are concerned that there would hardly be any traffic at the West Bay site. After all, there are currently only 12 daily commercial air carrier/airline passenger flights (13 on Saturdays) or 24 and 26 daily air carrier/airline operations. All the rest are General Aviation and military including general aviation aircraft being used for cargo/freight flights such as the "night haulers".

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Response In FAA’s original response to this comment, it was noted that there is no proposal by the Airport Sponsor to retain the PFN as a general aviation airport. As part of the EIS process, the FAA conducted an independent review and evaluation of the project alternatives and made its own assessment, regardless of and unbiased by statements or claims in the *Feasibility Study*. The FAA has fully documented why the Separate Facilities alternative was eliminated in the Level 1 screening process. See FEIS Section 3.7.

Comment 88 (2-3-57) Please our response to your response to comment 2-3-56.

Response Please see the Response to Comment 86 above.

Comment 89 (2-3-58) Please our response to your response to comment 2-3-56.

Response Please see the Response to Comment 86 above.

Comment 90 (2-3-59) Please our response to your response to comment 2-3-56.

Response Please see the Response to Comment 86 above.

Comment 91 (2-3-60) 1. Please note that the section and subsection numbering and title system used in the FEIS is different from that used in the DEIS. The above comments you have labeled as 2-3-60 refer to Vol. I, section 2.5.3 titled Federal Specific Needs of the DEIS. This section is now listed as Vol. I, Section 2.5.2, FAA Specific Needs in the FEIS.

There are key words, phrases and sentences that have been changed, eliminated and add[ed] in this section. These changes are not noted, listed or referenced in Mr. Stringer’s Notice of Availability letter. For Volume I, Chapter 2 he only lists Sections 2.2.2, 2.2.3, and 2.6.3. FEIS Section 2.5.3 is not listed as containing “...updated and/or refined information...”

Example:

- a. Paragraph I, the phrase “Address the need identified by the FAA for adequate runway length to accommodate existing and projected aviation demand” has been added.
- b. Paragraph 3, Sentence 2, the words “could be” have been changed to “are”.
- c. Paragraph 5, the sentence “The FAA’s review ... projected demand” has been added.

In the DEIS where this section was formerly labeled as 2.5.3, in paragraph 5, the sentence “Based on FAA ... (the timeframe for this DEIS)” has been eliminated.

2. We are, therefore, concerned that there are other important changes in this FEIS that are not being noted. We, therefore, believe that this is further evidence that this failure to accurately note all of the updated and/or refined information in this FEIS not only represent an abuse of discretion but is another reason why the FAA should undertake a Supplemental EIS before issuing their Record of Decision.

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Response The FAA has prepared the FEIS and made certain modifications to the document to respond to comments from agencies and from the public. The entire FEIS, including several appendices containing responses to comments, was made available for a 45-day period. There is no requirement in the CEQ regulations, nor would it be practical for FAA, to separately identify each and every change made to the DEIS in the FEIS. See 40 C.F.R. § 1503.4.

The FAA does not believe that any information was developed that would meet the CEQ standard for the development of a Supplemental EIS or affect the FAA's choice among alternatives considered in the EIS. See response to comment 5 above regarding the request for FAA to prepare a Supplemental EIS.

Comment 92 (2-3-60) 3. The screening criterion "Compatibility with Airspace Configuration/Utilization" is invalid and arbitrary. The criterion was contrived by a consultant just for this EIS and does not exist in the FAA's own airspace/airport design methodology. FAA's "Airports District Office" did not even seek an official opinion from FAA's airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The 2005 local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III "Response to Comments – Federal, State, and Local Agencies". These comments are considerably more objective and benign in their view of the alternatives. From Gen. Egginton's comment: "Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall's SUAs, ATCAAs, approaches and departures. These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any "potential conflicts" – only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall's mission. FAA is acting arbitrarily if it sets out to relieve "potential conflicts" rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

Response Please see Response to Comment 1 above.

Comment 93 (2-3-60) Again, an example of how this Section of the DEIS and now the FEIS is flawed and prejudiced is the fact that the only response (except four lines about the VORTAC) to B/G Egginton's official USAF comments on the DEIS is the phrase "Comment noted".

Response See Response to Comment 14 above.

Comment 94 (2-3-61) Vol. I, Section 3.4.5 titled "Separate Commercial and General Aviation Facilities". Section 3.4.5.1 states "This alternative was included in the Airport Sponsor's *Feasibility Study* and a request for analysis of the alternative was made at the May 13, 2003 public information meeting". The Airport Sponsor did/does not want this alternative because as stated in the *Feasibility Study* (4.6), they are concerned that there would hardly be any traffic at the West Bay site.

Response Please see Response to Comment 87 above.

Comment 95 (2-3-62) This should have been completed prior to the publication of this FEIS and is one more reason why a Supplemental EIS should be preformed [performed] prior to the issuing Record of Decision.

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Response The FAA has completed the appropriate level of airspace review for decisionmaking through the planning process and for this EIS. It is possible to obtain enough information to determine that one configuration or alternative would have a greater potential for airspace conflicts than another without conducting a formal airspace review. Formal flight procedures are not completed until after the approval process. The criterion to limit complexity of airspace is one of many decisionmaking factors. The FAA recognizes that complex airspace exists in other areas, however, it is the goal of the FAA to undertake projects in a manner that does not further contribute to airspace complexity when such opportunities exist.

Comment 96 (2-3-62) The criterion of reducing “potential conflicts” is not appropriate. Even if this criterion is accepted, FAA has not applied it objectively. The West Bay airport moves all or part of civil aviation routes much closer to the most sensitive overland SUA in the complex, Eglin’s R-2914A. It is contradictory to enhance the Sponsor’s alternative by accepting more separation from some SUA’s and not penalizing the Sponsor’s alternative for reducing separation from another, more restrictive SUA.

Response The Commentor appears to be expressing an opinion that the Separate Facilities Alternative has been improperly treated as compared to the West Bay Site alternatives in regard to separation from SUAs. The Separate Facilities alternative proposes general aviation use only at the existing PFN, in conjunction with construction of a new airport at the West Bay Site for commercial aircraft. The comment suggests that the Separate Facilities alternative is “penalized” because it maintains a GA airport in proximity to SUAs in the vicinity of the Existing Site, while the West Bay Site alternatives are not similarly penalized for their proximity to other SUAs. However, the FEIS does not use this type of comparison in evaluating the Separate Facilities alternative. The EIS addresses concerns of complexity with respect to the Separate Facilities alternative because that alternative would increase the number of airports in an area where there are numerous SUAs. Thus, it is not the distance between the airport and the SUA that is at issue with respect to the Separate Facilities alternative, but the increased number of airports in the area. The Separate Facilities alternative results in both maintenance of existing routes through SUAs, and the creation of additional routes to the relocated commercial airport, a situation that does not occur under the proposed project.

Comment 97 (2-3-62) A formal airspace analysis should be done. If any configuration can be developed with routes and facilities that meet the FAA minimum airspace and operating criteria, it should be considered equally reasonable, feasible, prudent and practical. Just as the existing PFN configuration is well within FAA ATC criteria, any other configuration within these design criteria should be equally acceptable.

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- Response** The commentor states that “[i]f any configuration can be developed with routes and facilities that meet the FAA minimum airspace and operating criteria, it should be considered equally reasonable, feasible, prudent and practical.” However, the FAA need not separately analyze every permutation of an alternative to satisfy the requirement to evaluate a reasonable range of alternatives.
- The FAA has completed the appropriate level of airspace review for decisionmaking through the planning process and for this EIS. It is possible to obtain enough information to determine that one configuration or alternative would have a greater potential for airspace conflicts than another without conducting a formal airspace review. Formal flight procedures are not completed until after the approval process. The criterion to limit complexity of airspace is one of many decisionmaking factors. The FAA recognizes that complex airspace exists in other areas, however, it is the goal of the FAA to undertake projects in a manner that does not further contribute to airspace complexity when such opportunities exist.
- Comment 98** (2-3-62) If new criteria or concerns for ATC workload are allowed to disqualify airspace configurations, numerous existing configuration throughout the country must be addressed and FAA does not propose to do so. This “compatible with current airspace configuration and utilization” criterion has been declared solely for this FEIS and the earlier DEIS, and should not be allowed. A more appropriate airspace criterion would be “compatible with minimum ATC airspace and procedure design”. If the 3-airport configuration meets such design criteria, it must be carried to Level 2 analysis.
- Response** The Commentor is incorrect in stating that the criterion was contrived by a consultant for just this EIS and does not exist in the FAA’s own airspace/airport planning and design methodologies. The FAA recognizes that complex airspace exists in other areas, however, it is the goal of the FAA to undertake projects in a manner that does not further contribute to airspace complexity when such opportunities exist.
- Comment 99** (2-4-63) The “Commentor” is extremely familiar with B/G New’s “famous” letter of September 3, 2003. We are also familiar with the political circumstances that prompted B/G New to write this letter and the fact that it is listed in Appendix D and not in Volume III as an official “Response to Comments – Federal, State, and Local Agencies”. We would recommend that the author of these responses, the FAA and Kimley-Horn “be directed to” “the complete correspondence from” B/G Egginton, Commander of the 325th Fighter Wing to Ms. Lane dated January 25, 2005 or 1 ½ years after B/G New’s letter.
- Response** General Egginton’s comments were provided in response to the DEIS. FAA believes that the comments have been adequately and appropriately addressed and answered. Certain statements contained in the comment consist of the Commentor’s conjecture and opinion, to which the FAA cannot provide a meaningful response.
- Comment 100** (2-4-63) B/G New’s letter only refers to three scenarios/alternatives: “expansion of the existing airport facilities, relocation of the airport to a site in the West Bay area, or take no action”. No where in his letter does he mention or refer to the alternative Separate Commercial and General Aviation Facilities.

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Response General New's letter was written in 2002 and the referenced quote in FAA's original response refers to the general nature of civilian aircraft and high-performance military aircraft operating in close proximity. The Separate Facilities Alternative was introduced as an alternative to the proposed action based upon input received at a public workshop held on May 13, 2003, well after General New Submitted the letter in question.

Comment 101 (2-4-63) In the sentence to which your response is referring, General New states "While the two airports have adjusted to these issues and work them safely on a daily basis, it is not a desirable (*my underline*) situation to have commercial (*my underline*) aircraft and high performance fighter aircraft in this (*my underline*) close proximity". I assume that the General is referring to Air Carrier aircraft when he uses the term "commercial" as opposed to General Aviation aircraft. The FAA has published separation standards for all aircraft operating in their airspace based upon what they consider safe vertical and lateral distances and the type of aircraft involved as well and the meteorological conditions. The General does not define the distance he is referring to with his use of the word "this". If the General is implying that Commercial/Air Carrier or even General Aviation aircraft and military aircraft cannot operate together in controlled or even uncontrolled airspace as long as they follow FAA rules and regulation, then I respectfully disagree with him. That is why the FAA, including ATC, have rules and regulations. Air Traffic Control system is designed to well defined criteria and operated by trained and FAA-certified personnel.

Our response to paragraph #2 of your response:

Please see our response to your response to comment (paragraph) 2-4-62.

Response The Commentor has expressed assumptions regarding the intent and potential implications of General New's statement, to which the FAA cannot respond. The FAA recognizes that complex airspace exists in other areas and that procedures to control aircraft in such environments do exist and are safely executed, however, it is the goal of the FAA to undertake projects in a manner that does not further contribute to airspace complexity when such opportunities exist.

See response to Comment 95 above in reference to comment 2-4-62.

Comment 102 (3-1-64) Bay Aircraft Owners Association, Inc. and the additional general aviation pilots we represent, disagree with the Commentor's and FAA's statement. The FAA has accepted unsubstantiated forecasts and rational [rationale] about the purpose and need that runs counter to the evidence available to the agency and has created and then applied inappropriate subjective criteria that are so impulsive that it can not be ascribed to a mere difference in view or to the product of unbiased agency expertise.

Response This comment consists of statements of opinion, to which FAA cannot provide a meaningful response.

The FAA has used both the FAA's TAF and the Airport Sponsor's forecast to analyze a full range of potential environmental impacts in the EIS. Airspace issues are considered by the FAA for every project involving changes to an existing airfield or development of a new airfield.

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Comment 103 (3-1-64) The Air Traffic Control system is designed to well-defined criteria and operated by trained and FAA-certified personnel. None of the “compatibility” criteria created for the DEIS and this FEIS are used in the ATC regime. In the absence of a formal airspace study of the various (2) and three (3) airport configurations, it is not possible to rule out any of the alternatives. In other words, the pass/fail criteria should be “does the alternative meet the minimum requirements to be included in the ATC regime?”; NOT “does the alternative add or reduce distance between airspace objects?”. “Potential Conflicts” are irrelevant unless they violate ATC design and operating criteria. The Tyndall RAPCON staff apparently understands this distinction and takes the position that RAPCON has no preference as long as the configuration can be operated by ATC standards. FAA cannot create new ATC criteria for this FEIS that arbitrarily and capriciously favors the Sponsor’s preferred alternative.

Response The Commentor is incorrect in stating that the compatibility criteria were contrived for just this EIS and do not exist in the FAA’s own airspace/airport planning and design methodologies. Airspace issues are considered by the FAA for every project involving changes to an existing airfield or development of a new airfield. The FAA recognizes that complex airspace exists in other areas and that procedures to control aircraft in such environments do exist and are safely executed, however, it is the goal of the FAA to undertake projects in a manner that does not further contribute to airspace complexity when such opportunities exist. FAA does not agree that potential conflicts are irrelevant unless they violate ATC design and operating criteria, as stated by the commentor.

Comment 104 (3-1-64) Even using the inappropriate “compatibility” screen, FAA has not applied it fairly. Much is made of increasing distance from selected SUAs, and little is said of the proposed West Bay airport’s reduced proximity to the most restricted local overland SUA, Eglin’s R-2941A [sic].

Response Please see response to Comment 96 above.

Comment 105 (3-1-64) Further more, the responses put forth in this section of this FEIS repeatedly refer to a Sponsor solicited letter by B/G New who was the Commander of the 325th Fighter Wing at Tyndall AFB in 2002, yet NO WHERE do these responses acknowledge the more recent (2005) letter from B/G New’s successor. B/G Egginton despite the fact that this letter is included in Vol. III as an official “Response to Comments – Federal, State, and Local Agencies”. We recommend that the author of these responses, the FAA and Kimley-Horn read and acknowledge the complete correspondence from B/G Egginton, Commander of the 325th Fighter Wing to Ms. Lane dated January 25, 2005 or 1 ½ years after B/G New’s Letter as the Letter of Authority from the USAF with something other than the phrase “Comment noted”.

Response Please see Response to Comment 55 above.

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Comment 106 (3-1-64) This deliberate failure by the author of these responses and, therefore, by the prime consultant Kimley-Horn and the FAA to acknowledge and reference B/G Egginton's January 25, 2005 letter is an example of the agency's abuse of discretion and, we believe, not in accordance with law.

This is one more example in this Section (Vol. V, P024) that this FEIS is so flawed that the FAA should set aside the Separate Commercial and General Aviation Facilities alternate conclusions and undertake a Supplemental EIS prior to issuing any Record of Decision.

Response This comment consists of statements of opinion, to which FAA cannot provide a meaningful response, and conclusions of law, to which FAA need not respond. The FAA does not believe that any information was developed that would meet the CEQ standard for the development of a Supplemental EIS or affect the FAA's choice among alternatives considered in the EIS. See response to comment 5 above regarding the request for FAA to prepare a Supplemental EIS.

Comment 107 (3-1-65) Vol. I Section 3.4.5.1 states "This alternative was included in the Airport Sponsor's *Feasibility Study* and a request for analysis of the alternative was made at the May 13, 2003 public information meeting". The Airport Sponsor did/does not want this alternative because as stated in the *Feasibility Study* (4.6), they are concerned that there would hardly be any traffic at the West Bay site. Bay Aircraft Owners, Inc. believe that your repeated use of the response that there is not proposal by the Airport Sponsor to retain PFN as a general aviation airport is arbitrary and capricious in that the DEIS and now this FEIS have entirely/repeatedly failed to accurately and completely consider all important aspects of the alternative Separate Commercial and General Aviation Facilities.

Response In FAA's original response to this comment, it was noted that there is no proposal by the Airport Sponsor to retain the PFN as a general aviation airport. As part of the EIS process, the FAA conducted an independent review and evaluation of the project alternatives and made its own assessment, regardless of and unbiased by statements or claims in the *Feasibility Study*. The FAA has fully documented why the Separate Facilities alternative was eliminated in the Level 1 screening process. See FEIS Section 3.7.

Comment 108 (3-1-66) We find it interesting that the letters from Mr. Curtis dated June 6, 2003 and from Ms. Lane dated October 7, 2003 were withheld from the November, 2004 DEIS. It is our opinion that the withholding of these letters is another example of the agency's and the prime contractor's abuse of judgment. We are obviously concerned as to what additional data and reports have been withheld throughout both the DEIS and now the FEIS.

Response Please see Appendix D of Volume II of the FEIS for copies of both the letters referenced in this comment. Although these letters were added to the FEIS, this does not suggest that the DEIS was deficient for failing to include them. There is no legal requirement that every document related to the project must be appended to or included as a part of the EIS document itself.

Comment 109 (3-1-66) It is our understanding that Headquarters USAF is the approving authority for joint use. AFI 10-1002 par 1.2 "Agreements for Civil use of Air Force Airfields" covers joint use. We will defer to the responses to comments on Joint Use by M/G Peterson, USAF (Ret.) as they appear in his responses to I049, Vol. IV.

Response The FAA acknowledges the comment.

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Bay Aircraft Owners, Inc.
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Comment 110 (3-1-67) Please see our response to your response to Comment 3-1-66.

Response The Commentor's intent is not clear. In the event that the Commentor's statement is intended to refer FAA to their response to FAA's response to Comment 3-1-66 on the DEIS, please refer to Response to Comment 107 above.

Comment 111 (3-1-68) Again, the fact that the letters from Mr. Curtis dated June 6, 2003 and from Ms. Lane dated October 7, 2003 were withheld from the November, 2004 DEIS is an example of the bias in the DEIS and make this FEIS suspect as to what additional information has been withheld.

Response See Response to Comment 108 above.

Comment 112 (3-1-69) Our Response to your response: Section 3.4.5.1 states "This alternative was included in the Airport Sponsor's Feasibility Study and a request for analysis of the alternative was made at the May 13, 2003 public information meeting".

Bay Aircraft Owners, Inc. and the additional 167 General Aviation pilots we represent in the PFN area believe that according to HB 939 enacted June 2005 retaining PFN as a separate General Aviation airport would place it under the Airport Authority. Since it is estimated that PFN, as a separate General Aviation airport, would have greater than 10 based aircraft, it would be eligible to be a part of the National Airport System and, thus, eligible to receive federal funding. These airports operate solely on voluntary adherence to the Advisory Circulars. There are no FAA regulations requiring certification for General Aviation Airports. However, if the airport receives FAA grants, and PFN as a General Aviation Airport would be eligible for FAA grants, then there are certain grant assurances that PFN would have to comply with.

Response HB 939 gives the Airport Sponsor authority from the State of Florida to operate airports in Bay County. The legislation does not require PFN to remain open for any aviation service. The Airport Sponsor considered various options for providing general aviation services and facilities in Bay County and ultimately voted to pursue moving forward with moving all general aviation facilities to the relocated airport.

The Commentor is correct in that PFN, operating as a general aviation airport would likely have enough activity to be eligible for federal funding if there were an authorized authority operating the facility. As stated, the Airport Sponsor is not requesting nor planning to operate the existing airport if and when the replacement airport is opened and is not required by any law to keep the facility open for general aviation purposes, as long as adequate facilities have been provided at another location and the Sponsor can demonstrate that adequate facilities are available. The proposed new airport has been planned and would be designed with adequate facilities to accommodate demand.

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Comment 113 (3-2-70) It is our opinion that the “separate facilities” alternative was improperly screened out for two reasons:

1. The screening criterion “Compatibility with Airspace Configuration/Utilization” is invalid and arbitrary. This criterion was contrived by a consultant just this EIS and does not exist in the FAA’s own airspace/airport design methodology. FAA’s “Airports District Office” did not even seek an official opinion from FAA’s airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III “Response to Comments – Federal, State, and Local Agencies”. These comments are considerably more objective and benign in the view of the alternatives. From Gen. Egginton’s comment: “Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall’s SUAs, ATCAAs, approaches and departures.” These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any “potential conflicts” – only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall’s mission. FAA is acting arbitrarily if it sets out to relieve “potential conflicts” rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

2. If one accepts that the Level 1 screen “Compatibility with Airspace Configuration/Utilization” is valid (and I do not for reasons given above), FAA’s application of this screen is contradictory and arbitrary. (See Table S-1, “Summary of Alternatives Evaluation – Level 1 – Purpose and Need”). The “No-Action” alternative passes this screen for the obvious reason that it cannot be rationalized away like the “Separate Facilities” alternative, even though all future operations would operate in this supposedly unacceptable “potential conflict” environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the “No Action” alternative. The “Separate Facilities” alternative is found to fail this screen, even though all future operations would be split between three airspace-standards-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged “potential conflicts”.

Response See Responses to Comments 1 and 2 above, respectively.

Comment 114 (3-2-70) As a senior and regular user of the PFN airport and the regional airspace for IFR operations, it is very disturbing to see the FAA ADO allow a consultant to twist objective analysis in this way to accommodate to a local political pork project. The irony of comparing FAA’s conduct in other settings is compelling; just recently FAA and the ATL sponsor proudly announced their intent to operate 240+ operations PER HOUR on five runways within two miles, with FTK 10 nm away (346 operations per day), PDK 16 nm away (639 operations per day) and MGE 17 nm away (Private use/military including F/A 22 manufacturing test flights). The “complexity” of turning this operation from east-approach to west-approach must exceed in one day the cumulative alleged “complexity” and “potential for conflicts” of the PFN airspace for years.

Response Regarding the Commentor’s statements of opinion, FAA cannot provide a meaningful response. Regarding the Commentor’s references to other airspace configurations at other airports, see Response to Comment 3 above.

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Comment 115 (3-2-71) Please see our comment to your response to our comment 3-2-70.

Response See Response to Comment 3 above.

Comment 116 (3-2-72) “Comment noted” is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or specific.

Response See response to Comment 14 above. To further clarify the initial response to comment 3-2-72, although the FAA is responding to the Airport Sponsor’s proposed project, the FAA is also independently responding to its goals as set forth under the NPIAS. See Section 2.5.1 of the FEIS. NPIAS goal 8 states that travel to the nearest NPIAS airport should typically be not more than 20 miles of travel. As stated in Section 5.18.1.1.3, travel distance to the West Bay site would be approximately 20.7 miles. The FAA believes that this travel distance meets NPIAS goal 8. The FAA is also responding to statutory mandates to establish and enhance a safe and efficient use of the nation’s airspace, regulating civil and military operations in navigable airspace, and recognizing the effects of airport capacity expansion projects on airport noise. See Section 2.5.2 of the FEIS.

Comment 117 (3-2-73) We and our consultants have reviewed DEIS Section 3.3 (Alternatives Evaluation Process) including DEIS Section 3.3.1.3 (Compatibility with Airspace Configuration and Utilization. We have also reviewed FEIS Section 3.3 and especially subsection 3.3.1.1c (Compatibility with Airspace Configuration and Utilization).

As stated in my cover letter and several times throughout these responses to your responses to our comments on the DEIS it is our opinion that the “separate facilities” alternative was improperly screened out for two reasons:

1. The screening criterion “Compatibility with Airspace Configuration/ Utilization” is invalid and arbitrary. This criterion was contrived by a consultant just for this EIS and does not exist in the FAA’s own airspace/airport design methodology. FAA’s Airport’s District Office” did not even seek an official opinion from FAA’s airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III “Response to Comments – Federal, State, and Local Agencies”. These comments are considerably more objective and benign in their view of alternatives. From Gen. Egginton’s comment: “Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, approaches and departures.” These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any “potential conflicts” – only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall’s mission. FAA is acting arbitrarily if it sets out to relieve “potential conflicts” rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

2. If one accepts that the Level 1 screen “Compatibility with Airspace Configuration/Utilization” is valid (and I do not for reasons given above), FAA’s application of this screen is contradictory and arbitrary. (See Table S-1, “Summary of Alternatives Evaluation – Level 1 – Purpose and Need”). The “No-Action” alternative passes this screen for the obvious reason that it cannot be rationalized away like the “Separate Facilities” alternative, even though all future operations would operate in this supposedly unacceptable “potential conflict” environment, and in fact all likely future operations in the planning period have already been surpassed

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Comment 117 in the past by the “No-Action” alternative. The “Separate Facilities” alternative is
Con’t found to fail this screen, even though all future operations would be split between
three airspace-standards-compliant airports within approximately 20 miles instead of
two airspace-compliant airports within 10 miles, with the supposedly more benign
general aviation operations biased toward the airport needing the most relief from
alleged “potential conflicts”.

Response See Responses to Comments 1 and 2 above, respectively.

Comment 118 (3-3-74) According to HB 939, enacted June 2005, retaining PFN as a separate
General Aviation airport would place it under the Airport Authority. It is estimated
that PFN, as a separate General Aviation airport, would have more than 10 based
aircraft, therefore making it eligible to be a part of the National Airport System and,
thus, eligible to receive federal funding. These airports operate solely on voluntary
adherence to the Advisory Circulars. There are no FAA regulations requiring
certification for General Aviation Airports. However, if the airport receives FAA
grants, and PFN as a General Aviation Airport would eligible for FAA grants, then
there are certain grant assurances that PFN would have to comply with.

Response Please see the response to Comment 112 above.

Comment 119 (3-3-74) The existing 712 acre airport site, if used as a General Aviation Airport,
would not have the constraints discussed in Section 2.4.2.2 of the DEIS and Section
2.4.2.2.2 of the FEIS. There is a space for airport facility development. The existing
terminal building which is only 10 years old would become available for lease by the
Airport Board, the one-site industrial property could be developed and the current
General Aviation facilities could be expanded as the market need arose. Currently,
expansion of General Aviation facilities is greatly constrained by the uncertainty of
the airport’s future. Despite substantial financial risk, various aviation related
businesses have decided to go forward with construction of additional hangars on the
current airport site.

Response This comment consists of statements of opinion and preference of the Commentor,
for which the FAA cannot provide a meaningful response.

Comment 120 (3-3-74) PFN operating as a General Aviation Airport would not need an Airport
Police Department, would not need a Fire & Rescue Department, would not need all
the high tech security equipment and, if the terminal building is leased, would not
need the day to day terminal building administrative, utility and maintenance
expenses. As has happened to Page Field in Ft. Meyers, where the Airport Authority
operates separate Commercial and General Aviation Facilities, PFN would be able to
be financially independent.

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Response This comment consists of statements of opinion and preference of the Commentor, for which the FAA cannot provide a meaningful response. The Commentor provides no basis for the statement that PFN would be financially independent. The Commentor cites Page Field in the Fort Myers area and implies that it is financially independent. That airport is owned and operated by the Lee County Port Authority, which also owns and operates Southwest Florida International Airport. All administrative expenses associated with the operation of Page Field are covered through the Lee County Port Authority. Therefore, it is not clear whether Page Field is truly financially independent. There are a number of locations around the U.S. where an airport sponsor owns and operates a system of airports that includes both commercial service and general aviation airports. However, it is not common for the general aviation airports in such systems to be profitable on their own merit. The revenues generated at the commercial service airport within the system typically help to subsidize operating and maintenance costs at the general aviation airport(s) within the system.

Comment 121 (3-3-75) This quotation is the entire sentence #2, Paragraph #2 from Section 3.2.5 of the DEIS. It is also a direct quote of the entire sentence in Section 3.2.6 of the FEIS.

That was the purpose of our letter to Ms. Lane dated May 22, 2003. In addition to identifying and analyzing probably adverse environmental impacts and possible mitigation, the EIS process should identify and analyze reasonable alternatives. It is General Aviation's belief that the alternative Separate Commercial and General Aviation Facilities meets the definition of a "reasonable alternative" and should be considered by the EIS on an equal basis. It is a feasible alternate course of action that meets the proposal's objective at a lower environmental cost and a decreased level of environmental degradation than the sponsor's proposal.

Response FAA acknowledges the Commentor's opinion that the FEIS and the DEIS do not disclose "reasonable alternatives" because the Commentor's preferred alternative was not carried forward for detailed evaluation in the EIS. The FAA stands behind its finding that the Separate Facilities alternative does not meet the Level 1 airspace screen alternative and does not warrant further discussion or analysis.

Comment 122 (3-3-76) "Comment noted" is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific.

Response See response to Comment 14 above.

Comment 123 (3-3-77) "Comment noted" is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific; please elaborate.

Response See response to Comment 14 above.

Comment 124 (3-3-78) We agree with this statement from the DEIS that the alternate, Separate Commercial and General Aviation Facilities, meets the screening criteria of being able to provide the necessary capacity and capability to meet existing and future General Aviation demand for the air service area.

Response The Commentor has expressed personal opinion or otherwise offered information to which the FAA could not provide a substantive response.

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Comment 125 (3-3-79) 1. The screening criterion “Compatibility with Airspace Configuration/Utilization” is invalid and arbitrary. This criterion was contrived by a consultant just for this EIS and does not exist in the FAA’s own airspace/airport design methodology. FAA’s Airport’s District Office” did not even seek an official opinion from FAA’s airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III “Response to Comments – Federal, State, and Local Agencies”. These comments are considerably more objective and benign in their view of alternatives. From Gen. Egginton’s comment: “Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, approaches and departures.” These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any “potential conflicts” – only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall’s mission. FAA is acting arbitrarily if it sets out to relieve “potential conflicts” rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

Response See Response to Comment 1 above.

Comment 126 (3-3-79) 2. If one accepts that the Level 1 screen “Compatibility with Airspace Configuration/Utilization” is valid (and I do not for reasons given above), FAA’s application of this screen is contradictory and arbitrary. (See Table S-1, “Summary of Alternatives Evaluation – Level 1 – Purpose and Need”). The “No-Action” alternative passes this screen for the obvious reason that it cannot be rationalized away like the “Separate Facilities” alternative, even though all future operations would operate in this supposedly unacceptable “potential conflict” environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the “No-Action” alternative. The “Separate Facilities” alternative is found to fail this screen, even though all future operations would be split between three airspace-standards-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged “potential conflicts”.

Response See Response to Comment 2 above.

Comment 127 (5-5-80) Our Response and Conclusion to your response(s):

I, Bay Aircraft Owners, Inc., and the 167 pilots and aircraft owners for whom I have prepared these responses to your responses to our January, 2005 comments about the DEIS and our various consultants strongly disagree.

It is our understanding that under the National Environmental Policy Act a Final Environmental Impact Statement requires that the Sponsor’s proposed project be accurately justified and that the alternatives be fairly and accurately evaluated. It is our contention that both the justification of the Sponsor’s Proposal and the framing of the alternative, Separate Commercial and General Aviation Facilities, have been shaped by the way both the DEIS and FEIS have been designed and evaluated. It is our opinion that, unfortunately, the agencies, consultants both prime and sub-, lobbyists and political proponents have approached this EIS as a supporting document prepared as a part of the procedure for gaining approval of the Sponsor’s Proposed Project. It is our further opinion that the values and goals of those preparing this EIS have shaped its contents and conclusions through the way unsubstantiated data has been collected, analyzed, interpreted and presented.

Wm. Gregory Bruce
Bay Aircraft Owners, Inc.
P002 Individual Letter

Comment 127
Con't

Even though real world engineering and scientific data collection is fraught with uncertainties, this EIS has been carefully crafted and worded to avoid any impression that anything is uncertain about the screening criterion "Compatibility with Airspace Configuration and Utilization. The sections of this EIS evaluating the alternative Separate Commercial and General Aviation Facilities fail to incorporate discussions of assumptions, choice of methods and different interpretations that were [were] made from the various studies and failed to make available the unedited reports and raw data used in determining the conclusions. Therefore, this Final EIS can not be subject to adequate peer review.

It is our conclusion that the sections of both the DEIS and FEIS that we have reviewed pertaining to the alternative Separate Commercial and General Aviation Facilities meet the criteria of being arbitrary and capricious in that they fail entirely to adequately and accurately consider important aspects of this alternative; they fail to provide explanations for the decision, that the alternative Separate Commercial and General Aviation Facilities did not meet the Level I criteria, that runs counter to the evidence that was available to the FAA and its prime consultants. Therefore, the decision not to carry the alternative Separate Commercial and General Aviation Facilities forward to Level 2 analysis is so implausible that it can not be ascribed to a difference in view or the product of agency expertise.

Response

As documented throughout the responses to these comments, FAA has demonstrated in the FEIS that the Separate Facilities alternative did not meet the Level 1 Screening evaluation criteria and was therefore accurately and appropriately eliminated from further evaluation in this EIS. Much of the information in this comment letter expresses the opinion and the preference of the Commentor and a meaningful response cannot be provided by FAA. FAA has undertaken a thorough review of the alternatives and has provided appropriate documentation of methodologies and assumptions to allow for agency and public review, as required under NEPA.

Bay Aircraft Owners, Inc.
508 Bunkers Cove Road
Panama City, Florida 32401

P002

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Gate 27, Jackson Way
Panama City-Bay County International Airport
Panama City, FL 32405

June 30, 2006

Ms. Virginia Lane, Environmental Specialist
FAA Orlando Airports District Office
5950 Hazeltine National Drive, Suite 400
Orlando, Florida 32822

Ref.: Final Environmental Impact Statement
Proposed Relocation of the Panama City-Bay County International Airport

Dear Ms. Lane:

On behalf of the Bay Aircraft Owners, Inc. please find enclosed our comments on the Final Environmental Impact Statement for the "Proposed Relocation of the Panama City-Bay County International Airport".

It is our opinion that the "separate facilities" alternative was improperly screened out for two reasons:

1. The screening criterion "Compatibility with Airspace Configuration/Utilization" is invalid and arbitrary. This criterion was contrived by a consultant just for this EIS and does not exist in the FAA's own airspace/airport design methodology. FAA's "Airports District Office" did not even seek an official opinion from FAA's airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III "Response to Comments - Federal, State, and Local Agencies". These comments are considerably more objective and benign in their view of the alternatives. From Gen. Egginton's comment: "Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall's SUAs, ATCAAs, approaches and departures." These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any "potential conflicts" - only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall's mission. FAA is acting arbitrarily if it sets out to relieve "potential conflicts" rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

2. If one accepts that the Level 1 screen "Compatibility with Airspace Configuration/Utilization" is valid (and I do not for reasons given above), FAA's application of this screen is contradictory and arbitrary. (See Table S-1, "Summary of Alternatives Evaluation - Level 1 - Purpose and Need"). The "No-Action" alternative passes this screen for the obvious reason that it cannot be rationalized away like the "Separate Facilities" alternative, even though all future operations would operate in this supposedly unacceptable "potential conflict" environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the "No-Action" alternative. The "Separate Facilities" alternative is found to fail this screen, even though all future operations would be split between three airspace-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged "potential conflicts".

As a senior and regular user of the PFN airport and the regional airspace for IFR operations, it is very disturbing to see the FAA ADO allow a consultant to twist objective analysis in this way to accommodate a local political pork project. The irony of comparing FAA's conduct in other settings is compelling; just last week FAA and the ATL Sponsor proudly announced their intent to operate 240+ operations PER HOUR on five runways within two miles, with FTK 10 nm away (346 operations per day), PDK 16 nm away (639 operations per day) and MGE 17 nm away (Private use/military including F/A 22 manufacturing test flights). The "complexity" of turning this operation from east-approach to west-approach must exceed in one day the cumulative alleged "complexity" and "potential for conflicts" of the PFN airspace for years. One must conclude that FAA is either reckless at ATL or feckless at PFN.

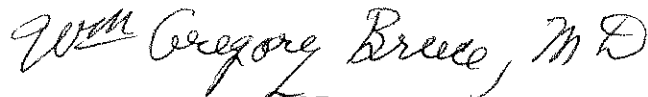
To reiterate my earlier comments on this project, it will be devastating to local general aviation interests, depriving us of the only paved precision approach local airport at a site suitable for our needs, and contradicting FAA's often-repeated intention to keep existing airports in service. If the Sponsor has a purpose or need for a longer primary runway (not proven in this FEIS), the obvious solution is to build a new (not replacement) one-runway Part 139-compliant airport in the region, preferably on an upland site with minimum environmental and financial cost. The Sponsor's preferred alternative is ill-conceived in location, scope, layout, avoidance of environmental impact (the first line of environmental management, BEFORE mitigation), justification, and cost. This is to request that FAA select another preferred alternative among the 6800-foot alternatives on the existing site - this is the only defensible conclusion to this NEPA process. It would then be left to the Sponsor whether to undertake such a project. Perhaps a more objective Sponsor board would then re-direct the effort to developing a new airport in the future, using the information developed in this EIS to improve the process and overcome the gross deficiencies of the Sponsor's current approach.

As documented in our enclosed specific comments, we contend that there is significant new information relative to environmental concerns bearing on the proposed relocation, sale and redevelopment of the existing airport and the Level I denial of the alternative Separate Commercial and General Aviation Facilities and their impacts to meet the NEPA requirements for the FAA to be obligated to perform a Supplemental EIS. Bay Aircraft Owners Association, therefore, requests that a Supplemental EIS including public hearings and comments be prepared.

Bay Aircraft Owners Association, Inc. also request a copy of any Supplemental EIS and the Record of Decision be sent to us at the above address.

As per the instructions in Mr. Stringer's Notice of Availability that accompanied your May 10, 2006 cover letter, I will now make specific comments to your agency's and contractor's responses to our January 27, 2005 DEIS comments as contained in Volume V, Section P024. I will use your format of including your Category Code, a copy of my original comment paragraph(s) and your commenter's specific comment to which I am now responding. My response will be in **bold** format.

Yours truly,

A handwritten signature in cursive script that reads "Wm Gregory Bruce, M.D.".

Wm. Gregory Bruce, M.D.
President
Bay Aircraft Owners, Inc.

FEIS responses to BAO's DEIS comments dated January 27, 2005

Panama City - Bay County International Airport Environmental Impact Statement
Public Organization Comments and Responses

Dr. Gregory Bruce
Bay Aircraft Owners, Inc.
P024 Individual Letter

5-1-1: It is our opinion that much of the data, findings, rationalizations and conclusions of this DEIS are arbitrary, capricious, misleading, and outright false. It is our further opinion that this DEIS is not an objective scientific report but a "supporting" document meant to gain approval for the Sponsor's project through manipulation and omission of the data and information collected, and through analysis, interpretation and presentation that emphasizes the advantages of the project yet ignores or downplays the disadvantages. You should already be aware of the extensive marketing and lobbying campaign which the Sponsors including the Panama City-Bay County International Airport and Industrial District (a State of Florida Independent Special District) and many of their consultants have promoted and continue to promote in a "biased" effort to influence the justification and framing of this proposed project and its alternatives.

Your Response: The FAA believes that the FEIS objectively evaluates, considers and presents the Airport Sponsor's proposed project and alternatives.

Our Response to your response:

It is still our opinion that the "separate facilities" alternative was improperly screened out for two reasons:

1. The screening criterion "Compatibility with Airspace Configuration/Utilization" is invalid and arbitrary. This criterion was contrived by a consultant just for this EIS and does not exist in the FAA's own airspace/airport design methodology. FAA's "Airports District Office" did not even seek an official opinion from FAA's airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III "Response to Comments - Federal, State, and Local Agencies". These comments are considerably more objective and benign in their view of the alternatives. From Gen. Egginton's comment: "Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall's SUAs, ATCAAs, approaches and departures." These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any "potential conflicts" - only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall's mission. FAA is acting arbitrarily if it sets out to relieve "potential conflicts" rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

2. If one accepts that the Level 1 screen "Compatibility with Airspace Configuration/Utilization" is valid (and I do not for reasons given above), FAA's application of this screen is contradictory and arbitrary. (See Table S-1, "Summary of Alternatives Evaluation - Level 1 - Purpose and Need"). The "No-Action" alternative passes this screen for the obvious reason that it cannot be rationalized away like the "Separate Facilities" alternative, even though all future operations would operate in this supposedly unacceptable "potential conflict" environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the "No-Action" alternative. The "Separate Facilities" alternative is found to fail this screen, even though all future operations would be split between three airspace-standards-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged "potential conflicts".

As a senior and regular user of the PFN airport and the regional airspace for IFR operations, it is very disturbing to see the FAA ADO allow a consultant to twist objective analysis in this way to accommodate a local political pork project. The irony of comparing FAA's conduct in other settings is compelling; just recently FAA and the ATL Sponsor proudly announced their intent to operate 240+ operations PER HOUR on five runways within two miles, with FTK 10 nm away (346 operations per day), PDK 16 nm away (639 operations per day) and MGE 17 nm away (Private use/military including F/A 22 manufacturing test flights). The "complexity" of turning this operation from east-approach to west-approach must exceed in one day the cumulative alleged "complexity" and "potential for conflicts" of the PFN airspace for years. One must conclude that FAA is either reckless at ATL or feckless at PFN.

2-1-2: The General Aviation community, for whom I am submitting these comments, does not believe that the Sponsor's proposed relocated airport is justified from an aviation and cost-benefit standpoint. In our opinion, this is a real estate deal not an aviation deal. However, because of the limited available time (3) to adequately comment on the entire document and its appendix, I will, for the most part, limit my comments to the alternative, "Separate Commercial and General Aviation Facilities".

Your Response: See Sections 3.4.5 and 3.7. The separate airport alternative did not meet the Level 1 screening criteria and was not carried forward for Level 2 analysis

Our Response to your response:

Section 3.4.5 and Table 3-2 state that the Separate Facilities meets the "FAA Safety and Design Criteria" and the "Provides for Demand Within the Market Area" criteria. Thus the only criteria you claim it does not meet is the "Compatibility w/Airspace Configuration/Utilization" criteria. In your 3.4.5 Summary you state that this was due to the "concern expressed by the USAF regarding the increased airspace interactions that would apply because of the operations having to be coordinated at two civilian airport sites along with Tyndall AFB."

Air Traffic Control is executed within a well-defined design of airspace and procedures, by personnel trained and certified to operate the ATC system. "Potential for

conflicts” is not a defined term in the ATC regime, thus there is no rational basis to reduce or avoid it. No formal airspace study has been done for the various 2- and 3- airport alternatives. The Sponsor’s consultants relied on the “Feasibility Study, 2000” and their own analysis to narrow the site selection to various runway alignments in the West Bay area. They generated *pro-forma* TERPS (airspace design and approach/departure routes) for only the West Bay airport. Without a formal and comprehensive airspace analysis, it is not possible to conclude that any multi-airport configuration is decisively superior. The studies and interviews disclosed in the DEIS and FEIS show that any of the alternatives discussed are well within the capabilities of routine airspace and ATC design and practice.

It is our contention that the *Separate Facilities* is and can continue to be compatible with current airspace configuration and utilization.

3-2-3: Bay Aircraft Owners, Inc. and the additional 167 local General Aviation pilots and aircraft owners whom I also represent (4) request the FAA reconsider and set aside its decision in this DEIS that the alternative, *Separate Commercial and General Aviation Facilities*, does not meet Level I criteria. We further request that the *Separate Commercial and General Aviation Facilities* alternative undergo a full Level 2 screening and eventual detailed analysis. We believe that the information provided in the enclosed Comments on the Draft Environmental Impact Statement will show that even though the FAA conducted this Environmental Impact Statement, its actions, findings and conclusions are arbitrary, capricious, an abuse of discretion and are incorrect to the extent that the FAA has significantly failed to meet its obligations under the law.

Your Response: See Section 3.4.5.1.

Our Response to your response:

We are aware of the conclusions stated in 3.4.5.1. As stated above, we disagree with the conclusion that the *Separate Facilities* alternative does not meet “Compatibility with Airspace Configuration and Utilization. We believe that you are and were aware of 7400.2 but you sequenced the studies so you didn’t have to do one for the 3-airport scenario. As best as we can determine from the material you have made available, you did not apply for a formal airspace study of the 3 airport alternative.

1-1-4: PFN is predominately a General Aviation airport with 161 general aviation aircraft based on the field (6). Only 5% of its average daily 246 operations are commercial air carriers.

Your Response: According to the NPIAS, PFN has been designated as a commercial service airport.

Our Response to your response:

We are well aware that PFN is currently designated as a Part 139, commercial service airport. Our point is that there are only 12 scheduled commercial airline flights a day (13 on Saturdays) into and 12 out of PFN each day (13 on Saturdays). That is 24 operations as day (26 on Saturdays) out of an average of 249 operations at PFN per day. Therefore, despite it being a Part 139 designated airport, the vast majority of its operations are general aviation type of operations (70% - 80%) and military.

1-1-5: The proposal to decommission the existing PFN airport and not maintain it as a General Aviation airport not only goes against National Plan of Integrated Airport Systems (NPIAS) criteria but is also in direct opposition to what your own FAA Administrator, Marion Blakey, said during a presentation at a recent national general aviation convention. Administrator Blakey said: "Airports are Natural Resources, just like our forests, once they are gone, they are gone. And I, for one, think we need to do a better job protecting the framework (airports) of our National Airport System".

Your Response: Comment noted.

Our Response to your response:

"Comment noted" is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific. It is our opinion that if your administrator believes that airports need to be protected, then why is the FAA not making every effort to preserve PFN for General Aviation, its primary user?

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1-1-6: This section fails to mention the fact that the airport also purchased land between Jackson Way and State Road 390 for industrial development. It fails to mention that the Airport owns that portion of Lisenby Avenue between State Road 390 and the airport terminal and that it recently spent a large amount of money upgrading, redoing and improving it.

Your Response: The text has been revised as appropriate.

Our Response to your response:

Thank you.

1-1-7: An example of how this DEIS is biased and arbitrarily fails to consider an important aspect of the problem (history) is the author's failure to include the fact that PFN use to have regular "mainline" jet service that included the B-727, DC-9, etc. It has also had corporate DC-8s, B-737s and even military C-141 operations. It even hosted a B-757 operating as Air Force Two during the recent Presidential Campaign. If the market were to justify it, the air carriers would reintroduce larger aircraft.

Your Response: The TAF used as the basis for this EIS was based on historical and projected aviation activity at PFN. The fleet mix was developed on the basis of current trends and aircraft utilization and anticipated future trends within the industry.

Our Response to your response:

The Sponsor's forecasts have, to date, proven to be grossly inflated. The FAA is well aware that none of the Sponsor's forecasts on passenger traffic, fleet mix and financial growth as stated in their Feasibility Study-2000 have materialized. The decline in commercial air carrier operations at PFN since 9/11 including the loss of two major hubs, reduction in air carrier flight operations by 52%, reduction in enplanements (-8.96% ytd)

15

and deplanements (-9.25% ytd)¹ needs to be the basis in this FEIS. The fleet trend is Regional Jets.

This is why the raw data used to prepare these reports should be make available either in the text, appendix or, in this era, by way of electronic access. The public is suppose to be able to perform a scientific peer review of this \$330,000,000.00 and rising project. The Sponsor, consultants and agencies have too much at stake both financially and politically for raw data and unedited reports not to be available as a part of the public review process.

1-2-8: The Sponsor has made no effort to maintain previous Runway Safety Areas (RSA) and/or improve the current RSAs to meet the standards. For example, after Hurricane Opal in October, 1995, the Sponsor did not aggressively pursue restoration of erosion of the Runway 14 RSA and has continually allowed erosion to decrease portions of the Runway 14 RSA. Nor, has the sponsor formally evaluated the use of Engineered Material Arresting Systems (EMAS).

Your Response: With respect to maintenance and improvement of the RSAs, the Airport Sponsor has installed pipes between the end of Runway 32 and SR 390. For runways 5 and 23 culverts have been added to improve the RSAs.

The Airport Sponsor made major efforts to coordinate with FEMA and FDEP on erosion issues, particularly after Hurricane Opal. As a result of those extensive discussions a compromise was reached for partial restoration of erosion. This compromise was the decision of the regulatory agencies and not the Airport Sponsor.

The Airport Sponsor has evaluated EMAS by meeting with manufacturing representatives. The Airport Sponsor's consultants have also investigated EMAS as part of ongoing studies. Two EMAS alternatives suggested by another commenter have been added to the FEIS in Chapter 3.

Our Response to your Response:

But the Airport allowed the North corner of the runway 14 RSA to continue to erode down to 52 feet. They, apparently, did not do a good job on restoring or maintaining that "famous" corner of the RSA.

We are glad to see that the EMAS issue has been added to the FEIS and will leave it to that reviewer to comment on same.

1-2-9: If the Sponsor so desired, he could enclose and cover the drainage channels that cross portions of the RSA at each end of runway 5-23.

Your Response: Comment noted.

Our Response to your response:

"Comment noted" is not a response – please elaborate.

¹. PFN Activity Report, May, 2006. Presented to Airport Board, June 27, 2006

1-3-10: Even your subcontractor from Ricondo & Associates, who use to work at Chicago Approach Control, felt that this airspace was not complex (until the FAA representative ordered him, during the Public Information Meeting on January 11, 2005, to cease interacting with the public because of the presence of recording devices).

Your Response: Complexity is generally defined in terms of traffic volume and traffic mix. That the PFN area has traffic mix the covers the entire aircraft performance spectrum from military high performance super sonic aircraft to air carrier turbojet and turboprop aircraft to general aviation turbojet, turboprop and piston powered aircraft.

Our Response to your response:

We believe that your labeling the PFN traffic volume and mix as "complex" is an example if this FEIS being arbitrary and capricious in that the authors have entirely failed to consider an important aspect of the situation at PFN. The explanation for the FEIS's decision runs counter to the evidence that is available to the agency.

According to 325th Fighter Wing authorities² the procedures for working traffic in and out of PFN have been refined over the years and there is little or no impact to either military or civil air traffic. The "high performance super sonic aircraft" such as the F-22 operate at subsonic speeds during their transition from SUAs and approaches into PAM. The approach speed for the F-22 is the same as for the F-15. It should also be noted that the F-22 is manufactured at MGE which is a joint military and private use airport located only 17 nm from ATL with its five parallel runways and 240+ operations per hour.

We cannot believe that the FAA in this FEIS, are suggesting that Tyndall's RAPCON personnel are incapable of handling this so-called traffic "complexity" on a daily basis with the airport, including the proposed West Bay airport, separation of 10 nm and 11 nm. It is our opinion that using the rationale that this "complexity" could "result in a confliction for use of the airspace" and thus conclude that the alternative of "Separate Facilities" does not meet Level I criteria is so implausible that it can not be ascribed to a difference in view or the product of agency expertise.

1-3-11: The fact that the FAA's Senior Representative present and the representative from Kimley-Horn and Associates, prevented the representative from Ricondo & Associates from talking with several general aviation individuals, by taking him out of the room and "instructing" him is a blatant example of how this entire DEIS process is not in accordance with the objective of NEPA to ensure a full and fair consideration of relevant information. Such actions by both the senior FAA official present and your Prime Consultant, Kimley-Horn, at an official Public Information Meeting, to suppress highly relevant information being willingly provided by the very subcontractor that had been tasked with answering questions at a public Information" meeting is strongly indicative of bias on the part of the FAA.

Your Response: A public workshop was conducted to provide background information to the general public prior to the public hearing and was not part of the official public hearing. Contractors were present at the workshop to provide information regarding specific technical analyses but not to provide official comment on behalf of the FAA. The purpose of the public

² . Personal meeting with TAFB RAPCON, Memorialized in a tape recording, January 19, 2005

hearing was to obtain input from the public to which the FAA would prepare formal responses. These responses are documented in the FEIS.

Our Response to your response:

The representative from Ricondo & Associates was "providing information regarding specific technical analysis". Ms. Lane and the representative from Kimley-Horn did not like the idea that some of us were recording our questions and his answers in order to be able to accurately retrieve his information. The Sunshine Laws of the State of Florida and I assume Federal Laws allow and provide for the audio and/or video recording of information during this Public Workshop. The local broadcast press was in attendance and even interviewing individuals, some as per arrangements of the Sponsor. This action appeared to be a form of select Censorship.

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1-5-12: General Aviation operations, according to the Airport Board's monthly Activity Reports, continue to grow, 15% in 2004. As more and more corporations use General Aviation because of its efficiency, security and cost-benefits, air carrier operations continue to decline. Arbitrarily forcing the relocation of all General Aviation operations to the Sponsor's proposed site 25+ road miles from the economic centers of Callaway, Cedar Grove, Lynn Haven, Mexico Beach, Panama City, Panama City Beach, Parker, Springfield, the U. S. Naval Coastal Systems Station and Tyndall Air Force Base will have a major effect upon the corporate customer, suppliers, and businesses. They depend upon the optimum, affordable, flexibility of General Aviation's expandable and compatible location at this public use airport (PFN) that has been an asset during prior emergencies and continues to help General Aviation contribute to a productive national, regional and local economy.

Your Response: The Draft Airport Layout Plan (ALP) (Figure 2-3) includes areas for general aviation facilities to replace those currently provided at PFN.

Our Response to your response:

We are aware that the Draft Airport Layout Plan includes proposed areas for General Aviation. Your response entirely fails to consider an important aspect of one of the problems created by relocation. Arbitrarily forcing the relocation of all General Aviation currently (and future) based at and currently (and future) using PFN to a remote site 25 miles from the economic centers of the above listed towns/communities will have a detrimental effect upon their economy. As later discussed, it is our opinion that this violates NPIAS Goals #1 and #9.

21

1-5-13: This section's data (forecasts and "updated" forecasts) is flawed and is another example of this DEIS being incorrect. Review of the Updated Forecast reveals that the explanation offered for this section's conclusions, including 500 B-767s operating out of the Sponsor's proposed site by 2018, runs counter to the evidence available to the FAA. Once again, the FAA has failed to meet its obligations for a fair and impartial DEIS.

Your Response: The Airport Sponsor's forecasts were used to show the potential range of effects. The FAA has used the TAF as a basis for the EIS analysis.

Our Response to your response:

As per my response to your response for comment 1-1-7, the Sponsor's forecasts have, to date, proven to be grossly inflated. The FAA is well aware that none of the Sponsor's forecasts on passenger traffic, fleet mix and financial growth as stated in their Feasibility Study-2000 have materialized. The decline in commercial air carrier operations at PFN since 9/11 including the loss of two major hubs, reduction in air carrier flight operations by 52%, reduction in enplanements (-8.96% ytd) and deplanements (-9.25% ytd)³ needs to be the basis in this FEIS. The fleet trend is Regional Jets. 22

It is our opinion that the FAA's use of the Sponsors forecast of large numbers of B-767s operating out of the relocated airport is an example of this EIS arbitrarily and capriciously failing to incorporate discussions of their assumptions, their choice of methods and the different interpretations being made of the data you are choosing to use. In other words show us the data to prove your assumptions such as would be found in any peer reviewed scientific publication, especially one involving \$330,000,000.00 of the taxpayer's money. If the Sponsor, consultants including Bechtel and the FAA believed that there were going to be B-767 (Group IV wide-body) operations why didn't they design the sub-surface pavement of the primary runway and terminal apron to accommodate these 100 B-767s per year, instead of only Group III narrow-body jet aircraft? 23

2-1-14: 1) This section of the DEIS states that the Feasibility Study identified "Conflicts with Tyndall Air Force Base due to airspace constraints" as an issue. This is another example of this DEIS being arbitrary and capricious.

Your Response: References to information in the Feasibility Study are provided for information purposes in the EIS.

Our Response to your response:

Once again, as discussed below, it is our opinion that the Feasibility Study's information on this subject which is, in turn, used as a excuse to deny the alternative of Separate Facilities is biased, arbitrary and capricious in that it fails to consider all aspects of the "conflict" topic. Thus the decision to deny the alternative of Separate Facilities due to alleged "Compatibility with Airspace Configuration/Utilization" problems runs counter to the evidence that should have been available to the agency, to evidence that was presented in various comments concerning the DEIS and to evidence that is once again being presented by various individuals and public organizations concerning this Level I denial. 24

2-1-15: This airspace is a very low activity airspace, even when Tyndall AFB is conducting routine weekday training schedules. Neither I nor any of our General Aviation corporate, private or recreational pilots are aware of any past or present incidences due to airspace "conflicts". Representatives from General Aviation attend the Airport Board meetings and the Tenant meetings. To the best of my knowledge, since I began using PFN in 1978, there have been no recorded incidents, near misses, mid-air collisions or accidents due to airspace "conflicts". Major General Peterson, USAF, Ret., who use to be Commander of the Air Defense Weapons

³ PFN Activity Report, May, 2006. Presented to Airport Board, June 27, 2006

Center at Tyndall Air Force Base, has researched this issue and has been unable to discover any incidences due to airspace "conflicts".

Your Response: See Section 1.5 and Appendix B. The FAA believes the FEIS accurately characterizes the airspace issues.

Our Response to your response:

None of the 24 lines in Section 1.5 refer to the Separate Facilities alternative. Two separate sentences in paragraph two of Section 1.5, however, do state that: "The current routes to and from PFN have been established to avoid conflicts with operations within the military's Special Use Airspace (SUA) areas" and (the last sentence of Section 1.5) "Likewise, routes between Tyndall AFB and Eglin AFB and the SUA areas have been established to avoid conflicts with aircraft flying to and from PFN".

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Concerning your reference to Appendix B: We note that in this FEIS you have added a copy of a MEMORANDUM dated June 13, 2003 as an addition to the "Note to File" dated December 21, 2003. This Memorandum refers to a meeting on April 28, 2003. Although Mr. Williams of Sub-Consultant Ricondo & Associates states "that the purpose of the meeting was to assure (my underline) that the EIS team had the appropriate input from the Department of Defense regarding the proposed actions and the alternatives (my underline) and to identify areas where additional information may be needed" There is NO (my underline) mention anywhere in this Memorandum about the alternative Separate Commercial and General Aviation Facilities.

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With reference to this FEIS using the excuse of potential airspace conflicts as a reason for denying the Separate Facilities alternative, it should be noted that this Memorandum states that "Concern was also expressed regarding the interaction with the Tyndall Military Operations Area (MOA) located east of the proposed site' and "The proximity of Restricted Areas 2914A and 2914B, west of the proposed site were also objects of concern (my underline).

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It should also be noted that this Memorandum makes reference to an "Attachment B". Attachment B is not included in Appendix B of this FEIS. It is our contention that Sub-Consultant's unedited reports and raw data should be included as a part of the DEIS and FEIS.

28

Appendix B also contains "Note to File" dated December 21, 2003 which refers to a meeting held three months earlier on September 25, 2003. This "Note to File" does devote one paragraph to the alternative of leaving General Aviation traffic at PFN. It states that this "would result in a procedurally similar situation between KPAM and KPFN as is seen currently which would be acceptable". It states that "This scenario would have the two airfields approximately 10 miles apart and MAY (my underline) result in a confliction between the two airports." There was no mention that the ability of Tyndall RAPCON to handle this "may...confliction" was of any concern. Again, we are not provided with the sub-consultant's unedited reports and raw data. There is no discussion of assumptions, choice of methods and the different interpretations that could have been made of raw data and unedited reports.

29

Discussions with the Ricondo representatives about the raw data and unedited reports during the Public Workshop on January 11, 2005 results in our arriving at a different conclusion concerning the alternative of Separate Facilities.

30

Therefore, we disagree with your response. We believe that this FEIS offers an explanation for its decision to deny the alternative of Separate Facilities that runs counter to all the evidence before the agency or that should have been before the agency.

31

2-1-16: Your sub-consultant's "Notes" from his meeting with the TAFB RAPCOM representatives in September, 2003 contains the statement that "Existing procedures and agreements between the Tyndall AFB RAPCON and Airport Traffic Control Tower (ATCT) for the control of air traffic developed over many years have allowed the two airports to operate safely on a daily basis. Appendix B further states that it was "agreed upon that the use of KPAM by GA traffic only would result in a procedurally similar situation between KPAM and KPAM as is seen currently which would be acceptable".

Your Response: The September 2003 meeting was conducted for the EIS process and was held 3 years after the Feasibility Study was completed.

Our Response to your Response:

Your statement is true, but the words Feasibility Study are not mentioned in the paragraph to which you are currently responding (2-1-16). My comments, which you have labeled as 2-1-14 through 2-1-19 are in reference to Section 2.2.1 of the DEIS.

32

2-1-17: It is my opinion, that the Feasibility Study and, by using the Feasibility Study's unconfirmed data, this DEIS are unreliable, biased and incorrect.

Your Response: The FEIS discloses the results of independent analyses completed throughout the EIS process.

Our Response to your response:

It is our contention that this FEIS does NOT fully disclose the results of independent analyses completed throughout the EIS process. The sections dealing with the alternative Separate Commercial and General Aviation Facilities consistently fail to provide the sub-consultant's and consultant's unedited reports and raw data. It does not fully disclose or make available the discussions of assumptions, choice of methods and different interpretations that can be made of the consultant's and sub-consultant's unedited reports and raw data. Therefore, we, the public, are unable to adequately evaluate the independence and biases of the analyses and conclusions. This is one of the many reasons we feel that the decision to exclude the alternative Separate Commercial and General Aviation Facilities is arbitrary, capricious, and an abuse of discretion and otherwise not in accordance with the law.

33

2-1-18: Conversations with Kimley-Horn's sub-consultant, prior to his being "counseled" on January 11, 2005, and a personal meeting with representatives of Tyndall's RAPCOM (9) results in a different conclusion. This DEIS has: (a) failed to reveal the fact that there were several meetings with the various airspace controllers, (b) withheld the sub-consultants' unedited reports and raw data and (c) failed to incorporate discussions of assumptions, choice of methods and

different interpretations made by the various parties, sub-consultants and consultants about these meetings. Once again, the author(s) of this DEIS has/have arbitrarily made their conclusions and judgments biased towards the Sponsor gaining approval of the Sponsor's proposed relocation.

Your Response: The FEIS objectively discloses and evaluates the Airport Sponsor's proposed project and reasonable alternatives. The FAA has met its obligations under NEPA in providing the public an opportunity to review and comment on the DEIS and has formally responded to those public comments in the FEIS. The nature of certain pre-decisional information internal to the FAA makes it unnecessary for inclusion in the DEIS. However, minutes from an earlier meeting with the Air Force held on April 28, 2003 are now included in Appendix B of the FEIS. These minutes were inadvertently omitted from the DEIS and were not intended to be withheld.

Our Response to your response:

We disagree. In the first place, the "minutes" you refer to are not minutes, but rather a Memorandum written by a sub-consultant 1 ½ months later, where are the actual "minutes"?

34

We contend that this FEIS and the DEIS do not "objectively" disclose "reasonable alternatives". We believe that the decision to exclude the alternative Separate Commercial and General Aviation Facilities was a biased decision that runs counter to the evidence that was available to the agency and its consultant, Kimley-Horn. We further contend that the additional, yet still incomplete, documentation that has been added to this FEIS (for example: Appendix B's Memorandum and [Vol. III, F 0004] B/G Egginton's comments) supports our conclusion that this FEIS failed to consider an important aspect of the alternative Separate Commercial and General Aviation Facilities and offered an explanation for its decision to not carry the alternative Separate Commercial and General Aviation Facilities to Level II evaluation that runs counter to the evidence before the agency and its consultants and sub-consultants.

35

It should be noted that despite numerous references to B/G New's 2002 letter throughout this document, your only response (except four lines about the VORTAC) to B/G Egginton's official comments to the DEIS was "Comment noted"⁴ This is one more example in this section (FEIS Vol. V, P024) that this FEIS is so flawed and prejudicial that the FAA should set aside the Separate Commercial and General Aviation Facilities alternative conclusions and undertake a Supplemental EIS prior to issuing any Record of Decision.

36

2-1-19: This section of the DEIS also states that the Feasibility Study identified, as an issue, "Recent damage to airfield facilities from storm surges that had flooded the airport during hurricanes and other severe storms from the Gulf". The proponents frequently refer to the effects of Hurricane Opal in October, 1995 as a reason for closing PFN. I and many of my General Aviation colleagues were at PFN the morning after the "night of Opal". Despite minor damage that any airport in the country is subject to by severe storms, military relief operations were already using PFN as an emergency staging site (NPIAS goal #7, "the airport system should support ... emergency readiness") and General Aviation pilots conducted (fixed wing) aerial reconnaissance flights that afternoon. Again, this is a biased rationale for closing PFN.

⁴ FEIS Vol. III, Federal comment #004, Comment code 1-3-1.

Your Response: Storm surge and floodplain impacts were not used as screening criteria to evaluate alternatives in Chapter 3.

Our Response to your response:

Our comments in the paragraph above, under your label 2-1-19, are in response to the information you have listed in Section 2.2.1. where you are listing the "issues identified" by the Feasibility Study. Issue number five was Storm Surge and Floodplain impacts. The next sentence in Section 2.2.1 of the FEIS is "The recommendations of the Feasibility Study was to relocate the existing and future operations of PFN to a new site".

37

If the FAA and the Airport Sponsor did not undertake relocation, then General Aviation would not have to be involved in this lengthy and involved process in order to protect NPIAS goals #1 - #9.

Storm surge is further discussed under my comments about 2.4.2.5 (your response labeled 2-2-37)

2-2-20: The airport relocation Sponsor states that "PFN needs to comply with FAA runway safety area criteria and design standards for existing facilities, ..." Many of the air carrier airports, under FAA certification, do not and can not provide a 1,000 foot RSA for their air carrier runways. The FAA already knows about these numerous examples. As stated in my comments concerning Section 1.4.1.2, the Sponsor, in an attempt to further his political objectives, has not attempted to improve the RSA status at PFN short of total relocation. Retaining PFN as a General Aviation airport would not require the same RSA standards required of a Part 139 airport. Section 3.2.5 states that corporate "jets operating on long stage lengths ... could have the option of using the Airport Sponsor's Proposed Site as an alternative."

Your Response: With respect to maintenance and improvement of the RSAs, the Airport Sponsor has installed pipes between the end of Runway 32 and SR 390. For Runways 5 and 23, culverts have been added to improve the RSAs.

Our Response to your response:

As discussed earlier, the Sponsor failed to aggressively maintain the entire width of the Runway 14 RSA. This corner became the famous 52 foot RSA that was constantly highlighted in the TV and print commercials during the Sponsor's and Chamber of Commerce's public relations campaign. The Sponsor also failed to aggressively pursue the use of EMAS as discussed by Donald Hodges, PE (Ret.)

38

2-2-21: Maintaining PFN as a General Aviation, non-Part 139 airport, would not require any mandatory RSA modification. As stated in Section 3.2.5, "While the current runway length at PFN would present some limitations to operations by some general aviation jets operating on long stage lengths, these operations could have the option of using the Airport Sponsor's Proposed Site as an alternative."

Your Response: There is no proposal by the Airport Sponsor to retain PFN as a GA airport.

Our Response to your response:

That was the purpose of our letter to Ms. Lane dated May 22, 2003. In addition to identifying and analyzing probable adverse environmental impacts and possible mitigation, the EIS process should identify and analyze reasonable alternatives. It is General Aviation's belief that the alternative Separate Commercial and General Aviation Facilities meets the definition of a "reasonable alternative" and should be considered by the EIS on an equal basis. It is a feasible alternate course of action that meets the proposal's objective at a lower environmental cost and a decreased level of environmental degradation than the sponsor's proposal. It is our belief that the airport Sponsor is scared that allowing PFN to remain as a General Aviation facility would significantly erode the number of operations at the proposed facility for all the reasons mentioned throughout my original comments to the DEIS.

39

2-2-22: [This is not unusual and not a cause for closing PFN as a General Aviation or even a Part 139 airport] [This is another example of an incorrect statement. VFR aircraft can legally enter a MOA even when it is in use]. [Again this is incorrect, VFR aircraft can legally enter a MOA even when it is in use, including at night and during "lights out" operations without prior permission] [Once again, this is an example of the flawed and incorrect content of this DEIS. Restricted Areas have hours of use or operation posted on charts and other sources of information available to pilots. If the restricted area is not in use, it can be penetrated by VFR and IFR aircraft.]

Your Response: The definition of Special Use Airspace (SUA) represents the various types of defined airspace that have varying types of restrictions for use, depending on the specific type of SUA. The overall definition of SUA was provided for simplification to the reader. All assessments were prepared based on the stated restrictions or limitations within the various SUAs as defined and as provided on aeronautical charts

Comment noted regarding operations within special use airspace.

Our Response to your response:

Our comments listed above as 2-2-22 were made because Section 2.4.2.1 contained numerous inaccuracies. It is our opinion that this Section, including the paragraph referenced above, is another example of this FEIS being biased.

40

I assume that your statement "Comment noted regarding operations within special use airspace" means that we are correct.

41

2-2-23: [It is my opinion that this is another example of a biased statement meant to imply additional restrictions upon civilian aircraft operating in the PFN area. Conversations with Tyndall RAPCON revealed that they do not anticipate/foresee any additional SUAs over land in our area, only over the Gulf] [This has a greater effect upon Eglin's R-2914A and its live bombing range, R-2917 where the last carrier based Navy exercise was conducted. Thus aircraft operating in and out of the Sponsor's proposed site, located 7 nm East of R2914A are at greater risk than General Aviation aircraft operating in and out of PFN.]

Your Response: DOD employee Gene Wintersole stated in an April 2003 meeting the possibility of additional airspace requirements for F22 training.

Our Response to your response:

We assume that you are referring to the statements contained in the Appendix B document Memorandum dated June 13, 2003 concerning a meeting on April 28, 2003. Mr. Wintersole's name is mentioned four (4) times in that memorandum, but there is no mention about additional airspace requirement for F-22 training. The memorandum does mention that Mr. Wintersole attended two prior meetings with "the study team" but, once again, your (FAA/Kimley-Horn) policy of with holding select reports, unedited reports and raw data make this FEIS incomplete especially with reference to the accuracy of the data that the agency had available and/or used in arriving at the decision to not carry forward the alternative Separate Commercial and General Aviation Facilities to a Level II evaluation. It is further noted in this June 13, 2003 Memorandum that reference is made to an Attachment B, that is not included in this FEIS. Reference is also made to a "copy of memorandum" that was distributed to the participants at this April 28, 2003 meeting by Captain Patnett. A copy of that memorandum is, also, not available in this FEIS. 42

With reference to the alleged statement by DOD employee Gene Wintersole that there was a possibility of additional airspace requirements for F-22 training, you have failed in your response to mention the fact that Section 2.2 of Appendix A, Airport Airspace Analysis (undated) in discussing whether the F-22 would require additional airspace states "But according to Tyndall AFB representatives, there is sufficient special use airspace in the region to meet (F-22) training requirements". Even though the Tyndall AFB representative is not identified, I wonder if that could also have been Gene Wintersole since he was the DOD civilian Manger Airspace. Note should be made that Tyndall AFB officials inform us that Mr. Wintersole has been retired for a couple of years and, therefore, is not available to us for confirmation, elaboration or explanation of any of his alleged remarks. Thus the value of having available the unedited reports and raw data.

2-2-24: [Again, this is a biased and misleading statement. All of the MOA and MTRs within Tyndall RAPCON's airspace have published altitudes: MOA-B = 9,000' to 17,999', MOA -C = 300' to 6,000', MOA-D = 300' to 9,000', MOA-E = 300' to 17,999', MOA-F = 300' to 17,999', MOA-G = 1,000' to 17,999', MOA -H = 9,000' to 17,999'. There is always a safe corridor set aside/available for civilian aircraft to transverse the airspace to the North and East of Tyndall. It should also be noted that except for rare occasions, Tyndall RAPCON does not operate between 10:00 P.M. and 06:00 A.M. local time. Frequently, they do not operate at all on Saturdays, Sundays and holidays. It should also be noted that the Panama City ATCT never operates between 10:00 P.M. and 06:00 A.M.]

Your Response: The proposed airport's Conceptual Class D airspace has adequate lateral separation, approximately 3.0 nautical miles, from Restricted Area R-2914A and would not impact operations in Restricted Area R-2914A.

Our response to your response:

I do not see where I discuss the proposed site's proximity to R-2914A in the above paragraph you label 2-2-24. My remarks were in response to statements contained in DEIS Section 2.4.2.1. I ascertain that my remarks in the above paragraph are true and factual. 43

You mentioned the proximity of the proposed site's Class D airspace to R-2914A, I will address that issue in my response to your response to the paragraph you have labeled as 2-2-26. See below. 44

2-2-25: [Although this implies that the F-22, transitioning to and from TAFB would pose a greater risk than the current F15 and F-16, it is my understanding that the approach speeds are the same. The F-22, like the F-15 and F-16 do not go supersonic until they are within their "blocked" airspace within their assigned MOA] [As per Appendix B, "...the use of KPFN by GA traffic only would result in a procedurally similar situation between KPAM and KPFN as is seen currently which would be acceptable.]

Your Response: See response to comment 2-2-22.

Our Response to your response:

Your response to comment 2-2-22 states "The definition of Special Use Airspace (SUA) represents the various types of defined airspace that have varying types of restrictions for use, depending on the specific type of SUA. The overall definition of SUA was provided for simplification to the reader. All assessments were prepared based on the stated restrictions or limitations within the various SUAs as defined and as provided on aeronautical charts Comment noted regarding operations within special use airspace." **In this paragraph which you label 2-2-25, I was responding to the statement in DEIS Section 2.4.2.1 which states that it is important to consider the difference in performance characteristics between civilian aircraft and military aircraft and later states that civilian aircraft need to have reliable access to and from PFN or any other civilian airport. I maintain that my remarks in this paragraph are correct. I do not see the relevance of your referring to the definition of SUAs.** 45

2-2-26: [I assume the author is referring to R2905A & B, as opposed to the Tyndall Class D airspace. The closest, R2905A, is located 13 nm from PFN and 151" .. not 180°.] [The class D airspace around PFN only goes to 2,000'] [It is interesting that this section of the DEIS does not mention the fact that there is a MTR (IR-1517), with its 5 nm radius, crossing the approaches into the Sponsor's proposed site +/- 15 nm North of the proposed site. All of these are further examples of this DEIS not being objective. I am sure that every ATC controller would like to have all his aircraft separated to the greatest extent possible. But the FAA has established minimum lateral and vertical separation standards that are deemed by the FAA to be SAFE]

Paragraph #1 of Your Response: On September 10, 2002 Brigadier General Larry D New, Commander of the 325th Fighter Wing stated in a letter to Mr. Randy Curtis expressed this concern: "Expanding the existing PFN facilities would present unique challenges and lead to greater conflict with Tyndall AFB operations, assuming expansion would attract more commercial aircraft and large frame aircraft"

Our Response to paragraph #1 of your response:

B/G New's "famous" letter dated September 3, 2002 (received by Mr. Curtis on September 10, 2002) only refers to three scenarios / alternatives: "expansion of the existing airport facilities, relocation of the airport to a site in the West Bay area, or take no action". No where in his letter does he mention or refer to the alternative Separate Commercial and 46

General Aviation Facilities. In the next paragraph he states: “we need to be able to safely operate in our local airspace and training ranges (my underlining) with a minimum of conflict with other air traffic”. He makes no mention or reference to the non-special use airspace in Bay County or the adjacent Counties. His next sentence “The current special use airspace restriction requires (my underlining) civil aircraft arriving or departing PFN to the north to utilize the VFR Flyway”. As stated in my DEIS comments about DEIS Section 2.4.2.1 (your paragraph 2-2-22 and 2-2-24, I respectfully contend that the General is incorrect.

In the next sentence General New states “Aircraft arriving or departing from PFN to the south must (my underlining) avoid the Tyndall Terminal Restricted Area. Civilian aircraft can penetrate Tyndall’s Terminal Airspace with permission from the controlling agency, usually Tyndall RAPCON but also Tyndall ATCT or when Tyndall is close as it usually is between 2200 and 0600 local time with the permission of JAX Center.

In the next sentence, General New states “Additionally, aircraft approaching Tyndall AFB from the north often infiltrate PFN’s Class D airspace”. PFN’s Class D airspace extends up to 2000 feet. If these aircraft infiltrate PFN’s Class D airspace they should be doing it with permission from the controlling agency, usually PFN’s ATCT and usually by Tyndall’s RAPCOM coordinating same with PFN’s ATCT except when PFN’s ATCT is closed between 2200 and 0600 local time. If the General’s use of the word “infiltrate” implies that these aircraft approaching Tyndall AFB are not getting Air Traffic Control authorization to pass through PFN’s Class D airspace while it is active, then their Pilots in Command should be disciplined for breaking the FAA and Military rules and regulations.

In the next sentence, General New states “While the two airports have adjusted to these issues and work them safely on a daily basis, it is not a desirable (my underline) situation to have commercial (my underline) aircraft and high performance fighter aircraft in this (my underline) close proximity”. I assume that the General is referring to Air Carrier aircraft when he uses the term “commercial”. The FAA has published separation standards for all aircraft operating in their airspace based upon what they consider safe vertical and lateral distances and the type of aircraft involved as well and the meteorological conditions. The General does not define the distance he is referring to with his use of the word “this”. If the General is implying that Commercial/Air Carrier or even General Aviation aircraft and military aircraft cannot operate in controlled or even uncontrolled airspace together as long as they follow FAA rules and regulations, then I respectfully disagree with him. That is why the FAA, including ATC, have rules and regulations. For example, I have flown into KPHF and have had approach control vector high performance fighter aircraft on approach into KLF1 beneath me while we were both with in the respective Class D airspace. Yes, I was in “close proximity” (1000 feet) to two F-15s but we were both under positive ATC control and we had each other in visual contact. This was not an undesirable situation nor was it unsafe. Please remember that Langley AFB (KLF1) is only 7 miles from Newport News/Williamsburg International Airport (KPHF). Their Class D airspace overlaps. KPHF is a certified air carrier airport and KLF1 is home to an operational F-22 unit. It does not require “de-confliction” of military operations with civil aircraft operations.

Next General New states that there is “only a 9 nautical mile separation between Runway 13 at Tyndall AFB and Runway 14-PFN”. Since the Class D airspace for the two airports do not overlap the two airports must be at least 10 nm apart.

Then General New makes the statement “Whatever decision is made concerning future PFN operations; our concern is that it should consider (my underline) the de-confliction of Tyndall military operations with civil aircraft operations”. I believe that as he states in his next sentence, he is referring to the expansion of PFN facilities assuming that that expansion would mean an increased number of “commercial air carriers and large frame aircraft”. We contend that General New was not presented the option of the Separate Commercial and General Aviation Facilities and, therefore, his “de-confliction” statement should not be considered in evaluating the Level I criteria for the alternative Separate Commercial and General Aviation Facilities. 46 cont

The final sentence in that third paragraph, which is the sentence your response quotes, says: “Expanding the existing PFN facilities would present unique challenges and lead to greater conflict with Tyndall AFB operations, assuming the expansion would attract more commercial air carriers and large frame aircraft”. He is “assuming” an increase in the number and size of “commercial air carriers”. This sentence does not indicate any reference to keeping only general aviation aircraft at PFN. I believe that because the alternative of Separate Commercial and General Aviation Facilities was apparently not included in Mr. Curtis’ letter to General New and because General New does not mention this alternative in this September 3, 2002 letter, you and your agency can not assume that any of General New’s comments apply to our recommended alternative.

Paragraph #2 of Your Response: The FAA has coordinated with USAF representatives throughout the EIS process. There have been no indications in meetings or written correspondence from Tyndall RAPCON of a radar coverage problem at the proposed site. As part of airport development further coordination and planning will be required. The FAA will ensure that the appropriate air navigation and air traffic control facilities will be provided for the efficient and safe operation of the airport.

Our Response to your Paragraph #2 response:

I see no mention in the paragraph to which you are supposedly responding (your label 2-2-26) about radar coverage problems at the proposed site. However, this was first brought to our attention by ATC personnel and was part of the technical discussion with representatives at the January 11, 2005 workshop/hearing. 47

Paragraph #3 of Your Response: Conceptual Class D airspace equal to in size to the Class D airspace currently serving PFN could be accommodated at the proposed new airport site (see Section 3.5.1.1) allowing the same amount of maneuvering airspace for the proposed new airport as at existing PFN. The proposed airport’s Conceptual Class D airspace has adequate lateral separation, approximately 3.0 nautical miles, from Restricted Area R-2914A and would not impact operations in Restricted Area R-2914A.

Our Response to your response:

The only problem is that airport layout could not accommodate a true crosswind runway due to the fact the R-2914A is only 3 miles from the western edge of the conceptual Class D airspace. We again propose the alternative Separate Commercial and General Aviation Facilities, then you would not need the so-called crosswind runway, nor the relocation of the PFN VORTAC. 48

2-2-27: [Again misleading: Appendix B is NOT "meeting minutes", it is a summary of Mr. Burkman's notes about the September 25, 2003 meeting. The unedited reports and raw data from that critical meeting should be made publicly available as apart of this DEIS Appendix. It is also my understanding from conversations with Mr. Burkman on January 11, 2005 and from a meeting with the current Tyndall RAPCOM representatives on January 19, 2005 that there were multiple meetings on this subject over the course of 2-3 years.' Why is the FAA not providing the "notes" which Mr. Burkman says he submitted and the unedited reports and raw data from these other meetings? One can only assume that the author(s) of this section of this DEIS has made subjective choices and judgments of what to include and not to include in order to obstruct and prevent complete peer review.]

Your Response: See Appendix B for summary of April 2003 meeting with USAF. The reader should be directed to Appendix D page 58 to the complete correspondence from Brigadier General Larry D. New, Commander of the 325th Fighter Wing to Mr. Randy Curtis. This correspondence in part states: "The current special use airspace restrictions requires civil aircraft arriving or departing PFN to the north to utilize the VFR Flyway. Aircraft arriving or departing from PFN to the south must avoid the Tyndall Terminal Restricted Area.

Our Response to your response:

Thank you for including the Memorandum dated June 13, 2003 giving the sub-consultants summary of the April 28, 2003 meeting. But again this FEIS does not incorporate the sub-consultant's raw data and unedited reports. The memorandum and the Notes to File are merely the sub-consultant's choices and judgments of what to include in their report. For something so critical as the permanent destruction of a excellent airport, the public should have available the raw data and unedited transcripts and all the material that was used at these meetings. For instance the memorandum of the April 28, 2003 meeting refers to the fact that Mr. Wintersole had been involved in two meetings with the study team, PBS&J and the Sponsor. The Appendix does not contain any material about those meetings. Reference is also made to a map prepared by Ricondo & Associates provided as Attachment B; but this Attachment B map is not included in the FEIS. And finally reference is made to a "copy of memorandum" distributed by Captain Patnett; again, this is not included in the FEIS. 49

With reference to your reference to sentence two, paragraph two of B/G New's letter of September 3, 2003, please refer to my comments about B/G New's letter under our response to my DEIS comments you have labeled as 2-2-26. 50

2-2-28: [The Appendix B "notes" that are available state that: (1) "...the USAF does not want to be the reason that a particular site is chosen or not chosen." (2) "...while Tyndall AFB and KPFN were in close proximity to each other, conflicts between the two airfields were already mitigated. Existing procedures and agreements ... have allowed the two airports to operate safely on a daily basis." And, from a PFN General Aviation alternative, (3) "It was generally agreed

upon that the use of KPFN by GA traffic only would result in a procedurally similar situation between KPAM and KPFN as is seen currently which would be acceptable.]

Your Response: The referenced quote listed above is taken out of context. The next sentence reads: “Concern was expressed however about the interaction between KPFN and the proposed airfield site. This scenario would have the two airfields approximately ten miles apart and may result in a confliction between the two airports”.

Our Response to your response:

The sentence you are referring to follows footnote (3). The sentence you refer to contains a key word “may”, it does not say will. Again, I and perhaps you (since the identity and qualifications of the author of these responses is not revealed) are well aware of numerous airports with closer than 10 nm in which ATC does not have a problem keeping aircraft including high performance fighters separated. I have already made reference to KPHF and KLFY in a previous response. I also gave examples throughout my original DEIS comments. The representative from Ricondo & Associates at the January 11, 2005 public meeting had previously worked the Chicago area approach control and discussed the lack of any technical conflicts/problems with our proposed three airport configuration and traffic mix that ATC could not safely handle and do handle throughout the United States on a daily basis. Please also see my later discussion about B/G Egginton’s letter dated January 25, 2005 which you included under Vol. III “Responses to Comments-Federal, State, and Local Agencies”. B/G Egginton’s comments make no mention of the superiority of any potential configuration and do not request addressing any “potential conflicts”. You should note that B/G Egginton’s letter was dated six days after we met with his RAPCON staff on January 19, 2005 (see references to same in my original DEIS comments. He introduced himself to us prior to our RAPCON meeting and then excused himself from the meeting itself. I feel confident his staff fully briefed him on the contents of our January 19, 2005 prior to his final draft of his January 25, 2005 response to the DEIS. 51

It is ironic that your FEIS response to B/G Egginton’s official USAF comments on the DEIS was “Comment noted” plus four lines about the PFN VORTAC. 52

2-2-29: As of October 2003, aircraft as large as 50- and 70-seat Regional Jets (RJ) serve PFN. The forecasts indicate that this activity will increase and there is potential demand for narrow body jet aircraft such as the Airbus Industries A320 or Boeing 737-800 series aircraft in the future. The pavement strength of Runway 14-32 is sufficient to accommodate both the A320 and Boeing 737-800 aircraft; however the runway length would limit the operational capabilities of the aircraft. The limitations on the operation of the aircraft associated with the existing runway length were described in Section 2.4.1.1.

Your Response: Comment noted.

Our Response to your response:

Comment noted is not a response.

2-2-30: [As mentioned above, the F-22 approach speeds are the same as the F-15 which currently operates without any problem between PFN and Tyndall AFB.] [I disagree with this sentence. Any need to re-route commercial jet aircraft would also exist operating out of the

Sponsor's proposed site. Maintaining General Aviation at PFN would not increase the need to re-route aircraft and because General Aviation would be operating out of a separate airport, the commercial air carrier aircraft would experience LESS need to wait on General Aviation aircraft at their Sponsor's proposed site's runway(s) and airport traffic patterns. An air carrier jet can consume a significant amount of fuel having to wait on a General Aviation aircraft to land or take off, even if the General Aviation aircraft is using the proposed "crosswind" runway, especially with the proposed "apex" airport layout.]

Your Response: DOD employee Gene Wintersole stated in an April 2003 meeting the possibility of additional airspace requirements for F22 training.

Our Response to your response:

The sentence in the DEIS Section 2.4.2.1 to which I was referring (and as embedded in my DEIS comments) states "The introduction of higher-performance aircraft in the military fleet and more jet aircraft in the commercial fleet serving PFN would result in a higher potential for airspace conflicts between operations at PFN and Tyndall AFB (my underline)". We disagree with the DEIS' and FEIS' use of the word "would result". There is no documentation provided in either the DEIS or FEIS that this is a fact. F-22s are currently operating out of KPAM along with F-15s. There has, to date, been no increase in airspace conflicts between operations at PFN and KPAM. B/G Egginton in his official DEIS comments (January 25, 2005) makes no mention of potential conflicts and this was after the F-22 had begun training operations at Tyndall AFB. 53

As I stated in our response to your response concerning our DEIS comments on Section 2.4.2.1 (your label 2-2-23), Mr. Wintersole's name is mentioned four times in the memorandum dated June 13, 2003 concerning the April 28, 2003 meeting, but there is no mention about additional airspace requirement for F-22 training. The memorandum does mention that Mr. Wintersole attended two prior meetings with "the study team" but, once again, your (FAA/Kimley-Horn) policy of withholding select reports, unedited reports and raw data make this FEIS incomplete especially with reference to the accuracy of the data that the agency had available and/or used in arriving at the decision to not carry forward the alternative Separate Commercial and General Aviation Facilities to a Level II evaluation. It is further noted in this June 13, 2003 Memorandum that reference is made to an Attachment B, that is also not included in this FEIS. Reference is also made to a "copy of memorandum" that was distributed to the participants at this April 28, 2003 meeting by Captain Patnett. A copy of that memorandum is also not available in this FEIS. 54

With reference to the alleged statement by DOD employee Gene Wintersole that there was a possibility of additional airspace requirements for F-22 training, you have failed in your response to mention the fact that Section 2.2 of Appendix A, Airport Airspace Analysis (undated) in discussing whether the F-22 would require additional airspace states "But according to Tyndall AFB representatives, there is sufficient special use airspace in the region to meet (F-22) training requirements". Even though the Tyndall AFB representative is not identified, I wonder if that could also have been Gene Wintersole since he was the DOD civilian Manager Airspace. Note should, again, be made that Tyndall AFB officials inform us that Mr. Wintersole has been retired for a couple of years and, therefore, is not available to us for confirmation, elaboration or explanation of any of his alleged remarks. Thus the value of having available the unedited reports and raw data.

2-2-31: [To conclude that General Aviation and even air carrier aviation needs to be relocated only 11 nm further away because of the arbitrary and biased assertion that it MIGHT "reduce to some extent" POTENTIAL conflicts is yet another example of this "explanation for the decision to prevent the use of PFN as a separate General Aviation airport" running counter to the factual evidence before the FAA. These statements by the author(s) are, in our (General Aviation's) opinion, so implausible that it can not merely be ascribed to a difference in view or the product of peer reviewed, non-prejudicial agency expertise. These conclusions are also an insult to trained and experienced Air Traffic Controllers. Even your own consultant who use to work at Chicago Approach Control, found these conclusions "interesting".

Your Response: The reader should be directed to Appendix D page 58 to the complete correspondence from Brigadier General Larry D. New, Commander of the 325th Fighter Wing to Mr. Randy Curtis. This correspondence in part states: "A relocation of the airport to the West Bay area would facilitate the de-confliction of the respective airfields."

Our Response to your response:

This "reader" is extremely familiar with B/G New's "famous" letter of September 3, 2003. We are also familiar with the political circumstances that prompted B/G New to write this letter and the fact that it is listed in Appendix D and not in Volume III as an official "Response to Comments – Federal, State, and Local Agencies". We would recommend that the author of these responses, the FAA and Kimley-Horn "be directed to" "the complete correspondence from" B/G Egginton, Commander of the 325th Fighter Wing to Ms. Lane dated January 25, 2005 or 1½ years after B/G New's letter. It is also noted that your official response as listed in VOL. III to B/G Egginton's official USAF comments about the DEIS (Vol. III, F-0004) are the words "Comment noted".

2-2-32: The existing 712 acre airport site, if used as a General Aviation airport, would not have the constraints discussed in this section. There is space for airport facility development. The existing terminal building which is only 10 years old would become available for lease by the Airport Board, the on-site industrial property could be developed and the current General Aviation facilities could be expanded as the market need arose. Currently, expansion of General Aviation facilities is being greatly constrained by the uncertainty of the airport's future. Despite substantial financial risk, various aviation related businesses have decided to go forward with construction of additional hangars on the current airport site. This section fails to mention the fact that the Airport Board owns Lisenby Avenue between State Road 390 and the airport terminal and recently spent approximately \$3,000,000 completely rebuilding and re-landscaping it.

Your Response: See response to comment 1-1-6.

Our Response to your response:

Your 1-1-6 response says "the text has been revised as appropriate. I, therefore, assume that you accept the rest of the above paragraph."

2-2-33: Other than trying to increase the operational count at the Sponsor's proposed site, there is NO valid reason for not maintaining PFN as a National Airport System General Aviation Airport. Maintaining PFN as a General Aviation airport eliminates the need for on-site Fire and

Rescue Services, on-site Airport Police Department, a "perimeter road and other alleged constraints mentioned in this section.

Your Response: See response to comment 2-1-16.

Our Response to your response:

Your 2-1-16 response states "The September 2003 meeting was conducted for the EIS process and was held 3 years after the Feasibility Study was completed". I assume you are still referring to the September 25, 2003 meeting referred to in Vol. II, Appendix B. However, my comment you have labeled as 2-2-33 is in response to DEIS Section 2.4.2.2.2, not the September 25, 2003 Tyndall RAPCON meeting. It is yet another reason why the alternative Separate Commercial and General Aviation Facilities should have been carried forward to Level II analysis. 57

2-2-34: Maintaining PFN as a General Aviation airport does not hamper but rather enhances the commercial development of the Airport's property. Once again this DEIS is in error in that it fails to mention the land along Jackson Way and between Jackson Way and State Road 390 that is vacant and available for commercial development.

Your Response: See response to comment 1-1-6.

Our response to your response:

Thank you for revising the text as appropriate.

2-2-35: Maintaining PFN as a General Aviation airport will not interfere with the widening of State Route 390.

Your Response: There is no proposal by the Airport Sponsor to retain PFN as a general aviation airport.

Our Response to your response:

Again, that was the purpose of our letter to Ms. Lane dated May 22, 2003 and the purpose of our comments to the DEIS and our comments to this FEIS.. In addition to identifying and analyzing probable adverse environmental impacts and possible mitigation, the EIS process should identify and analyze reasonable alternatives. It is General Aviation's belief that the alternative Separate Commercial and General Aviation Facilities meets the definition of a "reasonable alternative" and should be re-considered by a Supplemental EIS, this time on an equal basis. It is a feasible alternate course of action that meets the proposal's objective at a lower environmental cost and a decreased level of environmental degradation than the sponsor's proposal. A one runway air carrier airport (even a 10,400 foot Group IV / ADG IV wide-body runway airport) can be built on 2,000 acres, therefore much less environmental concerns and impact. 58

2-2-36: Maintaining PFN as a General Aviation airport would help to preserve the "90 acres of palustrine emergent, palustrine scrub-scrub, palustrine forested or estuarine emergent wetlands". Closure of PFN and its sale to developers would seriously impact these wetlands and Goose Bayou. It is highly probable that the decommissioning of PFN and its sale would result in

extensive development of the property. It is also highly probable that the waterfront property would be developed with high rise condominiums as is happening to the rest of the waterfront property in Panama City and Bay County. This in turn would also lead to the development of a marina on Goose Bayou. All of this, in turn, would be disastrous for the environment of the current airport property and its surrounding water.

Your Response: There is no proposal by the Airport Sponsor to retain PFN as a general aviation airport.

FAA acknowledges that there are impacts associated with redevelopment of the Existing Site. Since publication of the DEIS, new information was made available by the Airport Sponsor related to potential redevelopment of the Existing Site. This information included a Background Analysis and Master Planning Report for Redevelopment with three potential redevelopment options for the site. See Appendix V for a copy of this report. The FAA has developed a composite redevelopment scenario for the Existing Site, including a marina, which is based on the above referenced report. The FAA has conducted additional analyses based on this information and has revised the appropriate sections of the FEIS to disclose the potential impacts associated with future development on the Existing Site. Any redevelopment of the Existing Site would be analyzed through a future DRI process, and discussed with appropriate federal, state, and local agencies.

Our Response to your response:

Again, Bay Aircraft Owners, Inc. believe that your repeated use of the response that there is no proposal by the Airport Sponsor to retain PFN as a general aviation airport is arbitrary and capricious in that the DEIS and now this FEIS have entirely/repeatedly failed to accurately and completely consider all important aspects of the alternative Separate Commercial and General Aviation Facilities. According to Vol. I, Section 1.2, there is no proposal by the Airport Sponsor (and its co-sponsors) to adopt any alternative other than their proposal to close the existing PFN and relocate all of its facilities and operations to their proposed West Bay site. 59

Bay Aircraft Owners Association, Inc. appreciates the fact that the FAA, since the issuance of the DEIS, has "acknowledged that there are impacts associated with redevelopment of the existing site" and because of this significant new information issued a Change Order costing, I believe, around \$500,000.00 to analyze this impact. On behalf of Bay Aircraft Owners, Inc., I am familiar with the new information and circumstances contained in Appendix V of this FEIS that are relevant to all of our environmental concerns. We agree that this information has a significant bearing on the Sponsor's proposed action and its impacts. However, we disagree with your response that "Any redevelopment of the Existing Site would be analyzed through a future DRI process, and discussed with appropriate federal, state, and local agencies". 60

Bay Aircraft Owners, Inc. has been carefully and, to the extent that information is made available to the public, compulsively monitoring the entire relocation project since we first became aware of it in 2000. It is our and our counsel's opinion that since the FAA has declared that both facilities cannot survive for operational reasons (Vol. I, Section 3.4.5.1) and because the Sponsor has and continues to declare at every Airport Authority Board meeting that it must have or collateralize the financial proceeds from the sale of the existing facility (PFN) in order to undertake and proceed with the relocation project, the 61

redevelopment of the existing site meets the criteria [40 C.F.R. § 1502.9(c)(1)] for FAA's obligation to prepare a Supplemental EIS.

It is interesting to note that the 250-slip marina you refer to in the "composite redevelopment scenario for the Existing Site" (Appendix V, Option 1), the reclaiming of "the portion of the runway previously filled in the bay" (Option 2) and the public boat ramp (Option 3) all involve severe impacts on/to seagrass beds as well as state shellfish resources. Pollution from marina discharges such as oil, fuel, sewage, fish waste, litter, prop scarring of seagrass beds, shading of seagrass beds by the docks and piers would all contribute to the destruction of seagrass beds. This is the same seagrass beds that Vol. I, Section 2.2.1 refers to when it states that because of significant adverse environmental impacts to Goose Bayou (the body of water referred to in Appendix V, Options 1, 2 and 3), which are Class II Surface Waters protected under State law, and the concerns over whether the impacts could be mitigated, the Airport Sponsor terminated the 1998 Environmental Assessment. We contend that these environmental impacts to Goose Bayou secondary to the redevelopment of the existing site will be no different and probably more severe than the environmental impacts referred to in Vol. 1, Section 2.2.1. 62

Further, the above mentioned Options in Appendix D as well as Exhibits 25, 26 and 27 avoid evaluating and depicting the environmental impacts associated with dredging and ditching required to develop usable navigable channels from the marine facilities in Goose Bayou seaward into North Bay. It is Bay Aircraft Owners, Inc. contention that this further obligates the FAA to undertake a Supplemental EIS as required by NEPA at this time and NOT through a "future DRI process". 63

2-2-37: Once again, General Aviation questions the accuracy of the storm surge - flooding impacts. As mentioned in my comments for Section 2.2.1, I and many of my General Aviation colleagues, were at PFN the morning after the "night of Opal" (October 4-5, 1995). None of our hangars were flooded or damaged and we are located adjacent to taxiway D and J. Despite minor damage that any airport in the country is subject to by severe storms, military relief operations were already using PFN as an emergency staging site (NPIAS goal #7, "the airport system should support ... emergency readiness") and General Aviation pilots conducted (fixed wing) aerial reconnaissance flights that afternoon. Air Carriers may have delayed reinstating operations until the Airport Management could make whatever minor repairs were felt to be necessary, but the airport was legally and safely open for, at least, General Aviation operations. Again, this Section is a biased rationale for closing PFN. Quite the contrary, we feel this is an excellent example of why General Aviation should be allowed to remain at PFN. When Hurricane Ivan which struck just West of Panama City this past fall, PFN immediately returned to operational status for, at least, General Aviation and again served as a staging site for military and government aviation operations. As was demonstrated by the numerous hurricanes that struck Florida this past season, airport location within or outside of potential "storm surge" areas seems to have little effect on the damage an airport sustains. Most of the storm damage is associated with sustained high wind and tornado activity. Runway 36R at Tampa International (TPA) is only 11 feet above sea level and the water of Tampa Bay. Yet the damage to the Airport during the hurricanes of the 2004 season was secondary to high sustained winds, not storm surge or flooding. No airport is going to be open/operational during any severe storm, be it severe thunderstorms, winter storms, tornados or even hurricanes, 100 year floodplains or not.

Your Response: Comment noted.

Our Response to your response:

Once again, it is our opinion that "Comment noted" is not a response.]64

2-2-38: My previous comments for 2.4.2 still apply to this redundant "Summary". I will, however, make brief comments for the sake of "documentation". Retention of PFN as a General Aviation airport would not be incompatible with these issues.

Your Response: Comment noted.

Our response to your response:

It is our opinion that "Comment Notes" is not a valid response, please elaborate.]65

2-2-39: The sponsor's proposal for a 5,000 foot x 100 foot General Aviation "crosswind" runway is misleading. The proposed "air carrier" runway is 16-34. The proposed "crosswind" runway (3-21) is only 50 degree different from the air carrier runway, not 90 degrees as is currently the case at PFN. It is also being proposed as an "apex" layout which is in and of itself a restraining and conflicting design. Since all the proposed land is being donated and all the wetlands being mitigated, the airport layout should be redesigned with the "crosswind" runway as true crosswind such as is the case at Tampa International which, by the way, is less than the 4,000 acres of the Sponsor's proposed site.

Your Response: The Runway 16-34 alignment was identified in Airport Site Selection Study (December 2000) as the recommended orientation for the primary runway based on maximizing wind coverage and for minimizing potential conflicts with surrounding military airspace. Based on this assumption, the Airport Layout Alternatives Analysis (June 2001) evaluated the optimum layout and orientation for the proposed runways based on the following factors:

- Wetland impacts
- Aeronautical suitability
- Operational efficiency
- Vehicular access, and
- Potential for airside development

The crosswind runway was planned to accommodate aircraft in the B-II family. Although instrument approaches are not planned as part of the initial development, the ability to establish future instrument approach capabilities was assumed. Based on a windrose analysis, the Airport Layout Alternatives Analysis identified that a crosswind runway orientation between the 3-21 and the 7-25 alignments would provide at least 95% wind coverage for aircraft in the ARC B-II family.

The Airport Layout Alternatives Analysis provided a detailed evaluation of approach paths associated with each airport layout alternative. Although a perpendicular crosswind runway (in the 7-25 alignment) would optimize wind coverage for the two-runway system, the final approach fix and a portion of the final approach segment for future instrument approaches for a runway in the 7-25 orientation would conflict with Military Operations Areas east of the proposed airport site. A crosswind runway in the 5-23 alignment was determined to have essentially the same airspace conflicts associated with future instrument operations.

The 3-21 alignment for the crosswind runway was determined to be the preferred orientation as minimizes possible conflicts with the adjacent military special use airspace and provides a runway system with at least 95% wind coverage for B-II aircraft.

Our Response to your Response:

We understand why you had to choose that orientation because of the close proximity of R-2914. We have not seen an official Latitude/Longitude designated for the center of the conceptual Class D airspace. The only numbers I have been able to find have been N 30° 21.5', W 85° 47.9'. Therefore, I can not verify that the exact distance from the western border of the proposed Class D airspace and the eastern border of R-2914A would be 3 nm as you alleged in your response to comment 2-2-26. Again, no raw data available to the public for peer review.

It is my understanding that the same windrose analysis you refer to in your response also indicated that the crosswind coverage of the primary runway (16-34) provides adequate coverage more than 95% of the time. It is my further understanding that according to FAA Standards this coverage does not necessitate a crosswind runway and that the FAA will generally not participate in funding for such a crosswind runway that is not required for 95% of the time. The Airport Sponsor at its April 10, 2006 workshop stated that it was their opinion that "the crosswind runway is not justified at this time from an airfield capacity standpoint⁵". The alternative Separate Commercial and General Aviation Facilities would further eliminate any need for a "crosswind" runway at the West Bay site.

2-2-40: If PFN were to be retained as a General Aviation airport, then, as originally proposed in our May 22, 2003 letter to Ms. Lane, there would not be a need for designing and constructing a General Aviation "crosswind" runway and its associated taxiways at the Sponsor's proposed site. The cost savings would equate to the amount the Sponsor states can be obtained by the sale of PFN. This is the same model that has proven to be successful at Fort Myers, Florida (KFMY and KRSW).

Your Response: Comment noted.

Our response to your response:

"Comment noted" is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific.

2-2-41: Retaining PFN as a General Aviation airport provides the Sponsor with more or increased flexibility. The Sponsor would be retaining PFN as a General Aviation "Economic Engine". Although some General Aviation facilities, but to a much lesser scale, would needed to be build at the Sponsor's proposed site, it would not need a separate Phase I "crosswind" runway, thus a huge cost savings. PFN would qualify as a National Airport System General Aviation Airport. It would not need to be a Part 139 certified airport. Since the General Aviation infrastructure at PFN is already largely amortized, relocation to the Sponsor's proposed site would not improve this. The current private investment in General Aviation aircraft, hangers and

related structures at PFN is approximately \$36,000,000.00. This is comparable to what the Airport Board has invested in the passenger terminal and ancillary facilities. Forcing General Aviation to relocate to the Sponsor's proposed site, which is far from its base community, adds nothing but cost. According to our survey(13) this increased cost and decreased value would cause many, if not most, general aviation tenants to make other arrangements. Forcing General Aviation to relocate to the Sponsor's proposed site would result in the General Aviation facility being the farthest General Aviation facility from its host city in the State. Relocating General Aviation flying to a location far from the population it serves, defeats much of the purpose of General Aviation. Remember, General Aviation is not just recreational flying; it is actually the high end of air travel for executives, public officials, key personnel and businesses. General Aviation, properly supported, is efficient and secure and a positive economic engine.

Your Response: comment noted

Our Response to your response:

“Comment noted” is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific. 68

2-2-42: Retaining PFN as a General Aviation airport would enhance the Sponsor's "Local Planning Objectives" and it would continue to protect the environment of the current site.

Your Response: The commenter has taken this statement out of context. Local planning objectives are identified by Bay County in the Bay County Comprehensive Plan.

Our Response to your response:

The title of Vol. I, Section 2.4.4 is “Develop for Consistency with Local Planning Objectives”. The FEIS then contains seven paragraphs trying to justify that the “Airport Sponsor’s Purpose and Need” (Vol. I, Section 2.4) is consistent with “... Local Planning Objectives”. It is our contention that retaining PFN as a General Aviation airport (Separate Commercial and General Aviation Facilities alternative) would do a better job of protecting the environment of the current site. Therefore, the alternative Separate Commercial and General Aviation Facilities should be carried forward to Level II analysis. After review of Appendix V “Background Analysis and Master Planning Report for Redevelopment” dated October 7, 2005, it is our opinion that Appendix V contains significant new circumstances and information relevant to environmental concerns and bearing on the Sponsors Proposed action to redevelop the existing PFN and especially its impacts on Goose Bayou and North Bay (40 C.F.R. § 1502.9(c)(1). Again, it is Bay Aircraft Owners, Inc. contention that this obligates the FAA to undertake a Supplemental EIS as required by NEPA at this time and NOT through a “future DRI process”. 69

2-3-43: We agree that the "Development of aviation facilities, whether at the current site or elsewhere in the Panama City region, needs to be evaluated on the criteria set forth in the National Plan of Integrated Airport Systems (NPIAS)."

Your Response: Comment noted.

Our Response to Your Response:

Comment noted" is not an adequate response] 70

2-3-44: The author(s) of this DEIS state that "The NPIAS identifies existing and proposed airports that are significant to national air transportation and estimates the infrastructure development needed to meet the needs of all segments of civil aviation." The relocation of all General Aviation activities to the Sponsor's proposed site, 25 + road miles from the host city(s) does NOT meet the needs of the "all segments of civil aviation" and especially the majority of the General Aviation segment of (local) civil aviation.

Your Response: The statement is the commenter's opinion and is not borne out by the FAA's analysis in the FEIS.

Our Response to your response:

You are correct, it is the opinion of Bay Aircraft Owners Association and the 167 General Aviation aircraft owners and pilots whom we surveyed, that the forced relocation of all General Aviation activities to the Sponsor's West Bay site does not meet the needs of all segments of and a majority of local Bay County, Florida General Aviation. It is our further opinion that the FAA's and Kimley-Horn's analysis are biased and frequently incorrect. Section 2.5.1 fails to contain access to the raw data and unedited reports used to arrive at the interpretations made in the particular FAA analysis you refer to in this response. 71

2-3-45: NPIAS goal #1: Airports should be safe and efficient, located at optimum sites, and developed and maintained to appropriate standards.

Maintaining PFN as a General Aviation airport would be safe and especially efficient for its users and their businesses and General Aviation passengers. The pilot of a General Aviation aircraft that required an RSA greater than what was currently available at PFN would have the option of using the Sponsor's proposed site. PFN as a General Aviation airport is already located at an optimum site for its users, the citizens and business of Callaway, Cedar Grove, Lynn Haven, Mexico Beach, Panama City, Panama City Beach, Parker, Springfield, the U. S. Naval Coastal Systems Station and Tyndall Air Force Base. It is estimated that as a General Aviation airport it would initially have a vast majority of the 161 General Aviation aircraft that are currently based at PFN. It would be economically self supporting, especially since it would not have to be operated as a Part 139 air carrier airport.

Your Response: The statement is the commenter's opinion and is not borne out by the FAA's analysis in the FEIS.

Our Response to your response:

Again, it is our opinion that the FAA's analysis of the nine NPIAS goals are flawed and biased. Its conclusions listed under Vol. I, Section 2.5.1 fails to include or even reference (to allow peer review) the unedited reports and raw data. Again, we request a Supplemental EIS that includes such raw data and unedited and complete reports from all the consultants and their sub-consultants. The consultants seem to have merely made their choices of what data to include and the judgments/conclusions are the most favorable interpretation that is available in order to gain approval for this relocation project. 72

2-3-46: NPIAS goal #2: Airports should be affordable to users and government.

PFN operated as a National Airport System General Aviation airport can be affordable to its users and the local, State and Federal government. General Aviation operations, according to the Airport Board's monthly Activity Reports, continue to grow (15% in 2004) as more and more businesses use General Aviation because of its efficiency, security and cost-benefits while air carrier operations continue to decline. Relocating General Aviation to the Sponsor's proposed site would make General Aviation not

affordable to the majority of the current PFN General Aviation users due to the driving distance (greater than 25+ road miles) and the increased overhead fees that will be required at the Sponsor's proposed site. With the vast majority of the current 161 General Aviation based aircraft projected to remain at a PFN General Aviation airport, it would be self sustaining as well as continue to be an economic engine for East Bay County and its above mentioned cities.

Your Response: There is no proposal by the Airport Sponsor to retain PFN as a general aviation airport.

Our Response to your response:

Again, Bay Aircraft Owners, Inc. believe that your repeated use of the response that there is no proposal by the Airport Sponsor to retain PFN as a general aviation airport is arbitrary and capricious in that the DEIS and now this FEIS have entirely/repeatedly failed to accurately and completely consider all important aspects of the alternative Separate Commercial and General Aviation Facilities. According to Vol. I, Section 1.2, there is no proposal by the Airport Sponsor (and its co-sponsors) to adopt any alternative other than their proposal to close the existing PFN and relocate all of its facilities and operations to their proposed West Bay site. 23

In addition, a Memorandum from sub-consultant Ricondo & Associates (same sub-consultant involved in the Airspace and Air Traffic Control work listed in Appendix B) dated November 17, 2003 (Vol. II, Appendix L) summarizing a meeting on November 12, 2003 states that Ms. Debbie Calevich of Kimley-Horn, the FAA's prime contractor, in response to an inquiry by Brenda Johnson, EPA, as to "(...whether it is feasible to keep the existing airport open and re-locate the air carrier traffic to a new facility)" replied "...that population of the region cannot support two airports and that the existing site would most likely be redeveloped with a mixture of industrial and commercial land uses". Ms. Lane, FAA, is listed as being present but there is no mention of her commenting on this biased statement that was being made one year prior to the release of the Draft EIS. It is our contention this prejudicial statement made to participants of this Air Quality Modeling Methods Meeting is further evidence that this EIS has been prepared by the consultants, sub-consultants and even the FAA as a supporting document as a part of the procedure for gaining approval for the Sponsor's proposed project. The above statement by Ms. Calevich, an official representative of the prime contractor, in the presence of Ms. Lane, the FAA's representative, shapes the contents and conclusions of this FEIS by influencing the way scientific data was collected, analyzed, interpreted and presented.

2-3-47: NPIAS goal #3: Airports should be flexible and expandable.

PFN, as a National Airport System General Aviation airport without the constraints of a Part 139 certified airport would be able to be very flexible and its tenant facilities very expandable. It already has more than enough land (712 acres) so it would not need to expand its current

property. By definition, as a National Airport System General Aviation airport it would be eligible to receive federal funding for any projects that met the funding agency's (State or Federal) criteria.

Your Response: Please see the response to comment 2-3-46 above.

Our response to your response:

Please see our response to your 2-3-46 response.] 74

2-3-48: NPIAS goal #4: Airports should be permanent, with assurances that they will remain open for aeronautical use over the long-term. That is one of General Aviation's arguments for retaining PFN as a General Aviation airport. We support and endorse FAA Administrator Blakey's remarks of October 21, 2004 when she said "Airports are Natural Resources, just like our forests, once they are gone, they are gone. And I, for one, think we need to do a better job protecting the framework (airports) of our National Airport System".¹⁵ If PFN were to receive FAA grants, that would by Federal law help to protect it from developers, politicians, etc.

Your Response: Please see the response to comment 2-3-46 above.

Our Response to your response:

Please see our response to your 2-3-46 response.] 75

2-3-49: NPIAS goal #5: Airports should be compatible with surrounding communities. PFN as a General Aviation airport would continue to be compatible with its surrounding community. Even though noise is currently a non-factor (even the famous Hay Stack noise barrier is not used and has not even been repaired since Hurricane Ivan), the absence of commercial air carrier aircraft would reduce the noise factor even more. General Aviation airports, properly operated, are good neighbors.

Your Response: Please see the response to comment 2-3-46 above.

Our Response to your response:

Please see our response to your 2-3-46 response.] 76

2-3-50: NPIAS goal # 6: Airports should be developed in concert with improvements to the air traffic control system. As per Appendix B and as per conversations with Mr. Burkman, Ricondo & Associates, at the Public Information Meeting on January 11, 2005 and as per a personal meeting with the Tyndall RAPCON officials on January 19, 2005, "It was generally agreed upon that the use of KPFN by General Aviation traffic, only, would result in a procedurally similar situation between KPAM and KPFN as is seen currently, which would be acceptable.

Your Response While it is reasonable to assume that the interactions between operations at the existing site and Tyndall Air Force Base would continue to be handled as they are currently, the addition of a third airport at the West Bay site would result in airspace complexities beyond those that would exist with just two facilities.

Our Response to your response:

As per the sentence prior to the one quoted above, the scenario being discussed at that time was the Separate Commercial and General Aviation Facilities or three airport scenario not the current two airport scenario as you imply.

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2-3-51: Other than what is available in the Feasibility Study, 2000, we can not find where a formal and comprehensive airspace analysis for this DEIS was performed. It is my opinion that the Sponsor's proposed site selection and the Sponsor's proposed Airport Layout Plan did not take into account the possible alternative of retaining PFN as a General Aviation airport. Thus, again, this DEIS is seriously flawed. It is so implausible that a Comprehensive Airspace Analysis and an Airport Layout Plan were not performed for the alternative of maintaining PFN as a General Aviation airport that it can not be ascribed to a difference in view or the product of FAA expertise.

Your Response: The FEIS did include an analysis of this alternative - see Section 3.4.5.1.

Our Response to your response:

We have read, studied and researched as much as the public is allowed to research, short of Court Orders, for access to unedited reports and raw data from the various consultants and sub-consultants concerning Section 4.6 (Alternative 4) of the Feasibility Study and Vol. I, Section 3.4.5.1 of the FEIS. We do not find that a Comprehensive Airspace Analysis and an Airport Layout Plan were performed for the alternative Separate Commercial and General Aviation Facilities. Even though 3.4.5.1 states that this alternative meets Level I criteria for "... FAA Safety and Design Criteria" and "Provides for Demand within the Market Area", neither this section nor Appendix B contains the raw data and unedited reports of the Comprehensive Airspace Analysis and the Airport Layout Plan to support the conclusion in 3.4.5.1 that this alternative does not meet the "Compatibility with Airspace Configuration/Utilization" criteria.

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It is our opinion that the new material being revealed in the various Appendices of this FEIS meets the Council on Environmental Quality's NEPA regulations for a Supplemental EIS. It is, also, our opinion that Section 3.4.5.1 of this FEIS has failed to entirely consider important aspects (example: B/G Egginton's official comments) of this alternative and as a result of these failures have offered an explanation for its decision to deny that this alternative is, in fact, compatible with local airspace configuration and utilization to the extent that the FAA's non-compatibility decision can not be ascribed to a mere difference in view or the product of agency expertise.

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2-3-52: Tyndall's main instrument runway is 13L-31R. This is only 10 degrees different than PFN's runway 14-32. Despite both RNAV/GPS runway 32 and VOR/TACAN runway 32 approaches into PFN passing over KPAM (FAMOK IAF) at 2,000' and just South of KPAM (yet up to 5 nm within their Class D airspace at 1,600') respectfully, "Existing procedures and agreements between the Tyndall RAPCON and the PFN and PAM Airport Traffic Control Towers (ACTC) for the control of air traffic developed over many ears have allowed the two airports to operate safely on a daily basis." Since the F22's approach speeds are the same as the F-15, there is no reason to believe that operating PFN as a General Aviation airport would be any different.

Your Response: DOD employee Gene Wintersole stated in an April 2003 meeting the possibility of additional airspace requirements for F22 training.

Our Response to your response:

1. Appendix B's Memorandum dated June 13, 2003 concerning the April 28, 2003 meeting you are referring to is an example of relevant material that was not included in the November, 2004 DEIS. 80

2. As discussed in Our Response to your response for comment 2-2-23, in the Appendix B Memorandum dated June 13, 2003 concerning a meeting on April 28, 2003. Mr. Wintersole's name is mentioned four times, but there is no mention about additional airspace requirement for F-22 training. The memorandum does mention that Mr. Wintersole attended two prior meetings with "the study team" but, once again, your (FAA/Kimley-Horn) policy of withholding select reports, unedited reports and raw data make this FEIS incomplete, especially with reference to the accuracy of the data that the agency had available and/or used in arriving at the decision to not carry forward the alternative Separate Commercial and General Aviation Facilities to a Level II evaluation. It is further noted in this June 13, 2003 Memorandum that reference is made to an Attachment B, that is not included in this FEIS. Reference is also made to a "copy of memorandum" that was distributed to the participants at this April 28, 2003 meeting by Captain Patnett. A copy of that memorandum is also not available in this FEIS. 81

3. With reference to the alleged statement by DOD employee Gene Wintersole that there was a possibility of additional airspace requirements for F-22 training, you have failed in your response to mention the fact that Section 2.2 of Appendix A, Airport Airspace Analysis (undated) in discussing whether the F-22 would require additional airspace states "But according to Tyndall AFB representatives, there is sufficient special use airspace in the region to meet (F-22) training requirements". Even though the Tyndall AFB representative is not identified, I wonder if that could also have been Gene Wintersole since he was the DOD civilian Manger Airspace for the 325th Fighter Wing's Operation Support Squadron. Note should be made that Tyndall AFB officials inform us that Mr. Wintersole has been retired for a couple of years and, therefore, is not available to us for confirmation, elaboration or explanation of any of his alleged remarks. Thus the value of having available the unedited reports and raw data. 82

4. You also fail to mention in your response(s) that no where in B/G Egginton's January 25, 2005 letter to Ms. Lane (which we contend should be the Letter of Authority from the USAF) did he request new airspace including any need for F-22 new airspace. Mr. Wintersole was a civilian employee of the 325th Fighter Wing's Operation Support Squadron (OSS), he was not a DOD representative. Therefore, it is my understanding that B/G Egginton was Mr. Wintersole's superior and his comments supersede /over rule Mr. Wintersole's. 83

2-3-53: NPIAS goal #7: The airport system should support national objectives for defense and emergency readiness. As has been mentioned above, PFN has served as an emergency staging area following various hurricanes including Opal and Ivan. PFN has and could continue to

function as a training site for military fixed wing and helicopter operations. It serves as a destination for military fixed wing flights for officials having business at the Naval Coastal System Station. It serves as a training site for Tyndall Aero Club pilots, thus allowing them to avoid having to use KPAM for same. PFN as a General Aviation airport could also continue to be available to the Organ Transplant Programs at the two Panama City Hospitals. Closing PFN and thus forcing the surgical procurement teams to drive 30+ road miles verses the current 2-4 road miles to PFN, add a major risk to successful organ procurement for our community.

Your Response: Comment noted.

Our Response to your response:

We do not believe "Comment Noted" is an adequate response.

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2-3-54: NPIAS goal #8: The airport system should help air transportation to contribute to a productive national economy and international competitiveness. National Airport System General Aviation airports are a major factor in the local, regional and national economy. PFN, as a General Aviation airport, would continue to serve the economic centers of Callaway, Cedar Grove, Lynn Haven, Mexico Beach, Panama City, Panama City Beach, Parker, Springfield, the U. S. Naval Coastal Systems Station and Tyndall Air Force Base much more efficiently than if General Aviation were forced to relocate 25+ road miles from these economic centers and General Aviation's customer locations. This excess relocation distance would have a major effect upon the corporate customer, suppliers, and businesses that depend upon the optimum, affordable, flexible location of this public-use PFN airport. Maintaining PFN as a General Aviation airport would continue to help General Aviation contribute to a productive national, regional and local economy.

Your Response: Comment noted.

Our Response to your response:

We do not believe "Comment Noted" is an adequate response

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2-3-55: NPIAS goal #9: The airport system should be extensive, providing as many persons as possible access to air transportation, with typical travel distances of 20 miles or less to the nearest NPIAS airport. As I have mentioned numerous times in this section, forcing General Aviation to relocate to the Sponsor's proposed site does not meet this criteria for the vast majority of General Aviation pilots, employees, customers, businesses and passengers. The vast majority of the user base for General Aviation in Bay County, Florida originates (statistically significant) greater than 20 road miles east of the Sponsor's proposed site. The user base for General Aviation is predominately Cedar Grove, Lynn Haven, Mexico Beach, Panama City, Panama City Beach, Parker, Springfield, the U. S. Naval Coastal Systems Station and Tyndall Air Force Base.

Your Response: Comment noted.

Our Response to your response:

We do not believe "Comment Noted" is an adequate response

86

2-3-56: Maintaining PFN as a General Aviation airport would address and allow compliance with the three Federal needs listed in this section. It is General Aviation's belief that the "framing" of these needs has been shaped by the author(s) of this DEIS solely for the purpose of gaining approval for this relocation project. I will discuss each of these "Federal-Specific Needs:

Your Response: There is no proposal by the Airport Sponsor to retain PFN as a general aviation airport.

Our Response to your response:

Vol. I, Section 3.4.5 titled "Separate Commercial and General Aviation Facilities". Section 3.4.5.1 states "This alternative was included in the Airport Sponsor's *Feasibility Study* and a request for analysis of the alternative was made at the May 13, 2003 public information meeting". The Airport Sponsor *did/does not* want this alternative because as stated in the *Feasibility Study* (4.6), they are concerned that there would hardly be any traffic at the West Bay site. After all, there are currently only 12 daily commercial air carrier/airline passenger flights (13 on Saturdays) or 24 and 26 daily air carrier/airline operations. All the rest are General Aviation and military including general aviation aircraft being used for cargo/freight flights such as the "night haulers".⁶ 87

2-3-57: Ensure that the airport meets FAA design standards and is operated in a safe and efficient manner. Even though FPN is currently operated in a safe and efficient manner, the conversion of PFN to a General Aviation airport "would provide for considerable flexibility and also provide for expandability to meet changing demand patterns". While the current runway length at PFN would present some limitations to operations by some general aviation jets operating on long stage lengths, these operations could have the option of using the Airport Sponsor's Proposed Site as an alternative.

Your Response: Please see the response to comment 2-3-56 above.

Our Response to your response:

Please our response to your response to comment 2-3-56. 88

2-3-58: Address aviation demand for the Panama City-Bay County air service area. Retaining PFN as a General Aviation airport "provides for considerable flexibility and also provides for expandability..." Retaining PFN as a General Aviation airport would meet the 9th goal of NPIAS.

Your Response: Please see the response to comment 2-3-56 above.

Our Response to your response:

Please our response to your response to comment 2-3-56. 89

2-3-59: Address the effects of PFN airport expansion related to noise and land use compatibility. Retaining PFN as a General Aviation airport would have less noise impact than is the current situation. The Beechcraft 1900 repair facility, which was generating the most night

⁶ Monthly Airport Traffic Records (PFN Form 7230-1A) Panama City ATCT #203, RVA, Inc.

time noise complaints, has ceased Beechcraft 1900 maintenance with the demise of U.S. Airways in the PFN market.

Section 3.2.5 also states "Moving commercial operations to the Airport Sponsor's Proposed Site also would make available additional land area at the existing airport to accommodate growth of general aviation."

General Aviation, therefore, contends that the retention of General Aviation at PFN would meet all of these Federal Specific Needs.

Your Response: Please see the response to comment 2-3-56 above.

Our Response to your response:

Please our response to your response to comment 2-3-56.] 90

2-3-60: In this Section, the author(s) go beyond the above listed Federal Specific Needs and go on to state: "Another issue is the need to respond to the potential for conflicts with Tyndall AFB. The proximity of the military airfield to PFN already presents potential airspace conflicts that could be expected to increase with additional growth and development at the airport, including increases in operations and the potential introduction of larger aircraft. As stated in 49 U.S.C. § 40101(d)(4), federal responsibility includes "controlling the use of the navigable airspace and regulating civil and military operations in that airspace in the interest of the safety and efficiency of both of these operations." As stated in Appendix B, as stated by the Ricondo & Associates' representative at the January 11, 2005 Public Information Hearing and as stated by the Tyndall RAPCOM representatives at a personal meeting on January 19, 2005, "...while Tyndall AFB and KPFN were in close proximity to each other, conflicts between the two airfields were already mitigated. Existing procedures and agreements ... have allowed the two airports to operate safely on a daily basis." And, from a PFN General Aviation alternative, "It was generally agreed upon that the use of KPFN by General Aviation traffic only would result in a procedurally similar situation been KPAM and KPFN as is seen currently, which would-be acceptable".

It is General Aviation's contention that this "Federal Need" has not been established for this DEIS and it is inserted in order to further the goal of gaining approval of this project by those preparing this DEIS.

Your Response: In the Level 1 screening, the alternatives were evaluated in terms of their compatibility with the existing airspace configuration and utilization. In this context, the alternatives were evaluated to ensure that they would be compatible with existing airspace and that the airspace would not become more complex.

Our Response to your response:

1. Please note that the section and subsection numbering and title system used in the FEIS is different from that used in the DEIS. The above comments you have labeled as 2-3-60 refer to Vol. I, Section 2.5.3 titled Federal Specific Needs of the DEIS. This section is now listed as Vol. I, Section 2.5.2, FAA Specific Needs in the FEIS.] 91

There are key words, phrases and sentences that have been changed, eliminated and add in this section. These changes are not noted, listed or referenced in Mr.

Stringer's Notice of Availability letter. For Volume I, Chapter 2 he only lists Sections 2.2.2, 2.2.3 and 2.6.3. FEIS Section 2.5.3 is not listed as containing "...updated and/or refined information...".

Example:

- a. Paragraph 1, the phrase "Address the need identified by the FAA for adequate runway length to accommodate existing and projected aviation demand" has been added.
- b. Paragraph 3, Sentence 2, the words "could be" have been changed to "are".
- c. Paragraph 5, the sentence "The FAA's review...projected demand" has been added.
- d. In the DEIS where this section was formerly labeled as 2.5.3, in paragraph 5, the sentence "Based on FAA ... (the timeframe for this DEIS)" has been eliminated.

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cont

2. We are, therefore, concerned that there are other important changes in this FEIS that are not being noted. We, therefore, believe that this is further evidence that this failure to accurately note all of the updated and/or refined information in this FEIS not only represent an abuse of discretion but is another reason why the FAA should undertake a Supplemental EIS before issuing their Record of Decision.

3. The screening criterion "Compatibility with Airspace Configuration/Utilization" is invalid and arbitrary. This criterion was contrived by a consultant just for this EIS and does not exist in the FAA's own airspace/airport design methodology. FAA's "Airports District Office" did not even seek an official opinion from FAA's airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The 2005 local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III "Response to Comments - Federal, State, and Local Agencies". These comments are considerably more objective and benign in their view of the alternatives. From Gen. Egginton's comment: "Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall's SUAs, ATCAAs, approaches and departures." These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any "potential conflicts" - only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall's mission. FAA is acting arbitrarily if it sets out to relieve "potential conflicts" rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

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Again, an example of how this Section of the DEIS and now the FEIS is flawed and prejudiced is the fact that the only response (except four lines about the VORTAC) to B/G Egginton's official USAF comments on the DEIS is the phrase "Comment noted".⁷

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⁷ FEIS Vol. III, response to Federal response F-004

2-3-61: This Section goes on to state that: "the FAA must also take measures to ensure the "availability of a variety of adequate, economic, efficient, and low-priced services..." Maintaining PFN as a General Aviation airport would meet these conditions. Forced relocation of General Aviation to the Sponsor's Proposed Site would do just the opposite for 70% - 80% of the current occupants and users of PFN.

Your Response: There is no proposal by the Airport Sponsor to retain PFN as a general aviation airport.

Our Response to your response:

Vol. I, Section 3.4.5 titled "Separate Commercial and General Aviation Facilities". Section 3.4.5.1 states "This alternative was included in the Airport Sponsor's *Feasibility Study* and a request for analysis of the alternative was made at the May 13, 2003 public information meeting". The Airport Sponsor did/does not want this alternative because as stated in the *Feasibility Study* (4.6), they are concerned that there would hardly be any traffic at the West Bay site. 94

2-4-62: General Aviation does not believe an Airport Layout Plan "...for the initial development components listed in Section 2.2.2" should be considered, much less approved until a formal and comprehensive Airport Airspace Analysis has been done for the Sponsor's Proposed Site that takes into consideration Airport Spacing Guidelines and Traffic Pattern Airspace Areas that would be required to make the Sponsor's Proposed Site compatible with the already existing PFN and PAM airports.(20). (Separate Commercial and General Aviation Facilities)

General Aviation is aware of and has reviewed the document labeled Appendix A, Airport Airspace Analysis .(21) This is totally arbitrary and capricious in that this Appendix A Airport Airspace Analysis has entirely failed to consider an important aspect of this DEIS. The Sponsor did not do an Airport Airspace Analysis for the three airport scenarios, which is the Separate Commercial and General Aviation Facilities alternative. The Sponsor just did a pro forma TERPs on the various relocation sites with an overt bias for gaining approval of the Sponsor's proposed relocation site and its proposed airport layout plan. It is our opinion that the explanation for their decision, that the IR corridor North of the Sponsor's Proposed Site was not a conflict because the approaches and departures at the Sponsor's Proposed Site would be OVER its 2,000 foot AGL ceiling, runs counter to the evidence before the FAA concerning IFR Radar Airport Airspace Requirements for Category C and D Aircraft up through Design Group VI.

Your Response: Standard FAA procedure will be followed in the review of the ALP and development of airspace procedures.

Our Response to your response:

This should have been completed prior to the publication of this FEIS and is one more reason why a Supplemental EIS should be preformed prior to the issuing of a Record of Decision. 95

The criterion of reducing "potential conflicts" is not appropriate. Even if this criterion is accepted, FAA has not applied it objectively. The West Bay airport moves all or part of civil aviation routes much closer to the most sensitive overland SUA in the 96

complex, Eglin's R-2914A. It is contradictory to enhance the Sponsor's alternative by accepting more separation from some SUA's and not penalizing the Sponsor's alternative for reducing separation from another, more restrictive SUA.

A formal airspace analysis should be done. If any configuration can be developed with routes and facilities that meet the FAA minimum airspace and operating criteria, it should be considered equally reasonable, feasible, prudent and practicable. Just as the existing PFN configuration is well within FAA ATC criteria, any other configuration within these design criteria should be equally acceptable.

If new criteria or concerns for ATC workload are allowed to disqualify airspace configurations, numerous existing configurations throughout the country must be addressed and FAA does not propose to do so. This "compatible with current airspace configuration and utilization" criterion has been declared solely for this FEIS and the earlier DEIS, and should not be allowed. A more appropriate airspace criterion would be "compatible with minimum ATC airspace and procedure design". If the 3-airport configuration meets such design criteria, it must be carried to Level 2 analysis.

2-4-63: General Aviation, therefore, contends that the conclusion in Section 3.4.5.1 that the alternative of Separate Commercial and General Aviation Facilities does not meet Level I criteria and is, therefore, not carried forward to Level 2 analysis is so implausible that it can not be ascribed to a mere difference in view or the product of FAA expertise. This decision to not carry this alternative forward to Level 2 analysis runs counter to the evidence presented in these comments. The arbitrary, capricious and abuse of facts encountered in this DEIS is not in accordance with Federal Law. Therefore, the FAA should not grant approval of an Airport Layout Plan for the initial development components listed in Section 2.2.2" as requested in this (2.6.1) section.

Your Response: The commenter is directed to Appendix D to the complete correspondence from Brigadier General Larry D. New, Commander of the 325th Fighter Wing to Mr. Randy Curtis. This correspondence in part states: "While the two airports have adjusted to these issues and work them safely on a daily basis, it is not a desirable situation to have commercial aircraft and high performance fighter aircraft in this close proximity."

Standard FAA procedure will be followed in the review of the ALP and development of airspace procedures.

Our Response to paragraph #1 of your response:

This "commenter" is extremely familiar with B/G New's "famous" letter of September 3, 2003. We are also familiar with the political circumstances that prompted B/G New to write this letter and the fact that it is listed in Appendix D and not in Volume III as an official "Response to Comments – Federal, State, and Local Agencies". We would recommend that the author of these responses, the FAA and Kimley-Horn "be directed to" "the complete correspondence from" B/G Egginton, Commander of the 325th Fighter Wing to Ms. Lane dated January 25, 2005 or 1½ years after B/G New's letter

B/G New's letter only refers to three scenarios / alternatives: "expansion of the existing airport facilities, relocation of the airport to a site in the West Bay area, or take no

action". No where in his letter does he mention or refer to the alternative Separate Commercial and General Aviation Facilities. 100

In the sentence to which your response is referring, General New states "While the two airports have adjusted to these issues and work them safely on a daily basis, it is not a desirable (my underline) situation to have commercial (my underline) aircraft and high performance fighter aircraft in this (my underline) close proximity". I assume that the General is referring to Air Carrier aircraft when he uses the term "commercial" as opposed to General Aviation aircraft. The FAA has published separation standards for all aircraft operating in their airspace based upon what they consider safe vertical and lateral distances and the type of aircraft involved as well and the meteorological conditions. The General does not define the distance he is referring to with his use of the word "this". If the General is implying that Commercial/Air Carrier or even General Aviation aircraft and military aircraft cannot operate together in controlled or even uncontrolled airspace as long as they follow FAA rules and regulations, then I respectfully disagree with him. That is why the FAA, including ATC, have rules and regulations. Air Traffic Control system is designed to well-defined criteria and operated by trained and FAA-certified personnel. 101

Our response to paragraph #2 of your response:

Please see our response to your response to comment (paragraph) 2-4-62.

3-1-64: As has been discussed in the comments for Chapters One and Two, it is our opinion that this DEIS fails to "objectively evaluate all reasonable alternatives". This is particularly true for the alternative, Separate Commercial and General Aviation Facilities. This DEIS has become a biased "public relations" document rather than an objective scientific report. In our opinion, it has been prepared to present the most favorable interpretation that is available for gaining approval of the Sponsor's proposed relocation project. The reasons listed in Section 3.4.5 for not carrying the Separate Commercial and General Aviation Facilities alternative forward to Level 2 analysis runs counter to the evidence that was available to or should have been available to the author(s) of this Section. In our opinion, the FAA has failed, in accordance with CEQ Section 1502.14 (c), to adequately and objectively evaluate the Separate Commercial and General Aviation Facilities alternative. It is our opinion that the Separate Commercial and General Aviation Facilities alternative addresses the project need and purpose and does a better job of enhancing environmental quality, as well as having a less detrimental effect, than decommissioning PFN and forcing General Aviation to relocate to the Sponsor's proposed site.

Your Response: The FAA believes that it has effectively and objectively considered and presented the impacts of the Airport Sponsor's proposed project and alternatives in the FEIS.

Our Response to your response:

Bay Aircraft Owners Association, Inc. and the additional general aviation pilots we represent,⁸ disagree with the commenter's and FAA's statement. The FAA has accepted unsubstantiated forecasts and rational about the purpose and need that runs counter to the evidence available to the agency and has created and then applied inappropriate subjective 102

⁸. 167 local General Aviation pilots who oppose closure of PFN to General Aviation. On file, Bay Aircraft Owners, Inc.

criteria that are so implausible that it can not be ascribed to a mere difference in view or to the product of unbiased agency expertise.

The Air Traffic Control system is designed to well-defined criteria and operated by trained and FAA-certified personnel. None of the "compatibility" criteria created for the DEIS and this FEIS are used in the ATC regime. In the absence of a formal airspace study of the various two (2) and three (3) airport configurations, it is not possible to rule out any of the alternatives. In other words, the pass/fail criteria should be "does the alternative meet the minimum requirements to be included in the ATC regime?"; NOT "does the alternative add or reduce distance between airspace objects?". "Potential Conflicts" are irrelevant unless they violate ATC design and operating criteria. The Tyndall RAPCON staff apparently understands this distinction and takes the position that RAPCON has no preference as long as the configuration can be operated to ATC standards. FAA cannot create new ATC criteria for this FEIS that arbitrarily and capriciously favors the Sponsor's preferred alternative.

103

Even using the inappropriate "compatibility" screen, FAA has not applied it fairly. Much is made of increasing distance from selected SUAs, and little is said of the proposed West Bay airport's reduced proximity to the most restricted local overland SUA, Eglin's R-2914A.

104

Further more, the responses put forth in this section of this FEIS repeatedly refer to a Sponsor solicited letter by B/G New who was the Commander of the 325th Fighter Wing at Tyndall AFB in 2002, yet, NO WHERE do these responses acknowledge the more recent (2005) letter from B/G New's successor, B/G Egginton despite the fact that this letter is included in Vol. III as an official "Response to Comments - Federal, State, and Local Agencies". We recommend that the author of these responses, the FAA and Kimley-Horn read and acknowledge the complete correspondence from B/G Egginton, Commander of the 325th Fighter Wing to Ms. Lane dated January 25, 2005 or 1½ years after B/G New's letter as the Letter of Authority from the USAF with something other than the phrase "Comment noted".⁹

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This deliberate failure by the author of these responses and, therefore, by the prime consultant Kimley-Horn and the FAA to acknowledge and reference B/G Egginton's January 25, 2005 letter is an example of the agency's abuse of discretion and, we believe, not in accordance with law.

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This is one more example in this section (Vol. V, P024) that this FEIS is so flawed that the FAA should set aside the Separate Commercial and General Aviation Facilities alternative conclusions and undertake a Supplemental EIS prior to issuing any Record of Decision.

3-1-65: This section states that "The planning process must consider flexibility as a key element of a development program." We contend that the Separate-Commercial and General Aviation Facilities alternative is the most flexible of all the scenarios presented except for converting PFN's runway 14-32 to a 6,800' runway using EMAS. By retaining PFN as a General Aviation airport, it not only meets all of the NPIAS goals but it allows the elimination of runway 3-21 and its taxiways at the Sponsor's proposed site, thus lessening the total cost and adverse

⁹ FEIS Vol. III, response to Federal response F-004

environmental impact both at the Sponsor's proposed site and at the PFN site. I will not repeat our comments from Chapter 2 about "the Airport Sponsor's purpose for the Proposed Project", but please consider that those comments apply to this portion of this Section.

Your Response: Comment noted. There is no proposal by the Airport Sponsor to retain PFN as a general aviation airport.

Our Response to your response:

Vol. I, Section 3.4.5.1 states "This alternative was included in the Airport Sponsor's *Feasibility Study* and a request for analysis of the alternative was made at the May 13, 2003 public information meeting". The Airport Sponsor did/does not want this alternative because as stated in the *Feasibility Study* (4.6), they are concerned that there would hardly be any traffic at the West Bay site. Bay Aircraft Owners, Inc. believe that your repeated use of the response that there is no proposal by the Airport Sponsor to retain PFN as a general aviation airport is arbitrary and capricious in that the DEIS and now this FEIS have entirely/repeatedly failed to accurately and completely consider all important aspects of the alternative Separate Commercial and General Aviation Facilities. 107

3-1-66: The evaluation of this alternative in this DEIS is an example of the arbitrary, capricious and abuse of the responsibility that CEQ Section 1502.14 (c) assigns to the FAA. Not only, in my opinion, is the information contained in this Section inaccurate and capricious but it is so implausible that it can not be ascribed to a difference in view or a product of the FAA's expertise. In our opinion, it goes beyond being arbitrary but borders upon a deliberate attempt to grossly distort the facts in order to once again gain approval of the Sponsor's proposed project and site. This evaluation blatantly ignores the Joint Use scenario of retaining PFN as a General Aviation airport and only using Tyndall for air carrier operations. The implications that general aviation desires to be based at VPS (Eglin Air Force Base) are, once again, a deliberate attempt to blatantly distort the facts and truth. The operational cap in place at VPS far exceeds any FAA twenty-year time horizon forecast for the projected number of air carrier operations for the Panama City Regional market.

Your Response: The FAA believes that it has effectively and objectively considered and presented the impacts of the Sponsor's proposed project and alternatives in the FEIS.

Our Response to your response:

We find it interesting that the letters from Mr. Curtis dated June 6, 2003 and from Ms. Lane dated October 7, 2003 were withheld from the November, 2004 DEIS. It is our opinion that the withholding of these letters is another example of the agency's and the prime contractor's abuse of judgment. We are obviously concerned as to what additional data and reports have been withheld throughout both the DEIS and now the FEIS. 108

It is our understanding that Headquarters USAF is the approving authority for joint use. AFI 10-1002 par 1.2 "Agreements for Civil use of Air Force Airfields" covers joint use. We will defer to the responses to comments on Joint Use by M/G Peterson, USAF (Ret.) as they appear in his responses to I049, Vol. IV. 109

3-1-67: I feel confident that Maj. General Carl Peterson, USAF, Ret. will address this alternative in his comments about this DEIS and, therefore, will not duplicate them in these

comments. I am also aware of Arthur Stewart's (retired FAA Air Traffic Controller) comments on this subject dated November 16, 2004 and mailed to your Orlando office.

Your Response: Comment noted.

Our Response to your response:

Please see our response to your response to Comment 3-1-66.] 110

3-1-68: We request that this Joint Use of Tyndall Air Force Base alternative be reconsidered keeping General Aviation at PFN and only relocating air carrier operations to PAM similar to what is current the case at DTS and VPS.

Your Response: Refer to the FAA and Airport Sponsor correspondence with Tyndall on joint use in Appendix D. Based on the evaluations presented in Section 3.2.5 and 3.4.4 and coordination with Air Force representatives, the FAA maintains that joint use of Tyndall Air Force Base, even with general aviation remaining at the existing site, would not pass Level 1 screening criteria.

Our Response to your response:

Again, the fact that the letters from Mr. Curtis dated June 6, 2003 and from Ms. Lane dated October 7, 2003 were withheld from the November, 2004 DEIS is an example of the bias in the DEIS and make this FEIS suspect as to what additional information has been withheld.] 111

3-1-69: This section states that "This alternative was identified by public comment following the May 13, 2003 Public Information Meeting." I assume that this sentence is referring to the letter I wrote on behalf of Bay Aircraft Owners, Inc., dated May 22, 2003. If that is the case, my letter further requested the consideration of only constructing one air carrier runway during the Phase I development. Thus, saving significant construction costs and adverse environmental impact by not building runway 3-21.

General Aviation agrees with the paragraph:

"Development of separate commercial and general aviation facilities involving the Airport Sponsor's Proposed Site and the retention of PFN for general aviation activity would provide for considerable flexibility and also provide for expandability to meet changing demand patterns ---While-the current runway length at -PFN -would present - some limitations to operations by some general aviation jets operating on long stage lengths, these operations could have the option of using the Airport Sponsor's Proposed Site as an alternative. Significant expansion capability exists at the Airport Sponsor's Proposed Site, with the capability of accommodating up to a 12,000-foot runway as well as full parallel runway development. Moving commercial operations to the Airport Sponsor's Proposed Site also would make available additional land area at the existing airport to accommodate growth of general aviation."

Since PFN, as a General Aviation Airport, would meet the criteria for a National Airport System General Aviation Airport, it would by definition be eligible to apply for Federal as well as State grants and funding. Thus, if the need arose, it could potentially modify the RSAs without sacrificing operational capacity and without encroaching on State Road 390.

Your Response: The Airport Sponsor has not proposed keeping PFN as a general aviation facility and no other entity has come forward as a sponsor of this alternative. Therefore, the alternative of retaining general aviation at the existing site would be a private use airport and not eligible for receiving federal grants.

Our Response to your response:

Section 3.4.5.1 states "This alternative was included in the Airport Sponsor's Feasibility Study and a request for analysis of the alternative was made at the May 13, 2003 public information meeting".

Bay Aircraft Owners, Inc. and the additional 167 General Aviation pilots we represent in the PFN area believe that according to HB 939 enacted June, 2005 retaining PFN as a separate General Aviation airport would place it under the Airport Authority. Since it is estimated that PFN, as a separate General Aviation airport, would have greater than 10 based aircraft, it would be eligible to be a part of the National Airport System and, thus, eligible to receive federal funding. These airports operate solely on voluntary adherence to the Advisory Circulars. There are no FAA regulations requiring certification for General Aviation Airports.¹⁰ However, if the airport receives FAA grants, and PFN as a General Aviation Airport would be eligible for FAA grants, then there are certain grant assurances that PFN would have to comply with.

3-2-70: As per our comments already recorded for the Summary, Chapter 1 and Chapter 2 and as per the documentation available in this DEIS, General Aviation disagrees that "the FAA has completed a thorough and objective review of reasonable alternatives to the Airport Sponsor's proposed action."

We disagree with the sentence "With those standards in mind, the FAA did not evaluate alternatives in detail if they did not substantially meet the purpose and need objectives described in Section 2.4". As per our comments throughout the entire 2.4 section and all of its sub sections, much of the information presented in Section 2.4 was grossly incorrect, inaccurate, unreliable, arbitrary and so implausible that it should be an embarrassment to the FAA.

Based upon the information we have presented in Chapters 1 and 2, we contend that the alternative of Separate Commercial and General Aviation Facilities does reasonably meet the project's purpose and need, is feasible, practicable and prudent and, therefore, should be carried forward to Level 2 analysis. We further contend that if this alternative were carried forward to Level 2 analysis, it would clearly meet all of the Level 2 criteria.

Your Response: See Section 3.4.5.1. The FAA believes that the FEIS adequately evaluates the alternative against the Level 1 screening criteria.

Our Response to your response:

It is our opinion that the "separate facilities" alternative was improperly screened out for two reasons:

¹⁰. Personal communication with the FAA, Washington, D.C. October, 2004

1. The screening criterion "Compatibility with Airspace Configuration/Utilization" is invalid and arbitrary. This criterion was contrived by a consultant just for this EIS and does not exist in the FAA's own airspace/airport design methodology. FAA's "Airports District Office" did not even seek an official opinion from FAA's airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III "Response to Comments - Federal, State, and Local Agencies". These comments are considerably more objective and benign in their view of the alternatives. From Gen. Egginton's comment: "Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall's SUAs, ATCAAs, approaches and departures." These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any "potential conflicts" - only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall's mission. FAA is acting arbitrarily if it sets out to relieve "potential conflicts" rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

2. If one accepts that the Level 1 screen "Compatibility with Airspace Configuration/Utilization" is valid (and I do not for reasons given above), FAA's application of this screen is contradictory and arbitrary. (See Table S-1, "Summary of Alternatives Evaluation - Level 1 - Purpose and Need"). The "No-Action" alternative passes this screen for the obvious reason that it cannot be rationalized away like the "Separate Facilities" alternative, even though all future operations would operate in this supposedly unacceptable "potential conflict" environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the "No-Action" alternative. The "Separate Facilities" alternative is found to fail this screen, even though all future operations would be split between three airspace-standards-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged "potential conflicts".

As a senior and regular user of the PFN airport and the regional airspace for IFR operations, it is very disturbing to see the FAA ADO allow a consultant to twist objective analysis in this way to accommodate a local political pork project. The irony of comparing FAA's conduct in other settings is compelling; just recently FAA and the ATL Sponsor proudly announced their intent to operate 240+ operations PER HOUR on five runways within two miles, with FTK 10 nm away (346 operations per day), PDK 16 nm away (639 operations per day) and MGE 17 nm away (Private use/military including F/A 22 manufacturing test flights). The "complexity" of turning this operation from east-approach to west-approach must exceed in one day the cumulative alleged "complexity" and "potential for conflicts" of the PFN airspace for years.

3-2-71: Your Section 3.2.5 [sic] states that the Separate Commercial and General Aviation Facilities alternative meets this criteria. "Even though PFN is currently operated in a safe and efficient manner, the conversion of PFN to a General Aviation airport "would provide for considerable flexibility and also provide for expandability to meet changing demand patterns. While the current runway length at PFN would present some limitations to operations by some

general aviation jets operating on long stage lengths, these operations could have the option of using the Airport Sponsor's Proposed Site as an alternative."

Your Response: Please see Section 3.4.5.1 for the evaluation of this alternative against the Level I screening criteria.

Our Response to your response:

Please see our response to your response to our comment 3-2-70.] 115

3-2-72: Retaining-PFN as a General Aviation airport meets this criteria for the General Aviation service area. Again, as previously discussed in Section 2.5.1, the retention of PFN as a General Aviation airport meets NPIAS' goals, including NPIAS goal #9 using the 20 road mile criteria and the "understood 30 minute ground travel time" which this section now states. The methodology by which the DEIS constructs the "drive time" analysis, drawing one massive circle over the area which encompasses both the old site and the new site, is flawed and an insult to NPIAS goal #9. Again, this action represents yet another abuse of discretion in this DEIS and is so implausible that it can not be ascribed to a mere difference in view. Forcing General Aviation to relocate to the Sponsor's proposed site would cause the vast majority of General Aviation users to be beyond the 20 road mile distance and beyond the 30 minute ground travel time. We disagree with the statement as to where the highest concentration of population is located. With regards to the General Aviation market area, it is located in the Eastern half of Bay County.

Section 3.4.5.1 states that this alternative, Separate Commercial and General Aviation Facilities "would provide the necessary capacity and capability to meet existing and future aviation demand for the air service area. This alternative meets this screening criterion."

Your Response: Comment noted.

Our Response to your response:

"Comment noted" is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific] 116

3-2-73: Section 2.5.1, FAA Purpose, does not say anything about further separating civilian and military operations and reducing the potential for conflicts between arrival and departure routes between PFN and PAM. Section 2.5.1 goes on to state that "The policy of the United States relative to airport improvement includes making certain that the safe operation of airports and the airway system remains the highest priority..." Reducing the potential for conflicts is why the FAA operates an Air Traffic Control system and service. Section 2.5.1 also states that the "Development of aviation facilities, whether at the current site or elsewhere in the Panama City region, needs to be evaluated on the criteria set forth in the National Plan of Integrated Airport Systems (NPIAS) ", not the biased excuses and interpretations of the Sponsor(s). As stated in my comments for Section 2.2.1, the proximity of PFN to Tyndall Air Force Base (PAM) has not changed, it is 10 nm and their respective Class D airspace areas do not overlap. The proximity from PFN to the Sponsor's proposed site is 11 nm (1 nm further) and their Class D airspaces would not overlap. The proximity of PFN to the various Special Use Airspaces has not changed. And, remember, as per my comments for Section 2.4.2.1, the SUAs include MOAs which have various floor and ceiling heights and hours of operation and through which civilian flight is not

prohibited (just discouraged when the particular MOA is in use). It is interesting that the author(s) of this section fail to point out that the Sponsor's proposed site is closer (7 nm) to a Restricted Area (R-2914A) than PFN is to a Restricted Area (R-2905A) (13 nm). Also, the author(s) fail to mention that there is a military low altitude training route (IR 15 and 17) 15 +/- nm North of the Sponsor's proposed site and that this MTR would "conflict" with any TERP for the proposed runway I6-34-at the Sponsor's proposed-site.

The alternative, Separate Commercial and General Aviation Facilities, does not propose physically moving PFN. It would, therefore, remain "equal to the (current) distance between Tyndall AFB and PFN." This is again another arbitrary, capricious and biased statement that appears to be used as a "scare" tactic. The author(s) should insert the word "uncontrolled" so that this sentence would read "...to operate uncontrolled in proximity to each other": Under the alternative, Separate Commercial and General Aviation Facilities, PFN would not have any commercial aircraft operations. Again, the author(s) arbitrarily fail to mention that the approach speeds for the F-22 are the same as for the F-15. The number of F-22s based at Tyndall AFB is still very much in doubt and whether the number of F-15s stationed at Tyndall will decrease is also an unknown factor. This is again a blatantly biased statement 49 U.S.C. § 40101 (d)(4) states that federal responsibility includes "controlling the use of the navigable airspace and regulating civil and military operations in that airspace in the interest of the safety and efficiency of both of these operations": That is why the FAA and Tyndall RAPCON maintain an excellent local Air Traffic Control System. Since PFN would still be located at PFN under the alternative, Separation of Commercial and General Aviation Facilities, this alternative meets this criteria!

The author(s) fail to mention that the Sponsor's proposed site is located closer to SUAs, both an MOA and a Restricted Area than PFN is located. They also fail to mention the proximity of the Sponsor's proposed site to MTR IR 15 and 17 and its potential conflict with TERPs for the proposed runway 16-34. This statement is blatantly incorrect/false. As previously mentioned in my comments for Section 2.4.2.1, SUAs include MOAs and Warning Areas which VFR aircraft can legally enter even when it is in use. VFR and IFR civilian aircraft can legally penetrate MOAs, Restricted Areas and Warning Areas when they are not in use. As an owner/pilot of a corporate aircraft, I am able to routinely do this on every flight into and out of the Panama City area. USAF aircraft already do this without any problem thanks to ATC. The author(s) again arbitrarily fail to mention that various types of military (Air Force, Navy, Coast Guard and Army as well as government) aircraft, ranging from helicopters to the C-141, already operate into and out of PFN. Again, since the alternate Separate-Commercial and General Aviation Facilities-does not require PFN to move, PFN's relationship to the existing SUAs would not change. Therefore, this alternate should meet this airspace criterion.

Since PFN would remain at its present location under the Separate Commercial and General Aviation Facilities, only the ceasing of air carrier operations would change. Relocating these air carrier operations to the Sponsor's proposed site would decrease "potential conflicts" under this alternative. Under the alternate Separate Commercial and General Aviation Facilities the "number or extent of potential conflicts between routes for existing PFN and Tyndall AFB" would decrease. Thus, in our opinion, this alternative meets this airspace criteria.

Your Response: The existing airspace conditions and criteria for the alternatives analysis are documented in Section 3.3.1.1c. Based on coordination with USAF throughout the EIS process, the FAA believes these screening criteria to be appropriate and not arbitrary and capricious as the commenter has suggested.

The FAA would like to note that several of the comments regarding the elimination of alternatives are taken out of context. It is necessary to review the entire alternatives analysis section, Chapter 3, which documents why an alternative was not carried forward for detailed analysis.

Our Response to your response:

We and our consultants have reviewed DEIS Section 3.3 (Alternatives Evaluation Process) including DEIS Section 3.3.1.3 (Compatibility with Airspace Configuration and Utilization). We have also reviewed FEIS Section 3.3 and especially subsection 3.3.1.1c (Compatibility with Airspace Configuration and Utilization).

As stated in my cover letter and several times throughout these responses to your responses to our comments on the DEIS it is our opinion that the "separate facilities" alternative was improperly screened out for two reasons:

1. The screening criterion "Compatibility with Airspace Configuration/Utilization" is invalid and arbitrary. This criterion was contrived by a consultant just for this EIS and does not exist in the FAA's own airspace/airport design methodology. FAA's "Airports District Office" did not even seek an official opinion from FAA's airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III "Response to Comments - Federal, State, and Local Agencies". These comments are considerably more objective and benign in their view of the alternatives. From Gen. Egginton's comment: "Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall's SUAs, ATCAAs, approaches and departures." These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any "potential conflicts" - only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall's mission. FAA is acting arbitrarily if it sets out to relieve "potential conflicts" rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

2. If one accepts that the Level 1 screen "Compatibility with Airspace Configuration/Utilization" is valid (and I do not for reasons given above), FAA's application of this screen is contradictory and arbitrary. (See Table S-1, "Summary of Alternatives Evaluation - Level 1 - Purpose and Need"). The "No-Action" alternative passes this screen for the obvious reason that it cannot be rationalized away like the "Separate Facilities" alternative, even though all future operations would operate in this supposedly unacceptable "potential conflict" environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the "No-Action" alternative. The "Separate Facilities" alternative is found to fail this screen, even though all future operations would be split between three airspace-standards-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged "potential conflicts".

3-3-74: As previously noted above, Bay Aircraft Owners, Inc. letter of May 22, 2003 included the option of not constructing runway 3-21 and its taxiways at the Sponsor's proposed site. This would result in a significant initial cost saving and would be similar to what was done at Ft. Myers and KRSW.

Your Response: Any cost savings that would result from not constructing Runway 3-21 and its taxiways at the West Bay site would not be sufficient to offset the funds that would be required to maintain the existing site for General Aviation purposes. There is no proposal by the Airport Sponsor to retain PFN as a general aviation airport.

Our Response to your response:

According to HB 939, enacted June, 2005, retaining PFN as a separate General Aviation airport would place it under the Airport Authority. It is estimated that PFN, as a separate General Aviation airport, would have more than 10 based aircraft, therefore, making it eligible to be a part of the National Airport System and, thus, eligible to receive federal funding. These airports operate solely on voluntary adherence to the Advisory Circulars. There are no FAA regulations requiring certification for General Aviation Airports.¹¹ However, if the airport receives FAA grants, and PFN as a General Aviation Airport would be eligible for FAA grants, then there are certain grant assurances that PFN would have to comply with. 118

The existing 712 acre airport site, if used as a General Aviation airport, would not have the constraints discussed in Section 2.4.2.2 of the DEIS and Section 2.4.2.2.2 of the FEIS. There is space for airport facility development. The existing terminal building which is only 10 years old would become available for lease by the Airport Board, the on-site industrial property could be developed and the current General Aviation facilities could be expanded as the market need arose. Currently, expansion of General Aviation facilities is greatly constrained by the uncertainty of the airport's future. Despite substantial financial risk, various aviation related businesses have decided to go forward with construction of additional hangers on the current airport site. 119

PFN operating as a General Aviation Airport would not need an Airport Police Department, would not need a Fire & Rescue Department, would not need all the high tech security equipment and, if the terminal building is leased, would not need the day to day terminal building administrative, utility and maintenance expenses. As has happened to Page Field in Ft. Meyers, where the Airport Authority operates separate Commercial and General Aviation Facilities, PFN would be able to be financially independent. 120

3-3-75: This is another example of the author(s) being arbitrary and abusive of discretion. In Section 3.2.5, the author(s) state "While the current runway length at PFN would present some limitations to operations by some general aviation jets operating on long stage lengths, these operations could have the option of using the Airport Sponsor's Proposed Site as an alternative." We interpret this change in statement to be another example of how this DEIS is biased against the alternate Separate Commercial and General Aviation Facilities.

¹¹. Personal communication with the FAA, Washington, D.C. October, 2004

Your Response: The commenter has taken the above quotation from Section 3.2.6 out of context. There is no proposal by the Airport Sponsor to retain PFN as a general aviation airport.

Our Response to your response:

This quotation is the entire sentence #2, Paragraph #2 from Section 3.2.5 of the DEIS. It is also a direct quote of the entire sentence in Section 3.2.6 of the FEIS.

That was the purpose of our letter to Ms. Lane dated May 22, 2003. In addition to identifying and analyzing probable adverse environmental impacts and possible mitigation, the EIS process should identify and analyze reasonable alternatives. It is General Aviation's belief that the alternative Separate Commercial and General Aviation Facilities meets the definition of a "reasonable alternative" and should be considered by the EIS on an equal basis. It is a feasible alternate course of action that meets the proposal's objective at a lower environmental cost and a decreased level of environmental degradation than the sponsor's proposal.

3-3-76: Again, the author(s) said in Section 3.2.5 that any aircraft desiring a longer RSA could use the Sponsor's proposed site. Also, since PFN would be operating as a National Airport System General Aviation Airport, it would by definition be eligible to receive federal (and State) funding that might be used for RSA improvement without encroaching on State Road 390..

Your Response: Comment noted.

Our Response to your response:

"Comment noted" is not a response – please elaborate. It implies that you feel this paragraph lacks substance, is generic or nonspecific

3-3-77: We contend that it is not only "plausible" but factual that the alternate Separate Commercial and General Aviation Facilities meets FAA safety criteria.

Your Response: Comment noted.

Our Response to your response:

"Comment noted" is not a response. It implies that you feel this paragraph lacks substance, is generic or nonspecific; please elaborate.

3-3-78: We agree and will not discuss this again since it has been discussed in previous chapters and sections.

Your Response: Comment noted.

Our Response to your response:

We agree with this statement from the DEIS that the alternate, Separate Commercial and General Aviation Facilities, meets the screening criteria of being able to provide the necessary capacity and capability to meet existing and future General Aviation demand for the air service area. 124

3-3-79: This is again a clear biased attempt by the author(s) to try and justify conclusions so as to gain approval of the Sponsor's proposed project. Having flown the runway 32 VOR approach and, since its availability, the runway 32 GPS approach many times under IMC conditions including as recent as January 22, 2005, I have yet to have encountered a problem with military aircraft arriving and departing PAM. As I have previously discussed, as stated in Appendix B and as reinforced during my meeting with Tyndall RAPCOM's (325Th Operations Support Squadron) leadership on January 19, 2005(24) "Existing procedures and agreements between the Tyndall AFB RAPCON and Airport Traffic Control Tower (ATCT) for the control of air traffic developed over many years have allowed the two airports to operate safely on a daily basis.

The use of the word "further" is again biased and arbitrary and, in my opinion represents an attempt by the author to shape the contents and conclusions of this DEIS for gaining approval of the Sponsor's proposed project. The airspace is not complicated. Ask your sub-consultant, who use to work at Chicago Approach Control when(2) Meigs was still open, if the-Panama City airspace is or would ever be "complicated".

This is another example of how this DEIS is fatally flawed. PFN currently has an average of 247 operations a day(27). Moving the air carrier, currently 12-14 flights per day, and the few General Aviation operations that might want to relocate and even, potentially, adding some General Aviation from South Walton County would, in our opinion, not make any interactions between PFN, a General Aviation airport and the Sponsor's proposed airport any more than a low activity, scenario for even the most novice Air Traffic Controller. For the author(s) to imply otherwise is not only grossly arbitrary and capricious but it is so implausible that it can only be ascribed to the author'(s) attempt to discredit this Separate Commercial and General Aviation Facilities alternative. As discussed in Section 2.5.1, under NPIAS goal #6, other than what is available in the Feasibility Study, 2000, we can not find where a formal and comprehensive airspace analysis for this DEIS was performed. Further, in my opinion, the Sponsor's proposed site selection and the Sponsor's proposed Airport Layout Plan did not take into account the possible alternative of retaining PFN as a General Aviation airport. Thus, again, this DEIS is seriously flawed. It is so implausible that a Comprehensive Airspace Analysis and an Airport Layout Plan were not performed for the alternative of maintaining PFN as a General Aviation airport that it can not be ascribed to a difference in view or the product of FAA expertise.

My comments concerning your previous two sentences, also apply to this sentence. These two sites are 11 nm apart, 1 nm further than PFN and PAM. Why would the "all General Aviation" low activity at PFN and the low activity at the Sponsor's proposed site be a greater problem and more hazardous mix of traffic than the interactions that already exists between PFN with its 246 operations per day and PAM with its 339 operations per weekday?(28) Arriving at the conclusion as listed in the next paragraph and in the Summary for this alternative without a "peer reviewed" Comprehensive Airspace analysis is so implausible that it can not be ignored. One only has to look at any of the major metropolitan areas in the world, starting with TPA (709 operations/day) and its runway 18R-36L operations that cross KMCF (257 operations/day) to conclude that PAM-PFN-Sponsor's proposed site is not only doable, even under FAA Order 7400.2, but a "No Brainer" for local Air Traffic Control, Tyndall RAPCON and JAX Center. Remember, PFN and Tyndall RAPCON are both closed, due to lack of sufficient traffic from

2200 -0600 local time despite air carrier operations during those hours. I find it hard to believe that this Level 1 screening of the Separate Commercial and General Aviation Facilities alternative was subjected to all the "in-house" review the Senior FAA representative described to me at the Public Information Hearing on January 11, 2005. Remember, any new and/or "creative" criteria developed for these proposed configurations will have to also be applied to existing ATC configurations. It is apparent that the criterion "compatible with current airspace configuration and utilization" has been established solely for this DEIS. This is discriminatory, arbitrary and an abuse of discretion and not in accordance with Federal law.

I have already extensively discussed SUAs and the failure of this DEIS to point out that the Sponsor's proposed site is closer to a Restricted Area, a MOA and a MTR than PFN.

The use of the undefined phrase "close proximity" is again biased. Again, documented conversations with your sub-consultant and Tyndall RAPCOM do not indicate that this would be a problem. Traffic separation is how Air Traffic Controllers earn their living.

Again, the author(s) are making arbitrary, biased and unsubstantiated statements. Appendix B only contains Mr. Burkman's "notes" of the September 25, 2003 meeting and it is not documented as to the completeness of these notes. Both Mr. Burkman and Tyndall RAPCOM representatives state that there were several meetings concerning this subject over the course of a couple of years. Apparently, there was no official transcript or even minutes recorded by any party in attendance.

The number of routes beneath, between, above or through SUAs associated with keeping PFN open as a General Aviation airport would for all practical purposes be the same routes. These routes are determined by which SUAs are-in actual use or are anticipated to be in use at that particular time. Two destinations/origins 11 nm apart in this low activity airspace is not an unusual or insurmountable problem. To conclude otherwise without all of the consultant's and sub-consultant's unedited reports and raw data is highly suspicious.

Your Response: The existing airspace conditions and criteria for the alternatives analysis are documented in Section 3.3.1.1c. Based on coordination with USAF throughout the EIS process, the FAA believes these screening criteria to be appropriate and not arbitrary and capricious as the commenter has suggested.

Standard FAA procedure will be followed in the review of the ALP and development of airspace procedures.

Our Response to your response:

1. The screening criterion "Compatibility with Airspace Configuration/Utilization" is **invalid and arbitrary**. This criterion was contrived by a consultant just for this EIS and does not exist in the FAA's own airspace/airport design methodology. FAA's "Airports District Office" did not even seek an official opinion from FAA's airspace experts, relying instead on Sponsor-solicited comments from a (since departed) local unit commander. The current local USAF commander (B/G Egginton) provided additional comments on the DEIS that are included in Vol. III "Response to Comments - Federal, State, and Local Agencies". These comments are considerably more objective and benign in their view of the alternatives. From Gen. Egginton's comment: "Fulfilling this mission requires either the maintenance of the current airspace configuration (SUAs, ATCAAs, and

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approach/departure corridors) or that the design of any new airport and its associated approach/departure corridors do not interfere with Tyndall's SUAs, ATCAAs, approaches and departures." These comments properly make no mention of the superiority of any potential configuration, and do not request addressing any "potential conflicts" - only that no alternative should reduce the operational space available to Tyndall and thus create actual constraints on Tyndall's mission. FAA is acting arbitrarily if it sets out to relieve "potential conflicts" rather than applying its own resources to the trivial problem of allocating airspace to three airports each 10 miles apart so that all reasonable and prudent alternatives can be evaluated.

2. If one accepts that the Level 1 screen "Compatibility with Airspace Configuration/Utilization" is valid (and I do not for reasons given above), FAA's application of this screen is contradictory and arbitrary. (See Table S-1, "Summary of Alternatives Evaluation - Level 1 - Purpose and Need"). The "No-Action" alternative passes this screen for the obvious reason that it cannot be rationalized away like the "Separate Facilities" alternative, even though all future operations would operate in this supposedly unacceptable "potential conflict" environment, and in fact all likely future operations in the planning period have already been surpassed in the past by the "No-Action" alternative. The "Separate Facilities" alternative is found to fail this screen, even though all future operations would be split between three airspace-standards-compliant airports within approximately 20 miles instead of two airspace-compliant airports within 10 miles, with the supposedly more benign general aviation operations biased toward the airport needing the most relief from alleged "potential conflicts".

5-5-80: I, Bay Aircraft Owners, Inc. and the 167 pilots and aircraft owners for whom I have prepared these comments are disappointed and concerned that the FAA appears to have abdicated its broad statutory authority and responsibilities to be totally independent (free of political influence and lobbyists) in compiling this DEIS.

Your Response: The FAA believes that the FEIS objectively evaluates, considers and presents the Airport Sponsor's proposed project and alternatives.

Our Response and Conclusion to your response(s):

I, Bay Aircraft Owners, Inc., and the 167 pilots and aircraft owners for whom I have prepared these responses to your responses to our January, 2005 comments about the DEIS and our various consultants strongly disagree.

It is our understanding that under the National Environmental Policy Act a Final Environmental Impact Statement requires that the Sponsor's proposed project be accurately justified and that the alternatives be fairly and accurately evaluated. It is our contention that both the justification of the Sponsor's Proposal and the framing of the alternative, Separate Commercial and General Aviation Facilities, have been shaped by the way both the DEIS and the FEIS have been designed and evaluated. It is our opinion that, unfortunately, the agencies, consultants both prime and sub-, lobbyists and political proponents have approached this EIS as a supporting document prepared as a part of the procedure for gaining approval of the Sponsor's Proposed Project. It is our further opinion that the values and goals of those preparing this EIS have shaped its contents and

conclusions through the way unsubstantiated data has been collected, analyzed, interpreted and presented.

Even though real world engineering and scientific data collection is fraught with uncertainties, this EIS has been carefully crafted and worded to avoid any impression that anything is uncertain about the screening criterion "Compatibility with Airspace Configuration and Utilization. The sections of this EIS evaluating the alternative Separate Commercial and General Aviation Facilities fail to incorporate discussions of assumptions, choice of methods and different interpretations that were made from the various studies and failed to make available the unedited reports and raw data used in determining conclusions. Therefore, this Final EIS can not be subject to adequate peer review.

It is our conclusion that the sections of both the DEIS and the FEIS that we have reviewed pertaining to the alternative Separate Commercial and General Aviation Facilities meet the criteria of being arbitrary and capricious in that they fail entirely to adequately and accurately consider important aspects of this alternative; they fail to provide explanations for the decision, that the alternative Separate Commercial and General Aviation Facilities did not meet the Level I criteria, that runs counter to the evidence that was available to the FAA and its prime consultants. Therefore, the decision not to carry the alternative Separate Commercial and General Aviation Facilities forward to Level 2 analysis is so implausible that it can not be ascribed to a difference in view or the product of agency expertise.

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