

BRAC Commission

AUG 24 2005

Received

CLOSE

CANNON AFB, NM

THEY'RE KILLING US.

AUG 24 2005

Received

To Whom It Should Concern:

If you haven't read the draft proposal from the Air Force for more chaff and flare deployment and supersonic flights a mile above local ground area, I recommend that you do so and plan to attend the scoping meeting tonight at 6pm in the Courthouse Annex. This proposed expansion of military operations is a condemnation of our private property rights supposedly protected under the Fifth Amendment, U.S. Constitution. Ramsey Clark said, "A right is not what someone gives you; it's what no one can take from you."

This Air Force plan is essentially an expansion of the Melrose Bombing Range as they plan to drop more trash upon our farms and ranches. The chaff and flare canisters and end caps are not the size proposed in the environmental assessment of 2001. See enclosed photo of trash retrieved. The fact that the canisters fall to the ground was not disclosed in the environmental assessment either.

Supersonic flights at 10,000 feet above mean sea level (MSL) will only be about a mile above our farms and ranches. Past experience has shown that the USAF will not pay for our inconvenience caused by sonic booms. Be aware that we away from town do not have the buffer capacity of trees and other buildings to reduce the sonic boom damage.

Another new tactic of cover and concealment in hiding the truth is the omission of the public's written comments a year ago at the pre-draft scoping meetings. This is the first example of omitting comments from numerous scoping meetings of the past 10-15 years of Environmental Assessments and Environmental Impact Statements. If you submitted a written comment last year you will see no reference to it in the New Mexico Training Range Initiative, January 2005, Draft EIS.

Be aware that numerous government agencies are slowly taking our rights away. Locally it is the water, the protected/endangered wildlife and the Air Force. I recently had to explain to my 8 year-old grandson why he could not pick-up a hawk feather he saw on the ground and put it in his hat. Remember when we could all do that? It is now against the law to even possess a feather because of the EPA. After years of libelous statements and anti-patriotic portrayals of my opposing rights-threatening environmental proposals, I embrace statements like Edward R. Murrow's, "We must not confuse dissent with disloyalty. When the loyal opposition dies, I think the soul of America dies with it." We must speak out with the truth even when it may be unpopular. A quote from the Holocaust Museum in Washington D.C. challenges us: "Thou shalt not be a victim. Thou shalt not be a perpetrator. Above all, thou shalt not be a bystander."

Read the report, come to the meeting and voice your comments, which must be submitted in writing, if you have or will be impacted by these operations or if you are just an American patriot concerned about property rights. Franklin Delano Roosevelt advised, "The only sure bulwark of continuing liberty is a government strong enough to protect the interests of the people, and a people strong enough and well enough informed to maintain its sovereign control over the government." How strong are the citizens of DeBaca County?



A. S. "Tex" Elliott

DeBaca County, New Mexico

TO WHOM IT SHOULD CONCERN or, What the hell's happening to our Constitution? Once again we are confronted with additional interdiction and inconvenience by the USAF to remedy their "accidents" with the latest proposal to include supersonic flights at lower altitudes over more area, re: NEW MEXICO TRAINING RANGE INITIATIVE. Read the Fifth Amendment in our Bill of Rights, the United States Constitution. Our lands are being confiscated by the military in an untruthful and fraudulent way.

A year ago scoping meetings were held in Portales, Ft. Sumner, Santa Rosa, Vaughn, and Roswell, to presumably receive the public's input, pro or con, as required by NEPA, National Environmental Policy Act. As many of you know, or have acknowledged by now, this is just PR, public relations. The Air Force's action is set and the public has no rights. To confirm this statement, the current DRAFT EIS, just released, does not contain our "public input" as requested at their meetings. In all of the numerous previous responses to scoping meetings and draft responses, our written responses are included. What gives, you ask? Basically, they lie!

This is exactly my point in informing you that you must read their propaganda and comment, and express your personal anxieties or experiences with low flying and noisy jet aircraft. I have heard many of you comment, occasionally with expletives, your personal aggravation, or damages suffered from the USAF, or TACOs, the NM Air National Guard, low flights. I have suffered nine such occasions in less than nine years right over my ranch headquarters or within one mile. You must report them as they occur, or the USAF assumes you're all happy campers.

Remember in 1978 the TACOs created a 100ft above ground level visual flight rules military training route (100'AGL VFR MTR) traversing DeBaca County without any public disclosure. This was confirmed by Lee Tillman, EPCOG. This route, now VR1198/1107, passed directly over my house and corrals, a violation of the Federal Aviation Administration (FAA) Federal Air Rules (FARs) in that all pilots: military, commercial and private, must avoid all persons on the ground and houses by 500' both vertically and horizontally. This FAR was violated far too many times over me, my house, and many of you, as you have expressed to me. The German Air Force is also included in these violations. The absolute absurd explanation was given by Col. Remington, Cannon AFB, several years ago, after previous requests for facts, the jets were at 450'AGL, but "they were a quarter mile away, a mile, then 5 miles, and then the commanders statement "...that the avionics on the F-16 can be 10 miles off." A 16-24 million dollar jet aircraft has such poor electronics? They will not admit the truth. This is just one of many violations.

Each year, I have to call Cannon to "report" that we are weaning our calves in front of our house to avoid future "accidents". Currently they are required to avoid my HQTRS by 2 nautical miles if below 1500'AGL. Two Christmases I have missed being with my family because I was re-gathering cattle, re-sorting, and repairing fence. This is after I informed them. Inconsideration, ineptness, carelessness? Think about it.

Until you suffer a jet crash upon your property, you have no idea of the interdiction and inconvenience you are subjected to. The AIB, Accident Investigation Board, released conveniently, for the USAF, on Christmas Eve morning, 24 December, 2002, contains a summary page with a statement that differs from the press release same date. The press was given a no mechanical malfunction but unknown cause as to the accident. The AIB summary states that the pilot made a maneuver that he had insufficient altitude to recover from therefore impacting the ground. Why the difference in facts provided or stated? The report contains many errors and omissions and libel toward me. Why must they lie? What is their agenda?

They are conveniently taking our property with fraudulent statements like the blowing dust in eastern New Mexico will cover up their trash! But wait! It's not trash! It's residual material left over from its intended purpose. Think about beer cans, vegetable cans, any food container, any container. Now, can we throw our "trash" onto Cannon AFB, our highways, and our neighbor's land? It's just residual material left over... I don't want their trash, the containers, and lids that fall upon our property after firing, deployment. Do you? Do you want my trash?

The size of the flares and chaff containers proposed in the previous EA, Environmental Assessment, SEP 2001, differs from the containers I have been retrieving from my roads and corrals. There was no mention of metallic canisters falling onto our properties, and I am retrieving end-caps that are twice the size proposed. At the scoping meeting a SAIC, Boise, Idaho, team member thought the extra size caps were not to be deployed over private property but only on military ranges! Again where's the truth?

I had a broken window from a sonic boom several years ago and the Air Force would not consider my time of inconvenience to patch it up, secure carpenter, meet with him, and then let him in to make repairs. I have no buffers around my house to reduce the impact. They will not pay your damage claims.

Folks we must secure our constitutional rights. We must defend the truth. We cannot accept the actions of an intrusive abusive government. I can substantiate everything I have written and spoken with documentation. *"The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them."* Patrick Henry, from the letterhead of our DeBaca County News. Our elected officials both in Texas and New Mexico are having a hard time responding to me about this abuse, or, they too, are concealing the truth. You must secure the DRAFT EIS from the public library, read it and respond. Remember the spotted owl, the Mexican wolf, and the Pecos/Rio Grande blunt nose shiner...? Get involved!!

A. S. "Tex" Elliott  
P.O. Box 58  
Fort Sumner, NM

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
WASHINGTON, D.C.



Mr A.S. "Tex" Elliott  
P.O. Box 58  
Fort Summer, NM 88119

Dear Mr Elliott

Your letter of 18 Dec 86 was referred to this office for response. I have reviewed the last six years' correspondence and negotiations concerning low-level flying close to your residence. I understand and share your concern.

Federal Air Regulation 91.79 and Air Force Regulation 60-16, General Flight Rules, paragraph 5-9d state, "Except for takeoff and landing, pilots do not fly aircraft over non congested areas at an altitude of less than 500 feet above the surface - except over water or sparsely populated areas. Under such circumstances do not operate aircraft closer than 500 feet to any person, vehicle, or structure." As depicted on the enclosed map, Visual Routes (VR) 1107 and 1195, which provide our pilots low-level training at 100 to 1500 feet above the surface, overfly your area, which is categorized as "sparsely populated." This means pilots must avoid any person, vehicle, or structure in your area by at least 500 feet. In response to your complaints, the Air Force established special operating procedures which direct pilots to stay well clear of your residence. The procedures are listed in the DOD Flight Information Publication as follows:

- a. Avoid 34-20.0N 104-23.75W by two nautical miles.
- b. Flight below 1500ft above ground level is not authorized in that area bounded by a line from 34-31N 104-28W to 34-31N 104-20W to 34-15N 104-20W to 34-15N 104-28.5W to point of beginning (outlined on map).

I am working with Tactical Air Command representatives to ensure their crews adhere to the restrictions. I assure you that the United States Air Force is attentive to responsible use of airspace and the environment. The public's wishes are a prime consideration when planning our day-to-day operations.

---

If I can be of further assistance please contact me at  
202-697-4399.

Sincerely

*Robert B. Nicholson*  
ROBERT B. NICHOLSON, Col, USAF  
Chief, Airspace and ATS Division  
Directorate of Operations

28 Apr 87 Letter from [redacted] Quinlan, 150TFG/CC, assuring Col Danny Eckles, 27TFW [redacted] of their complete cooperation and support in observing the Elliott avoidance area.

21 Jan 88 Memo For Record, Chief, 27TFW/DOR. Special Agent Martinez of OSI today inform Maj Zevenbergen (27TFW Airspace Manager) that Mr. Elliott, rancher in Pecos Low Area, has moved to Texas (Uvalde) and the three noise areas are null and void. **! WHAT A DEAL!**

29 Sep 88 Airspace Memo For Record (27TFW Airspace Manager) Mr. Elliott generated complaint through Sen Jeff Bingaman's office of "AF increased activity over his property as a harassment due to his (Elliott's) frequent complaints." After Mr. Elliott's veiled threats to shoot at or not take care to avoid hitting aircraft that flew through "his shooting range", the FBI is reported to have visited him. Complaints

? WIFE EN DID NOT HAVE  
Attachment 1 (Page 8 of 19)

stopped for a while. Between Jan and Mar 88, a relatively long period of no complaints, and the information that Mr. Elliott had move<sup>d</sup> to Texas, we were justified in deleting the individual Elliott avoidance area. The large rectangular avoidance area remained charted on the current Albuquerque Sectional Chart. The new civilian Airspace Manager retrieved the large Mr. Elliott history file from Wing Radar Strike where the previous active duty Airspace Manager had maintained it.

16 Nov 88 Letter of transmittal from 27TFW/DCO to HQ USAF/XOORF (Airspace

THE ABOVE ENTRIES RESCINDED THE '87 AGREEMENT FROM AIR FORCE DENIALS WITHOUT ANY COURTESY OR NOTIFICATION TO ME OF ITS REMOVAL.

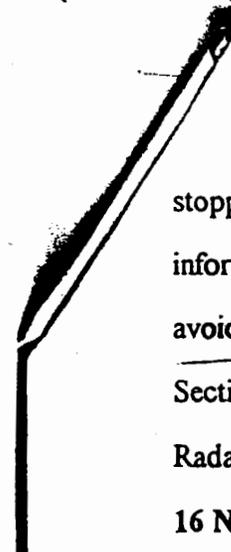
FROM CHRONOLOGIT SUBMITTED TO SEN. HUTCHINSON DEC 95.

NOTE: THIS IS NOT A COMPLETE AND HONEST REPRESENTATION OF MY INTERFERENCE.

2/2/88

REMEMBER

NET ALWAYS ON THE 122ND!





**FINAL**

# **Defensive Training Initiative Environmental Assessment**



**Cannon Air Force Base, New Mexico  
September 2001**

P 757 488 704

Written Comment Sheet

DRAFT EA

LINDA DEVINE  
HQ ACC/CEVP  
LANGLEY AFB, VA 23665-2769  
Thank you for your input

Defensive Training Initiative Environmental Assessment (EA)  
Cannon AFB, New Mexico

DATE 09 APR 01

PLEASE PRINT A.S. ELLIOTT FOR GOTTOMITEE, LTD. DELBON CO, NM

I ATTENDED THE CAFB EA PUBLIC SCOPING MEETING IN SANTA ROSA, NM, ON 04 APR 01. I, A.S. ELLIOTT, SUBMIT THE FOLLOWING COMMENTS AND CONCERNS:

1) WE, "IN THE SPARSELY POPULATED, PRIMARILY AGRICULTURAL PRODUCING AREA..." DO NOT NEED ANY MORE POTENTIAL FIRE DANGER FROM ACCIDENTAL OR FAULTY DEFENSIVE FLARES. I HELPED FIGHT A RANGE FIRE ON 17 FEB 00 THAT CONSUMED OVER 45,000 ACRES IN 5 HOURS.

2) WE, "... IN THE 'SAME' SPARSELY POPULATED... AREA..." DO NOT NEED ANY MORE MILITARY TRASH DEPOSITED UPON OUR PROPERTY IN TIME OF PEACE, I.E., THE CAPS FILM FLARE AND CHAFF CONTAINERS, AND THE CHAFF ITSELF. THIS IS KNOWN AS LITTERING AND IS NOT ACCEPTABLE. WE'RE STILL FINDING SO CAL BRASS FROM WWII ON S. TEXAS RANCH, AND 2 F-4 DROP TANKS. I'VE EXPERIENCED 20+ YEARS OF AGREEMENTS, BROKEN AGREEMENTS, NSAs, EXPANDED NSAs, AND CONTINUOUS "ACCIDENTS", INDIFFERENCES, AND FAILURE TO IMPLEMENT EXPANDED NSA, DAMAGES, INCONVENIENCES, ETC ALL THE WHILE NOTIFYING USAF, ANG, AND OTHERS.

YES, ACCIDENTS WILL HAPPEN, BUT, CAN BE AVOIDED. TO PERFORM THESE DEFENSIVE AERIAL FUNCTIONS OVER PRIVATE LAND, SUCH AS OURS, IS NOT ACCEPTABLE.

THEFORE I, WE, ARE IN OPPOSITION TO THIS NEW PROCEDURE

... CONTINUE ON BACK FOR MORE SPACE ...  
A.S. Elliott, INDIVIDUALLY, AND FOR GOTTOMITEE, LTD.

Please be advised that by including your name and address, you are agreeing to it being part of the EA public record.

NAME: A.S. ELLIOTT FOR GOTTOMITEE, LTD. LANDOWNER

ADDRESS: HCR 32, BOX 25

CITY: UYA WPE, TX 78801-9700

STATE, ZIP CODE: TX 78801-9700

Please check if you would like to receive a copy of the Draft EA

PLEASE HAND THIS FORM IN OR MAIL BEFORE MAY 10, 2001 TO:

HQ ACC/CEVP  
129 Andrews Street, Suite 102  
Langley AFB, VA 23665-2769  
Attn: Ms. Linda DeVine

ENCLOSED NOTE  
MAIL BY MAY 10, 2001

EX 7

000005

A. S. ELLIOTT  
GOTTOMITEE, LTD.  
P. O. BOX 58  
FORT SUMNER, NEW MEXICO

29 AUG 2001

Mailed Via ~~FEDERAL EXPRESS~~ UPS

Ms. Linda DeVine  
HQ ACC/CEVP  
129 Andrews Street, Suite 102  
Langley AFB VA 23665-2769

Re: Answer to Draft EA for DTI Cannon AFB, Clovis, New Mexico

TH-1

I will follow your order of presentation.

**FINDING OF NO SIGNIFICANT IMPACT**

PH 3.0, SUMMARY, Safety: When is there not a high fire risk in Eastern New Mexico? ] SA-7

Physical Resources: "No anticipated impacts from chaff... would occur." You just don't know for sure. ] PH-1

Biological Resources: All fires are not "natural", many are railroad and highway related. ] SA-8

Land Use and Visual Resources: Have you asked the farmers and ranchers upon whose land your trash will fall if their property values will be impacted? Yes, they will! ] LU-2

PH 4.0, CONCLUSION: Because you substantiate FONSI with doubt, anticipation and mis-statements of truth or outright lies, an ENVIRONMENTAL IMPACT STATEMENT should be required. ] DO-1

**PURPOSE AND NEED FOR THE PROPOSED ACTION**

PH 1.2.5: Our property is enclosed, triangulated, by three emitter sites deployed under the MOA; many violations. ] GE-1

PH 2.2.5, Table 2-3: Table is false as flare usage has occurred outside Melrose Range, confirmed by "source" Mr. Schuler, Cannon AFB Airspace Manager at meeting 16 SEP 2000, note and photo (yes, we have to photograph violations to be "believed") enclosed. ] GE-1

PH 2.2.6: Other USAF and ANG agencies do not read charts, (the B1-B ANG unit from Kansas 2-3 months ago) or are inept as the NMANG, "The Tacos", took 27 months to "chart" the expanded NSA by Cannon AFB, JAN 1996. Consequently, violations, aggravation, inconvenience and damage claims occur. ] GE-1

000005

Response to USAF DTI  
Page two.

29 AUG 2001

PH 2.7: FAR violations are "explained away" after four different attempts and by the final classic statement by COL Jeffrey Remington, COM, 27FW, at our meeting 16SEP00, "...that USAF P-16 avionics could be ten miles off" in recording the data tape for record of the sorry. Please identify your "BLUE RIBBON PANEL".

GE-1

GE-2

TABLE 2-8: Where is the Environmental Justice in our range lands being continuously condemned for the military mission? Can't the city folk enjoy your continued assault on our rights? Note US Senator Bingaman's, letter 4NOV98 regarding the two FAR violations JUL98 over me at home. Where in our Constitution does it say I must accommodate your mission? Since that incident I've had two more violations resulting in damage claims. Where is the sincerity? We still pick up military "mission trash" after 60 years of accommodating our nation when our family ranch was condemned for WWII aerial gunnery practice out of Laredo AFB, Laredo, Texas, and subsequent training by the 149FG, the Texas ANG, and Navy aircraft depositing drop tanks on the ranch. Who cares? We do.

EJ-1

PH 3.1.1: Too many incidents from inept or inconsiderate flybys over property resulting in violations of FARs and NSA. Several months ago, within a week or two, Cannon AFB violated my NSA twice, Tacos once, with damage, and Kansas guard unit once because they don't comply.

PH 4.5.3.1: We "hayseeds" down on the farms and ranches depend on the profitability of crop and grass production by minimizing or eliminating "blown dust". For you to achieve FONSI by assuming this is very optimistic. Your trash will remain for several generations. Surface Water: Chaff deposited in water "...would most likely produce no measurable effect." Again, an estimate to achieve FONSI.

PH-2

PH-1

PH 4.6.2 Fire Potential: "...manmade fires that regularly sweep through the area." conflicts with PH 4.6.3.1, 5th paragraph, page 4-17, "...The vegetation and species... recover from infrequent fires." Which is it? One or the other? Area native grasses require 3-5+ years to recover under average rainfall which has been sparse for three years now. Range recovery requires removal of grazing livestock for timely recovery and thus reduces our ability to increase our profit, our "mission".

BI-6

PH 4.7.2, 4.7.3.2: 1564.75 Plastic end caps would be deposited annually on our lands by your figures. Yes, it will accumulate.

LU-2

000005

Response to USAF DTI  
Page three.

29 AUG 2001

PH 4.8.3.1: You just don't know how property values would be ] LU-3  
compromised.

In conclusion, this action constitutes condemnation of my ] LU-5  
private property for sake of USAF mission. Your admitted  
statements that end cap trash will occur constitutes  
littering, a detriment to our private property rights still  
protected by our United States Constitution.

Our ranch partnership is initiating programs to provide ] LU-4  
recreational activities to supplement our ranch income. We do  
not need additional and ever continuing violations,  
aggravation, and disturbance to our potential guests and  
paying for profit customers (FYI: www.iwannabeacowboy.com).

Your assumptions and conflicting uneducated statements support ] DO-1  
the need for an EIS or withdrawal from implementation. Your  
FONSI is based on too many assumptions and ignorance of the  
feelings of the public on the ground dependent on their  
uninterrupted use without litter and enjoyment of their  
private lands. I am against the implementation of this  
Environmental Assessment to facilitate Finding Of No  
Significant Impact so that you can improve your training over  
private property.

Sincerely,



A. S. Elliott ((also D.(sic) S. Elliott))

Gottomitee, Ltd.  
HCR 32, Box 25  
Uvalde, Texas 78801-9700

El Bigote Cattle Co..  
P. O. Box 58  
Fort Sumner, NM 88119

encls

USAFDTI.doc

<i>Letter Number</i>	<i>Response Number</i>	<i>Response</i>
0005	PH-1	The analysis presented in the EA is representative of the best available scientific data regarding the effects of chaff and flares on soil and water (Air Force 1997a). Due to the very low concentrations in which chaff and flare materials would be deposited on soil and water, no measurable effect is expected (EA section 4.5.3). Additional supporting information is provided in the Blue Ribbon Panel report described in Response GE-2.
0005	SA-8	Fires can be caused by human activity as well as by lightning (EA section 3.2.2.1).
0005	LU-2	The EA acknowledges that the public has expressed concern regarding potential effects to property values due to the presence of chaff and flare residual components. However, it is unlikely that these components would accumulate in sufficient quantities to cause a visual impact (EA section 4.8.3.1). The expected accumulation of end caps from all chaff and flare use is approximately one end cap per every 38.5 acres annually. Expected annual accumulation of chaff ranges from 0.005 ounces per acre in the northern portion of the MTR to a maximum of 0.06 ounces per acre in the remaining airspace.
0005	DO-1	See response DO-1 under letter #0001.
0005	GE-1 ★	Cannon AFB has established methods for public identification of aircraft overflight problems and a policy for dealing with offending pilots (EA section 2.7). The Military Claims Act, 10 U.S.C. 2733, provides a mechanism for the payment of meritorious claims resulting from non-combat activities by the Air Force. The Air Force is committed to promptly investigate any claims for damages to property or livestock caused by Air Force overflights and to make payments as permitted under federal law.
0005	<del>PH-1</del> ★	The Texas Panhandle-eastern New Mexico area is considered one of the worst areas in the U.S. for windblown dust (EA section 3.4.2.1). Occasionally, the windblown dust is of sufficient quantity that visibility is restricted. Considering all of the area overflow, the annual expected concentration of chaff and flare end caps would average one every 38.5 acres. Because of the quantity of windblown dust in the region, it is likely that a portion of residual plastic end caps eventually would be obscured from view due to the deposition of dust.
0005	BI-6	The fire frequency for the proposed project area is not expected to change as a result of flare use. The flare release altitude of 2000 feet helps ensure that burning flares do not reach the ground. Section 4.2.3.1 analyzes the probability of fire due to flare use.
0005	EJ-1	This EA analyzes environmental justice pursuant to Executive Orders 12898 and 13045. Environmental justice analysis addresses disproportionate impacts to minority and low income communities and children (EA section 3.9.1). There would be no changes to airspace under the proposed action.

Letter Number	Response Number	Response
0005	GE-2	The Blue Ribbon Panel on the environmental effects of chaff consisted of scientists from Cornell University, Pennsylvania State University, Massachusetts Institute of Technology, Harvard University, Duke University, the University of Arizona, Woods Hole Oceanographic Institute, and the Desert Research Institute. This panel operated wholly independently from the military services in terms of data analysis and conclusions reached. The results of their analysis are presented in <i>Environmental Effects of RF Chaff, A Select Panel Report to the Undersecretary of Defense for Environmental Security</i> (Spargo 1999).
0005	LU-3	Residential property values generally are affected by a variety of factors such as national, regional, and community economic conditions; national and regional trends in employment, inflation and interest rates; local population changes; and real estate development. There is no evidence to suggest that property values would decrease under military airspace due to the presence of military training activities. Effects of the proposed action and alternatives on property values are addressed in section 4.8.3.1 of the Draft EA
0005	LU-5	The United States Environmental Protection Agency (USEPA) defines litter as "The highly visible portion of solid waste carelessly discarded outside the regular garbage and trash collection and disposal system." Residual items resulting from the use of chaff and flares, due to their small concentrations and vast dispersal, while possibly detectable in some circumstances, are not "highly visible." Additionally, when chaff and flares are ejected from an aircraft, they are being used for their intended purpose, and are not being "carelessly discarded."
0005	LU-4	Section 3.8 acknowledges the varied recreational opportunities that exist under the existing military training airspace. For visitors within designated special use areas, the likelihood of the presence of chaff or flare residual components occurring at a level that would disturb scenic quality or diminish the recreation experience is remote (EA section 4.8.3). The expected accumulation of end caps from all chaff and flare use is approximately one end cap per every 38.5 acres annually. Expected annual accumulation of chaff ranges from 0.005 ounce per acre in the northern portion of the MTR to a maximum of 0.06 ounce per acre in the remaining airspace. In addition, no increases in overflights are proposed over existing airspace in the area.
0006	TU-1	Thank you for your comments and participation in the Environmental Impact Analysis process for this Defensive Training Initiative. Public and agency involvement plays a crucial role in the National Environmental Policy Act (NEPA) process as it helps to shape the analyses and focus on specific resource areas important to you.



TEX

472601M  
FARs  
2-F-16s

A2

# EL BIGOTE CATTLE CO.

A. S. "TEX" ELLIOTT

P. O. BOX 58 or DUNLAP ROUTE  
FORT SUMNER, NEW MEXICO 88119  
505 355-7487

10 January, 2000

CERTIFIED MAIL: Z 034 670 186

COL - I WAS WRONG - HE WAS ADMIRATED FOR PROMOTION.

1) NEVER ANSWERED  
2) NEVER RECEIVED  
3) OVER TIME DIFFERENTIALS OVER 1000000!

Lloyd "Chip" Utterback, BRD GEN, USAF  
Commander, 27FW  
100 DL Ingram Boulevard, Suite 104  
Cannon Air Force Base, New Mexico 88103

Re: PAST AND CONTINUING VIOLATIONS FARs/NSAs

Dear Gen Utterback:

First, Chip, I'd like to congratulate you for your recent promotion to Brigadier General as well as your return to Cannon Air Force Base as base/wing commander.

Second, I am requesting your help in securing a written explanation of an incident that occurred in July, 1998. I have received a partial oral explanation that indeed your (Cannon AFB) F-16s did penetrate my NSA, and, as I witnessed and reported to Public Affairs and COL Breedlove, violated my FAR in that the two aircraft overflew me at 450'AGL. COL Breedlove's explanation was that yes they were at 450', but, that both aircraft were 1 and 1/4 miles away. I am requesting, again, by this certified mail letter, a written explanation, apology, admission, CYA, whatever.

Sir, if I am to believe or accept COL Breedlove's answer, then we are in a troubling situation. One, that your 25-30 million dollar aircraft (what do they cost?) have very faulty GPS and avionics, and two, that you and/or your personnel did in fact record incorrect coordinates on one or two of your personal visits to my ranch, and three, that your pilots, officers and gentlemen, just cannot admit to violating the law, i.e., CYA! I cannot and will not accept the CYA that the two aircraft, one with an instructor, were 1 and 1/4 miles away. I wouldn't have even called that in as the two nautical mile NSA is violated continuously.

Now, as of 23DEC99, we have another damage claim to settle. And this is after I notified your public affairs office of what I was doing in "my mission" of producing beef cattle. When I returned from Uvalde and Christmas, I received your apology on my answering machine. Why does this have to continue?

Sincerely yours,

*A. S. Elliott*  
A. S. Elliott

xc: CAPT John J. Hopkins, III  
LTCOL Joseph Miller  
Frank Bond

BRANGUS - HEREFORD - CHAROLAIS - CROSS / STOCKER AND FEEDER CATTLE

KE: JUL 98 2-F-16s OVER HQTRS + ME DENIED  
@ 450' AGL, E → W REPEATEDLY  
MEETING ON MONDAY 16 SEP 00

AT CANNON AFB, NM

CAPT SUSAN A ROMANO  
27 FW PUBLIC AFFAIRS

★ COL JEFFREY A REMINGTON  
27 FW COMMANDER

COL DAN RUNYAN  
27 FW VICE COMMANDER

COL JAY LINDELL  
27 FW OPERATIONS GROUP COMMANDER

> LT COL JOSEPH MILLER  
27 FW JUDGE ADVOCATE GENERAL

CAPT DON SHARER  
27 FW WING EXECUTIVE OFFICER

MR JOHN SCHULLER  
27 FW AIRFIELD OPERATIONS MGR  
"AIRSPACE MGR." RETIRED F-111 AF PILOT...

MET HIM PREVIOUSLY IN  
EARLY 1980'S WHILE HE  
WAS AT CAFB

★ "THE AUTONICS ON AN F-16 AIRCRAFT CAN  
BE 10 MILES OFF."

27FW COMMANDER COL JEFFREY REMINGTON  
@ CANNON AFB, NM 16 SEP 00, W/ STAFF

3 October, 2002

A. S. Elliott  
El Bigote Cattle Co., LLC  
Gottomitee, Ltd.  
P. O. Box 58  
Fort Sumner, New Mexico 88119

CERTIFIED MAIL: 7001 1940 0006 2354 3193, RETURN RECEIPT

27 CS/SCBR (FOIA)  
101 West Eureka Avenue  
Cannon AFB, New Mexico 88103-5016

Re: FREEDOM OF INFORMATION ACT REQUEST

To Whom It May Concern:

Under the Freedom of Information Act, I am requesting, by this CERTIFIED MAIL, RETURN RECEIPT REQUESTED, letter the following information:

1. The final resolution of two Cannon AFB F-16 aircraft that violated FARs by passing over me and my house at 450'AGL at end of July, or first of August, 1998. This violation was reported immediately by phone to 27FW Public Affairs and to COL Phil Breedlove, Supervisor of Flying, or whatever his title was. This incident also precipitated a Congressional Inquiry request via Sen. Jeff Bingaman, NM, and an ultimate meeting with COL Jeffrey A. Remington, Commander, and Staff, at the commander's office at Cannon AFB, on 16 SEP 00.

2. ~~The scientific evidence or personal observation that substantiates the statements on pages G-21 thru G-23, especially paragraphs: LU-2, PH-2, LU-3, LU-4, and LU-5, of the FINAL DEFENSE TRAINING INITIATIVE ENVIRONMENTAL ASSESSMENT, 28 SEP 01.~~

3. Any and all documents regarding the investigation of the 27FW, Cannon AFB, F-16 Aircraft, tail number 316, crash upon our property in DeBaca County, New Mexico, USA, at 20:33 hrs local, 9 SEP 02. This should include, but not limited to, similar documents such as previously produced and named "AFI 51-503 USAF AIRCRAFT ACCIDENT INVESTIGATION REPORT, 1 SEPTEMBER 1998, Cannon Air Force Base, NM" and "INVESTIGATION AND CLEANUP INFORMATION F-16 Aircraft Crash Near Ft. Sumner, New Mexico, 1 September 1998.

3 October, 2002  
27 CS/SCBR (FOIA)  
Cannon AFB, NM

Page 2 of 2

I believe the above named inquiry requests should be void of any research fees as the actions by the United States Air Force continuously violate our Constitutional Rights by takings of private property, reasonable airspace, peace and quiet, and dispersal of trash in their pursuit of "mission".

Thank you.

Sincerely yours,

A. S. Elliott  
Gottomitee, Ltd.  
Managing General Partner

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the back of the envelope so that we can return the card to you.
- Attach this card to the back of the envelope or on the front if space permits.

1. Article Addressed to:  
27 CS/SCBR (FOIA)  
101 WEST EUREKA AVE  
CANNON AFB NM  
88103-50

2. Article Number  
(Transfer from service label) 700

PS Form 3811, March 2001

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only: No Insurance Coverage Provided)**

CANNON AFB, NM 88103

Postage	\$ 0.37	UNIT
Certified Fee	2.30	ESTIMATE
Return Receipt Fee (Endorsement Required)	1.75	HERE
Restricted Delivery Fee (Endorsement Required)	4.42	10/17/02
Total Postage & Fees	\$	

Sent To 27 CS/SCBR (FOIA)  
Street, Apt. No., or PO Box No. 101 WEST EUREKA AVE  
City, State, ZIP+4 CANNON AFB, NM 88103-50

PS Form 3800, January 2001  
Domestic Return Receipt

ESTATE 4552 9000 0451 7002

FORT SUMNER  
OCT 20 2002  
USPS



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR COMBAT COMMAND  
LANGLEY AIR FORCE BASE, VIRGINIA

HQ ACC/SC  
180 Benedict Ave, Ste 201  
Langley AFB VA 23665-1993

RECEIVED @  
HLR 32, Box 25  
UVALE, TX 78801-9700

10 JAN 2003

21 JAN 03

Mr. A. S. Elliott  
El Bigote Cattle Co.  
P. O. Box 58  
Fort Sumner NM 88119

Dear Mr. Elliott

This is in response to your 3 October 2002 Freedom of Information Act (FOIA) request for documents regarding **(1) the final resolution for two Canon AFB F-16 aircraft that violated FARs by passing over your property at 450 feet AGL in the July-August 1998 time frame, (2) scientific evidence or personal observation that substantiates the statements of pages G-21 through G-23 of the Final Defense Training Initiative Environmental Assessment, 28 Sep 02, and (3) any and all documents regarding the investigation of the F-16 crash on your property on 9 Sep 02.**

*B-D...  
2003*

**There are "no records" responsive to a final resolution for the alleged flying violation referenced in item 1 because a formal Hazardous Air Traffic Report was never filed. Records responsive to the referenced Congressional Inquiry were destroyed in accordance with AFM 37-139, Table 90-4, Rule 4, which states, "destroy after one year." Although the official files pertaining to the Congressional Inquiry were properly destroyed, draft copies of letters to you and Senator Jeff Bingman were located. However, these letters, as well as a two-page e-mail between the 27 FW/JA and the 27 CES/CC (responsive to item 3), are exempt from disclosure under the Freedom of Information Act, Title 5, United States Code, Section 552(b)(5). These documents are pre-decisional and contain opinions and recommendations of Air Force personnel; disclosure would reveal the deliberative process of the government and would compromise the process by which governmental decisions and policies are formulated. HQ ACC/CEV conducted a thorough search and found "no records" responsive to item 2 of your request.**

Since copies of the Aircraft Investigation Board report and the Final Environmental Cleanup report were provided to you by 27 FW/JA, they are not included in this package. Additional documents pertaining to the cleanup of the F-16 crash on your property are releasable and attached.

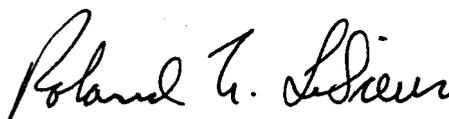
If you interpret our "no records" response as an adverse action, you may appeal our decision along with our partial denial determination by writing to the Secretary of the Air

**Force within 60 days from the date of this letter. If no appeal is received, or the appeal is postmarked after the conclusion of this 60-day period, the appeal may be considered closed. Include your reasons for reconsideration along with a copy of this letter. Mail to:**

**Secretary of the Air Force  
Thru: HQ ACC/SCXP (FOIA)  
180 Benedict Ave, Ste 210  
Langley AFB VA 23665-1993**

**Department of Defense Regulation 5400.7 indicates fees be assessed for providing these documents; however, the fees are waived in this instance.**

**Sincerely**



**ROLAND N. LESIEUR, Colonel, USAF  
Deputy Director  
Communications and Information Systems**

**Attachment:  
Releasable Records**

**FOIA Case No.: 2003-057**

**A. S. ELLIOTT  
GOTTOMITEE, LTD.  
P. O. BOX 58  
FORT SUMNER, NEW MEXICO 88119**

**27 February 2004**

CERTIFIED MAIL: 7001 1940 0006 2354 3223

HQ ACC/CEVP  
129 Andrews Street, Suite 102  
Langley AFB, Virginia 23665-2769  
Attention: Ms. Brenda Cook

**Re: Response to Draft Proposal for the NEW MEXICO TRAINING RANGE INITIATIVE  
ENVIRONMENTAL IMPACT STATEMENT**

Dear Ms. Cook:

As I stated in my two participations in your scoping meetings in Portales, NM and Fort Sumner, NM, I am very disappointed in the manner that the United States Air Force has condemned our property for your "Military Mission". You apparently have a video copy of my comments and I can substantiate my statements as to where the USAF lies to cover their abuse, FAR violations, damages, and responses to our various elected federal representatives.

The way the Air Force manages their own decisions is dismal. It took twenty-seven (27) months for the 150 FG, the NM Air National Guard, to upgrade their FLIP chart to reflect the expansion of my NSA by 27FW, 6 January 1996. Last Friday, two (2) German AF Tornados grossly violated the NSA by six (6) extended right hand circles over my ranch headquarters. One pass was directly overhead at 500' AGL or less! On Wednesday, 25 FEB 2004, Tech Sergeant Coupaud, NCOIC 49FW Public Affairs, Holloman AFB, called and confirmed that the Germans had indeed violated my NSA. This is not the first time that I've had to call the GAF about their violations. TSgt. Coupaud stated that the expanded NSA had not been published in their AF map and FLIP chart. What? Eight years after the expansion and no upgraded map? I have notified them on several previous violations since the expansion of JAN 96. Again, no concern or complete ineptness by "our boys in blue".

**If you did not see the "trash" that I presented to Mr. Robert E. Van Tassel, SAIC, as well as several USAF and NMANG personnel at your Fort Sumner meeting, I have enclosed two photos. This "trash" is not being covered-up by "blowing dust" and is an eyesore and nuisance to pick-up from our private property. Enclosed, too, is a Polaroid photo of a flare canister that I picked-up just this morning. Mr. Van Tassel thought the evidence I presented to him is from flare/chaff deployment not to be deployed over private property but only on the government owned lands and ranges. Again, Ms. Cook, where is the truth in propaganda? That is an "oxymoron" isn't it? The canisters are twice the width that were proposed in your previous EA on the deployment of chaff and flare by 27FW, Cannon AFB. Please explain the apparent discrepancy of what you speak.**

In regard to the fatal F-16 crash less than one (1) statute mile from my ranch house on 9 SEP 02, enclosed are the conflicting statements as to cause. One, the USAF press released newspaper story, and two, the "EXECUTIVE SUMMARY" statement from the AIB also released conveniently, or covertly, on Christmas Eve day 24 DEC 2002. Why the conflict in stated cause? I have yet to submit this claim for damages and libel by the AIB investigating officer, MAJ Thom Klopotek that took my son's statement of the closest witness to the crash, as he was in the house, and the finding of pilot parts to confirm no survivor. Why does he have to lie and libel me in his statement?

27 FEB 2004  
HQ ACC/CEVP  
Langley AFB, VA  
Attn: Ms. Brenda Cook

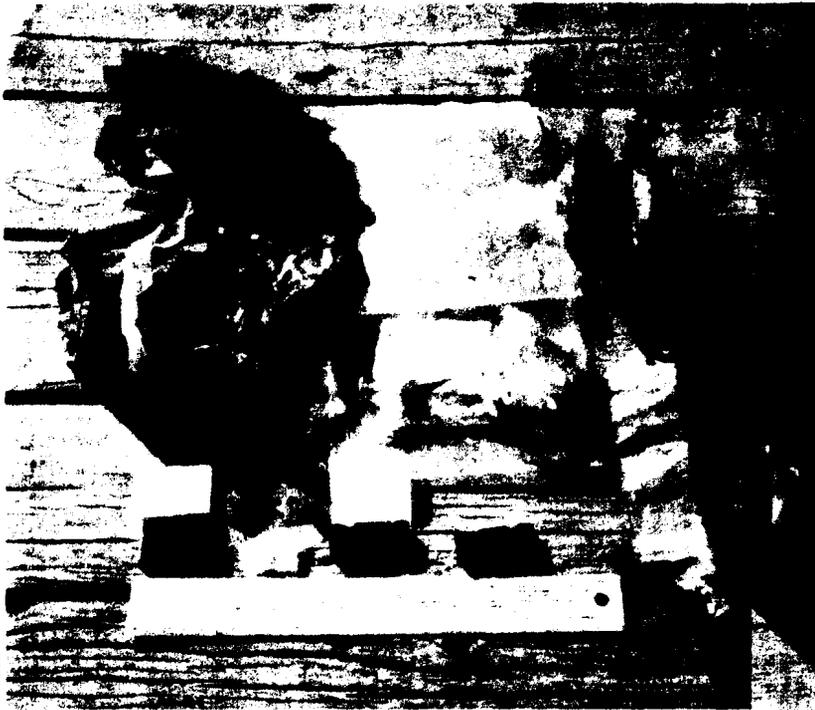
Enclosed is a photo of a USAF B-1B bomber, date on reverse side, that shows the close proximity that your aircraft fly over our ranch operation. This is a little too damn close don't you agree? Yes, we have to carry a camera with us to verify how we are being threatened by USAF operations. Two of my previous damage claims have been by these monsters and right over my house!

To again "voice" my concerns by the condemnation of the USAF of our private ranch property, I have submitted the same questions I have submitted before. When you release the DRAFT EIS I will provide you with numerous substantiating correspondence as to my disgust in dealing with Air Force intervention, damages and violations, and subsequent lies. There was a previous FAR violation and subsequent omission in the chronological response by both the 27FW and 150FG to my member of congress several years ago. I hope that COL Jeffrey Remington has improved on his BS, caca de toro, line that the "F-16 aircraft avionics can be off by ten miles!" Lies, lies, lies...CYA, CYA, CYA...

Sincerely yours,

A.S. Elliott  
Managing General Partner  
Gottomitee, Ltd.  
El Bigote Cattle Co., LLC





El Bigote Cattle Co., LLC, Gottomitee, Ltd. and A.S. "Tex" and Jan Elliott  
NMTRI DEIS COMMENTS

12008 8-10



**DEPARTMENT OF THE AIR FORCE**

**HEADQUARTERS 27TH FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO**

**Colonel Jeffrey P. Harrell  
Vice Commander  
100 S DL Ingram Blvd Suite 100  
Cannon AFB NM 88103-5214**

27 July 2005

**Mr. A. S. Elliott  
Managing Partner  
El Bigote Cattle Co., L.L.C.  
HCR 32 Box 25  
Uvalde TX 78801-9700**

Dear Mr. Elliott

**I am writing regarding the components you presented to Air Force officials during the New Mexico Training Range Initiative public hearings held in January 2005. Although it was our intention to have a representative visit you personally to convey our appreciation, we will honor your request to do so in writing.**

**First and foremost, thank you for bringing this matter to our attention. Our analysis of the components you presented indicated they are residual debris from an MJU-7 flare. This type of flare may be used over Melrose Range. However, it was not specifically analyzed for use in the surrounding airspace as part of the Defense Training Initiative Environmental Assessment. Due to a lack of communication, the significance of using the MJU-7 flare was not properly understood.**

**After the public hearings, the Air Force took several actions. For training operations in this area, we have ordered that MJU-7 flares may only be used in the airspace over Melrose Range. Also, the Air Combat Command Director of Air and Space Operations sent a letter to all ACC Wing Commanders directing them to ensure personnel properly coordinate which training materials have received the appropriate environmental analysis.**

**At this time, we are working to clarify the residual debris from flares proposed for use in Cannon's airspace outside of Melrose Range. We intend to include an additional opportunity for public involvement and comment.**

Once again, thank you for bringing this matter to our attention.

Sincerely

**JEFFREY P. HARRELL, Colonel, USAF**

COPY

WHAT'S HAPPENED TO MILITARY INTEGRITY?,  
Or, THE REST OF THE STORY

We are the "host family" to the 27FW F-16 fatal crash that occurred on 9 SEP 2002. The USAF AIRCRAFT ACCIDENT INVESTIGATION BOARD states that "Follow-on interest has been low." It probably is until, once again, it happens so close to home. Here is what was not disclosed in the report covertly released on Christmas Eve morning.

This will be the eighth and ninth damage claim in less than nine years; all occurring within one mile of our house and ranch headquarters! The Air Force states that the crash occurred "...in an unpopulated section of a cattle ranch near Cannon Air Force Base, New Mexico..." Not true! There were 184 just weaned calves in the same pasture and again, less than one mile from my house and about sixty miles from Cannon AFB.

The report further concludes that "Altitude was insufficient to safely recover the aircraft." from a higher descending turning maneuver. The report also finds that there was no mechanical failure, so, what does that leave? Why can't they say "pilot error"? Just the other day, 7 FEB 2003, Associated Press (AP) released the finding of "pilot(s) error" in the fatal crash of two USAF F-16s running into each other over Utah. Why hide the truth?

The report is stinking with other errors and omissions, some of which are inconsistent crash elevation statements, incorrect legal descriptions on the environmental clean-up report, in both the request for ground water data and the site itself, some contaminated material still remains on the ground, and there are several USAF marker flags locating aircraft parts still on our property. The wind erosion now occurring from the excavation is yielding additional flags and debris.

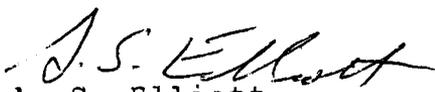
The most disturbing statement is from the USAF Major that interviewed my son, the closest witness being less than one mile away, the day after the accident. He came prepared with a handheld tape recorder and stated that he wanted to record the interview. I said fine and that I would too. At that point he decides not to on his own accord. I again tell him that it is fine with both me and my son for him to record the entire interview but, he chooses not to. He wanted my son to sign what I likened to a whistle blower's protection form and I instructed my son not to sign it as it pertained to military personnel. He said fine and that my son could sign it later if so desired. The Major states I was very apprehensive about his conducting a recorded interview with my son (name misspelled) and that I did not want him to record the process. This is an outright lie! Why does he lie in the report? I asked to and he allowed me to copy his notes post interview.

Why does he not submit them in entirety? He also chose not to interview the named additional witnesses as provided. Can a report be fair and balanced if you choose your witnesses? The other pilots were not interviewed for over three weeks!

Folks, our constitutional rights are being compromised by the military establishment. Our farms and ranches are being taken over by the implementation of various Military Operational Areas (MOAs), Military Training Routes (MTRs), Environmental Impact Statements (EISs), and Environmental Assessments (EAs), and because we are few our disturbance is always deemed minimal. Nine claims in nine years, how is that deemed minimal? In 1979 the NMANG, "The Tacos", implemented a 100' above ground level training directly over my pre-existing corrals and barn without public disclosure. The 27FW EA (created at Mountain Home AFB, Idaho) allows their residue from the firing of chaff and flares to fall on private property. The inconvenience or damage to the property owners is explained away with the blowing dust of West Texas and Eastern New Mexico will cover up the residue and will no longer be a hazard to livestock or reduce the eyesore to the owners. What a statement, huh? Yet they have no personal observation or documentation to support that statement.

Our rights are compromised because we are few, disturbance will be minimal, but, where did the F-16s fly after 9-11? Not over the farms and ranches but over the cities. The military chooses not to train over the cities because of the increased liability of noise and crashes. Why are our rights deminished? When the "Committee of Fifty" is politicking to reap the benefits of commerce, remember that we country folks will be the subject of military intervention in performing our mission; to provide you with the cheapest most inspected food in the world. Nine damage claims in nine years and all within one mile of the house... who's in charge, or... who cares? And why lie about it?

And our elected officials, they're about as evasive as the elusive "Snipe" in a Snipe hunt!

  
A. S. Elliott  
P. O. Box 58  
Fort Sumner, NM 88119-0058  
(505) 355-7487

HCR 32, Box 25  
Uvalde, TX 78801-9700  
(830) 278-2161

**UNITED STATES AIR FORCE**  
**AIRCRAFT ACCIDENT INVESTIGATION BOARD**  
**REPORT**



**F-16 FIGHTING FALCON, 87-0316**



**LOCATION: PECOS MOA (52 NM WEST OF CANNON AFB)**  
**DATE OF ACCIDENT: 09 SEPTEMBER 2002**  
**BOARD PRESIDENT: BRIG GEN (SEL) JAMES P. HUNT**

**Conducted IAW Air Force Instruction 51-503**

*RELEASED MORNING  
24 DEC 2002*

## EXECUTIVE SUMMARY

### AIRCRAFT ACCIDENT INVESTIGATION F-16C FIGHTING FALCON, SERIAL NUMBER (S/N) 87-0316 522<sup>ND</sup> FIGHTER SQUADRON (FS), CANNON AIR FORCE BASE, NEW MEXICO

9 SEPTEMBER 2002

On 9 September 2002, at approximately 2027 Mountain Daylight Time (MDT), the mishap aircraft (MA), an F-16C, S/N 87-0316 crashed in the Pecos Military Operating Area (MOA) approximately 11 miles southwest of Fort Sumner, New Mexico. The mishap pilot (MP) was fatally injured and the mishap aircraft (MA) was destroyed with the loss valued at \$20,475,759. The MP and MA were assigned to the 522<sup>nd</sup> FS, 27<sup>th</sup> Fighter Wing, Cannon AFB, New Mexico. There was minor damage to private rangeland.

The MP was number three in a 3-ship vs a 4-ship flight of F-16Cs. During the second engagement, the MP was expected descend to a pre-assigned altitude block and then execute a "drag" maneuver (left 180-degree turn). However, approximately 20 seconds after entering the turn, the aircraft impacted the ground wings-level, in approximately 20 degrees of dive and at approximately 550 Knots Calibrated Airspeed (KCAS). There was no attempt by the pilot to eject.

There is clear and convincing evidence that the MP allowed the MA to enter into a tight, descending turn and, in the seconds prior to impact with the ground, began a maximum performance dive recovery. There was insufficient altitude to recover the aircraft. The loss of Flight Data Recorder information provided no evidence to make a clear determination as to why the MP allowed the aircraft to exceed the preplanned parameters. However, the Board President opined that there were several possible causes for the MA's steep dive, the most likely being:

- 1) The MP planned to be the third aircraft in a three-ship trail presentation to the opposing flight. Because of airspace and timing issues, the MP was actually the first aircraft and required a different threat reaction than the MP expected. The MP found himself relatively close to the opposing flight, outside of his altitude block, and possibly confused as to what was expected of him. His confusion and accompanying distraction may have caused him to temporarily fail to monitor his aircraft's attitude during the maneuver.
- 2) The MP was attempting a left 180-degree turn while descending from approximately 22,000 feet above Mean Sea Level (MSL) to his assigned altitude block of 15,000 – 19,000 feet MSL. The mishap sortie was flown on a night with no discernable horizon and low moon illumination. Without exterior references, the MP was more susceptible to spatial disorientation and it is likely that the MP suffered from both somatogyral and G-excess illusions that resulted in an unusual aircraft attitude. Given the attitude, altitude, and airspeed of the MA, the MP did not have the time or altitude available to recover the aircraft.

It is likely that the MP, confronted with changes in the briefed maneuvers, became distracted and spatially disoriented as he executed a descending turn. As he fought to regain his situational awareness, he allowed the MA to enter a very steep dive. There is substantial evidence that the MP regained his situational awareness and attempted to recover the MA, but initiated the recovery at an altitude too low to permit safe recovery and impacted the ground.

*Under 10 U.S.C. 2254(d) any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in any civil or criminal proceeding arising from an aircraft accident, nor may such information be considered an admission of liability of the United States or by any person referred to in those conclusions or statements.*

c. Circumstances.

The Accident Investigation Board (AIB) was convened to investigate the Class A mishap involving an F-16C Fighting Falcon, aircraft serial number (S/N) 87-0316, manufactured by Lockheed Martin Aeronautical Systems, formerly General Dynamics Corporation, which crashed in an unpopulated section of a cattle ranch near Cannon Air Force Base, New Mexico, on 9 September 2002 during a night training mission. (Tabs A-3, B-3, N-3-5, O-145-147, P-3, R-3, S-3-5, V-1.2, V-5.2-3)

2. ACCIDENT SUMMARY

L) HAD TO REMOVE FROM PASTURE DUE TO ACCIDENT.

The Mishap Aircraft (MA) impacted the ground approximately 52 nautical miles (NM) west of Cannon Air Force Base, New Mexico while supporting a Night Vision Goggle (NVG) syllabus training sortie. (Tab A-3) The Mishap Pilot (MP) was part of a three-ship flight simulating an adversary formation, call sign "FLAME" flight. (Tabs A-3, B-3, N-3-5, V-2.6, V-6.6, V-7.1, V-9.5, V-9.8, V-10.3) FLAME flight was supporting upgrade training for a member of the four-ship blue (friendly) flight, "LORD" flight. (Tabs A-3, B-3, V-2.8, V-7.1, V-10.3) The MP was performing a drag maneuver (180-degree, descending turn) pre-planned for the lead aircraft. He entered a descending left turn that continued for 300 degrees of turn and impacted the ground. (Tabs A-3, V-8.7, V-10.17-18) The MP was killed in the mishap. (Tabs A-3, B-3, V-11.3, GG-9) The MA impacted on a ranch in a remote area of eastern New Mexico and was totally destroyed. (Tabs M-3, S-3-5) The loss is valued at \$20,475,759.42. (Tabs M-3, S-3-5) There were no civilian casualties. Civilian property damage included minor damage to the land at the mishap site caused by the impact, aircraft debris, and recovery and rescue vehicles. (Tabs P-3, R-3, S-3-5) Members of the blue air contingent (LORD flight), Cannon AFB fire rescue personnel and local civilian response teams performed search and rescue efforts. (Tabs B-3, V-2.9, V-6.9, V-7.3-4). The 27th Fighter Wing (27 FW) Public Affairs office handled most media requests. Initial media interest was high in the Clovis, NM area. Follow-on interest has been low. (Tab EE)

BACKGROUND

The mishap aircraft and pilot were assigned to the 522nd Fighter Squadron, 27th Operations Group, 27th Fighter Wing (ACC). (Tab A-3) Other agencies involved were standard for this type mission and included aircraft maintenance, weather, air traffic control, and airfield operations. The mission was flown supporting the NVG-6 upgrade sortie from the 27th Fighter Wing training syllabus. (Tab BB-4-5) Procedures for this type of sortie are primarily found in AFTTP 3-1 Volume 5 (Secret), *Tactical Employment, F-16*. Other procedures used for this mission are found in the 27th Fighter Wing Syllabus, AFTTP 3-3 Volume 5, *Combat Aircraft Fundamentals, F-16 Tactics, Techniques, and Procedures*, T.O. 1F-16C-1, *Flight Manual, USAF Series F-16C/D Blocks 25, 30 and 32*, T.O. 1F-16C-34-1-1, *Avionics and Nonnuclear Weapons Delivery Flight Manual USAF Series Aircraft, SCU-3+, SCU-4, SCU-4.1, SCU-4.2, F-16C/D Blocks 25, 30 and 32*, AFI 11-2F-16 Volume 1, *F-16 Aircrew Training*, AFI 11-2F-16 Volume 3,

184  
JUST  
WEANED  
COWS

< -1 MILE FROM HQ  
60 MILES FROM CANNON AFB

< -1 MILE  
FROM  
RANCH  
HQ TRS

BODY  
LOCATED  
BY SON

MEDIA  
WAS  
SQUEAKED  
BY 27 FW/AB.

~~MISSING FROM THE COPY AT BDC~~

Pilot interviews indicate that GCAS is usually not used due to the high occurrence of false alarms. (Tabs V-7.3, V-8.9, V-9.7) The MA GCAS was set at 50 feet AGL. (Tab J-35) Due to the mishap's medium altitude flight over featureless terrain, a GCAS advisory was unlikely. (Tabs J-35, BB-106, T.O. 1-1F-16C-34-1-1, page 1-186.9)

★  
DIFF ELEVATION  
↓

(5) Altitude Warning Systems During the Mishap Mission

Due to the attitude of the aircraft during the MP's drag maneuver, the GAAF and CARA ALLOW altitude warning systems would not provide initial altitude warnings. (Tabs BB-100-104) Since GCAS does not track properly over level terrain from medium altitudes and was set at 50 feet, GCAS would not have provided an altitude warning. (Tabs BB-106, V-7.3, V-8.9, V-9.7) LIS is probably the only system that could have given an altitude warning. Because LIS settings are not recorded on the CSFDR, the actual LIS setting of the MA is unknown. Analysis of Data Transfer Cartridges (DTC) for the other aircraft in the mishap flight showed LIS set at 10,000 feet MSL. Since all aircraft received the same DTC information, the MA LIS was set before takeoff to 10,000 feet MSL. (Tab CC-10) If the MP did not change the LIS value set in the DTC before or during flight, he would have received an altitude warning at 10,000 feet MSL. (Tabs J-33, BB-104, CC-10)

BELOW  
↓

The MP began his maneuver at approximately 350 knots and impacted at approximately 550 knots. (Tabs J-34-35, DD-3-5, FF-27-29) The aircraft was descending at approximately 1,000 ft/sec. (Tabs DD-3-5, FF-27-29) The elevation of the earth in the mishap area is 4,050 feet MSL. (Tab C-3) The pilot needed 4,500 feet AGL to recover the aircraft in a 90-degree dive and 3,900 feet AGL to recover the aircraft in a 75-degree dive. (Tab BB-98) These numbers assume fully extended speedbrakes; the MA would have required even greater altitude to recover since the speedbrakes were closed. (Tabs J-31, BB-98) According to simulations, the MA was most likely in a 90-degree dive. (Tabs DD-3-5, FF-27-29) In a 90-degree dive the MP would have received LIS altitude warning at 6,000 feet AGL; the MA would have lost another 2,000 feet before the MP began a dive recovery (assuming a two second reaction time). (Tabs CC-10, CC-35-37, CC-40, DD-3-5, FF-27-29) Using these assumptions, the MP probably began his recovery near 4,000 feet AGL. The MA required over 4,500 feet to successfully recover; therefore, there was insufficient altitude to recover the aircraft. (Tabs BB-98, CC-10, DD-3-5, FF-27-29) The aircraft flight controls, attitude at impact, and characteristics of the impact crater support the Board's conclusion that the MP had begun a high-speed dive recovery maneuver prior to impact.

★  
★  
★

i. Situational Awareness

Situational Awareness (SA) is defined as a continuous accurate relation to the dynamic environment of flight, threats, and mis ultimately execute tasks based on that perception. (Tab BB-95 to acquiring and maintaining SA. It involves focusing one's n order to successfully process information in a manner leading environment. It requires a conscious level of mental functioni

PROBLEM X ENVIRON 4360' PSL  
P. 26, SUM OF FACTS 4050 MSL  
P 31 4050  
P 2 1202 MAT 4387  
MISSING AT FIRST 4368  
VARIABLE COORDINATES

WHAT IS THE CORRECT ELEVATION ?

AFI 11-2F-16 Volume 1, <i>F-16 Aircrew Training</i> .....	Excerpts at Tab BB
AFI 11-2F-16 Volume 3, <i>F-16 Operations Procedures</i> .....	Excerpts at Tab BB
AFI-11-202, v3, <i>General Flight Rules</i> .....	Excerpts at Tab BB
AFI-13-203, <i>Air Traffic Control</i> .....	Excerpts at Tab BB
AFI 11-214, <i>Aircrew, Weapons Director, And Terminal Attack Controller Procedures For Air Operations</i> .....	Excerpts at Tab BB
AFMAN 11-217 v1, <i>Instrument Flight Procedures</i> .....	Excerpts at Tab BB
AFTTP 3-1 Volume 5 (Secret), <i>Tactical Employment, F-16</i> .....	Export Restricted
AFTTP 3-3 Volume 5, <i>Combat Aircraft Fundamentals, F-16 Tactics, Techniques, and Procedures</i> .....	Export Restricted
T.O. 1F-16C-1, <i>Flight Manual, USAF Series F-16C/D Blocks 25, 30 and 32</i> .....	Export Restricted
T.O. 1F-16C-34-1-1, <i>Avionics and Nonnuclear Weapons Delivery Flight Manual USAF Series Aircraft, SCU-3+, SCU-4, SCU-4.1, SCU-4.2, F-16C/D Blocks 25, 30 and 32</i> .....	Export Restricted
FAAO 7110.65, <i>Air Traffic Control</i> .....	Excerpts at Tab BB
CAFBI 11-250, <i>Base Flying Procedures</i> .....	Excerpts at Tab BB
27th Fighter Wing Syllabus .....	Excerpts at Tab BB

**b. Maintenance Directives and Publications.**

ACCI 21-101, <i>Maintenance Management of Aircraft</i> .....	Excerpts at Tab BB
T.O. 00-20-1, <i>Aerospace Equipment Maintenance General Policies and Procedures</i> .....	Excerpts at Tab BB
T.O. 00-20-5, <i>Aerospace Vehicle/Equipment Inspection And Documentation</i> .....	Excerpts at Tab BB
CFETP 2A3X3B, <i>AFSC 2A3X3B, F-16/F-117A Aircraft Maintenance Specialty Career Field Education Training Plan</i> .....	Excerpts at Tab BB

**c. Known or Suspected Deviations from Directives or Publications.**

There were no known deviations from directives or publications.

**13. NEWS MEDIA INVOLVEMENT**

27<sup>th</sup> Fighter Wing Public Affairs distributed an initial news release shortly after the accident. News articles appeared in national and local media immediately after the accident. While initial media interest was high in the Clovis, NM area, follow-on interest has been low. (Tab EE)



JAMES P. HUNT  
Brigadier General (Select), USAF  
President, Accident Investigation Board

19,000 feet MSL. Radar data showed that the MP maintained his starting altitude for the first few seconds of the turn, then abruptly began a descent. The mishap sortie was flown on a night with almost no moon illumination and over sparsely populated terrain with few ground lights. Testimony from other flight members indicates that there was little or no horizon from which to reference aircraft attitude. Without exterior references, the MP was more susceptible to spatial disorientation and had to depend almost completely on cockpit instruments. It is likely that the MP suffered from both somatogyral and G-excess illusions that resulted in an unusual aircraft attitude. It often takes several seconds for a pilot to recognize an unusual aircraft attitude and begin a recovery while relying solely on aircraft instruments. Given the attitude, altitude, and airspeed of the MA, the MP did not have the time or altitude available to recover the aircraft.

- (c) The MA had four automatic altitude warning systems. Three of these systems probably would not have provided the MP with a low altitude warning.
- i. The Ground Collision Avoidance System (GCAS) uses a digital map inputs to determine aircraft height above ground. GCAS is of minimal use at medium altitudes over featureless terrain since the system relies on terrain feature matching to calculate the aircraft's altitude above the ground.
  - ii. The Ground Avoidance Advisory Function (GAAF) relies on air-to-ground laser, aircraft radar or Combined Altitude Radar Altimeter (CARA) inputs to measure height above the ground and calculate a safe altitude to pull out of a dive. Air-to-ground laser was not installed, the MA was probably not in a radar ground ranging mode and it is unlikely that CARA was able to provide inputs to GAAF or CARA ALOW because the aircraft's bank and dive angle exceeded the CARA design specifications ( $\pm 30$  degrees of straight and level flight) for reliable operation.
  - iii. Radar altitude low (CARA ALOW) uses CARA data to compute altitude warnings. Again, the aircraft bank and dive angle exceeded the CARA design specifications.

If GCAS, GAAF or CARA ALOW warnings were present, they would have occurred only after GCAS was able to determine height above the ground or aircraft pitch and bank angles reentered CARA limits seconds before impact, too late to effect the MA's dive recovery.

- (d) The fourth system, Line-in-the-Sky (LIS), provides aural altitude warning when the aircraft goes below a preset altitude as measured by the barometric altimeter. Based on pilot interviews and the flight's Data Transfer Cartridge mission load, it is likely that the MP had the LIS value set for 10,000 feet above Mean Sea Level (MSL). With the LIS system set at 10,000 feet MSL, the MP would have received an altitude warning approximately 6,000 feet above the ground (terrain elevation was 4,050 feet MSL). Based on flight simulator recreations, it is likely the MA was accelerating in an almost 90-degree, nose-low attitude (almost straight down) when the LIS altitude warning was

# Cause of F-16 crash remains unclear

Investigators say it's likely pilot was disoriented while performing maneuvers.

By Claire Bushey  
CNJ STAFF WRITER

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CLONIS NEWS JOURNAL, NEW MEXICO

Air Force investigators could not determine the cause of a September F-16 crash that killed a Cannon Air Force Base pilot, a military press release stated.



Investigators released a report Tuesday on the Sept. 9 crash that killed Capt. Benton Zettel, 26, of Englewood, Colo. Zettel died during a night training mission when his single-engine jet fighter went down 60 miles west of the base.

Investigators could not find "a clear and convincing cause of the accident," the press release stated. But they did determine that nothing on the F-16 malfunctioned, said Maj. Roger Lawson, a spokesman for Air Combat Command.

Lawson said investigators look at weather, aircraft instruments, pilot training records and many other evidence sources to discover the cause of a crash.

"They look at everything," he said.

Investigators found it was likely Zettel became disoriented while performing a descending turn, the press release stated.

"As he fought to regain his situational awareness, he allowed the aircraft to enter a very steep dive," the release stated.

Evidence showed that Zettel probably recovered before impact and tried to right the jet, but the recovery began at too low an altitude, the release stated.

Zettel was assigned to the 522nd Fighter Squadron. He had served in the military since 1998 and been stationed at Cannon since October 2000.

## F-16 crash cause still unknown

CANNON AFB - Air Force investigators say there is not enough evidence to determine the cause of a fighter airplane crash southwest of Fort Sumner that killed an Air Force pilot in September.

The F-16C crashed Sept. 9 during a night training mission near the headquarters of El Bigote Cattle Company. Debris was spread across a huge area which included parts of the Geiler Ranch.

Capt. Benton Zettel, 25, was killed in the crash. Zettel and the airplane were assigned to Cannon's 522nd Fighter Squadron.

Investigators could not determine a "clear and convincing cause of the accident," according to the re-

See CRASH, page 5

## Crash

Continued from page 1  
port released by the Air Combat Command investigation board.

There was no indication of any aircraft malfunction, the report states.

The board found that the pilot likely became distracted and disoriented as he performed a descending turn.

It was the third crash of a Cannon F16 in De Baca County in the past three years.

SAME AS THE  
De Baca County News  
Fri. SUMNER, NM

Clouis Livestock

Market News

Vol. 10, No. 52

Friday, January 3, 2003

By MAJ TOM KLOPOTEK USAF

Stephen

Interview with ~~Steve~~ Elliott 11 Sep 02 / 1200L ; Verbal notes

- 5 min before halftone; airplanes heard flying overhead.
- Estimate time of crash at 2015-2030 Interior of house lit up and then witnesses looked out; saw sparks and some flame
- Witness saw what he perceived to be AB piece of another A/C to the east immediately after
- Spot fires on site as witness drove out to the scene
- Explosion described as brief thud
- Saw 'dome' effect of fireball and described seeing sparks from explosion
- Witness ran over some recognizably obvious debris enroute to spot fires with his truck. Smelled strong vapors; then backed away (concerned with fire and munitions)
- Contacted local fire department (Ricardo); Mr. ~~Shawn~~ <sup>Charlie</sup> Vaughn
- De Baca county Sheriff (Shawn Paritt) met witness on scene after calling fire department. (Estimated time 2045L)
- Enroute to spot fire, witness described seeing MP intestines and what he thought was cowhide but considered was scalp and face. He then examined the remains briefly and replaced them back on the ground.
- Fumes not bothersome as Fire department & witness arrived second time
- Sheriff asked witness to back his truck out of the immediate scene
- and witness left the crash site
- Witness staked his personal shovel near the scalp remains
- Witness called his father before first driving out to crash site. His father recalls the time as 2130L (Texas time)

FD  
Eda Substation  
Fort Sumner

Logan Hiker  
Richard Vaughn  
Charlie Vaughn

Dean/CAFB  
Baillian/CAFB

End of interview (1223L)

My Thomas G. Klopotek