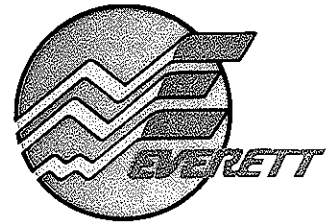


CITY COUNCIL



December 13, 2006

To Mediated Role Determination (MRD) Panel Members
C/O Mr. Peter Camp
Executive Director
Snohomish County Executive's Office
County Administration Building
3000 Rockefeller
Everett, WA 98201

Re: MRD Recommendations

Dear MRD Panel Members:

Thank you for your service on the MRD Panel. I fully appreciate the time and work required to address issues related to the MRD. I too have had experience working with this document as the former Executive Director for Snohomish County, former Everett Planning and Community Development Director and Everett Site Coordinator for the "7E7 Team Washington" and currently as a member of the Everett City Council. However, I want to be clear that the views expressed in this letter are my own as one City Council member and do not necessarily reflect the views of my council colleagues or the City of Everett.

I write to raise concerns associated with encroachment on airport operations, and to suggest that the MRD Panel recommend eliminating the MRD in favor of a coordinated land use approach involving the State of Washington, Snohomish County, the City of Everett and the City of Mukilteo. Discussions about commercial air service and the MRD often fail to recognize the broader role that Paine Field plays in the region, state and even national economy. Further, there is an existing framework of laws and agreements that provide more clarity to the role of Paine Field, and this framework was developed subsequent to the MRD.

Encroachment

Encroachment results when developments, such as housing or schools, are permitted too close to an airport resulting in conflicts associated primarily with aircraft noise. While this issue is a concern at many airports, it is of particular importance at Paine Field where steady encroachment has taken place over time and where the role of this airport is recognized as having state and national significance.

In the case of Paine Field, airport noise originates from three sources: general aviation, industrial aviation (e.g. Boeing and Goodrich) and commercial aviation. To the extent noise is an issue; it is so regardless of the source. That is to say, concerns regarding noise are concerns and have potential impacts for all three aviation sources and airport operations.

The 2005 round of the military Base Realignment and Closure Commission (BRAC) is illustrative of the impacts encroachment can have. The Pentagon closed bases, particularly air bases, due to encroachment that limited the mission of these bases. The case of Naval Air Station Oceana (Oceana) is particularly relevant. Here the BRAC added Oceana to the closure list even though it was not on the Pentagon's list of bases recommended for closure. This unusual action was taken in large part because the State of Virginia and the cities of Virginia Beach and Chesapeake had not taken actions to protect Oceana from encroachment noted in previous BRAC rounds. The BRAC went on to recommend specific actions that would have to be taken if Oceana were to be saved. A copy of the section of the final BRAC 2005 recommendations is attached for your information.

In other cases related to BRAC, communities stepped up to purchase land around bases to protect them from encroachment (Luke AFB near Phoenix, AZ). In Washington State, the legislature provided funds to protect military bases from encroachment and local governments in Spokane (Fairchild AFB), Oak Harbor (NAS Whidbey), and Pierce County (McCord AFB) are taking steps to protect their bases.

Paine Field

Paine Field is arguably the most significant public economic asset in Snohomish County as it is necessary for the aerospace industry. Protecting air operations from encroachment is synonymous with protecting the aerospace job base. There are a number of adopted plans, policies, agreements and laws affirming the need to protect Paine Field air operations.

The Boeing facilities at Everett are the largest manufacturing facilities in the world. All of the wide body commercial aircraft built in the United States are assembled at Boeing Everett (Paine Field) and most are sold overseas. Boeing Everett is consistently the largest contributor to the United States outbound trade balance. These facilities are the center of the aerospace economic cluster that drives the Washington State Economy and over 100,000 jobs world wide. Boeing Everett is the largest employer in Snohomish, Skagit, Island and Whatcom Counties. These facilities are dependent on Paine Field air operations.

In 1996 the Washington State Legislature passed legislation recognizing airports as resources, requiring local jurisdictions to adopt plans and regulations to protect them from encroachment (RCW 36.70.547). The Growth Management Act was also amended at this time, requiring the same protections (RCW 36.70A.510).

In 1996 the City of Everett, in cooperation with Snohomish County and the State of Washington Department of Community Trade and Economic Development, adopted the "SW Everett Paine Field Subarea Plan". This award winning plan provided for the development of 4,000 acres of industrial lands in southwest Everett including Paine Field and the Boeing Everett facilities. The plan provided for the protection of land uses surrounding Paine Field and the aerospace industry.

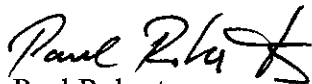
The 2003 decision by the Boeing Company to bring the 7E7, now 787, to Everett required signed agreements by the State of Washington, Snohomish County and the City of Everett to protect air operations at Paine Field, including protection from encroachment. These agreements also required Paine Field to continue seeking FAA funds to maintain the quality and capacity of airport operations. They were intended to preserve the aerospace industry in Washington State, as well as to build the Dreamliner and future airplanes.

Aircraft noise profiles have steadily diminished over time. Today, the FAA regulates noise from commercial aircraft. General aviation noise levels are often more significant than commercial or industrial. However, noise is a byproduct of aircraft operations. While residential development near airports is not appropriate, other uses such as light industrial and some forms of commercial are compatible with air operations. The recent annexation study conducted by the City of Mukilteo identifies light industrial and commercial uses near Paine Field as an economic development opportunity for that City.

Preserving and protecting air operations (general aviation, commercial and industrial) at Paine Field is in the public interest. It is also in the national interest. Our economic future depends upon such decisions. This can be done with appropriate safeguards and noise controls similar to those at other airports around the country. It is time for Snohomish County, Everett, Mukilteo and the State of Washington to work together to protect Paine Field from encroachment. Such efforts should define an airport zone, prohibit residential and inappropriate uses, provide for appropriate development and plan to relocate incompatible uses to more suitable locations. I urge the panel to include such a recommendation as a part of your final report.

Thank you for consideration.

Sincerely,



Paul Roberts
Member, Everett City Council

C. Everett City Council Members

of the Navy Broadway Complex, San Diego, California through the BRAC process. Enough time has lapsed since the 1987 legislation was passed to cause the Commission to act.

COMMISSION RECOMMENDATIONS

The Commission found that the Secretary deviated from selection criteria 1, 3, and 4. Therefore, the Commission recommends the following: "If the Secretary of the Navy does not enter into a long-term lease on or before January 1, 2007 that provides for the redevelopment of the Navy Broadway Complex, San Diego, California, under the authority granted by Section 2732 of Public Law 99-661, the National Defense Authorization Act for Fiscal Year 1987, close Navy Broadway Complex, San Diego, California, and relocate the units and functions on Navy Broadway Complex to other Department of the Navy owned sites in San Diego." The Commission found that this change and the recommendation as amended are consistent with the final selection criteria and the Force Structure Plan. The full text of this and all Commission recommendations can be found in Appendix Q.

NAVAL AIR STATION OCEANA, VIRGINIA

RECOMMENDATION # 193 (ADD)

ONE-TIME COST:	\$410.37M
ANNUAL RECURRING COSTS/(SAVINGS):	(\$17.10M)
20-YEAR NET PRESENT VALUE:	\$33.39M
PAYBACK PERIOD:	18 YEARS

SECRETARY OF DEFENSE RECOMMENDATION

None. The Secretary's proposed list submitted on May 13, 2005 did not include this facility. It was added by the Commission on July 19, 2005 for further consideration.

SECRETARY OF DEFENSE JUSTIFICATION

None.

COMMUNITY CONCERNS

The Virginia Beach, Virginia community places high value on the military's contribution to the community and fears the loss of over 11,000 direct jobs would devastate the local economy. The state has invested significant resources in improved roads around the base and moving schools out of the Accident Potential Zones. They acknowledged noise complaints by a small, but vocal, minority of residents but pointed out that planning commissions are developing new community planning overlays to limit encroachment and reduce development in the Accident Potential Zones. They argued funds needed to implement the Commission's consideration to relocate the Master Jet Base to Cecil Field, Florida could be better spent on the Navy's more pressing needs. They believe the Navy has no better or affordable alternative than remaining at NAS Oceana and managing encroachment.

The Jacksonville, Florida community offered to return all of the former NAS Cecil Field property, improved and unencumbered - free and clear. Local governments are prepared to absorb and support the approximately 11,000 personnel that would be associated with the relocation of the Navy's Atlantic Fleet Master Jet Base to Cecil Field. The community has invested \$133 million to upgrade Cecil Field's infrastructure and has secured \$130 million in funding for a high speed access road from Cecil Field to Interstate Highway 10. All required base conversion activities, including a new or updated Environmental Impact Statement, can be completed in time to allow the Navy to establish and occupy a new Master Jet Base within the BRAC timeframe.

COMMISSION FINDINGS

The Commission found that significant residential and commercial encroachment had continued around NAS Oceana and Naval Auxiliary Landing Fields (NALF) Fentress for many years and was exacerbated when the 1995 BRAC Commission redirected F-18 aircraft and supporting assets from MCAS Cherry Point, NC and MCAS Beaufort, SC to NAS Oceana to

take advantage of the excess capacity at NAS Oceana. It was the sense of the Commission that the encroachment issues were having a detrimental effect on the operations and training of the Navy's Atlantic Fleet Strike Fighter Wings and on the safety and welfare of the citizens of Virginia Beach and Chesapeake, VA. Consequently, the future for NAS Oceana as a Master Jet Base was severely limited, whereas Jacksonville, FL had taken effective and positive measures to protect the Air Installation Compatibility Use Zones (AICUZ) around Cecil Field, FL, and Naval Outlying Landing Field (NOLF) Whitehouse.

The intent of the Commission is to ensure that the State of Virginia and the municipal governments of Virginia Beach and Chesapeake take immediate and positive steps to halt the encroaching developments that are pending before them now and in the future, and also to roll back the encroachment that has already occurred in the Accident Potential Zones (APZ) around NAS Oceana and NALF Fentress, particularly in the APZ-1 areas. The Commission also considers that the more severe encroachment problems were created by the state and local governments by ignoring the Navy's repeated objections to incompatible residential and commercial developments under the AICUZ guidelines. Consequently, the funds to halt and reverse the encroachment should not come from federal funds, but rather from state and local funding sources.

It is the sense of the Commission that the Secretary of Defense deviated from the BRAC criteria by failing to consider NAS Oceana for closure or realignment. The longstanding and steadily worsening encroachment problem around NAS Oceana, without strong support from state and city governments to eliminate current and arrest future encroachment, will in the long term create a situation where the military value of NAS Oceana will be unacceptably degraded. The remedies presented to the Commission thus far have been unconvincing. It is also the sense of the Commission that the future of naval aviation is not Naval Air Station Oceana. The Commission urges the Navy to begin immediately to mitigate the noise encroachment and safety issues associated with flight operations around the Virginia Beach area by transitioning high-density training evolutions to other bases that are much less encroached, such as NOLF Whitehouse, FL, or Kingsville, TX.

The Secretary of Defense is directed to cause a rapid, complete due diligence review of the offer of the State of Florida to reoccupy the former NAS Cecil Field and to compare this review against any plan to build a new master jet base at any other location. This review is to be completed within 6 months from the date that the BRAC legislation enters into force and is to be made public to the affected states for comment. After review of the states' comments, which shall be submitted within 120 days after publishing the review, the Secretary of Defense shall forward to the oversight committees of Congress the review, the state comments, and his recommendation on the location of the Navy's future Atlantic Fleet Master Jet Base.

COMMISSION RECOMMENDATIONS

The Commission found that when the Secretary of Defense failed to recommend the realignment of Naval Air Station Oceana, Virginia Beach, Virginia, he substantially deviated from final selection criteria 1, 2, 3, 4, and 5, and the Force Structure Plan; that the Commission add to the list of installations to be closed or realigned the recommendation:

Realign Naval Air Station Oceana, Virginia by relocating the East Coast Master Jet Base to Cecil Field, FL, if the Commonwealth of Virginia and the municipal governments of Virginia Beach, VA, and Chesapeake, Virginia, fail to enact and enforce legislation to prevent further encroachment of Naval Air Station Oceana by the end of March 2006, to wit: enact state-mandated zoning controls requiring the cities of Virginia Beach and Chesapeake to adopt zoning ordinances that require the governing body to follow Air Installation Compatibility Use Zone (AICUZ) guidelines in deciding discretionary development applications for property in noise levels 70 dB Day-Night, average noise Level (DNL) or greater; enact state and local legislation and ordinances to establish a program to condemn and purchase all the incompatible use property located within the Accident Potential Zone 1 areas for Naval Air Station Oceana, as depicted in the 1999 AICUZ pamphlet published by the US Navy and to fund and expend no less than \$15 million annually in furtherance of the aforementioned program; codify the 2005 final Hampton Roads Joint Land Use Study recommendations; legislate requirements for the cities of Virginia Beach and Chesapeake to evaluate undeveloped properties in noise zones 70 dB DNL or greater for rezoning classification that would not allow uses incompatible under AICUZ guidelines; establish programs for purchase of development rights of the inter-facility traffic area between NAS Oceana and NALF Fentress; enact legislation creating the Oceana-Fentress Advisory Council. It shall be deemed that the actions prescribed to be taken by the Commonwealth of Virginia, and the Cities of Virginia Beach, and Chesapeake respectively, by the end of March 2006 have not been taken in their entirety, unless the Department of Defense Inspector General so certifies in writing to the President and oversight committees of Congress by June 1, 2006; and, if the State of Florida appropriates sufficient funds to relocate commercial tenants presently located at Cecil Field, Florida, appropriates sufficient funds to secure public-private ventures for all the personnel housing required by the Navy at Cecil Field to accomplish this relocation and turns over fee simple title to the property comprising the former Naval Air Station Cecil Field, including all infrastructure improvements that presently exist, to the Department on or before December 31, 2006, if the Commonwealth of Virginia and the municipal government of Virginia Beach, VA, and Chesapeake, VA, decline from the outset to take the actions required above or within 6 months of

the Commonwealth of Virginia and the municipal governments of Virginia Beach, VA, and Chesapeake, VA, failing to carry through with any of the actions set out above, whichever is later. The State of Florida may not encumber the title by any restrictions other than a reversionary clause in favor of the State of Florida and short-term tenancies consistent with the relocation of the Master Jet Base to Cecil Field. It shall be deemed that the actions prescribed to be taken by the State of Florida and the City of Jacksonville respectively by the end of 31 December 2006 have not been taken in their entirety unless the Department of Defense Inspector General so certifies in writing to the President and oversight committees of Congress by June 1, 2007. If the Commonwealth of Virginia and the municipal governments of Virginia Beach, VA, and Chesapeake, VA, fail to take all of the prescribed actions and the State of Florida meets the conditions established by this recommendation, the units and functions that shall relocate to Cecil Field will include but are not limited to all of the Navy F/A-18 strike fighter wings, aviation operations and support schools, maintenance support, training, and any other additional support activities the Navy deems necessary and appropriate to support the operations of the Master Jet Base.