



Legislation Details (With Text)

File #: 57364 **Version:** 9 **Name:** Responding to the Draft Environmental Impact Statement (EIS) for the Air National Guard F-35A Operational Beddown.

Type: Resolution **Status:** Passed

File created: 9/3/2019 **In control:** Council Office

On agenda: 9/17/2019 **Final action:** 9/17/2019

Enactment date: 9/23/2019 **Enactment #:** RES-19-00588

Title: FINAL LANGUAGE ADOPTED BY COUNCIL - Responding to the Draft Environmental Impact Statement (EIS) for the Air National Guard F-35A Operational Beddown.

Sponsors: Barbara Harrington-McKinney, Sheri Carter, Christian A. Albouras, Shiva Bidar, Keith Furman, Arvina Martin, Donna V. Moreland

Indexes:

Code sections:

Attachments: 1. Final Language Adopted by Council.pdf, 2. Draft_F-35A_EIS_Executive_Summary_August_2019.pdf, 3. 9/10/19 F35 EIS City Staff Analysis.pdf, 4. Draft Analysis of Impediments to Fair Housing Report.pdf, 5. 8/3/19-9/14/19 F35 Emails_All Alders_D6_D15.pdf, 6. 9/15/19 F35 Emails_All Alders_D6_D15.pdf, 7. 9/16/19 F35 Emails_All Alder_D6_D15.pdf, 8. 9/17/19 F35 Emails_All Alder_D6_D15.pdf, 9. 57364 v1.pdf, 10. 57364 v3 Alternate.pdf, 11. 57364 v4 Substitute.pdf, 12. 57364 v5, 13. 57364 version 6.pdf, 14. 57364 version 7.pdf, 15. 57364 version 8 tracking all changes.pdf

Date	Ver.	Action By	Action	Result
9/17/2019	4	COMMON COUNCIL	Adopt Substitute	
9/17/2019	3	COMMON COUNCIL	Substitute the Alternate as the Main Motion	Pass
9/17/2019	5	COMMON COUNCIL	Amend Alternate	Pass
9/17/2019	3	COMMON COUNCIL	Amend Alternate	
9/17/2019	6	COMMON COUNCIL	Amend Alternate	Pass
9/17/2019	7	COMMON COUNCIL	Amend Alternate	Fail
9/17/2019	7	COMMON COUNCIL	Amend Alternate	Pass
9/17/2019	8	COMMON COUNCIL	Amend Alternate	Fail
9/17/2019	8	COMMON COUNCIL	A vote was taken on the motion to adopt.	Pass
9/3/2019	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	
9/3/2019	1	Council Office	Referred for Introduction	

Fiscal Note

There is no fiscal impact by approving this resolution.

Title

FINAL LANGUAGE ADOPTED BY COUNCIL - Responding to the Draft Environmental Impact Statement (EIS) for the Air National Guard F-35A Operational Beddown.

Body

WHEREAS, on December 7, 2016, the US Air Force [announced <https://www.af.mil/News/Article-Display/Article/1022605/air-force-releases-candidate-installations-for-next-f-35a-bases/>](https://www.af.mil/News/Article-Display/Article/1022605/air-force-releases-candidate-installations-for-next-f-35a-bases/) that the 115th Fighter Wing, Madison, Wisconsin; the 124th Fighter Wing, Boise, Idaho; the 125th Fighter Wing,

Jacksonville, Florida; the 127th Wing, Harrison Township, Michigan; and the 187th Fighter Wing, Montgomery, Alabama were the five locations under consideration for the Air National Guard F-35A 5th and 6th Operation Beddowns; and,

WHEREAS, on December 21, 2017, the US Air Force announced the selection of the 115th Fighter Wing, Madison, Wisconsin as one of two preferred alternatives; and,

WHEREAS, on February 7, 2018, the [Notice of Intent <http://www.angf35eis.com/Resources/Documents/NOI.pdf>](#) to prepare an Environmental Impact Statement (EIS) was published in the Federal Register; and,

WHEREAS, on February 28, 2018, alderpersons representing residents living in close proximity to Truax Field organized a listening session at the East Madison Community Center at Truax to hear the comments and concerns of community members; and,

WHEREAS, on March 8, 2018, alderpersons and more than 350 community residents attended the Air National Guard scoping meeting at the Crown Plaza Hotel; and,

WHEREAS, residents who submitted public comments during the scoping phase were overwhelmingly supportive of the basing, with 445 comments in support versus 115 expressing concerns; and,

WHEREAS, on April 16, 2018, alderpersons [submitted comments <https://madison.legistar.com/View.ashx?M=F&ID=6200867&GUID=29B2B4A9-2515-4EA0-8AB5-B4D023F5AAF9>](#) to the Air National Guard through Ms. Christel Johnson, Environmental Engineer, based on resident feedback obtained at the February 28, 2018 listening session, information gleaned at the March 8, 2018 scoping meeting, as well as comments received by other members of the Madison Common Council; and,

WHEREAS, on April 23, 2018, the Madison Common Council enacted [RES-18-00312 <https://madison.legistar.com/LegislationDetail.aspx?ID=3481565&GUID=0E61D85F-F70C-4C99-9F5C-5B747E77A540&Options=ID%7CText%7C&FullText=1>](#) - "A Resolution on the Air National Guard F-35 Operational Beddown Environmental Impact Statement", concluding, "and, BE IT FINALLY RESOLVED, that the City of Madison Common Council will remain engaged throughout the entire Environmental Impact Statement process to ensure that residents are represented in the decision making process"; and,

WHEREAS, on August 9, 2019, the [Notice of Availability <http://www.angf35eis.com/Resources/Documents/Notice_of_Availability.pdf>](#) for the Draft EIS was published in the Federal Register and the Draft EIS was released for public comment; and,

WHEREAS, the Draft EIS analyzes the potential environmental impacts associated with the US Air Force proposed beddown of F-35A aircraft at two of five alternative Air National Guard (ANG) locations; and,

WHEREAS, the Draft EIS estimates that construction required to support the F-35A beddown at Truax Field would bring in between \$90 and \$120 million of new construction activity, creating 315-420 construction jobs; and,

WHEREAS, the Draft EIS estimates that the current Active Duty Associate Unit would increase by up to 29 positions, and 35 new personnel would be added to provide security and contract oversight; and,

WHEREAS, the Draft EIS concludes that the resulting increases in employment and income to the Madison

region would be 'beneficial but negligible'; and,

WHEREAS, the Draft EIS states that under the No Action Alternative, the ANG would continue to conduct their current mission using existing aircraft, resulting in no additional significant impacts to socioeconomics; and,

WHEREAS, the Draft EIS states that the Proposed Action would result in an overall increase in the off-airport area affected by noise levels greater than 65 dB DNL by approximately 1,320 acres, the largest affected landmass of all five alternative locations; and,

WHEREAS, the Draft EIS states that approximately 199 acres of residential land use would be included in the 65-75 dB DNL contours, rendering this acreage potentially incompatible for residential use and considered a 'significant impact'; and,

WHEREAS, the Draft EIS states that under the proposed action, 1,019 households and 2,215 people will fall within the 65-70 dB DNL contour, considered potentially incompatible with residential use and eligible for noise mitigation; and,

WHEREAS, the Draft EIS states that additionally, 132 households and 292 people would be located in the 70-75 DNL contour where housing is incompatible absent an exception, the largest number of households and people affected at this level of all five alternative locations; and,

WHEREAS, the Draft EIS states that peak noise levels within the 70-75 DNL contour could reach 116 dB; and,

WHEREAS, the Draft EIS states that several census blocks with the expected changes in off-base noise contours have higher proportions of children and include five newly exposed childcare centers; and,

WHEREAS, the Draft EIS states that the causation of speech interference at schools with increased noise levels may hinder the ability of students (including low-income and minority students) to learn, which would constitute an adverse impact to children to include low-income and minority children; and,

WHEREAS, the Draft EIS states that recent studies on school children indicate a potential link between aircraft noise and both reading comprehension and learning motivation; and,

WHEREAS, the Draft EIS cites the Road Traffic and Aircraft Noise Exposure and Children's Cognition and Health (RANCH) study (Stansfeld et al. 2005; Clark et al. 2005), which found a linear relation between chronic aircraft noise exposure and impaired reading comprehension and recognition memory; and,

WHEREAS, the Draft EIS states that therefore, impacts to children associated with the Proposed Action would be considered disproportionate and significant; and,

WHEREAS, the Draft EIS states that several census block groups associated with the expected changes in off-base noise contours associated with the proposed F-35A beddown at the 115 Fighter Wing installation are considered to be disproportionately low-income or minority areas; and,

WHEREAS, the Draft EIS states that impacts to environmental justice associated with the Proposed Action would be considered significant; and,

WHEREAS, 'Environmental Constraints' was one of the primary screening criteria used to identify the alternatives for F-35A beddown, stating "the alternative location should be able to: meet the local community's zoning or other land use controls adopted to limit encroachment and protect the public's health, safety, and welfare;" and that the alternative should "have an absence or limited amount of noise-sensitive development located in areas near the airport/installation that are exposed to Day-Night Average Sound Levels (DNL) at and above 65 decibels (dB) and considered by the Federal Aviation Administration (FAA) and DoD as incompatible land uses (USAF 1999; 14 CFR Part 150)"; and,

WHEREAS, the National Environmental Policy Act (NEPA) Sec. 101 [42 USC § 4331] (b) states, "it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may... assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings [and]...attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences"; and,

WHEREAS, [Executive Order 12898](https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf) <<https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>> states that, "To the greatest extent practicable and permitted by law...each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations"; and,

WHEREAS, US Air Force [rules](https://www.govinfo.gov/content/pkg/CFR-2017-title32-vol6/pdf/CFR-2017-title32-vol6-sec989-35.pdf) <<https://www.govinfo.gov/content/pkg/CFR-2017-title32-vol6/pdf/CFR-2017-title32-vol6-sec989-35.pdf>> require that, "During the preparation of environmental analyses under this instruction, the EPF should ensure compliance with the provisions of *E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, and *Executive Memorandum of February 11, 1994, regarding E.O. 12898*"; and,

WHEREAS, the Draft EIS states that the USAF does not have authority to expend appropriated funds to mitigate the noise effects on facilities that are not under the direct control of the USAF; and,

WHEREAS, the Draft EIS states that [the FAA Part 150 program](https://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=18114) <https://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=18114> provides a voluntary process an airport sponsor can use to mitigate significant noise impacts from airport users and that, "it is important to note that the Part 150 program is not a guarantee that sound mitigation or abatement will take place"; and,

WHEREAS, according to Lt. Col. Statz of the Air National Guard, under the FAA Part 150 program, properties in the affected areas will only be eligible for abatement and mitigation after the full transition from F-16s to F-35s is complete, a minimum of two years after the introduction of the F-35s; and,

WHEREAS, a [City of Madison staff analysis](https://www.cityofmadison.com/mayor/documents/F35%20EIS%20staff%20analysis%209-10-19.pdf) <<https://www.cityofmadison.com/mayor/documents/F35%20EIS%20staff%20analysis%209-10-19.pdf>> of the Draft EIS concludes that, "While the EIS acknowledges it has a disproportional impact on persons of color, its methodology results in this issue being understated"; and,

WHEREAS, the City of Madison analysis states that, "there are several concentrations of poverty and persons of color just outside the 65 db contour, including the CDA Truax housing, CDA Webb-Rethke

townhomes and other housing near Worthington Park, and near the intersection of Packers Avenue and Northport Drive. While these areas will experience virtually identical noise exposure as residents who live on the contour line, they will not be eligible for federal sound mitigation funding through the Noise Compatibility Program.”; and

WHEREAS, the City of Madison analysis states that, “Soundproofing may not be an option for the mobile home park on Packers Avenue, which is in the current 65 db contour and would remain in the impacted area with the potential arrival of F35s. It appears the FAA considers mobile homes non-permanent structures and therefore does not allow soundproofing as a mitigation option.”; and,

WHEREAS the City of Madison analysis states that, “...the City of Madison would have no official role in any potential noise mitigation study or program. The inability for the City to act on behalf of its residents and in the best interest of City-owned housing is a concern.”; and,

WHEREAS the City of Madison analysis states that, “The Department of Defense and the Air National Guard cannot safely and legally perform the planned construction activities without a complete site investigation that defines the extent and nature of PFAs contamination in soil and groundwater. The WDNR will require a materials management plan for any areas of the base impacted by construction, describing how excavated soil and dewatering will be managed. The 115 FW does not have enough information presently to do this.”; and,

WHEREAS, Madison is experiencing pronounced, well-documented, and long-term crises in affordable housing and racial inequity; and,

WHEREAS, tens of millions of dollars in public investment have been made in 231 CDA-owned affordable housing units bordering the 65 dB DNL noise contour at Truax Park and Worthington Park, and also in an additional 80 subsidized low-income units at Rethke Terrace; and,

WHEREAS, Madison’s 2020 Executive Capital Budget calls for an investment of \$1.1 billion to prioritize Affordable Housing, Transportation, Sustainability, and Equity; and,

WHEREAS, the 2020 Executive Capital Budget calls for a \$125M investment in the development of Bus Rapid Transit for the Madison Region to improve the capacity of our transportation system and as a catalyst for economic development along the proposed BRT routes; and,

WHEREAS, the proposed east route runs directly through the area most impacted by the proposed action, including three proposed BRT stations within or adjacent to the area expected to be incompatible with residential use; and,

WHEREAS, the potential for Transit-Oriented Development in that area will therefore be significantly diminished; and,

WHEREAS, on September 11, 2019 Alders Abbas, Foster and Rummel hosted a listening session for people living within the 65dB DNL noise contour attended by more than 300 residents from the affected area and its immediate environs; and,

WHEREAS, residents who spoke and submitted comments were overwhelmingly opposed to the siting of the

F-35s in Madison, citing concerns about the health and safety of children, the disproportionate impacts of noise and water pollution on people of color and people with low incomes, property values, property tax base values and the livability of their neighborhoods; and,

WHEREAS, on September 12, 2019, the National Guard Bureau held an open house, formal presentation and public listening session at the Alliant Energy Center where 650 residents attended; and,

WHEREAS, comments at the public listening session by residents, community and business leaders, expressed a mixture of support and opposition to the beddown of the F-35s with the 115th Fighter Wing; and,

WHEREAS, according to a 2015 UW-Extension Study, the total economic impact of Truax Field to the greater Madison area is at least \$99.2 million each year and supports more than 1,293 on-site jobs; and,

WHEREAS, it is unclear what the future of the 115th Fighter Wing and Truax Field would be once F-16s are retired and aren't replaced by F-35s; and,

WHEREAS WI Statute [62.11\(5\)](https://docs.legis.wisconsin.gov/document/statutes/62.11(5)) <[https://docs.legis.wisconsin.gov/document/statutes/62.11\(5\)](https://docs.legis.wisconsin.gov/document/statutes/62.11(5))> directs that "the council...shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public",

NOW THEREFORE BE IT RESOLVED, that the Madison Common Council recognizes that the impacts described in the Draft EIS would substantially reduce the quality and quantity of current affordable housing stock, decrease the value of the property tax base, reduce opportunities for Transit-Oriented Development, disproportionately affect residents who are low income and people of color, and children, and are contrary to the City of Madison's values of equity, sustainability, health and adaptability as codified in our [Comprehensive Plan adopted in 2018](https://www.cityofmadison.com/dpced/planning/documents/Part1_ComprehensivePlan.pdf) <https://www.cityofmadison.com/dpced/planning/documents/Part1_ComprehensivePlan.pdf> the City's [Racial Equity and Social Justice Initiative](https://madison.legistar.com/LegislationDetail.aspx?ID=1737326&GUID=CAF0563E-DD7F-46EB-9009-F434F7FD2B93&Options=ID%7CText%7C&Search=Racial%2BEquity%2Band%2BSocial%2BJustice%2BInitiative) <<https://madison.legistar.com/LegislationDetail.aspx?ID=1737326&GUID=CAF0563E-DD7F-46EB-9009-F434F7FD2B93&Options=ID%7CText%7C&Search=Racial%2BEquity%2Band%2BSocial%2BJustice%2BInitiative>>, and undermine multiple long-term goals of City policy makers and; and,

BE IT FURTHER RESOLVED, that the Madison Common Council requests that the Air National Guard reconsiders the selection of Truax Field as a preferred location until and unless the findings of the EIS are shown to misrepresent the significant environmental impacts to those living, working, and visiting the north and east sides of Madison; and,

BE IT FINALLY RESOLVED, that the Madison City Clerk send a copy of this resolution to the F-35A EIS Project Manager, Secretary of the Air Force, US Senators Tammy Baldwin and Ron Johnson, Congressman Mark Pocan, Wisconsin Governor Tony Evers, Wisconsin Senators Miller, Risser, Erpenbach, Wisconsin Assembly Representatives Sargent, Taylor, Hesselbein, Anderson, Subeck, Stubbs and Hebl, the Dane County Board & County Executive Parisi, and Dane County Airport Commission.