

The BUGLE

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My Turn: Luke AFB settlement a crucial victory for Arizona

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The legal agreement to prevent residential encroachment around Luke Air Force Base and its auxiliary facilities represents a major victory for the citizens of Arizona.

The settlement is significant in several respects:

- It brings Maricopa County into compliance with state laws enacted to protect military airports from encroaching development. Those laws were passed to safeguard not only state military installations, but also the health and safety of residents living nearby.

- It improves Luke's chances to be chosen as a training base for the next generation of Air Force jets, the F-35 Joint Strike Fighter. That decision stands to have a substantial impact on Arizona's economy since the base contributes more than \$2 billion a year to the State.

- It shows what can be accomplished when a commitment to serve the greater good prevails over political and policy differences. I commend the members of the Maricopa County Board of Supervisors and Gov. Jan Brewer for their roles in helping work out the final agreement.



The Luke controversy goes back to 2004 when the State Legislature and the Governor signed into law development requirements to ensure adequate buffer zones around the State's military bases. All local governments in Maricopa County, with the exception of the county itself, complied with the law. The county continued to issue nearly 100 residential building permits in areas with high accident and noise potential surrounding Luke and its related facilities.

Two years ago, I issued a legal opinion affirming the Legislature's intent to protect Arizona's military bases and followed up with a letter to the Maricopa County Board asserting its legal

obligation to protect Luke from residential encroachment. When the board indicated it would not comply, I filed a lawsuit asking the court to require the county to take the steps required by state law. The county countersued, asking the court to strike down the 2004 law.

One year ago, Maricopa County Superior Court ruled in our favor on nearly every point in our lawsuit, but the county remained unwilling to give up all aspects of its legal challenge.

The agreement reached this week resolves the lawsuit and should stop residential development near the base. A key to the settlement was the State's willingness to partner with the county and be the first line of legal defense against any potential lawsuits filed by property owners who still want to build in the high-risk zones around Luke.

Air Force officials have left no doubt that encroachment could trip up Luke's bid. In a recent letter, Gen. Norton Schwartz, the Air Force Chief of Staff, wrote that continued development within the high noise and accident potential zones "is incompatible with military flight operations" and had "cast a bit of a shadow" on Luke's otherwise excellent standing.

The criteria set for making the F-35 decision make the importance of this settlement clear. The Air Force created a 100-point system based on the following: weather and airspace (60 points), cost (5 points), capacity (25 points) and environment (10 points). In the latter category are two sub-categories, air quality (3 points) and encroachment (7 points). Resolving the encroachment dispute should enable Luke to gain most, if not all, of those 7 points and could give the base the highest score.

Ever since its opening in 1941, Luke has played a vital role in our nation's security and our State's economy. It has trained more than 55,000 pilots during World War II, the Korean War, the Vietnam War, the Cold War and more recently, the fighting in Iraq and Afghanistan. Today, more than 95 percent of the Air Force's F-16 pilots are trained at Luke, confirming its status as the country's premier fighter pilot training base.

We don't want that to change. The settlement reached this week should help maintain Luke's prominent mission far into the future.

Terry Goddard is the attorney general of Arizona.