

## United States Senate

December 10, 2009

Maricopa County Board of Supervisors  
Mr. Max W. Wilson, Chairman  
Mr. Andy Kunasek, Supervisor  
301 W. Jefferson, 10<sup>th</sup> Floor  
Phoenix, Arizona 85003

Dear Chairman Wilson and Supervisor Kunasek:

Thank you for meeting with Governor Brewer and me last month to discuss the continued expansion of residential development surrounding Luke Air Force Base (AFB). I had hoped to meet with all five members of the Maricopa County Board of Supervisors in a public setting so we could hear from our shared constituents and discuss this important issue. I remain available to hold a public meeting on this matter at any time with all five supervisors and any interested members of our state's congressional delegation.

I commend the Board for its' unanimous decision on December 2, 2009 to table consideration of the comprehensive plan that would have allowed for the issuance of residential construction permits on 14,000 acres of property surrounding Luke AFB and its auxiliary fields that are within accident potential zones or high noise areas (between 65-79 decibels). The issuance of such permits would have been in direct contravention of Judge Edward O. Burke's September 8, 2009 judgment in State of Arizona; et al. v. County of Maricopa and state law (A.R.S. § 28-8481). If the Board had proceeded with such a plan, I am certain that the state's Attorney General would have rightfully pursued an injunction against the Board.

As you know, the state law requires political subdivisions, whose territory includes land within the boundaries of an ancillary military facility's high-noise or accident potential zone, to adopt comprehensive and general plans and to adopt and enforce zoning regulations "*to assure development compatible with the high noise and accident potential generated by . . . ancillary military facility operations that have or may have an adverse effect on public health and safety*" (emphasis added). Judge Burke specifically stated, "pending the adoption of the comprehensive plan and zoning regulation being Ordered herein, as to properties located in the high-noise and accident potential zones of Luke Air For Base, Luke Aux I and Gila Bend AFAF, Maricopa County may process application and grant approvals and permits that are for development that is compatible..."

Once the Board adopts a comprehensive plan that is certified by the Attorney General, the statute and the court ruling clearly provide the Board the authority to deny permits that are not “compatible” with the operations at Luke AFB, and the Board should do so for the health and safety of county residents. However, development that is “compatible” with the operations at Luke AFB should be allowed to proceed for the continued economic development of the community.

Lastly, it was suggested that a new state law is needed to clarify the Board’s right to issue zoning permits for land within the boundaries of an ancillary military facility’s high-noise or accident potential zone. Again, I disagree. There is no need for a new state law. The law on the books is clear and the Board must comply.

The United States Air Force continues to consider Luke AFB as a potential training facility for the new F-35 Joint Strike Fighter. The use of Luke AFB would not only support our nation’s national security needs, but also ensure that many of the jobs at Luke AFB and surrounding the base are able to continue in our state. As you know, Luke AFB contributes over \$2.1 billion annually to the West Valley and Phoenix economy and employs over 5,000 civilians and contractors who work to support the 5,700 military personnel and their families, as well as 70,000 retirees. Just as important, Luke AFB serves as the premier Air Force fighter training base in the country with the finest military training range in the world at the Barry M. Goldwater Range, a critical national asset.

As a follow up to our meeting, I recently met with the Chief of Staff from the Air Force, General Norton Schwartz, who wrote in the attached letter, “While many of the surrounding cities and town have ensured managed growth compatible with our training and operational flying missions, we are concerned that Maricopa County does not appear to be making compatible development a priority near the base and auxiliary fields. Regrettably, this has cast a bit of a shadow on what has been an otherwise long-standing harmony between Luke AFB and its neighboring communities.”

For these reasons, I continue to view potential actions of the Maricopa County Board as a significant challenge to the future of Luke AFB, and therefore, a challenge to our national security. These actions will also affect the pending Environmental Impact Statement being carried out by the Air Force beginning in January. I have assured the mayors and citizens of the cities and towns surrounding the base that a complete and thorough Environmental Impact Statement will be conducted prior to a final decision on the basing of the F-35.

Arizonans have always supported our military and their families, and I hope the Board’s future actions will be consistent with efforts to preserve Luke AFB and the quality of life for residents around the base. Elected officials in Arizona have for years taken bold initiatives to find innovative ways to support private property rights while encouraging economic growth compatible with safe military operations.

I look forward to working with the entire Board in the same cooperative fashion we have always enjoyed to ensure the interests of the county residents and Luke AFB are served. Until then, I remain hopeful that the Board takes appropriate measures to preclude any actions that could be perceived as supporting incompatible growth around Luke AFB and its auxiliary fields until a comprehensive and consistent policy is established.

Sincerely,



John McCain

cc: The Honorable Jan Brewer, Governor  
The Honorable Terry Goddard, Attorney General  
Supervisor Fulton Brock  
Supervisor Don Stapley  
Supervisor Mary Rose Wilcox