

Resolution Relating to

REQUESTING VERMONT'S CONGRESSIONAL DELEGATION
REQUEST THE SECRETARY OF THE UNITED STATES AIR FORCE
REPLACE THE CURRENT F-35 MISSION WITH ONE THAT CAUSES
NO HARMFUL NOISE TO THE PEOPLE LIVING AROUND THE
AIRPORT, AND ONE THAT IS FULLY COMPATIBLE WITH
RESIDENTIAL NEIGHBORHOODS

RESOLUTION 7.8.

Sponsor(s): Councilor Bergman
Introduced: 08/12/24
Referred to: _____
Action: adopted as amended
Date: 08/12/24
Signed by Mayor: 08/13/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the Air Force reported that over 6,663 people in 2,963 households in the communities of
2 Winooski, South Burlington, Williston, Burlington, and Colchester live in areas subjected to a day-night level
3 average (DNL) of 65 decibels (dB) produced by the F-35A. {United States Air Force F-35A Operational Basing
4 Environmental Impact Statement (EIS) 2013, page BR4-30}; and

5 WHEREAS, the U.S. federal government has determined that "Areas exposed to DNL above 65 dB are
6 generally not considered suitable for residential use." {EIS page C-12}; and

7 WHEREAS, the Air Force found that minority and low-income people in these Vermont communities,
8 in particular Winooski, would be disproportionately impacted by the F-35 noise. {EIS, page BR4-83}; and

9 WHEREAS, the Air Force found that there were 4,692 children under the age of 18 living in the cities
10 of South Burlington and Winooski. {EIS, page BR4-82}; and

11 WHEREAS, the World Health Organization cited overwhelming evidence from large-scale studies that
12 exposure to environmental noise had adverse effects on the health of the population. {World Health Organization
13 (WHO) report "Burden of disease from environmental noise" 2011, pages xvii and 105}; and

14 WHEREAS, the federal government wrote, "A growing body of scientific knowledge demonstrates
15 that children may suffer disproportionately from environmental health risks and safety risks. These risks arise
16 because children' neurological, immunological, digestive, and other bodily systems are still developing ..."
17 {Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. April 2003}; and

18 WHEREAS, the U.S. Environmental Protection Agency wrote, "children may suffer disproportionately
19 from environmental health risks and safety risks. Because their smaller ear canals magnify the sounds entering
20 the ear canals, children's hearing may be particularly sensitive. For example, a 20-decibel difference can exist
21 between adult and infant ears." {U.S. Environmental Protection Agency letter commenting on the Draft EIS for the F-35
22 Beddown at Eglin AFB, Florida. November 2010}; and

23 WHEREAS, the World Health Organization found evidence linking noise and cognitive impairment in
24 children, writing "Exposure during critical periods of learning at school could potentially impair development
25 and have a lifelong effect on educational attainment." And, "It would be realistic to assume that the impaired

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Mayor

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26 cognitive functions will carry over to the years after the schooling period." {WHO report "Burden of disease from
27 environmental noise" pages 45, 52}; and

28 WHEREAS, the World Health Organization found that aircraft noise is likely to have a greater effect
29 on children's reading than road traffic noise. {WHO report "Burden of disease from environmental noise" page 51}; and

30 WHEREAS, environmental and developmental experts found that children's health and cognitive
31 development are negatively affected by chronic loud noise. Specifically, children's blood pressure and stress
32 hormones increase, and their reading abilities, cognitive development, physiological indicators, and
33 motivational tasks are adversely affected by exposure to noise. And that "...significant reading delays are
34 found for children living near airports, regardless of income." {The Effects of the Physical Environment on Children's
35 Development" Cornell University 2006}; and

36 WHEREAS, the Federal Aviation Administration advised regarding the noise of the F-35 in Burlington
37 that "...noise impacts that cannot be mitigated could occur. Other unavoidable adverse impacts may be
38 identified which cannot be mitigated to an acceptable level." {EIS, page 2-45}; and

39 WHEREAS, the City of South Burlington lost 200 affordable homes because of the noise of the F-16.
40 {South Burlington Councilors Seek 'Seat at Table' on Airport Noise" Morgan Tre, VTDigger March 28, 2017}; and

41 WHEREAS, the Airport Noise Compatibility Planning report stated, "Land acquisition and relocation
42 is the only alternative that would eliminate the residential incompatibility." {Burlington International Airport Title 14
43 Code of Federal Regulations (CFR) Part 150 Report, page 29}; and

44 WHEREAS, the Airport Noise Compatibility Planning report further stated, "Also, soundproofing does
45 not address the problem of noise levels outside the residence, meaning that yard and outside leisure activities,
46 including those of children playing, would be impacted by unacceptably high levels of noise. Therefore,
47 soundproofing is considered the least desirable alternative for addressing sound in residential buildings."
48 {Burlington International Airport I4 CFR Part 150 Report, page 46}; and

49 WHEREAS, Richard Doucette, the Federal Aviation Administration's New England Environmental
50 Program manager, stated "The best way to mitigate noise, at high noise levels, is to buy homes and remove
51 them... We have encouraged the airport to buy every home they can... That's the trouble with sound mitigation.
52 Some people think it's a panacea; it is not. The sound insulation does not work as soon as you open your
53 windows." {Burlington Free Press, February, 2017}; and

54 WHEREAS, the City of Burlington continues to pursue sound proofing, and the Director of the
55 Burlington International Airport estimates that the airport will need \$5.5 million from the FAA every year for

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56 the next 46 years to sound-proof all of the eligible homes. {"Sound Plan?" Courtney Lamdin, Seven Days, October 11-
57 18, 2023}; and

58 WHEREAS, the City of Burlington, with the support of the Vermont Air National Guard, has used
59 these funds to support noise mitigation efforts through a Noise Compatibility Program (NCP) and
60 Implementation Plan approved by the FAA whereby the City has been actively installing sound insulation in
61 impacted residential properties, previously installed active noise monitors in surrounding communities, and
62 constructed a Positive Ventilation and Sound Insulation project at the Chamberlin School in South Burlington;
63 and

64 WHEREAS, the Vermont Air National Guard has fully participated in the City of Burlington's noise
65 mitigation efforts, including by, but not limited to, supporting the Technical Advisory Committee for the NCP
66 and Implementation Plan, providing vital data for the development of a Noise Exposure Map, and
67 continuously advocating through our Congressional Delegation and FAA for additional federal funds
68 dedicated to noise mitigation; and

69 WHEREAS, the Air Force found that over 27 times more people live in the 65 dB DNL noise area in
70 the vicinity of the Burlington Air National Guard (ANG) station than live in the 65 dB DNL noise area in the
71 vicinity of another Air Guard base that was being considered to base the F-35—McEntire Air National Guard
72 station in South Carolina. Specifically, 6,663 people and 2,963 households are in the Burlington F-35 noise
73 area compared with 245 people and 91 households in the McEntire F-35 noise area {EIS, page BR4-30}; and

74 WHEREAS, Air Combat Command leadership stated "...there is no operational benefit of Burlington
75 ANG Base over McEntire ANG base, and that Burlington scored higher than McEntire overall due to incorrect
76 scoring (Burlington scored higher than it should have been and McEntire score lower than it should have ...)"
77 {Air Force F-35 Basing Administrative Record #57838}; and

78 WHEREAS, Air Force basing experts wrote: "The environmentally preferred alternative for Air
79 National Guard (ANG) basing locations is McEntire...This ANG represent the greatest decrease in the amount
80 of acres, population, households, and receptors exposed to noise levels 65 dB DNL..." {Draft Review Document on
81 the Environmentally Preferred Alternative, Air Force Administrative Record #57909}; and

82 WHEREAS, Air Force basing experts recommended selecting McEntire Air National Guard Base in
83 South Carolina over Burlington Air National Guard base "Due to the overwhelming evidence provided by the
84 EIS documentation." {Air Force F-35 Basing Administrative Record #57838}; and

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85 WHEREAS, claims that if F-35s were not based at the Vermont Air National Guard Station the
86 Vermont Air Guard would lose a flying mission, were refuted by the Secretary of the Air Force and by Federal
87 District Judge Geoffrey Crawford:

- 88 A. The Air Force wrote, "Therefore, if there is no F-35A operational beddown at Burlington AGS the
89 current mission would continue." {EIS, page PA-47};
- 90 B. Air Force basing officials wrote, "Had the Air Force not decided to base the F-35A at Burlington,
91 the present F-16s could well have been replaced with other F-16s. But, had the F-35A not been
92 selected to replace the F-16s, there could have been 'any number' of reasonable alternatives
93 available to the Air Force on how to configure Burlington." {Air Force F-35 Basing Administrative Record
94 #64410, and Federal court records-Civil Action No 5:14-cv-132, Defendant's Memorandum in Opposition to Plaintiffs'
95 Motion, March 7, 2016. pages 59-60};
- 96 C. The Secretary of the Air Force testified as part of a lawsuit that "...it expected Burlington to
97 continue to fly military aircraft if it was not selected to host the F-35A." {Federal court records-Civil
98 Action No 5:14-cv-132, Defendant's Memorandum in Opposition to Plaintiffs' Motion, March 7, 2016, pages 59-60};
- 99 D. Continuity for a flying mission for the Vermont Air Guard was reinforced by U.S Federal District
100 Court Judge Geoffrey Crawford. He stated in his ruling in a lawsuit filed against the Secretary of
101 the Air Force that "...there is no reason to believe that the base will close and the squadron
102 disbanded even if the F-35 aircraft are based elsewhere...there is no evidence of a plan to close the
103 base or to use it for purposes other than flying aircraft." {Federal court records-Civil Action No 5:14-cv-
104 132, Decision on Cross-Motions for Summary Judgement, August 10, 2016, page 27-28};
- 105 E. U.S. Federal District Court Judge Geoffrey Crawford further stated in his ruling that "...the
106 scheduled retirement of the F-16 aircraft currently stationed at Burlington does not inevitably lead
107 to 'empty hangers at Burlington'. Burlington's history proves that. Through the years particular
108 aircraft have come and gone, but the military mission has remained. (See AR 33541 recounting
109 eight different airframes flown by the VTANG over its 70 year history.)" {Federal court records-Civil
110 Action No 5:14-cv-132, Defendant's Reply Memorandum, May 13, 2016, pages 21-22}; and

111 WHEREAS, there are other flying missions for the Vermont Air National Guard which will not cause
112 harm to the people in the local area. Some include mobility aircraft. For example:

- 113 A. The Air Force reports that demand for mobility aircraft (transports, cargo, and refueling aircraft) is
114 increasing, and expressed the need for mobility aircraft by stating "The demand for mobility

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- 115 aircraft, which includes transport aircraft, is trending upwards. Transports deliver critical
116 equipment and supplies, as well as expertise to forces stateside and overseas. Transports play
117 powerful humanitarian and diplomatic roles especially during times of natural disasters. Air Force
118 transports help others and enhance U.S. global reputation and build trust. Transport pilot skills are
119 ideally and best suited to fly big body commercial airliners." {Air Mobility: A clear need for future
120 environments" Col Chris Karns, Director for Public Affairs Air Mobility Command, Force Times, January 29, 2018};
- 121 B. Air Force advisors say they need more transport missions, "Transport aircraft will likely be in high
122 demand supporting inter-and-intra theater mobility and other missions..." {Timothy Walton, senior
123 fellow at the Hudson Institute April 3, 2023};
- 124 C. The Air Force has a growing need for Aeromedical Evacuation (medevac) missions stating that
125 certain conflicts "will increase the need for flying ambulances to save the lives of their fellow
126 service members" and that "medevac units will need to fly longer, triage more injuries and illnesses
127 in midair, and work more closely with their international partners than ever before." {Getting Patients
128 to Safety"Rachel S. Cohen, Air Force Times, September, 2023};
- 129 D. In 2012, the Burlington Air Guard was on the list of bases being considered to base the KC-46A
130 tanker. {Air Force F-35 Basing Administrative Record #56929}; and
- 131 WHEREAS, twenty-six state Air Guard units fly transport/airlift missions, and 19 units fly the C-130
132 transport aircraft. {2023 Wikipedia using data from 103 Air Force and Air National Guard websites}; and
- 133 WHEREAS, other Air Guard units have switched military missions; for example:
- 134 A. The Great Falls Air Guard Base in Montana changed from an F-15 fighter aircraft to a C-130
135 transport aircraft {120th Airlift Wing Prepares to Deploy" Jenn Rowell, Air Force Times, October 17, 2016};
- 136 B. An Air Guard Base in New Mexico changed from a F-16 fighter unit to a special operations
137 training unit in 2013 {150h Special Operations Wing official website, 150sow.ang.af.mil};
- 138 C. An Air National Guard Base in Michigan changed from the C-21 aircraft to flying drone missions
139 in 2013 {Drone missions to operate from Battle Creek Air National Guard Base" Kalamazoo News, 3-14-2013};
- 140 D. A North Dakota Air National Guard Base changed from C-21A aircraft to an intelligence mission
141 in 2013 {Last aircraft departs as N.D. Air National Guard ends flying mission, transitions to intelligence mission"
142 Courtney Story, 8-28-2013};
- 143 E. An Air Guard Base in Ohio changed from a C-130 aircraft to a cyberspace mission in 2023 {"179th
144 Airlift Wing becomes first cyberspace wing in the Air National Guard" Air National Guard website, ang.af.mil}; and

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145 WHEREAS, Lt Gen Clarke former head of the Air National Guard said "dual-mission equipment is
146 gold for the ANG. A perfect example is its fleet of C-130 cargo planes. It can do anything from tactical
147 airdrops to fighting fires at home. . . . So we are trained to do the federal mission, but we try to leverage all of
148 that to do the state mission." {"Sequester sharpens Guard's challenge to meet dual missions" Air Force Times, August 25,
149 2014}; and

150 WHEREAS, a military transport mission would allow the Vermont Air Guard to support Vermont state
151 needs, thus fulfilling dual roles—civilian and military missions—as other state Air Guard units do. {"Sequester
152 sharpens Guard's challenge to meet dual missions" Air Force Times, August 25, 2014}; and

153 WHEREAS, a military transport mission would retain the Vermont Air Guard fire-fighting services to
154 the Burlington airport. {Air Force Fire Emergency Service "Aircraft Rescue and Fire Fighting Response Guide," March 2018};
155 and

156 WHEREAS, a transport mission would increase the number of Air Guard jobs as transport aircraft
157 require more people to accomplish their missions. For example, switching from the F-35 to a transport would
158 triple the number of onboard crew. A Medevac mission requires at least five times more crew than the F-35.
159 {Air Force Accelerates Changes to Save Lives: How Aeromedical Evacuation Mission Advances in 20 Years"- Shireen Bedi, Air
160 Force General Public Affairs, December 21, 2021}; and

161 WHEREAS, Vermont Air National Guard pilots have the skills to fly military transport aircraft, which
162 are similar to the skills needed to fly commercial aircraft; and

163 WHEREAS, a military transport humanitarian mission is more compatible with many Vermonters'
164 values than a fighter-bomber mission; and

165 WHEREAS, military transport aircraft would not result in any 65 dB DNL noise zones. {"Military
166 Aviation and the Environment: Historical Trends and Comparison to Civil Aviation" Journal of Aircraft, March 2005; "Noise
167 Comparisons" Purdue University}; and

168 WHEREAS, housing lost because of military fighter aircraft noise, which has exacerbated the region's
169 acute housing crisis, could be re-built, and if so, would add much needed affordable housing. {FAA Advisory
170 Circular, "Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects," 7-10-2017}; and

171 WHEREAS, adults and children suffering from fighter-bomber noise; and schools and businesses
172 disrupted by fighter-bomber noise would find relief from an alternative mission that results in no 65 dB DNL
173 zone; and

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174 WHEREAS, since it was originally recognized in 1946, the Vermont Air National Guard has flown
175 more than eight different missions and Vermonters have consistently appreciated and been grateful for their
176 dedication to the defense our nation and local communities, the community stewardship exhibited by hundreds
177 of service members and their families, and the essential contributions they have made to the capital
178 infrastructure and operations of the airport; and

179 WHEREAS, Vermonters living in the areas around Burlington have also consistently opposed the
180 basing of the F-35. For example:

- 181 A. During the first EIS comment period in 2012, of the 1,126 oral and written comments received, 822
182 (73%) were in opposition to the F-35 basing. {EIS, BR4-15/16}
- 183 B. During the second EIS comment period in 2013, of the 809 letters, handwritten notes, and emails
184 received 644 (80%) were in opposition to the F-35 basing. {EIS Table BR2.5-1}
- 185 C. In March 2018, a Burlington city-wide 6,482-5,237 vote called for the cancelation of the F-35
186 basing decision. This vote was followed by a Burlington City Council 9-3 vote which requested the
187 F-35 be re-based. {Seven Days and Burlington Free Press, March 2018}
- 188 D. In May 2012 and July 2013, the Winooski City Council passed two Resolutions against the basing
189 of the F-35. {Burlington Free Press, May 2012 and July 2013}
- 190 E. In April 2015, a Winooski city-wide 572-475 vote called for the City to join the federal lawsuit
191 against the Secretary of the Air Force which opposed the basing of the F-35. {VTDigger and Seven
192 Days, April 2015}
- 193 F. In March 2021, Winooski voters overwhelmingly voted 723-354 to halt the F-35 flights. {VTDigger,
194 Burlington Free Press, and Seven Days, March 2021}; and

195 WHEREAS, Congressional Delegations have the authority and ability to request the Air Force replace
196 existing missions and aircraft with new missions and aircraft; and

197 WHEREAS, some Congressional Delegations have successfully exercised this authority, for example:

- 198 A. The Minnesota state's Congressional Delegation was involved in successful efforts to get the C-130
199 transport mission. {Minnesota Air Guard will get Super Hercules transport planes" John Corman 9-16-2023}
- 200 B. Efforts by Ohio's Congressional Delegation succeeded in getting the Air Force to transition to a
201 new cyber mission. {"Ohio's Lawmakers Applaud Air Force Decision to Name Mansfield-Lahm as the Preferred
202 Location for New Cyber Warfare Wing" Press Release from Congressman Balderson. 8-26-2021}

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203 C. Gov. Sisolak and Nevada's entire congressional delegation were successful in getting the Air Force
204 to assign them a new regional aeromedical evacuation squadron to respond to emergencies and
205 disasters. {"Nevada Touts Reno for New Squadron" Air Force Times, 1-20-2020}

206 D. Alaskan Senator Mark Begich was successful in his request to the Air Force to abandon its plans to
207 move F-16s from Eielson AFB to Joint Base Elmendorf. {"F-16 transfer debate highlights flaws in
208 Senate's decision-making" Robert F. Dorr, Air Force Times, July 9, 2012 page 5}; and

209 WHEREAS, the Vermont Congressional Delegation is aware of the facts of the F-35 basing process,
210 the harms being done to thousands of Vermonters from the presence of the F-35, and their authority to request
211 and urge the United States Air Force to replace the F-35 mission with a mission that is compatible with
212 residential neighborhoods;

213 NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council and the Mayor of the City
214 of Burlington request the Vermont Congressional Delegation contact the Secretary of the United States Air
215 Force requesting they replace the current F-35 mission with a mission that causes no harmful noise to the
216 people living around the airport, no substantively adverse economic impact to the airport or community, and a
217 mission that is fully compatible with residential neighborhoods; and

218 BE IT FURTHER RESOLVED that this resolution be delivered to the Vermont Congressional
219 Delegation and to the City Councils of South Burlington and Winooski, and the Selectboards of Colchester
220 and Williston by the Clerk/Treasurer's Office within five working days of the adoption of the resolution; and

221 BE IT FURTHER RESOLVED that the City Council President appoint a tri-partisan committee to
222 follow up on this resolution with the Congressional Delegation and their staff, and report back regularly to the
223 full Council on their progress. This committee shall exist until a formal response is received from either the
224 United States Air Force or the Congressional Delegation, at which point the committee shall prepare and
225 submit a final report to the full Council, summarizing the committee's work, the response received, and any
226 recommendations on next steps; and

227 BE IT FURTHER RESOLVED that the City Council respectfully requests that the Mayor meet with
228 the leadership of our airport and the Vermont Air National Guard and, on or by October 1, 2024, report back
229 to the City Council on the status of collaborative noise mitigation efforts, VTANG's contributions to the
230 airport's capital infrastructure, and how, if at all, this resolution may impact VTANG's future operations at the
231 airport.

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233 GB/Resolutions 2024/*Requesting Vermont's Congressional Delegation Request The Secretary Of the United States Air Force Replace The Current*
234 *F-35 Mission With One That Causes No Harmful Noise To The People Living Around The Airport, And One That Is Fully Compatible With*
235 *Residential Neighborhoods*
236 08/12/2024

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Requesting Vermont's Congressional Delegation Request The Secretary of The United States Air Force Replace the Current F-35 Mission With One That Causes No Harmful Noise to the People Living Around the Airport, and One that is Fully Compatible With Residential Neighborhoods

As amended

Adopted by the City Council

August 12, 2024

[Signature] Clerk

Approved August 13, 2024

[Signature] Mayor

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[Signature]
Lori Olberg
Licensing and Records Coordinator