

JOINT RESOLUTION (H.P. 1268)

On motion of Representative SAVIELLO of Wilton, the following Joint Resolution: (H.P. 1268) (Cosponsored by Senator GOOLEY of Franklin and Representatives: CROCKETT of Bethel, GILBERT of Jay, HARVELL of Farmington, MITCHELL of the Penobscot Nation, PETERSON of Rumford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL DELEGATION TO OPPOSE LOW-LEVEL FLIGHTS IN WESTERN MAINE

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Maine Congressional Delegation as follows:

WHEREAS, the Massachusetts Air National Guard proposes to change the use of low-level training flights in the military operations airspace area in western Maine, known as "the Condor airspace"; and

WHEREAS, the Massachusetts Air National Guard's proposal will allow for low-altitude combat simulation flights within the Condor airspace and the proposal has been met with opposition by the residents near the flight paths, as well as concerned citizens throughout the State; and

WHEREAS, the major problems are the low altitude of the jets, the potential of an increase in flights, the existing small private aircraft flights in the area and the increased noise levels that will disturb agriculture and wildlife, the serenity of the area and the quality of life for both residents and tourists; and

WHEREAS, the Massachusetts Air National Guard's draft environmental impact statement for these flights is incomplete and fails to meet minimum standards for adequate research and publication, containing errors, omissions and unsupported conclusions related to flight safety, environmental damage and quality of life; and

WHEREAS, specifically, recent economic reports and recommendations on "quality of place" and the effect of low-level aircraft flights have not been addressed by the draft environmental impact statement; and

WHEREAS, another issue is that noise data for F-18, F-22 and F-35 aircraft are omitted from the draft environmental impact statement, despite the likely use of the airspace by these significantly louder aircraft, and independent analysis of the noise data has not been completed; and

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WHEREAS, no meaningful mitigation measures have been considered or suggested to protect the people and environment regarding these concerns and the State would have no binding control over low-level flight activity; and

WHEREAS, the Penobscot Nation, a federally recognized sovereign Indian tribe, has serious concerns about the effects of this proposal, and the approximately 47,600 acres of tribal lands affected by the proposed expansion of military training flights are lands that were recovered by the Penobscot Nation under the terms of the federal Maine Indian Claims Settlement Act of 1980, 25 United States Code, Sections 1721 to 1735; and

WHEREAS, this proposal may result in unintended restrictions on the uses of the tribe's lands and resources, which may constitute a violation of the Maine Indian Claims Settlement Act of 1980, and an executive order of the President of the United States and federal law require that all federal agencies formally consult with federally recognized Indian tribes when their proposed actions potentially affect such tribes, and to date the Massachusetts Air National Guard has not initiated the required consultation process; and

WHEREAS, communication between the Massachusetts Air National Guard, the citizens of the State and the Governor of Maine has been incomplete and the Massachusetts Air National Guard has been unresponsive to questions and requests for information; and

WHEREAS, important environmental issues in the State have not been properly addressed, such as how these flights will affect endangered and protected species, such as the Barrow's Goldeneye duck and the American Bald Eagle; and

WHEREAS, the impact of the flights on the locations of present and future wind energy sites has not been properly addressed and the safety of the aircraft flying out of local airports has not been properly addressed; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to express our dissatisfaction with the present notification and hearing process for low-level flights over the western portion of our State and we urge the Maine Congressional Delegation to request that any action by the Federal Aviation Administration be delayed until the draft environmental impact statement is complete and addresses all the above identified concerns; and be it further

RESOLVED: That We call upon the Maine Congressional Delegation to urge the Federal Aviation Administration to hold a public hearing on this proposed airspace

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change and to request the Massachusetts Air National Guard to withdraw proposals to modify the Condor military operating areas until the previous requests are implemented; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Massachusetts Air National Guard and to each Member of the Maine Congressional Delegation.