

## **Airport project stalled, accusations fly**

**By J.R. Logan**

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The expansion of the Taos Regional Airport remains stalled as town officials await permit approval from the county and a lawsuit seeking improved zoning works through the courts.

The airport expansion, which includes the construction of a second runway, was proposed decades ago but was long opposed by Taos Pueblo. The town, which owns the airport, and the tribe came to agreement on the expansion in late 2011, clearing the way for the project to begin. The new runway is meant to improve safety at the airport, and almost all of the \$24 million project is being funded with federal and state grants.

But satisfying the concerns of the Pueblo government did nothing to quiet a vocal group of opponents who continue to attack the project. Some critics argue the new runway will worsen noise from increased air traffic. Others claim it will benefit only the wealthy.

The primary concern of those bringing the lawsuit is the town failed to give residents in the airport area adequate notice of the project and had, until recently, completely avoided getting a development permit from Taos County. The plaintiffs in the suit contend the town and county must create common sense zoning around the airport before building a new runway that will change approach and take off patterns for aircraft.

But in separate responses filed in the lawsuit this week, both governments argued they have no obligation to re-zone the area before crews can break ground.

In its response, county attorney Robert Malone asserts the county has “no legal duty to zone at all, or enact specific airport zoning.” An attorney representing the town made a similar defense, arguing “there is no affirmative duty to zone the areas that the plaintiff’s allege must be zoned.”

Attorneys for the plaintiffs point to federal rules that state the town must make efforts “to the extent reasonable” to coordinate with the county to put zoning in place that restrict the use of land next to runways. In the decades since the airport expansion was first proposed, there has been minimal effort to control growth around the airport.

However, a spokeswoman for the FAA said in September zoning was a “local issue” and there were no plans to withhold grant funding, even without a change in zoning.

Plaintiffs in the lawsuit have asked Judge Jeff McElroy to issue an injunction stopping the project until the county “has properly addressed all offsite impact through its land use planning process.” No hearing date to consider that motion had been set as of press time.

Among the claims made in the motion for an injunction, attorneys for the plaintiffs said increased airport noise will lessen property values, and the town will have to compensate landowners for lost property values. There are residents surrounding the airport who complain they've had no notice of the expansion, and were unaware of the proposed project when they bought in the area.

But not everyone agrees. Former town councilor and real estate agent Rudy Abeyta is representing a vacant, 1.3-acre lot that sits at one end of the proposed runway. Abeyta contends it's up to Realtors to disclose things like a dump and an airport, and it's up to property buyers to do their due diligence. He also points out that land values in the area are already lower, in part because of their proximity to the airport.

Abeyta was a proponent of the airport when he sat on the council. He lost a bid for reelection in March.

Abeyta says residential developments on the southeast edge of the proposed runway came long after the original airport and nearby landfill were built. "Don't come in and buy, then say afterwards, 'I think the airport should be moved,'" Abeyta said. "Come on. You know it's there. A reasonably prudent buyer can't say they didn't know it was there."

Adding fuel to the fire were a couple sentences from an article from *Forbes Magazine* on development at Taos Ski Valley. The article described changes at the mountain since it was acquired by Louis Bacon. Among those changes, according to the story, is improved airport access. "Bacon has been working with the local community to have the airport become a more elite jetport, capable of handling up to 45-passenger regional jets," the article reads. "Eliminating the current three-hour road trip from Albuquerque would be a serious game-changer."

What an out-of-town journalist may have considered a benign couple of lines reignited conspiracy theories that the Ski Valley is a behind-the-scenes player in the expansion.

Both Taos Ski Valley and the town insist there is no agreement on funding or subsidizing the expansion. Nor are there plans to help pay for future air service into Taos, both parties agree.

Previous efforts and commuter air service, some of which enjoyed healthy subsidies, failed miserably.

The latest group to speak out against the airport expansion are residents of the Earthship community on the west side of the Rio Grande Gorge.

In a letter to the county planning director, Judy Sutton identified herself as a Family Nurse Practitioner, with a master's in public health, and elected representatives of the Great World Community Board — the board that represents many homeowners in the Earthship development. Sutton became a plaintiff in the lawsuit Oct. 21.

In her letter, Sutton claimed aircraft dumping jet fuel would contaminate water catchment systems that supply the Earthships. "While this would not be that problematic for normal residences, it will have a disastrous effect on us," Sutton wrote. "Our entire community's water supply is roof water catchment. If even a small amount of fuel were to fall on someone's home, that home's water supply would be contaminated."

But airport officials and aviation experts insist aircraft that land at the Taos airport aren't capable of releasing fuel in midair. And even if they were, it essentially never happens.

Airport manager John Thompson said no aircraft had dumped fuel anywhere near the Taos airport as long as he had been there. "These guys don't just say 'Fill 'er up, and if we can't get off the ground we'll just dump it as we take off,'" Thompson said. He said claims that it happen regularly are "propaganda" and "fear-mongering" meant to derail the expansion.

Nearly all aircraft don't have the capacity to dump fuel in mid-air, and even if they did, they would get pounced on by environmental regulators, Thompson said.

In a 2001 letter to a group concerned about fuel dumping, the U.S. Environmental Protection Agency said the FAA estimates fuel dumping happens very infrequently, and jettisoned fuel is expected to evaporate before it hits the ground.

"Fuel dumping is uncommon not only because it is an emergency action, but also because it is economically imprudent for an airline to take such action unless it is an emergency," the letter reads. "Since fuel dumping is a rare event, and the fuel would likely be dispersed over a very large area, we believe its impact to the environment would not be serious."

Despite the official position, Sutton with the Greater World community said it would be hard for someone in a position of authority to allay her concerns. "Could somebody allay my fears? I'm not sure," Sutton said.

Sutton said in an interview she found information on a website authored by opponents of the airport in Sedona, Ariz., who also claim to be suffering the health effects of dumped jet fuel. That site included a link to the specs of one business jet that has a system capable of jettisoning fuel.

Official reports on the project also raise little concern about environmental impacts.

The September 2012 federal Record of Decision approving the project found an expanded Taos airport is "not expected to have a negative impact on air quality conditions" because of the relatively low volume of flights.

The study did acknowledge that the federal government estimates aircraft account for about 3 percent of human-caused greenhouse gas emissions in the United States, though the amount coming from air traffic in Taos is "negligible."

The report also concluded that the expansion would have "no substantial impact" to water quality in the area.