

Air Force, Val-P settle F-35 lawsuit (SETTLEMENT)

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VALPARAISO — Valparaiso and the Air Force reached a settlement agreement Monday night in the months-long legal dispute over dreaded F-35 noise.

After holding an hour-long executive session, commissioners unanimously agreed to the terms of the agreement, and Mayor Bruce Arnold signed the five-page document.

[Read the agreement.](#) »

Monday was the court's deadline for parties to settle or come back to court. The settlement negotiations ended last November but faced a long journey up the chain of command. Now, the settlement needs one more Air Force signature to make it official.

Caroleen Swanson walked out of the commissioners' chambers shaking her head.

"I don't think they won anything with this," the Valparaiso resident said. "There wasn't anything in that settlement the Air Force wasn't going to already do."

But Swanson's reaction was a rare one. Nearly 20 people waited for the decision to be announced.

"When I heard it was settled, I said, 'Holy moly. They didn't drag it out,'" said Ron Powers, a Valparaiso resident who decided to run for City Commission because of his opposition to Valparaiso's lawsuit.

For months, many residents of Valparaiso and across Okaloosa County have questioned Valparaiso's decision to sue the Air Force.

But many Valparaiso leaders, including the outspoken Arnold, have maintained they had no choice but to sue because excessive noise from the F-35 could destroy city property values, if not the foundations of homes themselves.

The Air Force plans to bring 59 F-35s to Eglin Air Force Base starting this fall, and the settlement says the base can still use the runway close to Valparaiso if necessary.

But Valparaiso leaders feel like they won, because they kept the Air Force from using the close-by runway as often as it wants. The leaders also feel they forced the Air Force to look at using more than two main Eglin runways; now the Air Force is considering other locations on Eglin reservation.

One resident asked about the status of the lawsuit between Valparaiso and Okaloosa County, which had sued the city in an effort to stop it from suing the Air Force. He was told the case is still pending and the settlement had no effect on its outcome.

The commissioners were then thanked and praised by a resident for standing up for the city. The audience applauded in agreement.

Valparaiso attorney Chris Bentley said the lawsuit settled Monday gave the city a voice and actually was

responsible for the settlement of Valparaiso's first lawsuit against the Air Force, the Freedom of Information Act complaint that gave the city all F-35 noise data.

The now-settled lawsuit, Bentley argued, proved to the Air Force that Valparaiso was serious and would not back down. Commissioners had instructed Bentley to pursue the suit but told him from the very beginning that they would prefer a settlement.

The Air Force agreed to pay Valparaiso attorney fees of \$60,000 — much, but not all, of the city's cost. Eglin officials will also convene a noise committee in which local government representatives can meet with base officials and discuss noise issues.

The agreement also includes clauses that protect Valparaiso's right to sue the Air Force if the final Record of Decision adversely affects residents.

Arnold closed the meeting with a smile. He said the settlement was a tremendous step to relationships between the city and other municipalities healing.

"I also hope this will be a catalyst to settling the lawsuit (with the county) very quickly," he said.