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## Mukilteo promises battle over Paine Field flights

By [Bill Sheets](#)

Herald Writer

EVERETT -- Opponents of commercial airline service at Paine Field vow to start a time-consuming, expensive legal battle to delay flights from the airport as long as possible.

Although Horizon Air wants to start service in just months, Mukilteo Mayor Joe Marine said they will take the fight to court.

"Let me put it this way," Marine said. "Horizon will not be flying out of Paine Field this summer."

Flight opponents were dealt a blow last week when the Snohomish County Council voted to consider building a terminal at the county-owned airport.

On Tuesday, Marine said Mukilteo will milk what it can out of federal laws to drag out the process.

"Make it time consuming, expensive and stretch it out," he said. "We'll fight the terminal legally."

Some south county cities and residents oppose regular airline service at the airport because they say noise could damage neighborhoods. Others favor it for convenience and potential economic benefit.

Federal aviation law requires that any airport that accepts federal grants to negotiate in good faith to provide space for any air carrier, including airlines.

Greg Tisdell, one of the leaders of the main flight proponent group, Fly From Everett, said the group's main hope is that opponents don't do anything to jeopardize federal funding.

"Please don't do anything silly to mess up the aerospace industry," Tisdell said. "They (opponents) claim they don't want to, but sometimes in life what you think you might not have an effect on, you certainly could."

Horizon Air of Seattle has said it would like to start service at the airport as early as April 1. The chief spokesman for Horizon Air, Dan Russo, was out of town and could not be reached Tuesday. Spokeswoman Jen Boyer declined comment.

In 2007 Mukilteo set aside \$250,000 to fight any plans for passenger service at the airport.

Last year, Mukilteo hired aviation attorney Barbara Lichman of the firm Chevalier, Allen & Lichman of Costa Mesa, Calif. Lichman lives in Newport Beach, under the flight path of John Wayne Airport in Orange County.

As a resident, she helped forge an agreement between the community and the airport to minimize the effects of flights on those who live nearby. That agreement includes a provision for steep takeoffs to reduce noise in the flight path.

Lichman used that experience to launch a career in aviation law.

Lichman said Tuesday she doesn't buy the reasoning by Snohomish County councilmen for stating a preference for a county-built terminal at Paine Field.

While some of the council members oppose commercial flights at the airport, they said the county could gain more control over air service there by building its own terminal rather than having it done by the airlines. The advice came from the Denver-based aviation law firm of Kaplan, Kirsch & Rockwell.

Many airports, including John Wayne, keep a rein on airlines through leases, Lichman said.

"They lease space but they control the configuration through lease conditions," Lichman said. "There are a million ways of doing it. They (the Snohomish County Council) chose the most burdensome."

Lichman said she does not believe the county had to cast its vote for a terminal last week to avoid losing grant funds for the airport.

"And we do believe that there are other ways they could meet their obligations, and still not unduly burden surrounding populations."

Allegiant Air of Las Vegas sent a letter to the county in May 2008 indicating interest in flying from Paine Field, followed by Horizon in October.

Allegiant has yet to submit a ballpark start date to the county, spokeswoman Tyri Squyres said.

"We are still looking forward to serving the community in the future," she said in an e-mail.

Snohomish County Executive Aaron Reardon said he hasn't discussed any plans for legal action with commercial air service opponents.

"I think it's important that members of the communities' voices are heard" and they have an opportunity to have their questions answered, Reardon said.

Lichman predicted airlines would not operate from Paine Field this year and offered an alternate timetable.

"How about two or three years from now?" she said.

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