
Wendie Kellington Email to Kenji Sugahara (9.25.24)

From Samantha Peterson <SPeterson@CenturyWest.com>
Date Wed 9/25/2024 8:21 AM
To Brandy Steffen <brandy.steffen@jla.us.com>; Jen Winslow <Jen.winslow@jla.us.com>
Cc W. Matt Rogers <WRogers@CenturyWest.com>

Can you also include this email in the public record with the others from Kellington.

Thank you,

Samantha Peterson, C.M., ACE | Sr. Aviation Planner/Project Manager
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From: Wendie Kellington <wk@klgpc.com>
Sent: Wednesday, September 25, 2024 7:17 AM
To: SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>
Cc: Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>; BEACH Anthony <Anthony.BEACH@odav.oregon.gov>; THOMAS Alex R <Alex.R.THOMAS@odav.oregon.gov>; Samantha Peterson <SPeterson@CenturyWest.com>; Ted Millar <tmillar@wwpmi.com>; Tony Helbling - Wilson Construction Company (helbling@wilsonconst.com) <helbling@wilsonconst.com>; Aron Faegre (faegre@earthlink.net) <faegre@earthlink.net>; Rachel Bacon <rb@klgpc.com>
Subject: RE: Meeting last week

Hi Kenji,

Thank you for the note and meeting last week. The effort is appreciated. A few things.

The airport stakeholders sincerely hope that ODAV will take a serious look at the alternative they proposed. Nothing about it is inconsistent with ODAV's objectives and it is consistent with the note below **as well as** FAA requirements. Furthermore, the stakeholders' proposal came with a fully supported MOS! On the latter, the papers that Tony sent confirm that despite FAA's requests otherwise, ODAV has **never submitted** a proper MOS to the FAA. A mere glance at the single MOS ODAV apparently submitted in comparison to the one Mr. Faegre submitted (Faegre's meets the requirements of the FAA/NTSB manual, ODAV's does not) demonstrates why it is unsurprising that FAA did not approve the 'back of napkin' MOS previously submitted by ODAV's prior administration. It is simply impossible to credibly claim that FAA would reject a properly supported MOS – especially one presented for a phased in airport development program. The claim otherwise is fundamentally misguided.

As explained in the alternative that the stakeholders presented, the stakeholders' proposed alternative is far less intrusive, less expensive, less onerous, and more functional than **any alternative** presented in the ODAV process to date. We explained in the stakeholders' submittal that it would be easy to add moving the perimeter fence as a phase 1 item and it would be easy to add to the stakeholder's alternative a phase 2 of moving Highway 551 at the end of the 20-year term if FAA funds that move. We also explained that the idea of ODAV condemning the \$300 mm in private investment to move the runway east including destroying business jet hangars and Atlantic is a nonstarter – that alternative effectively destroys the airport for C-II aircraft and is completely contrary to ODAV's legislative mandate in ORS 836.640-642 to support TTF operations, as ODAV must understand. The private aeronautics interests have invested in the airport's

development as the legislature intended creating significant economic development for the area. Destroying their work under any alternative is untenable, inconsistent with all known airport development premises and respectfully, unlawful.

Please understand that it was **impossible for anyone to provide meaningful comments** on the alternatives that ODAV presented. The facts from which all ODAV proposed alternatives flowed were, with respect, faulty and their outcome was untenable - no certain runway extension. ODAV staff mistakenly claimed that FAA required perfect compliance with design standards, and that FAA had refused any MOS in exchange for any runway extension and staff asserted that moving Highway 551 to the west would result in condemnation of many homes and businesses. **Neither are true.** Staff were unable to back up the claim about FAA demands when asked - it was clear something was being missed because the position attributed to FAA is contrary to the CFRs that govern FAA's authority as well as the govern master planning. It turned out that ODAV **never even attempted to submit a properly documented MOS,** making it unsurprising that in the absence of a proper MOS, that FAA expected compliance. And it turns out that the Highway 551 ROW is wide enough for the 20 feet necessary for perfect ROFA compliance **without any apparent need for condemnation of any homes or businesses.** Or at least with a lot less land being needed than the alternatives presented claimed. How much land is needed in truth has never been disclosed.

Further, from our meeting we learned that a 4th ODAV alternative is actually being considered by ODAV— which is an alternative never presented to the PAC. That being one in which airport development is phased in and for which the desperately needed runway extension is not held hostage to infeasible conditions. Given this revelation and the mistaken or at least incomplete factual premises that supported the ODAV alternatives presented on July 30, the stakeholders suggest (and respectfully the rules governing master planning require), that another round of alternatives be presented to the PAC for their input with the following revised elements:

1. Full disclosure about ODAV's phasing proposal – that the runway extension need not be and is not intended to be held hostage to either condemning the private airport development in the east or moving Highway 551 and condemning homes and businesses.
2. Full disclosure that ODAV has never presented a properly documented MOS to FAA and that under a phased approach that FAA will in fact approve a proper MOS so that the runway can be extended in the near term as is desperately needed.
 - a. Here the fully documented Faegre MOS is “temporary” in that it supports phase 1 runway extension and phase 2 results in perfect design standard compliance toward the end of the master planning term.
3. Full disclosure about the amount of space within the existing ROW to move Highway 551 west and concerning the extent to which condemning homes or businesses is actually required because it appears such condemnation is not required. What is required in truth?
4. The stakeholders' proposed alternative is presented as an alternative, with
 - a. the Faegre properly documented MOS to support phase 1 which would include the runway extension
 - b. moving highway 551 to the west within the existing right of way (without condemnation of homes and businesses if that is possible as it appears) as a phase 2 plan
 - c. the drainfield in the south remains but is improved per the geotechnical report submitted demonstrating it can be improved to meet FAA standards.
 - d. adding the TLM TIF property to the airport boundary as apparently now properly proposed – because it is the last undeveloped property that all KUAO master plans have envisioned be developed with aeronautical uses and TLM has done the work to enable it to support eVTOLs – something that does not exist anywhere else.

We look forward to your thoughts. Thank you. Best, Wendie Kellington



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From: SUGAHARA Kenji <Kenji.SUGAHARA@odav.oregon.gov>

Sent: Monday, September 23, 2024 7:45 AM

To: BEACH Anthony <Anthony.BEACH@odav.oregon.gov>; THOMAS Alex R <Alex.R.THOMAS@odav.oregon.gov>; Wendie Kellington <wk@klgpc.com>; Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>; Samantha Peterson <speterson@centurywest.com>

Subject: Meeting last week

Wendie!

Thanks for reaching out to ODAV to talk about the comments that you provided on behalf Ted Millar, TLM and AABC concerning the refined alternatives presented to the PAC on July 30, 2024. I also appreciated the opportunity to speak directly with the communities that are and will be affected by ODAV's planning efforts for UAO. It's always important to listen to stakeholders about their concerns and their wishes. I hope our conversation was helpful in understanding ODAV's role in this planning phase and in particular our hope to select an alternative that FAA will support and ultimately agree to extend federal funds to help implement. Like I mentioned in my response to your request for a meeting, I'll be ensuring that all ODAV's communications with its stakeholders are made part of the record. This this email is intended to provide a high-level summary of our discussion today in which you, Anthony Beach, Alex Thomas, Stacy Posegate of DOJ and I attended by teams.

As I explained in our meeting, Chuck Garrison, Director of the Northwest Mountain Region for FAA, has made clear to ODAV that FAA will not fund future projects if the Aurora Airport master plan does not include an ALP that will bring components of the airport up to FAA's standards of compliance. The primary areas of concern, as we have discussed, are the ROFA which extends over and above the Hubbard Highway, OR 551, and the drainfield within the Runway Safety Area supporting your clients' businesses.

I understand that you are asking ODAV to consider another alternative airport layout plan, which you describe in more detail in your letter. You have explained that this alternative should be preferable

because it would not require additional real property or moving OR 551. You have also stated that the current alternatives are unrealistic or unnecessary because they seek to obtain “perfect compliance” with FAA standards. But that, in your opinion, perfect compliance is not required. Rather, FAA has an obligation to consider any modifications requested by the ODAV. You also explained that your clients are extremely concerned with the investment that they have put into this airport and their relationship with ODAV. We take all input and comments seriously.

Please know that the agency’s consultant does intend to prepare a response to your letter which will be added to the record for the next PAC meeting. But, also, as we discussed, we hope that some of your concerns are alleviated as we explained that any project would be phased, meaning that some of the proposed improvements in the selected alternatives could be built as funding is secured for that phase. We also attempted to clarify that ODAV has no present intention of acquiring by condemnation the areas that are marked “reserve” in any of the alternatives. Rather, these are designated as reserve so that ODAV may apply to FAA for federal funds to acquire these properties, should they become available to be used for a future aviation use. Finally, we attempted to explain that FAA has worked with ODAV to identify the standards that ODAV must comply with and it is apparent that FAA will not approve a modification. As Tony explained, FAA has denied ODAV’s attempts to seek modifications in the past. Furthermore, any modification would be temporary and would not present a permanent solution to the need for new development at the airport. As promised, we will locate the documents pertaining to ODAV’s application to FAA and its response and provide you with copies!

Thank you again for meeting with us today. I look forward to seeing you in a few weeks and to working together on this and other important projects.

Thanks again Wendie!

Kenji

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