COMMONWEALTH of VIRGINIA

Office of the Governor

Mark R. Warner
Governor

August 4, 2005

The Honorable Anthony Principi
Chairman
Base Realignment and Closure Commission
2521 South Clark Street, Sixth Floor
Arlington, Virginia 22202

Dear Mr. Chairman:

The Commonwealth of Virginia supports the Navy's air operations at Naval Air Station Oceana and has since it was first established as an "auxiliary airfield" to the Norfolk Naval Complex.

NAS Oceana comprises several installations/activities: the "Main Base"; the Naval Auxiliary Landing Field (NALF) Fentress; Dam Neck-Combat Direction Systems and Fleet Combat Training Center; and Chambers Field at Naval Station Norfolk. The installation has high Military Value -- ranking 6th out of 36 Naval and Marine Corps air stations in BRAC 2005 analysis -- and inherent strength from its training missions, proximity to the Norfolk Naval Station as well as other military installations of the Hampton Roads region, and its high plant replacement value of over $1.7 billion.

As I previously testified at the Commission's July 7, 2005 hearing for Virginia's military installations and further detailed in written testimony submitted to the Commission prior to this hearing, the Navy's East Coast Master Jet Base is well situated in the South Hampton Roads area. The City of Virginia Beach -- and its residents -- overwhelmingly fully support NAS Oceana and its mission.

NAS Oceana provides exceptional support to Fleet Carrier Air Wings and Carrier Strike Groups, Joint Forces and the nation's Homeland Defense and Interagency Operations.

The region surrounding NAS Oceana is blanketed with high-quality training venues. Military air crew training requires dedicated and specialized airspace to remain combat-ready, and the Military Training Routes, Restricted Areas, Military Operating Areas, Warning Areas and other Special Use Airspace available over the area and just off the mid-Atlantic Coast support the full spectrum of training requirements for naval aviators.

As Rear Admiral Steve Turcotte, Commander Navy Region Mid-Atlantic, pointed out during the Commissioners' visit to NAS Oceana on August 1, 2005, NAS Oceana offers "unfettered access" to air space for training. This access to airspace is only found in the Mid-Atlantic region of the East Coast. Unlimited height and width for training naval aviators off the Virginia Capes affords the opportunity for multiple engagements in airspace under total military control. Additionally, the ability to train in the air and on the ground in a "joint environment" within the region is an important attribute of the installation, and jointness is a Department of Defense emphasis item for the BRAC 2005 round.

The Commission's decision on July 19, 2005, to consider the closure of NAS Oceana was disappointing, puzzling and given the facts on its the military value and the past year's collaborative effort between the local government and the Navy in crafting a Joint Land Use Study which has been adopted by all relevant parties. A perplexing aspect of this decision is the fact that the Navy did not consider closing a Naval Air facility until reaching those (NAS Willow Grove and NAS Atlanta) with a Military Value ranking of 31 and 34 out of 36. NAS Oceana's high military value is clearly the fundamental reason the Navy did not recommend closure or significant realignment of the installation.

In the Military Value ranking for NAS Oceana with other Naval Aviation Operation installations, the Navy used different "weights" -- the BRAC Selection Criteria 1 to 4 -- to reflect the relative importance of the 73 questions and attributes considered in evaluating installation Military Value. Grading the questions and attributes associated with encroachment – both of NAS Oceana and its Outlying Landing Field (OLF), NALF Fentress – resulted in a total of approximately 5 of 12.75 points of the 100 possible. The low relative point total for encroachment in the Navy's Military Value ranking demonstrates that encroachment was not the important issue for Navy aviation installations, and was of considerably lesser importance than other considerations.

Furthermore, NAS Oceana is clearly one of the Navy's top Aviation Operations Installations as ranked and scored by the weighting given to "Operational Infrastructure

and Training." NAS Oceana ranked 1 and 8 respectively on these two key areas for the 36 installations ranked.

At the Commission's hearing on July 19, 2005, in Washington, D.C., BRAC Commission Senior Analyst Bill Fetzer stated, *"The primary reason to consider NAS Oceana for closure is the increasing encroachment of the surrounding community. Despite significant efforts by the Navy and local community leaders over the last 30 years to limit encroachment, developers demands and property rights issues have trumped the Navy's objections to new building in the high noise and accident potential zones, also known as APZs."* It is clear that the Navy made its considerations and decision not to recommend a significant realignment or closure of NAS Oceana during its deliberations with full consideration and knowledge of the NAS Oceana environment.

All military aviation installations work with some degree of mission encroachment. Some, such as Luke Air Force Base, AZ, Travis AFB, CA, Nellis AFB, NV, and McGuire AFB, NJ, have similar, if not more significant encroachment issues than NAS Oceana. However, the Commission did not add these other military installations for consideration of closure or realignment based on encroachment. The legitimacy of the decision to add NAS Oceana for consideration of significant realignment or closure appears to violate the principle of equal consideration of all installations.

Specifically, Section 2903(B) of the Base Closure Act specifies Commission authority to consider the Secretary's recommendations: *"(B) Subject to subparagraph (C), in making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if the Commission determines that the Secretary* ***deviated substantially*** *from the force-structure plan and final criteria referred to in subsection (c)(1) in making recommendations. (C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission – (i) makes the determination required by subparagraph (B); (ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1); ... (D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's recommendations that would – (i) add a military installation to the list of military installations recommended by the Secretary for closure; (ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or (iii) increase the extent of a realignment of a particular military installation recommended by the Secretary. ..."*

A careful examination of the BRAC Commission discussions and its staff presentation on NAS Oceana reveals no potential determination that the Navy

OUR decision

"substantially deviated" from the selection criteria or the force-structure plan. In fact, it is highly improbable that the Navy could deviate from the selection criteria, or the force structure plan, in an action it did not recommend. There are no substantive recommendations for realignment of any of the Navy's Master Jet Bases on either the East Coast or the West Coast that warrant a "substantial deviation" discussion.

From the foregoing discussion points, it appears that the conclusion that the Commission reached in voting to add NAS Oceana as a potential closure or realignment is that the Navy did not fully consider the BRAC Military Value selection criteria as they apply to NAS Oceana and to all other Navy aviation installations. If this were the case, it would seem that many more aviation installations could have also been added to the Commission's list for consideration of closure or realignment.

Of further concern upon review of the BRAC Commission deliberations and its staff presentations regarding NAS Oceana is the omission of consideration of the Navy's testimony on July 18, 2005 on the high value of NAS Oceana for the Navy's critical training missions. Admiral Robert Willard, Vice Chief of Naval Operations, testified that the training operations at NAS Oceana "continue to serve the fleet well" and without compromise. Nor was there any consideration given an extensive Joint Land Use Study (JLUS) recently completed by the cities of Virginia Beach, Norfolk and Chesapeake in full coordination with the Navy and the Department of Defense Office of Economic Adjustment, that resulted in an unprecedented cooperative arrangement designed to fulfill both the Navy's needs for effective operation of its Master Jet Base and the surrounding communities' economic development.

The details of this latest effort in the long-standing commitment of the City of Virginia Beach and other communities to work with the Navy to address encroachment and other concerns are critical to any assessment of NAS Oceana and its value as a Master Jet Base. The full details of the JLUS report and its impact on NAS Oceana were presented to Commission staff in a meeting on July 14, 2005. Further, the JLUS findings were included in the written testimony submitted to the Commission in advance of its July 7, 2005, hearing on Virginia's military installations. Careful consideration of the JLUS report and its results will prove that concerns about recent economic growth around NAS Oceana and encroachment are manageable while balancing major stakeholder interests.

The encroachment issue has arisen recently not as the result of new growth around NAS Oceana, but in large part, as the result of a Navy regulatory change in 2002. The Office of the Chief of Naval Operations (OPNAV) instruction expanded the Air Installation Compatible Use Zone (AICUZ) to deem the residences of 92,162 people

living within the 65 to 74 decibel noise level to be "incompatible and encroaching on NAS Oceana." This administrative adjustment occurred without state or local input.

In an effort to address the Navy's concern and its regulatory adjustment, the local jurisdictions acted to identify how expected growth can occur without jeopardizing the military mission. The JLUS study was endorsed by all communities involved and prompted the creation of a permanent regional committee to address ongoing concerns about jet noise and other issues that affect residents and local military bases.

Cited by participants as one of the most positive steps ever taken in the region to build partnerships between military leaders and local communities, the study includes proposals to amend Virginia Beach's Comprehensive Plan and outlines the creation of a new zoning overlay district aligned with the Navy's noise and Accident Potential Zones (APZ).

A key result of this proposal is that Virginia Beach has agreed to retain agricultural zoning of one residential lot per 15 acres in the inter-facility zone between NAS Oceana and NALF Fentress at or above 75 dB Day and Night Level (DNL) and amend the Comprehensive Plan to retain agricultural zoning with residential density not to exceed one dwelling per five acres in the 70 to 75 dB DNL noise zone. Virginia Beach agreed to limit density to one dwelling per acre in the 65-70 dB DNL noise zone, and also agreed to consider ways to substantially reduce the number of residential units allowed by current zoning in the Resort Area.

Other JLUS findings also adopted by the Virginia Beach City Council include provisions that the City will:

- Create a new process for Navy officials to review and comment earlier in the process on proposed development in the AICUZ;
- Ask sponsors proposing development that might be incompatible with the Navy's AICUZ guidelines to meet with Navy officials to discuss alternatives;
- Initiate a working group with NAS Oceana and the Virginia Real Estate Board to review and possibly revise all disclosures currently in use for noise and/or accident potential zones and determine where disclosures might be needed where none are used now;
- Keep the Navy effectively involved in future planning processes for proposed transportation improvements in the AICUZ;
- Continue to include the Navy as a vital stakeholder in revising the Oceanfront Resort Area Concept Plan; and

- Strengthen its working relationship with the Navy and create an ongoing, open dialogue to address the Navy's concerns about potential encroachment at NAS Oceana.

The overall JLUS agreement assigns implementation responsibilities to all parties for each step in the process. In addition, I have directed relevant state agencies to prepare guidance packages for military installations that clearly describe zoning and planning appeals processes under Virginia law.

Furthermore, based on legislation recently passed by the Virginia General Assembly, sound attenuation laws will be expanded to certain non-residential uses, and disclosures of noise and/or APZs will be improved for the sale or lease of residential units. In 1995, Virginia Beach obtained authority from the Virginia General Assembly to create an Airport Zoning Ordinance that allows the City to better plan for development around NAS Oceana and to require noise attenuation where appropriate.

U.S. Census data reveals that in the mission-critical 5,389 acre-inter-facility zone between NAS Oceana and NALF Fentress, population *decreased* between 1990 and 2000. Indications are that it continues to follow this pattern. Additionally, NAS Oceana projections for force structure call for a 35 percent reduction in aircraft, from 316 in 2001 to 204 in 2010, as the Navy retires its F-14 jets and cuts its F/A-18c inventory by almost half. Fewer aircraft and fewer flights positively address concerns expressed by Commission members about increasingly compromised safety conditions for flights in and out of NAS Oceana and NALF Fentress and the surrounding APZs. Currently, the Naval Aircraft Safety record is the 6th best rate in the history of Naval Aviation, and at the current rate, indications are that FY 05 will conclude with the 5th best rate in the history of Naval Aviation.

When compared to other military air training environments, NAS Oceana offers safe, optimal training for its pilots, according to Rear Admiral Donald K. Bullard, the Navy's Director of Readiness and Training. His assessment of training at NAS Oceana during the Commissioners' visit was supported by that of Captain McCandlish, Commander of the Strike Fighter Wing Atlantic, who reported that both younger pilots and veteran pilots meet all the training requirements at NAS Oceana.

As Admiral Turcotte stated during a presentation to the Commissioners at NAS Oceana, "The war fighter is receiving the training required at NAS Oceana. In recent conflicts and in the ongoing war on terror, NAS Oceana aircrews have successfully achieved the mission by putting bombs on target, on time."

During its BRAC 2005 deliberations, the Navy considered several alternatives to its Master Jet Base at NAS Oceana. As outlined in the July 14, 2005, Department of Defense response to BRAC Commission queries, the Navy investigated these alternatives "out of concern over likely long-term encroachment issues." However, fruitful efforts by the localities to address these concerns, as well as other findings from its investigation, certainly led the Navy to decide that NAS Oceana should retain its mission as a Master Jet Base. As Admiral Robert Willard, Vice Chief of Naval Operations, testified at the Commission's hearing on July 18, 2005, "Moody was among several considered alternatives. You mentioned a few: Oceana, Moody, Shaw, Seymour Johnson, Tyndall, Patrick. And I would tell you that the deliberations occurred into the executive committee portions of our deliberations for BRAC before the final report was submitted, so – a lot of consideration and a lot of discussion with the Air Force. With regard to Moody in particular, the cost is significant. Moody is a World War II vintage air base; about a half a billion dollars of military construction would be required there. But more than that, in deliberations with the Air Force, it was decided that the Air Force had a need for Moody. And as we have stated, sharing Moody with the Air Force with the inability to bring the entire wing from Oceana – there is not a cost effective alternative. So a lot of view into potential alternatives – and frankly, **Oceana continues to be the Navy's best option for its Master Jet Base on the East Coast.**"

The City of Virginia Beach has invested many millions of dollars to accommodate the Navy's needs at NAS Oceana, for example investment of $202 million in transportation improvements during the last decade. These improvements include Dam Neck Road, the intersection of London Bridge Road and Great Neck Road, Oceana Boulevard, and the currently approved Birdneck Road project. The southeastern Parkway and Greenbelt (SEPG) will hopefully be constructed within the next eight years that will provide interstate access from NAS Oceana to I-64 in Chesapeake, similar to its existing, excellent access to I-264.

The City of Virginia Beach has also invested in other community improvements including relocating schools at the request of previous BRAC rounds, providing a world-class education system and a quality living environment for the service men and women and their families who enjoy tremendous job opportunities for spousal and family employment, higher education opportunities, a tremendous support network for military families with special needs children, miles of beaches, public parks and other attributes too numerous to mention. Service men and women and their families love Virginia Beach and love being stationed at the installation.

Of particular importance to any decision regarding NAS Oceana is the National Command Authority activity supported by the installation. The support of those

operators has historically been given a high priority and must receive a high priority in any discussion you have on the future of NAS Oceana.

In conclusion, the Commission must deal with the facts provided by all concerned parties. Those facts support the conclusion that NAS Oceana remains the best option for the Navy's East Coast Master Jet Base now and into the foreseeable future. Legitimate concerns expressed throughout our collective discourse will not be ignored as we move forward. Indeed, our discussions have already produced new ideas that will benefit both DoD and the host community of Virginia Beach. The state will continue to lead the charge to finding long-term solutions benefiting NAS Oceana.

Sincerely,

Mark R. Warner

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Enclosure