

Defense Base Closure and Realignment Commission

EARLY



BIRD

September 27, 2005

[Department of Defense Releases](#)

[National News Articles](#)

[2118 Rayburn House Office Building -- September 27, 2005 at 7 p.m.](#)

[Federal Court Ruling Puts Plans for Naval Airstrip in Limbo](#)

[Local News Articles](#)

[Sen. Warner Vows To Get Commitment On Oceana](#)

[Navy School site has a lot of potential](#)

[HAFB expansion likely](#)

[Virginia Officials Press Navy on BRAC Issue for Oceana](#)

[Chamber's military rep works to protect Anniston Depot](#)

[School called threat to base](#)

[Additional Notes](#)

[Department of Defense Releases](#)

[National News Articles](#)

2118 Rayburn House Office Building -- September 27, 2005 at 7 p.m.

Washington Daybook
27 September, 2005

Full committee markup of a resolution disapproving the recommendation of the Defense Base Closure and Realignment Commission (BRAC) as submitted by the President on September 15, 2005.

Federal Court Ruling Puts Plans for Naval Airstrip in Limbo

Inside the Navy
26 September, 2005

A federal appeals court has upheld a lower court ruling that the Navy violated federal environmental law when it failed to fully evaluate the environmental impacts of building an outlying landing field (OLF) next to a North Carolina wildlife refuge, throwing into limbo a project Navy officials say is crucial to fleet readiness at a time of war.

But while OLF opponents call the ruling a victory, they say they are deeply troubled by the appellate judges' decision to partially lift the lower court's injunction against the OLF. They fear the decision will allow the Navy to create a "bureaucratic steamroller" -- spending as much taxpayer money as possible on the airstrip as a means of ratcheting up pressure on legal authorities to give their blessing to the project, reports sister publication Defense Environment

Alert. Plaintiffs' attorneys say they may appeal this part of the decision to the Supreme Court.

The Navy's OLF project in North Carolina's Washington and Beaufort counties has garnered national attention as an acute conflict between environmental law and military necessity. In *National Audubon Society, et al. v. Department of the Navy*, the two counties and a coalition of environmental groups charged the Navy had blatantly violated the National Environmental Policy Act (NEPA) when it sited the airstrip next to the Pocosin Lakes National Wildlife Refuge, winter sanctuary for an estimated 100,000 snow geese, tundra swans and other migratory waterfowl.

In February, U.S. District Judge Terrence Boyle ruled in their favor. He found the Navy failed to take an objective "hard look" at its siting decision in its environmental impact statement (EIS) for the OLF -- a key requirement of NEPA. He also found the Navy had "reverse engineered" the process by choosing its OLF site first, then conducting an EIS that minimized the risk to both the birds and the pilots that might collide with them. Boyle imposed a permanent injunction forbidding the Navy to perform any work on the airstrip until it remedied the deficiencies in its EIS.

The Navy promptly appealed. The service said that an OLF at the Washington/Beaufort site was critical for fleet readiness because the sparsely populated wilderness closely replicates the atmosphere of the open seas at night, making it an ideal spot for its pilots to practice landing brand-new F/A-18E/F Super Hornets on aircraft carriers.

Moreover, Navy attorneys accused Boyle of "flyspecking" the EIS -- inappropriately finding fault with individual components of the study instead of evaluating it as a whole. They also complained Boyle had made his "reverse engineering" determination based upon an improper interpretation of internal Navy e-mails. Finally, they argued Boyle's injunction was overly broad and should be modified, if not thrown out entirely.

On Sept. 7, the U.S. Court of Appeals for the 4th Circuit affirmed much of Boyle's ruling. The judges found the Navy's EIS did not constitute the "hard look" required by NEPA, and rejected arguments that Boyle had improperly "flyspecked" the document.

"The deficiencies in each area of the Navy's analysis would not, on their own, be sufficient to invalidate the EIS," reasoned Judge J. Harvie Wilkinson, who authored the opinion. "But a review of the various components of the EIS taken together indicates that the Navy did not conduct the 'hard look' that NEPA requires."

Specifically, the 4th Circuit found that the Navy's site investigation was inadequate. Its bird experts first visited the wildlife refuge to evaluate the Super Hornets' potential impact on waterfowl in the summer of 2001 -- a time when the birds were at their breeding grounds in the Arctic Circle. While the Navy's experts subsequently made three wintertime visits to the refuge, "these one-day visits did not provide a meaningful opportunity to conduct systematic observations or perform species-specific studies," Wilkinson wrote.

The judges also faulted the Navy's EIS for minimizing the risk of collisions between Super Hornets and flocks of birds. Wilkinson wrote that Bird Avoidance Modeling, the tool the Navy used to measure the bird-aircraft strike hazard (BASH), was not adequate. "In light of the serious environmental consequences of BASH and the proximity of the proposed OLF to the bird sanctuary, a more extensive investigation into BASH issues is required," he wrote.

Finally, the ruling faulted the Navy for failing to adequately address the cumulative environmental impacts of the OLF in conjunction with other military training airspace over North Carolina. Wilkinson noted that NEPA requires federal agencies to consider the "incremental impact of the action when added to other past, present and reasonably foreseeable future actions."

But the 4th Circuit rejected Boyle's finding that the Navy had violated NEPA by "reverse engineering" the EIS -- an argument that played heavily into the environmentalist plaintiffs' case. "A court should generally restrict its inquiry to the objective adequacy of the EIS, namely, thorough investigation of environmental effects and candid acknowledgment of potential environmental harms," Wilkinson wrote. "Courts should not conduct far-flung investigations into the subjective intent of an agency."

An attorney who specializes in NEPA, but was not involved in the OLF case, said the 4th Circuit's rejection of the reverse engineering argument was "music to the ear . . . to those of us who defend an agency's NEPA compliance on behalf of important public projects.

"Even though the Navy lost the case, the 4th Circuit went out of its way to scold the trial court for psychoanalyzing the agency," the NEPA attorney said. "The court stressed that judicial review must be made on objective standards, not a subjective view on the merits of the proposed action."

The attorney said the 4th Circuit's opinion reinforces the principle that the law does not offer "blanket protection" for military projects in the face of NEPA violations, even in the face of national security concerns. "If anything, I think it is a reassuring opinion," the attorney said.

The ruling means the Navy will have to complete a supplemental EIS that will assess the environmental impacts of an OLF at five alternate sites in North Carolina -- a process that is already under way. "[The Navy] will continue to work toward the realization of this critically important national security asset," whether at the Washington/Beaufort site or elsewhere, a Navy spokesman said in a statement following the ruling.

OLF opponents acknowledge that a new EIS could result in the re-selection of the site next to the wildlife refuge. However, any truly objective "hard look" at alternate sites, using accurate figures to determine BASH and other hazards,

will certainly point the Navy to a different conclusion, they say.

However, an attorney for the OLF opponents said they may ask the Supreme Court to overturn the 4th Circuit's decision to amend the injunction. The amended injunction allows the Navy to continue acquiring land for the airstrip. If the Navy invests heavily in the project, environmentalists fear that judges and other legal authorities will be more apt to overlook NEPA violations -- the so-called "bureaucratic steamroller" phenomenon.

The 4th Circuit, however, said a NEPA injunction must be tailored to prohibit only those actions that cause environmental harm or limit a federal agency's "choice of reasonable alternatives."

"A NEPA injunction predicated on preventing environmental harm can be overbroad if it restricts nonharmful actions -- even ones that are precursors to other actions that are potentially harmful," Wilkinson wrote. "The district court treated the injunction as an all-or-nothing proposal, reasoning that any further action by the Navy would violate NEPA. . . . Such a broad-brush view of NEPA is an error of law."

The amended injunction allows the Navy to purchase land for the OLF from willing sellers, but forbids property condemnations. The Navy has already acquired some 2,700 acres in Washington County -- more than half of it through condemnation. It also allows the Navy to conduct a site-specific BASH plan, property surveys, architectural and engineering work, and grants the Navy the right to apply for necessary permits.

An attorney for the plaintiffs said it makes "zero sense" to allow the Navy to spend taxpayer money on the project -- especially at a time when Naval Air Station Oceana in Virginia, where most of the Super Hornets are to be based, could close. "All of that would lead somebody who really cared about the taxpayer dollars . . . to back off a little bit," the attorney said.

The judges cast their decision to amend the injunction as a "separation of powers" matter of constitutional law. "District courts should not substitute their own judgments for those of the Executive Branch in such national security matters as pilot training," Wilkinson wrote. "Even if we had the constitutional power to strip the Executive of its decisionmaking authority in military matters, the plaintiffs' argument would not induce us to exercise it."

Sen. John Warner (R-VA), a key supporter of the Navy's planned outlying landing field (OLF) in North Carolina, is mulling possible actions to save the airstrip now that the base-closure commission has targeted Virginia's Naval Air Station Oceana, the base whose planes the OLF was intended to serve. In a brief interview with Defense Environment Alert Sept. 13, Warner said his staff was "studying" what to do about the OLF following the 4th Circuit ruling. But Warner said he was dedicated to ensuring Oceana stays open. Warner is chairman of the Senate Armed Services Committee. -- Alex Kuli

Local News Articles

Sen. Warner Vows To Get Commitment On Oceana

Norfolk Virginian-Pilot

September 27, 2005

By Jack Dorsey, The Virginian-Pilot

NORFOLK — U.S. Sen. John W. Warner said Monday that a Navy commitment to keep Oceana, which he and Gov. Mark R. Warner sought in letters to the Navy's leadership over the weekend, must include the endorsement of the secretary of defense.

"We are going to hear a definite answer," Warner said, from both Chief of Naval Operations Adm. Michael G. Mullen and Defense Secretary Donald H. Rumsfeld.

The senator, speaking during an editorial board meeting with The Virginian-Pilot, said he doesn't know whether the Navy will decide to keep Oceana Naval Air Station in Virginia Beach or move its master jet operations

elsewhere, as recommended by a federal base-closure commission.

But if the Navy resolves to keep Navy aviation in Virginia Beach, Warner said it will be essential for the city to also make a "reciprocal" commitment of some "permanence" to meet Navy needs.

The Defense Base Realignment and Closure Commission has demanded that the state and Virginia Beach establish a \$15 million-per-year program to acquire homes and businesses in "accident-potential zones" near Oceana.

If its conditions aren't met by March, more than 200 Navy fighter jets based at Oceana will go to the former Cecil Field near Jacksonville, Fla., the commission decided last month.

But Warner said the \$200 billion or more in damage in the hurricane-devastated Gulf Coast may prevent any move of Oceana's operations.

"We as a nation have witnessed a natural disaster of unprecedented proportions," Warner said. It is not known how much money it will take to repair the damage, he said.

"But if you look at that bill, ... there will be an impact on the defense budget, and that will mean tougher competition for the same dollar," he said.

Warner said he asked Mullen to look at all options before making any commitment to Oceana.

"If he is looking at starting all over again, he is looking at a major capital investment that would have to be projected into future defense budgets," he said.

Warner said Congress essentially is finished with the BRAC review process for the year. He predicted it will approve the base closure package recently sent by President Bush.

"The base closure commission is out of business now," he said. "Congress doesn't want any more

to do with the BRAC process” because most states were not severely affected.

Warner said he does not plan to advise either Virginia Beach or the state on fulfilling BRACs conditions.

“That leaves me free to argue for the base in terms of my responsibilities as a senator and member of the Armed Services Committee and the totality of the military picture in the area,” he said.

“I advocate continued use of this base. ... In my judgment there is no alternative to do it elsewhere.”

Navy School site has a lot of potential

Athens Banner-Herald (Georgia)

26 September, 2005

A college campus. A shopping mall. Housing.

The possibilities are seemingly endless.

Bases around the country have been transformed into any number of new uses once the military has pulled up stakes and handed the property over to local governments.

And the experiences of those other communities can provide insight as Athens wrestles with how to redevelop its base, the Navy Supply Corps School on Prince Avenue.

Bases that, like the Navy school, were closed or downsized by the Pentagon during five rounds of closings over the past 15 years have been redeveloped, all in an effort to replace the jobs, economic impact and tax revenue lost when the military packed up and left town.

At Fort Benjamin Harrison in Lawrence, Ind., Ivy Tech State College currently occupies a building that once housed the Defense Information School.

At Bergstrom Air Force Base in Austin, Texas, civilian airplanes now call the base home.

At Charleston Naval Complex in Charleston, S.C., private corporations use the former Navy facility.

At Lowry Air Force Base near Denver, residential and commercial development has taken over what was once President Eisenhower's "Summer White House." Four tracts of land in different regions of the United States that once served as military installations today have a new purpose.

Pattern of recovery "While the short-term impact can be very traumatic, several factors, such as the strength of the national, regional and local economies, play a role in determining the long-term economic impact of the base realignment or closure process on communities," the Government Accountability Office found.

During base closings in 1988, 1991, 1993 and 1995, the Base Realignment and Closure process took some type of action at 387 locations, according to a report by the U.S. Office of Economic Adjustment.

The GAO report found that as of Sept. 30, 2004, almost 85 percent -- or 110,086 -- of the 129,649 U.S. Department of Defense civilian jobs that were lost on military bases as a result of previous BRAC rounds have been replaced as the bases were redeveloped.

Since 1997, about 70 percent of the 62 "BRAC-affected communities" the GAO studied were at or below the national unemployment rate.

What's next here?

Many of the ways other bases have been redeveloped -- residential or commercial development, or a college campus, for example - - are options in Athens as well.

The Navy school, a 58-acre unzoned chunk of land in urban Normaltown, is prime real estate for a wide variety of uses, and nearby residents, although they say they'll miss the school, have high hopes for the property's future.

"Five Points is a vibrant neighborhood, but the Navy school could be Five Points cubed," said Tony Eubanks, a community activist in the nearby Boulevard neighborhood.

Local developer Sean Hogan, who specializes in in-fill development in neighborhoods along Prince, said he would like to see commercial development along the Prince Avenue side of the school, with single-family houses, townhouses and apartments in the back.

A good development on the school's property would have to include people with a broad range of incomes, Hogan said, and respect the historic nature of many of the buildings, which date back to the turn of the 20th century when the school was known as Normal College.

"Somebody could really hit a home run over there," he said.

Jon Cook, another developer with experience on Prince Avenue, said he agrees that mixed use would be best for the property.

"I'd hate to see it become one big thing," he said.

Cook, the developer behind a previously proposed 75,000-square-foot medical office building on Prince Avenue, said a mixed-use development could include medical offices.

"It's a block away (from Athens Regional Medical Center), but it's close enough to where medical could be a component," he said.

Possibilities abound Area residents said they'd also be happy with a college campus, as long as it wasn't the University of Georgia, but some observers would prefer if the property was on the tax rolls -- government and public universities don't pay taxes.

"Don't get me wrong, UGA is a great neighbor, but we need the taxes," Hogan said.

Developers couldn't be more specific about what's possible on the property, because the school is not generally open to the public and most people have only viewed it from the street.

"I'd like to see an inventory of what's in there structurally," Cook said. "Obviously, it's a great piece of property location-wise." A local redevelopment authority that's in charge of deciding how to redevelop the property plans to take such an inventory.

In terms of infrastructure, the school appears ready for any type of development that might come along. The school's equipped with a 6-inch water main that might have to be upgraded to 8 inches if it's sold for private development, according to the Athens-Clarke Public Utilities Department.

"If someone were to purchase the property, we'd want to sit down and make sure we're on the same page as far as water and sewer goes," engineering technician Buck Bacon said.

Developers say they are confident Prince Avenue could handle the increased traffic from a large residential or commercial development. But the impact from a mixed-use development on traffic would be much greater than from the Navy school.

"Let's face it, it's a Navy base with limited access," Eubanks said.

Closing date unclear Even assuming Congress signs off on the BRAC Commission's recommendations, it likely will be years before the Navy Supply Corps School actually closes.

For the 73 bases the Office of Economic Adjustment studied for a June 2005 report titled "Economic Transition of BRAC Sites: Major Base Closures and Realignment, 1988-2004," it took more than three years on average for each of the facilities to close.

Tustin Marine Corps Air Station in California was among the longer close times. Ordered closed as a part of the 1991 BRAC, it wasn't until July 1999 that the base actually shut its doors, according to the OEA report. The base is to be redeveloped for various uses, ranging from residential to government.

Experts cannot pinpoint a firm date for the Navy school's closure because the move is contingent upon Naval Station Newport, the Rhode Island site where the school's operations are scheduled to be moved.

"There are not adequate facilities (there right now) to move the school into," former Navy school commander George Huban has said, adding that the defense department proposes spending \$ 15 million to refurbish existing facilities. "That's significant, because you're going to spend money to do that."

While the Newport base focuses on finding space and Navy school sailors pack their bags, the Local Redevelopment Authority that's studying what do to with the Athens base has its own timeline for redeveloping the Navy school. Public hearings are tentatively scheduled for October or November, and authority members expect to have a plan in place by next fall.

By Todd DeFeo and Blake Aued

HAFB expansion likely

Deseret Morning News (Salt Lake City)
26 September, 2005
By Leigh Dethman

Hill Air Force Base is in expansion mode.

With worries of base closure again behind them, base officials are planning for the future.

The Utah congressional delegation is doing its part to fuel the expansion: Sens. Bob Bennett and Orrin Hatch, both R-Utah, secured \$34 million for Hill in the Senate's military appropriations bill.

That money will be used to expand the base's first-class Software Engineering Division and to address concerns about aircraft-battle damage-repair training and storage as the F/A-22 fighter jet comes online.

"Utah and Hill Air Force Base have done very well today with this bill," Hatch said. "It goes to show the Defense Department recognizes the

superior level of work performed by Utah's military personnel."

In total, Utah's take of the military appropriations pot came out to \$62.2, with more than half of that funding going to Hill.

The bill will now move to conference committee with the House, where differences between the two military appropriations bills will be reconciled.

Hill's software-support facility will nearly double in size with an expected \$19.5 million. At the facility, workers test and maintain software and related hardware for weapons systems on the Air Force's F-16, B-1B, B-52, C-17, A-10, Minuteman and Peacekeeper missiles.

"The work performed at this HAFB facility is essential to ensuring the readiness of the nation's military weapons systems," Bennett said. "These funds will provide for necessary expansion of a facility which has reached its capacity."

The senators from Utah also secured \$9.8 million to clear space on the base for future expansion. Hill plans on consolidating 43 Minuteman III missile igloos into three new facilities, which will free up explosives-clear-zone land that will be used for new missions and additional workload. This money will only pay for two of those new facilities.

An additional \$4.6 million will fund a facility to train personnel on repairing and maintaining the F/A-22 fighter jet.

Hill pumps \$2.8 billion into the state every year, and is the Beehive State's largest employer with nearly 24,000 workers.

Utah's economic engine survived the base-closure process with just six lost jobs.

Hill officials worried the base could lose as many as 5,000 jobs during the BRAC process, said Vickie McCall, president of the Utah Defense Alliance.

The bill also secured \$25 million for a new runway at Dugway Proving Ground. Hill pilots will use the new runway as an emergency landing field.

Camp Williams is also slated to receive \$3.3 million to construct a new readiness center that will house the new 144th Army Field Evacuation Hospital Unit. E-mail: ldethman@desnews.com

Virginia Officials Press Navy on BRAC Issue for Oceana

Richmond Times Dispatch (Virginia)
25 September, 2005
By Peter Hardin

Virginia lawmakers have formally asked the Navy to state its commitment to maintaining master jet-base operations at Oceana Naval Air Station in Virginia Beach.

The Defense Base Realignment and Closure Commission recently voted to realign the operations to the former Cecil Field near Jacksonville, Fla., unless major and costly steps are taken to curb encroachment at Oceana.

Sen. John W. Warner, R-Va., and chairman of the Senate Armed Services Committee, wrote to the chief of naval operations that Virginia and local governments are taking numerous steps to preserve Oceana as the Navy's East Coast master jet base.

He was joined in the letter by Sen. George Allen, R-Va., and Reps. Robert C. Scott, D-3rd, and Thelma Drake, R-2nd. The letter, released yesterday, took issue with what it called "conflicting messages" of the commission about Oceana's long-term future.

"I also find it incomprehensible," Warner added, that the commission would demand "significant concessions from the commonwealth, while expressing skepticism that our efforts will ultimately preserve a safe and cooperative relations with the Navy" at Oceana.

A similar letter by Gov. Mark R. Warner was released by the governor's office.

President Bush recently sent the commission's list of base recommendations to Congress. On Oct. 3, Gov. Warner, Virginia lawmakers and local officials are scheduled to meet in Hampton Roads regarding Oceana's future.

Chamber's military rep works to protect Anniston Depot

The Anniston Star
25 September, 2005
By Matthew Korade

The threat to Anniston Army Depot's may be gone, but Nathan Hill isn't.

While President Bush was endorsing the rearrangement of 55 military bases around the nation, the Calhoun County Chamber of Commerce's military liaison was at work just down the street, in Washington.

Hill recently flew to the nation's capital, but he's not going anywhere.

Being an advocate for Calhoun County's defense industry is a full-time job, he says.

"We have a lot of work we do for the Chamber of Commerce - economic development," Hill said. "But if you look around, our largest employer is the federal government, and particularly military."

Between the Army, the Justice Department and the Federal Emergency Management Agency, the government employs 4,400 in the Anniston-Oxford area, U.S. Department of Labor figures show.

But that's just the government.

Defense contractors employ another few thousand people. Direct and indirect employment from Calhoun County's federal

sector is about 23,500 - more than any other sector by far.

This means Hill and his colleagues on the Chamber can't rest easy.

The Pentagon's base-closure plan probably won't meet significant opposition from Congress, now that it has won presidential approval. The closings and consolidations are expected to save \$4.2 billion annually.

But the Defense Department also is expected to release its quadrennial review this year, a plan outlining changes to the military's force structure for the next 20 years. This will cut the Pentagon's budget further, showing where new investment is likely to be spent - and where it isn't.

The depot's future looks bright so far, Hill said.

Its workload doubled since 2001 and is expected to jump again by another third in 2006.

As a "center for technical excellence" for all of the Defense Department ground systems, the Anniston Army Depot probably won't see its budget fall to pre-2001 levels, Hill said.

But his goal - and that of Alabama's congressmen - is to ensure No. 1-ranked depot maintains its military value.

That means modernizing the base and bringing in new partners from the area. Georgia Tech, for example, is designing a new vehicle to replace the much-maligned Humvee; perhaps its research could be coordinated with work at the Anniston Army Depot, said Sherri Sumners, Chamber of Commerce president.

More important, Army Material Command, the headquarters for all of the Army's manufacturing work, will move to Redstone Arsenal under the base-closure recommendations.

Redstone's right around the corner, Sumners said.

Partnerships with industry giants such as Boeing, the nation's second-largest defense contractor, also will put the depot in excellent stead, officials said.

"Being a center for technical excellence puts us in a good position for research and testing," Sumners said.

**School called threat to base;
MARCH: One critic says likely parent
complaints about noise will lead to the field's
closure.**

The Press Enterprise (Riverside, CA)
25 September, 2005
By IMRAN VITTACHI

MORENO VALLEY

Gerald Budlong sees the chosen site for an elementary school in Perris as a threat to his beloved March Air Reserve Base.

"The school is an incompatible land use with the Air Force's flying mission," Budlong said, referring to potential noise from planes flying over the location of the future Triple Crown Elementary School, which is under construction. The school will be located on Orange Avenue between Redlands and Wilson avenues.

"It's an encroachment. ... All you need is enough complaining people, and it (the base) can end up on the government's base-closure list," he said.

Base officials last week assured Budlong that the school would pose no threat to the base's future, but they did share his concerns about potential noise problems at the Triple Crown site.

Douglas Adams, the base's community-planning director, said the school site had been identified on maps as falling within a 60-65 decibel noise zone around March.

Adams said that he had notified Val Verde Unified School

District officials in the spring about his concerns about airplane-noise levels at the Triple Crown site, but they have yet to respond.

Budlong, a Moreno Valley resident who works as an associate planner for the city of San Bernardino, commented as a citizen but knows something about land-use compatibility around military bases.

During the 1980s and 1990s, Budlong said he worked as a land-use planner for a Defense Department contractor on 68 projects at Air Force and Marine Corps aerial installations across the country.

One of his jobs then took him to Plattsburgh, N.Y., where, Budlong said, he witnessed how encroachment from development led to the closure of an air base.

He remains convinced that a shopping mall's presence within a potential flight crash zone in Plattsburgh contributed to the closure of the base in upstate New York.

Although the Triple Crown site isn't located inside a potential accident zone along flight tracks to March - as far as officials at the base are concerned - Budlong worries that complaints from students' parents about potential damage to children's hearing could lead March down a similar path.

On Tuesday in Moreno Valley, Budlong voiced his concerns to March officials when they publicized the base's updated air-installation compatible-use zone (AICUZ) study. The study includes forecasts on how new C-17 flight operations and the arrival of a DHL regional hub at the base will affect areas around the base.

Fielding questions from Budlong, Adams said he had urged Val

Verde officials to install sound-deadening materials in the school building and ensure that students be given ear plugs when playing out in the schoolyard, so their hearing and concentration wouldn't be damaged by jet noise.

It also remained unclear whether the district failed to obey a new state law that requires school districts and community colleges to notify airport land-use commissions about future school construction.

According to the Riverside County Airport Land Use Commission, the school site is within its jurisdiction, but the district hasn't formally notified the commission about its plans to build at the Orange Avenue location.

The state Department of Education received an application for the Triple Crown site in September 2004 and approved the plan in April, said Fred Yeager, assistant director in the department's School Facilities Planning Division.

Val Verde officials have said that they informed the commission about their plans for the project, and that they would install materials at the school to protect the hearing of students.

Triple Crown is scheduled to open in fall 2006.

"We don't see that there is an issue - we have not broken the law," said Superintendent C. Fred Workman. "Our school is under construction, and we will continue to build the school."

* * *

THE STUDY

The 2005 Air Installation Compatible Use Zone (AICUZ) Study for March Air Reserve Base can be downloaded at www.afrc.af.mil/march.

Opinions/ Editorials

Additional Notes