

**2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
 Considerations for Addition Record of Vote
 JULY 19, 2005 PUBLIC HEARING**

	Principi	Billbray	Coyle	Gelman	Hansen	Hill	Newton	Skinner	Turner	Vote Tally (Y/N/R)	Base Added
1. NAS Brunswick	YES	YES	NO	YES	YES	YES	YES	YES	YES	8/1	YES
2. Navy Broadway Complex	YES	NO	YES	YES	YES	YES	YES	YES	YES	8/1	YES
3. MCRD San Diego	YES	NO	R	NO	NO	NO	NO	YES	NO	2/6/1	NO
4. NSY Pearl Harbor	YES	NO	YES	YES	NO	NO	YES	NO	YES	5/4	NO
5. NAS Oceana	YES	NO	YES	R	YES	YES	YES	YES	YES	7/1/1	YES
6. Moody AFB	NO	NO	YES	R	NO	NO	NO	NO	NO	1/7/1	NO
7. Grand Forks AFB	NO	NO	NO	YES	YES	NO	NO	NO	YES	3/6	NO
8. Pope AFB	YES	YES	YES	NO	NO	YES	YES	YES	YES	7/2	YES
9. Galena FOL	YES	YES	YES	YES	YES	YES	YES	YES	YES	9/0	YES
10. DFAS	YES	YES	YES	YES	YES	YES	YES	YES	YES	9/0	YES
11. Professional Dev. Education	YES	YES	R	YES	YES	YES	YES	YES	YES	8/0/1	YES
12. Joint Medical Command HQ	YES	YES	YES	R	YES	YES	YES	YES	YES	8/0/1	YES

Certified by *William Belmont* Verified by *Thomas Duke* Date: *7/20/05* R = Recused

Blagojevich also reiterated his argument that the Pentagon doesn't have the authority to move Guard units in a state without the governor's agreement. But the Justice Department recently sided with the Pentagon on that issue.

In relation to the Rock Island Arsenal, the governor argued that no significant cost savings or military efficiency would result from shifting 1,200 jobs to other states. About 1,100 of those jobs are within the Tank Automotive and Armaments Command, which would be moved to Michigan under the Pentagon's proposal. However, the Rock Island Arsenal has a higher military ranking than the Detroit Arsenal and the shift would cost taxpayers \$115 million to expand the Detroit Arsenal, Blagojevich wrote.

The commission has until Sept. 8 to submit its recommendations to the White House. President Bush then has until Sept. 23 to approve or reject them in their entirety. Congress has until Nov. 7 for an up-or-down vote on the entire list.

IN THE HOME ZONE AROUND OCEANA AIR BASE

The Virginian-Pilot, Norfolk
August 22, 2005
Jon W. Glass

Since June, the Navy has sent nine letters to City Hall objecting to new housing developments being planned around Oceana Naval Air Station.

All but six of the 80 homes in the projects would be built in accident-potential zones, where the risk of a jet crash is greatest. And all but the same six units would be in the loudest jet-noise zone around the base.

"This is a blatant encroachment issue," Capt. P.J. Lorge, who was acting as Oceana's commanding officer, wrote June 27 about a 42-home development planned off London Bridge Road.

Building homes there, he said, is "an outright disregard for this Department of Defense facility and the health and welfare of future residents."

City officials, however, say they can't stop the construction.

That development and the other eight projects are being built "by right." That means the underlying zoning on the property allows houses to be built there without City Council review or approval. Several of the sites have old homes on them that are being demolished and replaced with duplexes.

Potentially, thousands more homes could be built around Oceana outside the City Council's purview.

The situation underscores the dilemma facing the city as it fights to save Oceana as the Navy's East Coast master jet base: There may be only so much the city can do to buffer Oceana from the development that has put the facility in the cross hairs of a federal base-closing commission.

"It's going to have to be, do what we can where we can," said James K. Spore, Virginia Beach's city manager.

The Defense Base Realignment and Closure Commission votes this week on whether to recommend closing the base.

Even if Oceana dodges the base-closing bullet, its future could hinge on the city's ability to rein in growth that the Navy views as incompatible.

Top Navy officials have said their ideal solution -- at an estimated cost of at least \$ 1.4 billion -- would be to build a new master jet base unhindered by homes and shopping malls.

Adm. Mike Mullen, chief of naval operations, said during a BRAC Commission hearing earlier this month that Oceana remains the best option for the "foreseeable future." Development that has hemmed in the base -- known as encroachment -- "continues to impact our training" and "has grown worse over the last few years," Mullen acknowledged.

But he expressed optimism that the recent adoption of a joint land-use study involving

Virginia Beach, Chesapeake, Norfolk and the Navy is a turning point.

The \$ 1.4 billion question: Does it go far enough?

Some think not.

"The joint land-use study was a significant step in the right direction, but it doesn't stop encroachment like the Navy was asking," City Councilman Bob Dyer said.

The study, for example, offers no remedy for by-right development.

In addition, the recommendations do not apply to Oceana's low jet-noise zone, even though the Navy views construction of new homes in the zone as incompatible with its mission. City officials say that residents in the low-noise zone are less likely to complain about loud jets, and that nearly 19,000 homes are already there.

Others, however, said the city and the state are moving decisively to address encroachment.

The City Council upped the ante last week when it announced plans to spend \$ 15 million -- with the state chipping in half -- to buy out a disputed condominium site on Laskin Road. The 6-acre site, rezoned by the council nearly two years ago over the Navy's objections, is in an accident-potential zone and in a noise zone where jets roar over at 114 decibels -- louder than a rock concert.

The council also unveiled plans for an acquisition fund totaling an estimated \$ 161 million over 20 years to buy land or development rights from willing sellers, primarily to preserve a key flight path between Oceana and its training field in Chesapeake.

The week before, three state lawmakers from Virginia Beach and Chesapeake had announced plans to enact the study recommendations into Virginia law and to create a program to help buy development rights in accident-potential zones.

The Navy itself intends to begin meeting with developers who are planning projects viewed as harmful to Oceana, hoping to persuade them to build something more compatible -- another of the study's recommendations.

All those steps will help protect Oceana in the long-term, said Bill Macali, a city deputy attorney. He is helping to draft a new zoning overlay district meant to reduce incompatible growth in Oceana's highest noise zones.

"It's probably a case where no one thing will be our silver bullet," Macali said.

The Navy views by-right development as one of the most important issues looming. In several of the Navy's recent letters objecting to the by-right projects, Capt. Tom Keeley, Oceana's commanding officer, described the planned development as "further insidious encroachment upon our operations in support of homeland security."

Cmdr. John C. Lauterbach Jr., command judge advocate at Oceana, said last week: "It is the issue for the future. The whole by-right regime is of significant concern."

City officials say the issue will be hard to resolve. The options to address it are potentially expensive, legally risky and politically controversial.

A few of the nine by-right projects the Navy is now opposing are in areas of the city that city councils during the 1970s and '80s rezoned to residential over the Navy's objections. But most are in older sections, such as Oceana Gardens, that were zoned residential years before the Navy began flying high-performance fighter jets at Oceana.

Four of the projects are sandwiched among existing homes on undeveloped lots that went unnoticed until the region's housing boom began unleashing an unquenchable demand for new homes.

The other five projects involve redevelopment, in which an outdated home is being torn down

and replaced with duplexes, condos or larger single-family homes.

City officials said there's not enough money available to buy all the property, even if the owners were willing to sell. The developers of the nine projects either declined to comment, could not be reached or did not return telephone calls.

R. Edward Bourdon Jr., an attorney who represents developers, said the city would be wasting tax dollars to try to buy out by-right development.

Purchasing land to preserve the Navy's flyway between Oceana and the training field in Chesapeake "has some logic to it," he said, because that area of the city is relatively undeveloped. But much of the potential by-right development, by virtue of its existing residential zoning, is surrounded by similar development, he said.

The council's decision to buy the Laskin Road site was "ludicrous," he said, because hundreds of homes already lie in the same accident-potential zone between the site and Oceana's runway.

"No one can demonstrate any impact on operations at Oceana, either negative or positive, on whether that property is developed with condos or a hotel or left as open space," he said. "They'd have to spend billions to remove the existing encroachment."

The city estimates that 4,800 homes, assessed at an estimated \$ 896 million, already exist in accident-potential zones around Oceana. About 12,000 additional housing units, assessed at \$ 1.9 billion, are in the loudest noise zone.

Dyer said the city should investigate changing the zoning in the most critical areas to reduce future housing density, a process known as downzoning. It's legal for localities in Virginia to downzone, but Bourdon guaranteed that the city would be sued because the action would reduce property values.

The city would have a high legal standard to meet, including proving that a change in circumstances warranted the downzoning. Dyer said the military's role in the war on terror, launched after the Sept. 11, 2001, terrorist attacks, and the Pentagon's tougher stance against incompatible development starting in December 2002 might give the city a case.

At this point, Macali said, the city hopes to reduce housing density through voluntary rezonings that could increase property values, particularly at the resort.

At the Oceanfront, most of which is in a jet-noise zone, the Navy is concerned that the underlying zoning would allow about 9,000 additional homes. The city hopes to cap that at about 3,000 by offering incentives for owners willing to agree to a mixed zoning that would reduce the number of homes in exchange for shops, restaurants and offices. Those uses, Macali said, are compatible in the noise zones there.

"It's hard to undo past mistakes," he said, "but we're really trying to do that."

Special Ops Commander Backs Oceana

Norfolk Virginian-Pilot

Jon W. Glass

August 23, 2005

A commander of U.S. military special forces said in a letter Monday that Oceana Naval Air Station is the only airfield that can meet the needs of his command.

U.S. Sen. John W. Warner released the letter late Monday to bolster Virginia's case for keeping Oceana as the Navy's East Coast hub for fighter attack jets.

Warner, R-Va., who heads the Senate Armed Services Committee, sent the letter to the chairman of the federal base-closing commission that will decide Oceana's fate.

The Defense Base Realignment and Closure Commission is scheduled to vote this week on

BRAC Commission Early Bird

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whether to recommend moving Oceana's jets to Cecil Field, a former Navy air base in Jacksonville, Fla.

Oceana's classified role in supporting special operations forces, including Navy SEALs, convinced a base-closing panel in 1993 that the secret mission – and thus the base's aircraft – could not be moved from Virginia.

Monday's letter from Army Gen. Bryan D. Brown, who heads the U.S. Special Operations Command, came in response to an inquiry by Warner about Oceana's significance to special operations.

"I would like to clearly state the Command's position on this matter," wrote Brown, whose command is based at MacDill Air Force Base in Florida.

Given the command's "current posture in the Norfolk, Va., area, in terms of both specialized facilities and uniquely demanding operation considerations," Brown said, "Naval Air Station Oceana is the only airfield that can meet our classified and highly sensitive mission requirements."

Brown's letter contradicts testimony at a hearing Saturday in which delegations from Virginia and Florida argued their cases before the BRAC Commission.

At the hearing, retired Adm. Robert J. Natter, former commander of the Atlantic Fleet and now a hired consultant for Florida, assured the commission that the special operations forces mission could be moved to another base in the Norfolk region.

Natter said he was aware of the mission and was convinced it did not have to occur at Oceana.

Members of the BRAC Commission were briefed in a closed session on Aug. 4 about Oceana's secret role. It did not appear to convince the panel of the base's singular importance.

Instead, the commission announced a week later that Florida officials should be given a hearing so the panel could consider reopening Cecil Field. The 1993 BRAC panel had voted to close Cecil Field based on Navy recommendations.

John Ullyot, a spokesman for Warner, said Brown's letter "adds another strong and relevant voice" to keeping the Navy's master jet base at Oceana.

"Oceana is critical not just to the Navy, but to the special operations mission and other joint forces, one of the most important commands in waging the war on terror," Ullyot said. "The disruption that the closing of Oceana would have on the war on terror is not something the Navy or the joint forces is interested in."

Members of the BRAC panel have expressed concerns that suburban development around Oceana has compromised pilot training there and poses safety risks for Navy pilots and the community. On July 19, the panel voted 7-1 to add Oceana to the list for possible closure.

Navy officials have told the BRAC Commission that the ideal solution would be to build a new master jet base. But for now, they said, Oceana remains the best place for the East Coast master jet base.

The BRAC panel is scheduled to vote Wednesday on Army and Navy bases being considered for closure or downsizing.

Virginia Beach Mayor Meyera E. Oberndorf, who testified at Saturday's hearing, said she is "cautiously optimistic" that the commission "will see the virtue in continuing the use of Oceana."

"I have given them every assurance that our city can possibly afford that the base will be protected as conscientiously as we can," Oberndorf said. "This has been a very difficult situation to be in."

City Councilman Bob Dyer, who attended Saturday's hearing, said Virginia has made a "realistic case" for keeping Oceana.

BRAC Commission Early Bird

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"We'll probably survive this by the skin of our teeth," Dyer said. "I think during a time of war and a budget crunch, it'd be in the Navy's best interest to stay here and to use the resources where they're needed."

Uphill Battle On Base Closing State Strives to Sway Vote

Hartford Courant

David Lightman and Jess Hamilton

August 23, 2005

In the final hours before the Base Realignment and Closure Commission decides the fate of the Naval Submarine Base in Groton, Connecticut's pleas are getting personal.

Key Team Connecticut members spent the weekend writing and calling panel members individually, saying that they would keep pushing until they secured the five votes needed to keep Groton open - a goal that one prominent member of the group concedes it has yet to reach.

Sen. Christopher J. Dodd, D-Conn., talked over the weekend with commission Chairman Anthony J. Principi - whom Connecticut officials regard as sympathetic to their effort - and he has talked to several others in recent days.

Sen. Joe Lieberman, D-Conn., has spoken with Principi and Commissioner James V. Hansen since Saturday's final hearing on base closings, and he plans to speak to three more commission members today. Rep. Rob Simmons, R-2nd District, wrote Principi a three-page letter on Monday.

Gov. M. Jodi Rell has spoken to seven of the nine commission members in recent months, and she is trying to reach the remaining two.

So far, Simmons said, the team is confident that it has some votes - no one would say from whom - but not the majority needed to keep Groton open.

The team's eleventh-hour appeals are probably swimming in a sea of calls and approaches to the commissioners from throughout the country, because the Pentagon has recommended closing or realigning 61 major bases.

The commission vote, which could come as soon as Wednesday, is difficult to handicap.

Although some members on Saturday seemed to be seriously considering keeping the Groton base open, no one, including the chairman, would commit publicly to such a vote.

In the four previous base closing rounds, a process that began in 1988, commissioners have rejected about 15 percent of the Pentagon's recommendations. Analysts and those familiar with the process warned that no matter how compelling a local case might seem, it's important to remember that the commission ultimately looks at how Groton and other facilities fit into the national picture.

"We're fighting uphill here. Let's not kid ourselves," Dodd said last week. "The presumption is in favor of the Pentagon."

Simmons compared the final days to the last miles of a marathon.

"I've done my best," he said. "I've given it everything I got. Now we're just hanging on to the finish."

Personal pitches help, said former U.S. Rep. Sam Gejdenson, who represented eastern Connecticut in Congress for 20 years and helped lead the successful 1993 fight to keep the base open. But they carry real weight only when they involve solid arguments, not simply recalling good times. "You have to keep making the arguments," Gejdenson said.

Different members are stressing different arguments in their personal pitches.

Simmons, whose district includes the sub base, relies on his military background and knowledge. "It is not easy to stand up to the

Hague, David, CIV, WSO-BRAC

From: Newton, Lloyd W. [lloyd.newton@pw.utc.com]
Sent: Thursday, November 03, 2005 5:52 AM
To: 'skidders@gtlaw.com'; JanGehman@aol.com; C.Battaglia@wso.whs.mil; Hillttmg1@aol.com; Newton, Lloyd W.; jvh@jimhansenassociates.com; Anthony.Principi@wso.whs.mil; bgtturner@satx.rr.com; Martha.krebs@att.net; jbilbray@kkbr.com
Cc: David.Hague@wso.whs.mil; James.Schaefer@wso.whs.mil; James.Hanna@wso.whs.mil; William.Fetzer@wso.whs.mil
Subject: RE: Oceana NAS

Hi all

Sorry I have been out of the loop on this. I can't think of anything new to add. If there is a way to keep the pressure on in some way as suggested, then we should.

Cheers

Lloyd "Fig" Newton
 Executive Vice President
 Military Engines
 Phone: 860-557-0290
 Fax: 860-755-5905
 Email: lloyd.newton@pw.utc.com

-----Original Message-----

From: skidders@gtlaw.com [mailto:skidders@gtlaw.com]
Sent: Wednesday, November 02, 2005 8:14 PM
To: JanGehman@aol.com; C.Battaglia@wso.whs.mil; Hillttmg1@aol.com; lloyd.newton@pw.utc.com; jvh@jimhansenassociates.com; Anthony.Principi@wso.whs.mil; bgtturner@satx.rr.com; Martha.krebs@att.net; jbilbray@kkbr.com
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I am sure that everyone knows that by now or assumes it to be true.

I am sure that the leadership in Virginia wants to do all that they can to insure Oceana's long term status at Oceana with or without the BRAC language.

The question is how to keep the heat on. I suggest that the Chairman's remarks will help do that in the short run but unless the Navy is willing to take charge here on these issues using the BRAC language as a tool the situation will slowly go back to the status quo.

The CNO's letter to Senator Warner indicates that they are not willing to do so at least as long as Senator Warner is on the Armed Services committee.

Whatever we do we should keep the tools in place and hope that someone down the road will step up and do what is right.

Sam

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You all have no way of knowing this, but I know more about how the locals are viewing this issue than is in the press. We still have a lot of leverage here. We made one tactical mistake, in hind sight, that has queered the deal as far as local support. If we can fix that tactical mistake, or give them an out, then we have a lot of logic on our side to insist they do what we set forth. It is likely the force of logic and common sense, once garnered on our side, will be persuasive.

When we drafted the motion regarding Oceana, we set out to capture what the state and city "promised" to do under oath at that famous Sat hearing. But when the motion was drafted, somehow extra requirements were inserted that were not on the list of things the officials promised to do. One of them turns out, because of the Virginia constitution, to be a poison pill. That is, they simply cannot do it. That one provision is the requirement to condemn private property and "take it". Every other provision we require is deemed doable, reasonable and logical by most observers in this area. My discussions indicate the money is not a problem, the zoning is not a problem, and buying back property and property rights are not problems. The only problem is condemning private property. Wish I had known more about the intricacies of Virginia law.

Now, I do not propose we revisit or change what we have done. I strongly suggest we never make any reference to revising or changing our report. However, if the Chairman could somehow indicate that our intent was to make Oceana a base with more military value (remember that term) by making it safer and allowing flight ops without noise restrictions, or else make the Navy move, and furthermore, our intent was to cause an actual "rollback" of

encroachment in order to give Oceana a chance at being the home for the JSF. We listed what we thought it would take to accomplish this. And we proscribed that if it was too hard to do, then move the planes.

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Right now our provisions are seen as unreasonable and unlogical because they contain a provision that is very, very hard to do under Va law. Mitigate (but do not remove) that one provision and all the rest become logical and reasonable. They still may decline to follow through, but now the burden is completely on the state and local officials.

Obviously, my understanding of the positions of Virginia officials is unofficial and cannot be quoted, but I am relating first person discussions here, not hearsay or rumor.

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Sent: Wednesday, November 02, 2005 8:02 PM
To: 'jangehman@aol.com'; 'hillttmg1@aol.com'; 'lloyd.newton@pw.utc.com'; 'jvh@jimhansenassociates.com'; Principi, Anthony, CIV, WSO-BRAC; 'skidders@gtlaw.com'; 'bgturner@satx.rr.com'; 'Martha.krebs@att.net'; 'jbilbray@kkbr.com'
Cc: Hague, David, CIV, WSO-BRAC; Schaefer, James, CIV, WSO-BRAC; Hanna, James, CIV, WSO-BRAC; Fetzer, William, CIV, WSO-BRAC
Subject: Re: Oceana NAS

The staff view, first of all, is that there can be no chgs to our recommendations. In another week, they will become. law. Staff is also of the view that explaining our intent is complicated by the action of the Mayor of Jax and therefore that the high road that Hal suggests is the position the Commission should take i.e. W\o specifics, urging Virginia elected officials to do the right thing to ensure realistic pilot training and to enhance current and future public safety.

Thank you to all for the input. Charlie

-----Original Message-----

From: JanGehman@aol.com <JanGehman@aol.com>
To: C.Battaglia@wso.whs.mil <C.Battaglia@wso.whs.mil>; Hillttmg1@aol.com <Hillttmg1@aol.com>; lloyd.newton@pw.utc.com <lloyd.newton@pw.utc.com>; jvh@jimhansenassociates.com <jvh@jimhansenassociates.com>; Anthony.Principi@wso.whs.mil <Anthony.Principi@wso.whs.mil>; skidders@gtlaw.com <skidders@gtlaw.com>; bgturner@satx.rr.com <bgturner@satx.rr.com>; Martha.krebs@att.net <Martha.krebs@att.net>; jbilbray@kkbr.com <jbilbray@kkbr.com>
CC: David.Hague@wso.whs.mil <David.Hague@wso.whs.mil>; James.Schaefer@wso.whs.mil <James.Schaefer@wso.whs.mil>; James.Hanna@wso.whs.mil <James.Hanna@wso.whs.mil>; William.Fetzer@wso.whs.mil <William.Fetzer@wso.whs.mil>
Sent: Wed Nov 02 17:43:23 2005
Subject: Re: Oceana NAS

Charlie, et al:

Re: Jax Mayor's withdrawl of Jax's support to the State's offer of ex-NAS Cecil (please note that Gov Bush has not withdrawn his offer).

As you all are well aware, I believed we rushed into this much too fast and it was not the right thing to do in any case. You are also aware that I agreed with our position that we should do something to put pressure on the Navy and the State/City, and in that light I offer the following views.

You all have no way of knowing this, but I know more about how the locals are viewing this issue than is in the press. We still have a lot of leverage here. We made one tactical mistake, in hind sight, that has queered the deal as far as local support. If we can fix that tactical mistake, or give them an out, then we have a lot of logic on our side to insist they do what we set forth. It is likely the force of logic and common sense, once garnered on our side, will be persuasive.

When we drafted the motion regarding Oceana, we set out to capture what the state and city "promised" to do under oath at that famous Sat hearing. But when the motion was drafted, somehow extra requirements were inserted that were not on the list of things the officials promised to do. One of them turns out, because of the Virginia constitution, to be a poison pill. That is, they simply cannot do it. That one provision is the requirement to condemn private property and "take it". Every other provision we require is deemed doable, reasonable and logical by most observers in this area. My discussions indicate the money is not a problem, the zoning is not a problem, and buying back property and property rights are not problems. The only problem is condemning private property. Wish I had known more about the intricacies of Virginia law.

Now, I do not propose we revisit or change what we have done. I strongly suggest we never make any reference to revising or changing our report. However, if the Chairman could somehow indicate that our intent was to make Oceana a base with more military value

(remember that term) by making it safer and allowing flight ops without noise restrictions, or else make the Navy move, and furthermore, our intent was to cause an actual "rollback" of encroachment in order to give Oceana a chance at being the home for the JSF. We listed what we thought it would take to accomplish this. And we proscribed that if it was too hard to do, then move the planes.

If the Chairman were to indicate we did not intend to put a "poison pill" in the provisions...that is we did not intend to kill Oceana by creating some requirement that was not possible to meet, but we dressed up our findings in complicated language so no one could tell what we were doing. If condemning private property in this case turns out to be the only obstacle to accomplishing all the other provisions (ncluding the buying back of property), then both the Navy and th city will be meeting the spirit of our provision, and we will have the high ground.

Right now our provisions are seen as unreasonable and unlogical because they contain a provision that is very, very hard to do under Va law. Mitigate (but do not remove) that one provision and all the rest become logical and reasonable. They still may decline to follow through, but now the burden is completely on the state and local officials.

Obviously, my understanding of the positions of Virginia officials is unofficial and cannot be quoted, but I am relating first person discussions here, not hearsay or rumor. Best regards

Hal

Hague, David, CIV, WSO-BRAC

From: JanGehman@aol.com
Sent: Wednesday, November 02, 2005 5:43 PM
To: C.Battaglia@wso.whs.mil; Hilltmg1@aol.com; lloyd.newton@pw.utc.com; jvh@jimhansenassociates.com; Anthony.Principi@wso.whs.mil; skinnners@gtlaw.com; bgturner@satx.rr.com; Martha.krebs@att.net; jbilbray@kkbr.com
Cc: David.Hague@wso.whs.mil; James.Schaefer@wso.whs.mil; James.Hanna@wso.whs.mil; William.Fetzer@wso.whs.mil
Subject: Re: Oceana NAS

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Obviously, my understanding of the positions of Virginia officials is unofficial and cannot be quoted, but I am relating first person discussions here, not hearsay or rumor.

Best regards
Hal

11/3/2005

Hague, David, CIV, WSO-BRAC

From: Sue E. Turner [BGTurner@satx.rr.com]
Sent: Wednesday, November 02, 2005 3:12 PM
To: Battaglia, Charles, CIV, WSO-BRAC; jangehman@aol.com; hillttmg1@aol.com; lloyd.newton@pw.utc.com; jvh@jimhansenassociates.com; Principi, Anthony, CIV, WSO-BRAC; skimmers@gtlaw.com; Martha.krebs@att.net; jbilbray@kkbr.com
Cc: Hague, David, CIV, WSO-BRAC; Schaefer, James, CIV, WSO-BRAC; Hanna, James, CIV, WSO-BRAC; Fetzer, William, CIV, WSO-BRAC
Subject: Re: Oceana NAS

Hello, Charlie, et al:

This is a curious situation in deed. I have no advice, only more unanswered questions. Have our fed legal minds rendered an opinion re interpretation of how the compliance pieces still apply to Va Beach?

For example, is there now, in fact, an automatic free pass for Va Beach that now allows them to do nothing more and keep Oceana open, business as usual?

Or, if Va Beach chooses to do nothing more and, in fact, "defaults" on their part of the deal... why wouldn't Va Beach be considered a "failed to meet" and Oceana default to a "close" since JAX is out of the pix?

I am having trouble understanding how the current situation is different than if both cities had tried and failed to meet their target, OR how this is different than if it had been a straight "do it or close" recommendation to begin with without JAX? Either way, the USN would still have had to find a new location for the MJB.

Has there ever been anything this bizarre in prior BRACs?

Regards to everyone!

Sue

----- Original Message -----

From: "Battaglia, Charles, CIV, WSO-BRAC" <C.Battaglia@wso.whs.mil>
To: <jangehman@aol.com>; <hillttmg1@aol.com>; <lloyd.newton@pw.utc.com>; <jvh@jimhansenassociates.com>; "Principi, Anthony, CIV, WSO-BRAC" <Anthony.Principi@wso.whs.mil>; <skimmers@gtlaw.com>; <bgtturner@satx.rr.com>; <Martha.krebs@att.net>; <jbilbray@kkbr.com>
Cc: "Hague, David, CIV, WSO-BRAC" <David.Hague@wso.whs.mil>; "Schaefer, James, CIV, WSO-BRAC" <James.Schaefer@wso.whs.mil>; "Hanna, James, CIV, WSO-BRAC" <James.Hanna@wso.whs.mil>; "Fetzer, William, CIV, WSO-BRAC" <William.Fetzer@wso.whs.mil>
Sent: Wednesday, November 02, 2005 11:17 AM
Subject: Oceana NAS

> The Chairman is looking for some of your feedback on the extent, if
 > any, to which the Commission should press the Gov of VA and Mayors of
 > VA Beach and Chesepeake to comply with the BRAC Commission
 > recommendations from a legal, national security, and/or public safety
 > standpoint.

>
 > It is not clear yet how VA Beach and Chesepeake officials will view
 > the Mayor of Jax's pullback on their interpretation or compliance of
 > our recommended provisions..

>
 > In a letter to Sen Warner this week, CNO Mullins reaffirmed Oceana as
 > the Navy's MJB without citing any of the encroachment and training issues.

>
 > Tomorrow morning, the Chairman has a press interview scheduled with
 > Richmond PostDispatch on Oceana. Your thoughts to him would be
 > appreciated.

>

Hague, David, CIV, WSO-BRAC

From: skimmers@gtlaw.com
Sent: Wednesday, November 02, 2005 12:32 PM
To: C.Battaglia@wso.whs.mil; jangehman@aol.com; hillttmg1@aol.com;
 lloyd.newton@pw.utc.com; jvh@jimhansenassociates.com; Anthony.Principi@wso.whs.mil;
 bgturner@satx.rr.com; Martha.krebs@att.net; jbilbray@kkbr.com
Cc: David.Hague@wso.whs.mil; James.Schaefer@wso.whs.mil; James.Hanna@wso.whs.mil;
 William.Fetzer@wso.whs.mil
Subject: RE: Oceana NAS

I am sure we all are disappointed with the action taken by the Mayor of Jacksonville. He has taken our "trump card" away from us. It looks like the state of Virginia and the impacted cities are not going to do anything significant now that the hammer is gone.

If the Navy is not going to use this language to push them I do not see that there is much else we can do.

Sam

 Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

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 From: Battaglia, Charles, CIV, WSO-BRAC [mailto:C.Battaglia@wso.whs.mil]
 Sent: Wed 11/2/2005 11:17 AM
 To: 'jangehman@aol.com'; 'hillttmg1@aol.com'; 'lloyd.newton@pw.utc.com';
 'jvh@jimhansenassociates.com'; Principi, Anthony, CIV, WSO-BRAC; Skinner, Samuel K.
 (OfCnsl-Chi-Gov/Adm); 'bgturner@satx.rr.com'; 'Martha.krebs@att.net'; 'jbilbray@kkbr.com'
 Cc: Hague, David, CIV, WSO-BRAC; Schaefer, James, CIV, WSO-BRAC; Hanna, James, CIV, WSO-BRAC; Fetzer, William, CIV, WSO-BRAC
 Subject: Oceana NAS

The Chairman is looking for some of your feedback on the extent, if any, to which the Commission should press the Gov of VA and Mayors of VA Beach and Chesepeake to comply with the BRAC Commission recommendations from a legal, national security, and/or public safety standpoint.

It is not clear yet how VA Beach and Chesepeake officials will view the Mayor of Jax's pullback on their interpretation or compliance of our recommended provisions..

In a letter to Sen Warner this week, CNO Mullins reaffirmed Oceana as the Navy's MJB without citing any of the encroachment and training issues.

Tomorrow morning, the Chairman has a press interview scheduled with Richmond PostDispatch

on Oceana. Your thoughts to him would be appreciated.

Sarkar, Rumu, CIV, WSO-BRAC

From: Hague, David, CIV, WSO-BRAC
Sent: Monday, October 24, 2005 8:57 AM
To: Sarkar, Rumu, CIV, WSO-BRAC; Cowhig, Dan, CIV, WSO-BRAC;
'COWHIG@STARPOWER.NET'
Subject: FW: VA Beach reaction

FYI DH

-----Original Message-----

From: Hague, David, CIV, WSO-BRAC
Sent: Friday, October 21, 2005 1:21 PM
To: Battaglia, Charles, CIV, WSO-BRAC
Subject: RE: VA Beach reaction

Charlie --

I suggest the Commission remain out of (and above) the fray until matters develop further. There remains the possibility that the FL governor will keep the process on track. Further, my thinking is:

The implementation scheme for Commission Recommendation 193, NAS Oceana, begins after its finding that SECDEF substantially deviated, with: "Realign NAS, Oceana by relocating the East Coast Master Jet Base to Cecil Field, FL, if"

Relocating to Cecil Field will not be possible if FL reneges on its promises to made the installation available. If VA had failed to live up to the requirements set by the Commission by 31 March 2006 and DoDIG so certified, and then FL failed to live up to the Commission requirements by 31 December 2006 and DoDIG so certified, then the MJB would remain at Oceana.

If FL backs out now, then the schedule will merely be accelerated as if we were at 31 December 2006.

The Commission provided in its recommendation for the possibility that VA would "decline from the outset to take the actions required" but made no similar provision for the possibility of FL opting out of the process. There was really no need to provide for the latter contingency, because, as noted above, the MJB stays at Oceana if the FL option falls through.

Let's wait and see what happens in the days ahead.

On an administrative note, I had suggested at the morning meeting to the section heads that if their workload permitted, cut their people loose this afternoon. Seems like almost everyone is gone or soon will be, including me. I'll remain on the Blackberry.

David

-----Original Message-----

From: Battaglia, Charles, CIV, WSO-BRAC
Sent: Friday, October 21, 2005 10:30 AM
To: Fetzer, William, CIV, WSO-BRAC
Cc: Cook, Robert, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Schaefer, James, CIV, WSO-BRAC; Sarkar, Rumu, CIV, WSO-BRAC; Hanna, James, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC; Hill, Christine, CIV, WSO-BRAC; Meyer, Jennifer, CIV, WSO-BRAC; McCreary, Robert, CIV, WSO-BRAC
Subject: Re: VA Beach reaction

I am of the view that the Commission should go on record by stating unequivocally in a published letter that it was and is the Commission's intent that its compliance provisions for Virginia, Va Beach and Chesepeake be implemented independent of the provisions on Florida. Anything less would be a breach of law (if enacted)and certainly a breach of faith. I invite your comments.

-----Original Message-----

From: Fetzer, William, CIV, WSO-BRAC <William.Fetzer@wso.whs.mil>
 To: Fetzer, William, CIV, WSO-BRAC <William.Fetzer@wso.whs.mil>; Battaglia, Charles, CIV, WSO-BRAC <C.Battaglia@wso.whs.mil>
 CC: Cook, Robert, CIV, WSO-BRAC <Robert.Cook@wso.whs.mil>; Cirillo, Frank, CIV, WSO-BRAC <Frank.Cirillo@wso.whs.mil>; Schaefer, James, CIV, WSO-BRAC <James.Schaefer@wso.whs.mil>; Sarkar, Rumu, CIV, WSO-BRAC <rumu.sarkar@wso.whs.mil>; Hanna, James, CIV, WSO-BRAC <James.Hanna@wso.whs.mil>; Hague, David, CIV, WSO-BRAC <David.Hague@wso.whs.mil>; Hill, Christine, CIV, WSO-BRAC <Christine.Hill@wso.whs.mil>; Meyer, Jennifer, CIV, WSO-BRAC <Jennifer.Meyer@wso.whs.mil>; McCreary, Robert, CIV, WSO-BRAC <Robert.McCreary@wso.whs.mil>
 Sent: Fri Oct 21 08:50:59 2005
 Subject: VA Beach reaction

FYI, The Navy's base study director, Kelly Gray called me today. He is proceeding with his analysis, but understands that the way ahead for the Navy is murkier without an option in FLA. The City of VA Beach and their politicians are already speculating that they will not have to comply with the condemnation and purchase clause of the BRAC recommendations. See attached press release.

VR, Bill

Beach leaders, residents react cautiously to Cecil decision The Virginian-Pilot (Norfolk, VA) Jon W. Glass And Marisa Taylor October 20, 2005

VIRGINIA BEACH - City and state officials said they will huddle with lawyers today to begin assessing whether they still must comply with a series of conditions imposed by the Defense Base Realignment and Closure Commission for keeping jets at Oceana Naval Air Station.

The most onerous condition requires the city and state to condemn and buy about 3,400 homes, and many businesses, in high-risk accident-potential zones around the master jet base .

"It's a little premature to say we don't have to comply with the order," said state Sen. Kenneth W. Stolle, R-Virginia Beach. But, he added, "I think it's nothing but good news for us."

City leaders and residents reacted cautiously Thursday after the mayor of Jacksonville, Fla., announced he will stop pursuing Oceana 's jets.

"My first reaction is caution - to stay the course and not jump at anything," Virginia Beach Mayor Meyera E. Oberndorf said at a news conference at her Kempsville home. "Maybe inside a voice is saying, 'You can smile a little bit.'"

At best, Jacksonville's decision means the fighter jets will stay at Oceana and the threat of having to condemn homes and businesses around the base will go away.

But nobody was willing to say that Thursday.

"I think it's much too soon to rule anything in or out," Oberndorf said.

"I hope we can throw the 'poison pills' out of the BRAC order and then plot a course for us to co-exist with the Navy to protect their ability to train and to protect people's property rights," said Stolle, who is chairman of a state commission appointed by Gov. Mark R. Warner to assess the BRAC conditions and recommend how to proceed.

Residents in the affected accident-potential zones said they were encouraged Thursday but in no mood to celebrate.

"I think it's a dim light at the end of the tunnel, but I wouldn't bet the ranch on it," said David Gracie, a homeowner in Nottingham Estates.

Marian Linett, who lives in nearby Cheltenham Square, also remained skeptical.

"I'll believe it when they put it in writing that they're not going to touch my house," she said. "I don't trust any of them."

Joe Ferrara, a Cheltenham Square resident, said, "I feel some relief, but I wouldn't call it a great sense of relief. The city has taken so many unexpected turns that I have no idea what course they're going to take."

The mayor and other City Council members hinted that condemnation would be a dead issue if the BRAC mandate becomes invalid. The Navy, they said, has never asked that existing homes be condemned.

"Fundamentally, there's no will on council to condemn people's homes," Councilman James L. Wood said.

Councilman Richard Maddox, the only council member who rejected the BRAC demands from the outset, said he believes Virginia Beach has no reason to try to condemn or buy property in the accident zones.

"The mayor and the City Council of Jacksonville listened to their citizens and said no to BRAC," Maddox said. "It's time that the city of Virginia Beach did the same thing."

Councilman Jim Reeve said he had come to the same conclusion shortly before Jacksonville Mayor John Peyton's announcement.

"If compliance means throwing people out of their homes, I don't agree with it," Reeve said.

Reeve said he hopes the Beach City Council will decide soon how to proceed.

"The lives of over 3,000 families are on hold," Reeve said. "We've got to make our position known."

Even if Jacksonville's action gets Virginia Beach off the BRAC hook, council members said they will pursue plans to restrict the development of new homes and other incompatible development around Oceana.

The city agreed to do that before the BRAC demands through a joint land-use study with the Navy.

In May, the City Council endorsed the land-use study. It calls for restricting new homes in moderate and high jet-noise zones around Oceana, including the resort area. The study also calls for buying undeveloped property under the flight path between Oceana and the Navy's training field in Chesapeake.

Regardless of BRAC, Councilman Bob Dyer said, the Navy's long-term plans to stay at Oceana will depend on how well the city controls future growth.

"If anything, we've got to work harder to establish a better working relationship to keep the Navy here," Dyer said. "If we've learned one lesson out of this, it's that we've got to listen to the Navy. We can't take anything for granted."

A Bill to Make Recommendations to the President Under the Defense Base Closure and Realignment Act of 1990

Chapter XI. Reserved for Additional Recommendations of the Commission

193. NAVAL AIR STATION OCEANA, VIRGINIA BEACH, VA²⁵⁶

- a. **Realign Naval Air Station Oceana, Virginia by relocating the East Coast Master Jet Base to Cecil Field, Florida**, if the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, fail to enact and enforce legislation to prevent further encroachment of Naval Air Station Oceana by the end of March 2006, to wit, enact state-mandated zoning controls requiring the cities of Virginia Beach and Chesapeake to adopt zoning ordinances that require the governing body to follow Air Installation Compatibility Use Zone (AICUZ) guidelines in deciding discretionary development applications for property in noise levels 70 dB Day-Night, average noise Level (DNL) or greater; enact state and local legislation and ordinance to establish a program to condemn and

²⁵⁶ By Motion 193-4A, the Commission added the recommendation "Naval Air Station, Oceana, VA. Realign Naval Air Station Oceana, Virginia by relocating the East Coast Master Jet Base to Cecil Field, Florida, if the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, fail to enact and enforce legislation to prevent further encroachment of Naval Air Station Oceana by the end of March 2006, to wit, enact state-mandated zoning controls requiring the cities of Virginia Beach and Chesapeake to adopt zoning ordinances that require the governing body to follow Air Installation Compatibility Use Zone (AICUZ) guidelines in deciding discretionary development applications for property in noise levels 70 dB Day-Night, average noise Level (DNL) or greater; enact state and local legislation and ordinance to establish a program to condemn and purchase all the property located within the Accident Potential Zone 1 areas for Naval Air Station Oceana, as depicted for 1999 AICUZ pamphlet published by the U.S. Navy; codify the 2005 final Hampton Roads Joint Land Use Study recommendations; legislate requirements for the cities of Virginia Beach and Chesapeake to evaluate undeveloped properties in noise zones 70 dB DNL or greater for rezoning classification that would not allow uses incompatible under AICUZ guidelines; establish programs for purchase of development rights of the inter-facility traffic area between NAS Oceana and NALF Fentress; enact legislation creating the Oceana-Fentress Advisory Council; and if the State of Florida appropriates sufficient funds to relocate commercial tenants presently located at Cecil Field, Florida, appropriates sufficient funds to secure public-private ventures for all the personnel housing required by the Navy at Cecil Field to accomplish this relocation and turns over fee simple title to the property comprising the former Naval Air Station Cecil Field, including all infrastructure improvements that presently exist, to the Department on or before December 31, 2006, if the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, decline from the outset to take the actions required above or within six months of the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, failing to carry through with any of the actions set out above, whichever is later. The State of Florida may not encumber the title by any restrictions other than a reversionary clause in favor of the State of Florida and short-term tenancies consistent with the relocation of the Master Jet Base to Cecil Field.

If the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, fail to take all of the prescribed actions and the State of Florida meets the conditions established by this recommendation, the units and functions that shall relocate to Cecil Field will include but are not limited to all of the Navy F/A-18 strike fighter wings, aviation operations and support schools, maintenance support, training, and any other additional support activities the Navy deems necessary and appropriate to support the operations of the Master Jet Base"

By Motion 193-4A, the Commission also made an "Additional Statement of the Commission," directing that:

The BRAC 2005 report language shall state: "It is the sense of the Commission that the Secretary of Defense deviated from the BRAC criteria by failing to consider NAS Oceana for closure or realignment. The long-standing and steadily worsening encroachment problem around NAS Oceana, without strong support from state and city governments to eliminate current and arrest future encroachment, will in the long term create a situation where the military value of NAS Oceana will be unacceptably degraded. The remedies presented to the Commission thus far have been unconvincing. It is also the sense of the Commission that the future of naval aviation is not Naval Air Station Oceana. The Commission urges the Navy to begin immediately to mitigate the noise encroachment and safety issues associated with flight operations around the Virginia Beach area by transitioning high-density training evolutions to other bases that are much less encroached, such as Naval Outlying Field Whitehouse, Florida, or Kingsville, Texas.

The Secretary of Defense is directed to cause a rapid, complete due diligence review of the offer of the State of Florida to reoccupy the former NAS Cecil Field and to compare this review against any plan to build a new master jet base at any other location. This review is to be completed within six months from the date that the BRAC legislation enters into force and is to be made public to the affected states for comment. After review of the states' comments, which shall be submitted within 120 days after publishing the review, the Secretary of Defense shall forward to the oversight committees of Congress the review, the state comments, and his recommendation on the location of the Navy's future Atlantic Fleet Master Jet Base."

A Bill to Make Recommendations to the President Under the Defense Base Closure and Realignment Act of 1990

Chapter XI. Reserved for Additional Recommendations of the Commission

purchase all the incompatible use²⁵⁷ property located within the Accident Potential Zone 1 areas for Naval Air Station Oceana, as depicted for 1999 AICUZ pamphlet published by the U.S. Navy and to fund and expend no less than \$15 million annually in furtherance of the aforementioned program;²⁵⁸ codify the 2005 final Hampton Roads Joint Land Use Study recommendations; legislate requirements for the cities of Virginia Beach and Chesapeake to evaluate undeveloped properties in noise zones 70 dB DNL or greater for rezoning classification that would not allow uses incompatible under AICUZ guidelines; establish programs for purchase of development rights of the inter-facility traffic area between NAS Oceana and NALF Fentress; enact legislation creating the Oceana-Fentress Advisory Council; it shall be deemed that the actions prescribed to be taken by the Commonwealth of Virginia, and the Cities of Virginia Beach, and Chesapeake respectively, by the end of March 2006 have not been taken in their entirety, unless the Department of Defense Inspector General²⁵⁹ so certifies in writing to the President and oversight committees of Congress by June 1, 2006²⁶⁰; and if the State of Florida appropriates sufficient funds to relocate commercial tenants presently located at Cecil Field, Florida, appropriates sufficient funds to secure public-private ventures for all the personnel housing required by the Navy at Cecil Field to accomplish this relocation and turns over fee simple title to the property comprising the former Naval Air Station Cecil Field, including all infrastructure improvements that presently exist, to the Department on or before December 31, 2006, if the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, decline from the outset to take the actions required above or within six months of the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, failing to carry through with any of the actions set out above, whichever is later. The State of Florida may not encumber the title by any restrictions other than a reversionary clause in favor of the State of Florida and short-term tenancies consistent with the relocation of the Master Jet Base to Cecil Field. It shall be deemed that the actions prescribed to be taken by the State of Florida and the City of Jacksonville respectively by the end of 31 December 2006 have not been taken in their entirety unless the Department of Defense Inspector General²⁶¹ so certifies in writing to the President and oversight committees of Congress by June 1, 2007.²⁶²

If the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, fail to take all of the prescribed actions and the State of Florida meets the conditions established by this recommendation, the units and functions that shall relocate to Cecil Field will include but are not limited to all of the Navy F/A-18 strike fighter wings, aviation operations and support schools, maintenance support, training, and any other additional support activities the Navy deems necessary and appropriate to support the operations of the Master Jet Base.

²⁵⁷ By a motion offered by Commissioner Hill on August 26, 2005, the Commission struck the language “nonconforming use” and inserted in its place “incompatible use”.

²⁵⁸ By a motion offered by Commissioner Skinner August 24, 2005, the Commission inserted the language “and to fund and expend no less than \$15 million annually in furtherance of the aforementioned program”.

²⁵⁹ As a technical correction, the Commission deleted the language “Comptroller General of the Government Accountability Office” from the additional recommendation and inserted in its place the language “Department of Defense Inspector General,” to correct a legal error. The language that would have required the Comptroller General to certify the fulfillment of the conditions established by this recommendation conflicted with *Bowsher v. Synar*, 478 U.S. 714 (1986), and *INS v. Chadha*, 462 U.S. 916 (1983). By designating the Department of Defense Inspector General, in the place of the Comptroller General, the intent of the recommendation will be fulfilled.

²⁶⁰ Amendment by Chairman Principi August 26, 2005 “It shall be deemed that the actions prescribed to be taken by the Commonwealth of Virginia, and the Cities of Virginia Beach, and Chesapeake respectively, by the end of March 2006 have not been taken in their entirety, unless the Comptroller General of the Government Accountability Office certifies in writing to the President and oversight committees of Congress by June 1, 2006.”

²⁶¹ As a technical correction, the Commission deleted the language “Comptroller General of the Government Accountability Office” from the additional recommendation and inserted in its place the language “Department of Defense Inspector General” to correct a legal error. The language that would have required the Comptroller General to certify the fulfillment of the conditions established by this recommendation conflicted with *Bowsher v. Synar*, 478 U.S. 714 (1986), and *INS v. Chadha*, 462 U.S. 916 (1983). By designating the Department of Defense Inspector General in the place of the Comptroller General, the intent of the recommendation will be fulfilled.

²⁶² Amendment by Chairman Principi 26 August 2005 “It shall be deemed that the actions prescribed to be taken by the State of Florida and the City of Jacksonville respectively by the end of 31 December 2006 have not been taken in their entirety unless the Comptroller General of the Government Accountability Office certifies in writing to the President and oversight committees of Congress by June 1, 2007.”

A Bill to Make Recommendations to the President Under the Defense Base Closure and Realignment Act of 1990
Chapter XI. Reserved for Additional Recommendations of the Commission

194. (NOT USED)

195. GALENA FORWARD OPERATING LOCATION, AK²⁶³

- a. Close Galena Forward Operating Location, Alaska.

196. (NOT USED)

197. NAVAL POSTGRADUATE SCHOOL, MONTEREY, CA, AND THE AIR FORCE INSTITUTE OF TECHNOLOGY, WRIGHT PATTERSON AIR FORCE BASE, OH²⁶⁴

- a. **Realign the Naval Postgraduate School, Monterey, California, and the Air Force Institute of Technology, Wright Patterson Air Force Base, Ohio**, by forming a new and permanent oversight board responsible for curriculum review and approval, and program development for the resident and non-resident degree-granting programs at both schools. This Board, consisting of an equal number of members from the governing boards of each school, civilian education authorities recommended by the U.S. Secretary of Education, and other education officials as designated by the Secretary of Defense, will be chartered by the office of the Secretary of Defense and will provide a formal report of its actions and accomplishments to that office bi-annually. The Board's duties will consist of those actions listed as 'Goals' in the Memorandum of Agreement that formed an Educational Alliance between the Secretaries of the Air Force and Navy on December 4, 2002. This Board will be located in the National Capital Region. By this recommendation, the newly formed board will also have the authority to:
- take action to eliminate unnecessary curricula and program duplication;
 - identify, approve, and implement programs of collaboration in research and instruction between the schools, and;
 - expand nonresident programs and arrangements with private institutions of higher learning to meet common curriculum and non-Department of Defense focused class requirements.

²⁶³ By Motion 1954A, the Commission added the recommendation "*Galena Forward Operating Location, AK*. Close Galena Forward Operating Location, Alaska."

²⁶⁴ By Motion 1974A, the Commission added the recommendation "*Naval Postgraduate School, Monterey, CA, and the Air Force Institute of Technology, Wright Patterson Air Force Base, OH*. Realign the Naval Postgraduate School, Monterey, California, and the Air Force Institute of Technology, Wright Patterson Air Force Base, Ohio, by forming a new and permanent oversight board responsible for curriculum review and approval, and program development for the resident and non-resident degree-granting programs at both schools. This Board, consisting of an equal number of members from the governing boards of each school, civilian education authorities recommended by the U.S. Secretary of Education, and other education officials as designated by the Secretary of Defense, will be chartered by the office of the Secretary of Defense and will provide a formal report of its actions and accomplishments to that office bi-annually. The Board's duties will consist of those actions listed as 'Goals' in the Memorandum of Agreement that formed an Educational Alliance between the Secretaries of the Air Force and Navy on December 4, 2002. This Board will be located in the National Capital Region. By this recommendation, the newly formed board will also have the authority to:

- take action to eliminate unnecessary curricula and program duplication;
- identify, approve, and implement programs of collaboration in research and instruction between the schools, and;
- expand nonresident programs and arrangements with private institutions of higher learning to meet common curriculum and non-Department of Defense focused class requirements.

Hague, David, CIV, WSO-BRAC

From: Battaglia, Charles, CIV, WSO-BRAC
Sent: Wednesday, October 26, 2005 1:25 PM
To: Hague, David, CIV, WSO-BRAC; Meyer, Jennifer, CIV, WSO-BRAC
Subject: FW: JAX Mayor Flinches

fyi

From: Niemeyer, Lucian (Armed Services) [mailto:Lucian_Niemeyer@armed-services.senate.gov]
Sent: Thursday, October 20, 2005 1:52 PM
To: Battaglia, Charles, CIV, WSO-BRAC
Subject: RE: JAX Mayor Flinches

Thanks Charlie, but not sure, given the structure of the recommendation, how the DOD IG will have the opportunity to consider this in his evaluation next March. According to the BRAC recommendation, Oceana still has to implement laws to condemn property. Very disconcerting. v/r !!!

-----Original Message-----

From: Battaglia, Charles, CIV, WSO-BRAC [mailto:C.Battaglia@wso.whs.mil]
Sent: Thursday, October 20, 2005 1:27 PM
To: Niemeyer, Lucian (Armed Services)
Subject: FW: JAX Mayor Flinches

From: Fetzner, William, CIV, WSO-BRAC
Sent: Thursday, October 20, 2005 1:21 PM
To: Battaglia, Charles, CIV, WSO-BRAC
Cc: Cook, Robert, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC; Schaefer, James, CIV, WSO-BRAC; Sarkar, Rumu, CIV, WSO-BRAC; Hanna, James, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC; Hill, Christine, CIV, WSO-BRAC; Meyer, Jennifer, CIV, WSO-BRAC; McCreary, Robert, CIV, WSO-BRAC

Subject: JAX Mayor Flinches

Sir, FYI
VR,
Bill Fetzner

News4Jax.com
Related To Story

<<...OLE_Obj...>>

Video: Mayor: 'This Community Does Not Want A Master Jet Base'

Mayor Halts Effort To Attract Navy To Cecil Field
POSTED: 11:41 am EDT October 20, 2005
UPDATED: 12:45 pm EDT October 20, 2005
JACKSONVILLE, Fla. -- Mayor John Peyton announced today that he has listened to the public's wishes and is giving up efforts to reopen Cecil Field as a Navy jet base.

"It is clear to me and I think it's clear to our City Council that this community does not want a master jet base," Peyton said at a midday news conference. "And this community does also not want to be in limbo -- having an uncertain future -- and I appreciate that, as well."

The announcement comes after Peyton and Florida Gov. Jeb Bush mounted an ambitious, two-month effort to persuade the Base Closure and Realignment Commission to move the Navy's only East Coast master jet base to the sprawling Westside property that the Navy vacated nearly a decade ago.

BRAC was looking for an alternative to the Oceana Naval Air Station in Virginia, which the commissioners said was becoming handicapped by commercial and residential development nearby.

But mounting opposition from Westside residents and community activists and an admitted miscalculation of the number of homes and businesses in the potential crash zone around Cecil Field's runways prompted Peyton to withdraw a request for a \$50 million bond issue to relocate businesses that would be displaced from Cecil Commerce Center.

<<...OLE_Obj...>>

<<...OLE_Obj...>>

Jacksonville and military officials said it would cost \$250 million to restore the 23,000-acre Cecil Commerce Center to be a Navy jet base.

Earlier this week City Council President Kevin Hyde told the mayor he thinks private development is the way to go at Cecil.

Peyton received applause from a small crowd gathered at the Westside Regional Library to hear the mayor's announcement.

"Residents across the Westside have invested in their communities, many have invested your life savings into their homes, certainly their businesses," Peyton said.

The mayor said the city's efforts will return to attracting commercial development to Cecil Commerce Center.

"Had the United States Navy come to Jacksonville and told us, 'Look, it is in the best interest of the security of this country and the military that the Navy be here,' ... that would be one thing," Peyton said. "The Navy basically testified before BRAC that they'd rather be in Oceana."

Hague, David, CIV, WSO-BRAC

From: Hague, David, CIV, WSO-BRAC
Sent: Wednesday, November 02, 2005 3:46 PM
To: Principi, Anthony, CIV, WSO-BRAC
Cc: Battaglia, Charles, CIV, WSO-BRAC; Schaefer, James, CIV, WSO-BRAC; Cirillo, Frank, CIV, WSO-BRAC
Subject: TALKING POINTS OCEANS AND BRAIN DRAIN

Attachments: Brain Drain Talking Points 2 NOV (2).doc; Oceana Talking Points 2 NOV (2).doc

Mr. Chairman

Below and attached are talking points for the two press interviews tomorrow on Oceana/Cecil Field and the "brain drain" issues.

Two packages will be delivered to you this afternoon, one on each subject. The Oceana/Cecil Field package includes the talking points, Recommendation #193, the draft ltr to Gov Warner, the two oped pieces you have authored, and the schematic showing actions taken and required RE Oceana and Cecil Field.

The "brain drain" pkg has the talking points, a DoD point paper on intellectual capital, and an early August paper on the subject prepared by folks in R&A.



Brain Drain Talking Points 2 N... Oceana Talking Points 2 NOV (2...

David

Talking Points Regarding "Brain Drain"
November 2, 2005

Q1. Did the BRAC Commission consider the impact of loss of "Intellectual Capital" in its deliberations?

A2. The potential for losing key scientists, researchers, medical personnel and experienced technicians was of significant concern to the Commissioners. It was an issue we examined closely and a factor we took into account in evaluating the military value of all proposed consolidations/relocations involving **intellectual capital**.

Impact on military value was the **key** we used in our analysis and final deliberations. There is obviously a tipping point where the loss of too many key personnel might make a move undesirable, or in BRAC-speak, "have low military value."

Our assessment is that we will not lose significant numbers of employees in the instances where we concurred with the DoD recommendations that effected **intellectual capital** movement.

Q2. How difficult was it to assess the potential "brain drain" of a specific DoD recommendation?

A2. Whether there would be a "brain drain" and how significant it would be, were **very difficult to assess** because you're trying to predict the future decisions of a very diverse group of individuals. There are many factors that might lead someone to decide to relocate or not. Many factors aren't even directly tied to the employee's position i.e. children's schools, spouse's career, family and climate to name a few.

We looked at many sources of information to make the best assessment possible. We considered the impact of past relocations on research labs, the information provided by the political leadership, community members and

the experience of the Commissioners as well as DoD certified data.

The **potential loss of intellectual capital** existed in many of the DoD recommendations and was seriously taken into account by the Commissioners in our final deliberations.

Q3. Where you concerned about the future employment of the effected individuals?

A3. Yes, however, almost universally, we found that these individuals were highly employable and greatly sought after by private industry. If they decided to leave government, they would be able to choose where they wanted to work.

Our primary concern was the **potential for a negative impact on National Defense** if these key people were placed in circumstances where they decided to leave government service. Their work is vital to our defense in the case of scientists/researchers or our ability to provide quality health care in the case of doctors.

The loss of any significant number of these key individuals could be a **blow to readiness** and was very carefully considered in our deliberations.

Q4. DoD's efforts to create "Centers of Excellence" was but one facet of the issue related to the relocation of "Intellectual Capital" and the potential "Brain Drain" concerns expressed by communities and reviewed by the Commission. Please explain the Centers of Excellence issue as observed during BRAC.

A4. The DoD Technical Joint Cross-Service Group used a strategic framework to establish Centers of Excellence to provide scientific and technical advances to enable DoD to develop capabilities and weapons technologies superior to those of potential adversaries. The Centers are intended to allow more rapid transition of technology and enhance integration of multiple technologies.

Centers were established in three areas:

- (1) Defense Labs,
- (2) Integrated Research, Development and Acquisition, and Test and Evaluation Centers (RDA&T&E). These include Ground, Maritime, Air, and Space Platforms; Weapons and Armaments; and Chemical-Biological Defense Systems, and
- (3) Integrated Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) Centers for land, maritime, air and space.

In reality, the large existing centers consolidated like technical tasks from smaller activities. Usually, tasks from two Services were involved but true "purple" (all Services like functions incorporated into mega centers) was not achieved.

**Talking Points Regarding NAS Oceana
November 2, 2005**

Q1. Why was NAS Oceana added for consideration to the BRAC list?

A1 The Commission first learned of the effects of encroachment on the military value of Naval Air Station (NAS) Oceana when the Chief of Naval Operations (CNO), Admiral Vern Clark, testified on May 17, 2005. He acknowledged these encroachment issues at NAS Oceana and described his unsuccessful attempts to locate a suitable alternative site including use of U.S. Air Force bases.

On May 24th the Commanding Officer of NAS Oceana briefed the Commission on the detrimental effects of encroachment upon the installation.

The Commission concluded after thorough review and analysis that private and commercial development around NAS Oceana presents a real and present danger to naval aviators and the citizens living near the station. Furthermore, the Commission determined that danger will only increase as higher performance jet aircraft enter into service and congestion increases around the station and Fentress Outlying Landing Field.

In the best interest of our men and women in uniform and the safety of the citizens of Virginia Beach the Commission was compelled to consider if Atlantic Fleet Strike Fighter Wing's operational readiness was threatened by growing residential and commercial development.

Further, the Commission had to consider whether the Navy would be able to continue operating NAS Oceana as a Master Jet Base if the city of Virginia Beach and the state of Virginia did not act on the Navy's often-requested measures to significantly limit and roll back that encroachment.

Both the Navy and the Commission clearly recognized that there was a serious encroachment problem at Oceana that had to be addressed, and that the Navy did not have a solution.

The actions recommended by the Commission would roll back and prevent encroaching residential and commercial development in high-risk areas around Oceana and Fentress and would create satisfactory conditions for continued flight operations at both installations. The impact of such measures would mitigate current delimiting conditions and greatly increase the likelihood of NAS Oceana remaining as the home of the Navy's East Coast Master Jet Base for many years.

Q2. What strength do the BRAC Commission's recommendations have and who has the authority to implement those recommendations?

A2. Should the Congress fail to enact a joint resolution to strike the recommendations within 45 days (that is on or about November 8th) of the date the Congress received the recommendations from the President, the recommendations will have the force of law.

Commission Recommendation number 193 concerning NAS Oceana sets forth conditions that must be met for the installation to remain the Navy's East Coast Master Jet Base. If those conditions are not fulfilled the recommendation provides that the Master Jet Base will move to former NAS Cecil Field if certain conditions are fulfilled by the State of Florida and the City of Jacksonville. If those conditions are not fulfilled, the Master Jet Base remains at Oceana even if the State of Virginia and the cities of Virginia Beach and Chesapeake fail to take the actions required by Recommendation Number 193.

We will have to wait and see what develops.

Recommendation number 193 provides that the Department of Defense Inspector General must decide when and if prescribed conditions are met.

The Department of Defense is responsible for implementing the recommendations of the BRAC Commission.

Q3. What will happen, from here, depending upon whether or not Virginia Beach complies with the stipulations set forth by the Commission to retain the Master Jet Base?

A3. On March 31st of 2006, the Defense Department Inspector General will begin the evaluation and certification of Virginia compliance. The DoD IG report of compliance is to be completed by June 1st, 2006, and forwarded to the President and the oversight committees of Congress. Should Virginia be found compliant with the guidelines stipulated by the BRAC Commission for retaining the Master Jet Base, the Master Jet Base

will remain at NAS Oceana.

If Virginia Beach fails to take the strong, proactive measures necessary to cure the negative effects of encroachment, the men and women of Atlantic Fleet Strike Fighter Wings will continue to experience degraded operational training and readiness, and the local civilian population would suffer continued exposure to unnecessary risks.

From the very beginning of this Commission, we continually placed—as prescribed by law—the military value of each installation and the needs of our men and women in uniform at the forefront of each decision. The thorough training of these naval aviators can make the difference in a split moment when a pilot reverts to instinct in a decision determining the outcome of a mission or even his or her own survival. It is crucial that these instincts, which have been drilled in by countless hours of training, be 100 percent accurate. The better the conditions for training, the more certainty there is of safety and success in peacetime operations and combat. The Commission made the right decision in the interest of those putting their lives on the line for all of us and stopped the hindrance by agendas of a political motive.

**Talking Points Regarding “Brain Drain”
November 2, 2005**

Q1. Did the BRAC Commission consider the impact of loss of “Intellectual Capital” in its deliberations?

A2. The potential for losing key scientists, researchers, medical personnel and experienced technicians was of significant concern to the Commissioners. It was an issue we examined closely and a factor we took into account in evaluating the military value of all proposed consolidations/relocations involving **intellectual capital**.

Impact on military value was the **key** we used in our analysis and final deliberations. There is obviously a tipping point where the loss of too many key personnel might make a move undesirable, or in BRAC-speak, “have low military value.”

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We looked at many sources of information to make the best assessment possible. We considered the impact of past relocations on research labs, the information provided by the political leadership, community members and the experience of the Commissioners as well as DoD certified data.

The **potential loss of intellectual capital** existed in many of the DoD recommendations and was seriously taken into account by the Commissioners in our final deliberations.

Q3. Where you concerned about the future employment of the effected individuals?

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Our primary concern was the **potential for a negative impact on National Defense** if these key people were placed in circumstances where they decided to leave government service. Their work is vital to our defense in the case of scientists/researchers or our ability to provide quality health care in the case of doctors.

The loss of any significant number of these key individuals could be a **blow to readiness** and was very carefully considered in our deliberations.

Q4. DoD's efforts to create "Centers of Excellence" was but one facet of the issue related to the relocation of "Intellectual Capital" and the potential "Brain Drain" concerns expressed by communities and reviewed by the Commission. Please explain the Centers of Excellence issue as observed during BRAC.

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Centers were established in three areas:

- (1) Defense Labs,
- (2) Integrated Research, Development and Acquisition, and Test and Evaluation Centers (RDA&T&E). These include Ground, Maritime, Air, and Space Platforms; Weapons and Armaments; and Chemical-Biological Defense Systems, and
- (3) Integrated Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) Centers for land, maritime, air and space.

In reality, the large existing centers consolidated like technical tasks from smaller activities. Usually, tasks from two Services were involved but true "purple" (all Services like functions incorporated into mega centers) was not achieved.

October 18, 2005

NOTES OF CONVERSATION WITH WILLIAM FETZER (BRAC Navy Team)

- 19 May 2005 Commissioner Skinner wrote to R&S staff (Frank Cirillo and Jim Hanna) re: collating the past BRAC-related history of Oceana, VA
- 20 May 2005 Bill Fetzer prepared an executive summary (see Warner doc. production)
- 24 May 2005 BRAC Commissioners went to Norfolk, VA regarding submarines and other BRAC actions moving Navy activities to that area. When asked by the Chairman about NAS Oceana, they were briefed by the Commanding Officer of NAS Oceana on encroachment at Oceana (see #101 to Warner doc. production)

Bill Fetzer requested through clearinghouse requests that the Navy produce COBRAs for:

- Moody, GA (cheapest alternative)
- Whiting Field, FL (also used as a training base for jet pilots)
- Pensacola, FL (too small and encroached)
- Marine Corps AIR Station, Beaufort, SC (see also GAO 2005 report)

Possible Options:

- Move MJB to Kingsville, TX or a new location that was unencroached.
- Establish Outlying Field (OLF) at Ft. Pickett, or Ft. AP Hill, VA to support Oceana, initially with the idea of expanding to a new MJB if Oceana encroachment became untenable
- Relocate Fleet Replacement Squadron from Oceana to MCAS Cherry Point, NC or Kingsville, TX

Navy's COBRA did not include the existing infrastructure at Cecil Field, FL that included, inter alia,

- Refurbished hangars that meet current OSHA standards that are being used for F-18 C/D depot level maintenance by Northrop Grumman and to house ANG and Customs units.
- All utilities were upgraded and the steam vents are now underground
- Short term commercial leases
- Additional ramp space constructed
- Modern city boulevards were constructed to the front gate.

NOTES OF CONVERSATION RE: OCEANA

- 1 July 2005 Oceana was added to the list of bases by letter to SECDEF from Chairman Principi
- 22 July 2005 FL delegation offered Cecil Field as a new MJB at New Orleans regional hearing. Note that this was the first time that the Commission staff started to consider Cecil Field as an option.
- 28 July 2005 BRAC letter to Governor Jeb Bush regarding intent and conditions of the FLA offer
- 1 August 2005 BRAC Commissioners visited Oceana
- 4 August 2005 Terry Suit (VA house Delegate) spoke to Bill Fetzer after the BRAC hearing and followed up with an 8 August 2005 letter (see doc. production) to the BRAC Commission, later endorsed by Governor Warner, setting forth 6 conditions for rehabilitating the Oceana property. These 6 conditions later formed the basis of the BRAC's recommendation re: Oceana.
- 10 August 2005 BRAC staff visited Cecil Field
- 19 August 2005 Three BRAC Commissioners visited to Cecil Field
- 20 August 2005 BRAC Hearing on Cecil Field and Oceana
- 24 August 2005 Final Deliberations and recommendations with conditionality (Rec. # 193) re: Oceana

Sarkar, Rumu, CIV, WSO-BRAC

From: Hague, David, CIV, WSO-BRAC
Sent: Friday, October 14, 2005 11:55 AM
To: Sarkar, Rumu, CIV, WSO-BRAC
Subject: FW: Oceana Time line

Attachments: Oceana - Cecil Timelines.ppt

Rumu -- compare what Bill has developed with the Commission recommendation and see if his timeline and chart can benefit from any refinement. Thks. David

From: Cirillo, Frank, CIV, WSO-BRAC
Sent: Friday, October 14, 2005 11:44 AM
To: Fetzer, William, CIV, WSO-BRAC
Cc: Hague, David, CIV, WSO-BRAC; Hanna, James, CIV, WSO-BRAC; Plack, Philip, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC
Subject: FW: Oceana Time line

Looks good Bill - tells a story. I understand you will lay in the DoD "Independent" study and refine some links to pass along to David for Charlie - and use Tuesday.

Also, per our other conversation, see if you can get with Phil on Monday and see if he can pull Census Bureau info into a graphic for both locations that will reflect residences and business locations - basically tax info.

From: Fetzer, William, CIV, WSO-BRAC
Sent: Friday, October 14, 2005 11:33 AM
To: Cirillo, Frank, CIV, WSO-BRAC; Hanna, James, CIV, WSO-BRAC
Subject: Oceana Time line

FYI, Attached timeline provided.

VR, Bill



Oceana - Cecil Timelines.ppt (...)

Handwritten notes:
Thurs. 10:30 (w/Charlie)
Wed. 1100 Rock Is Detroit (Dave) & Jim Duvon
Th. 1100 Mary + Chris.

of the Navy Broadway Complex, San Diego, California through the BRAC process. Enough time has lapsed since the 1987 legislation was passed to cause the Commission to act.

COMMISSION RECOMMENDATIONS

The Commission found that the Secretary deviated from selection criteria 1, 3, and 4. Therefore, the Commission recommends the following: "If the Secretary of the Navy does not enter into a long-term lease on or before January 1, 2007 that provides for the redevelopment of the Navy Broadway Complex, San Diego, California, under the authority granted by Section 2732 of Public Law 99-661, the National Defense Authorization Act for Fiscal Year 1987, close Navy Broadway Complex, San Diego, California, and relocate the units and functions on Navy Broadway Complex to other Department of the Navy owned sites in San Diego." The Commission found that this change and the recommendation as amended are consistent with the final selection criteria and the Force Structure Plan. The full text of this and all Commission recommendations can be found in Appendix Q.

NAVAL AIR STATION OCEANA, VIRGINIA

RECOMMENDATION # 193 (ADD)

ONE-TIME COST:	\$410.37M
ANNUAL RECURRING COSTS/(SAVINGS):	(\$17.10M)
20-YEAR NET PRESENT VALUE:	\$33.39M
PAYBACK PERIOD:	18 YEARS

SECRETARY OF DEFENSE RECOMMENDATION

None. The Secretary's proposed list submitted on May 13, 2005 did not include this facility. It was added by the Commission on July 19, 2005 for further consideration.

SECRETARY OF DEFENSE JUSTIFICATION

None.

COMMUNITY CONCERNS

The Virginia Beach, Virginia community places high value on the military's contribution to the community and fears the loss of over 11,000 direct jobs would devastate the local economy. The state has invested significant resources in improved roads around the base and moving schools out of the Accident Potential Zones. They acknowledged noise complaints by a small, but vocal, minority of residents but pointed out that planning commissions are developing new community planning overlays to limit encroachment and reduce development in the Accident Potential Zones. They argued funds needed to implement the Commission's consideration to relocate the Master Jet Base to Cecil Field, Florida could be better spent on the Navy's more pressing needs. They believe the Navy has no better or affordable alternative than remaining at NAS Oceana and managing encroachment.

The Jacksonville, Florida community offered to return all of the former NAS Cecil Field property, improved and unencumbered - free and clear. Local governments are prepared to absorb and support the approximately 11,000 personnel that would be associated with the relocation of the Navy's Atlantic Fleet Master Jet Base to Cecil Field. The community has invested \$133 million to upgrade Cecil Field's infrastructure and has secured \$130 million in funding for a high speed access road from Cecil Field to Interstate Highway 10. All required base conversion activities, including a new or updated Environmental Impact Statement, can be completed in time to allow the Navy to establish and occupy a new Master Jet Base within the BRAC timeframe.

COMMISSION FINDINGS

The Commission found that significant residential and commercial encroachment had continued around NAS Oceana and Naval Auxiliary Landing Fields (NALF) Fentress for many years and was exacerbated when the 1995 BRAC Commission redirected F-18 aircraft and supporting assets from MCAS Cherry Point, NC and MCAS Beaufort, SC to NAS Oceana to

take advantage of the excess capacity at NAS Oceana. It was the sense of the Commission that the encroachment issues were having a detrimental effect on the operations and training of the Navy's Atlantic Fleet Strike Fighter Wings and on the safety and welfare of the citizens of Virginia Beach and Chesapeake, VA. Consequently, the future for NAS Oceana as a Master Jet Base was severely limited, whereas Jacksonville, FL had taken effective and positive measures to protect the Air Installation Compatibility Use Zones (AICUZ) around Cecil Field, FL, and Naval Outlying Landing Field (NOLF) Whitehouse.

The intent of the Commission is to ensure that the State of Virginia and the municipal governments of Virginia Beach and Chesapeake take immediate and positive steps to halt the encroaching developments that are pending before them now and in the future, and also to roll back the encroachment that has already occurred in the Accident Potential Zones (APZ) around NAS Oceana and NALF Fentress, particularly in the APZ-1 areas. The Commission also considers that the more severe encroachment problems were created by the state and local governments by ignoring the Navy's repeated objections to incompatible residential and commercial developments under the AICUZ guidelines. Consequently, the funds to halt and reverse the encroachment should not come from federal funds, but rather from state and local funding sources.

It is the sense of the Commission that the Secretary of Defense deviated from the BRAC criteria by failing to consider NAS Oceana for closure or realignment. The longstanding and steadily worsening encroachment problem around NAS Oceana, without strong support from state and city governments to eliminate current and arrest future encroachment, will in the long term create a situation where the military value of NAS Oceana will be unacceptably degraded. The remedies presented to the Commission thus far have been unconvincing. It is also the sense of the Commission that the future of naval aviation is not Naval Air Station Oceana. The Commission urges the Navy to begin immediately to mitigate the noise encroachment and safety issues associated with flight operations around the Virginia Beach area by transitioning high-density training evolutions to other bases that are much less encroached, such as NOLF Whitehouse, FL, or Kingsville, TX.

The Secretary of Defense is directed to cause a rapid, complete due diligence review of the offer of the State of Florida to reoccupy the former NAS Cecil Field and to compare this review against any plan to build a new master jet base at any other location. This review is to be completed within 6 months from the date that the BRAC legislation enters into force and is to be made public to the affected states for comment. After review of the states' comments, which shall be submitted within 120 days after publishing the review, the Secretary of Defense shall forward to the oversight committees of Congress the review, the state comments, and his recommendation on the location of the Navy's future Atlantic Fleet Master Jet Base.

COMMISSION RECOMMENDATIONS

The Commission found that when the Secretary of Defense failed to recommend the realignment of Naval Air Station Oceana, Virginia Beach, Virginia, he substantially deviated from final selection criteria 1, 2, 3, 4, and 5, and the Force Structure Plan; that the Commission add to the list of installations to be closed or realigned the recommendation:

(1) Realign Naval Air Station Oceana, Virginia by relocating the East Coast Master Jet Base to Cecil Field, FL, if the Commonwealth of Virginia and the municipal governments of Virginia Beach, VA, and Chesapeake, Virginia, fail to enact and enforce legislation to prevent further encroachment of Naval Air Station Oceana by the end of March 2006, to wit: enact state-mandated zoning controls requiring the cities of Virginia Beach and Chesapeake to adopt zoning ordinances that require the governing body to follow Air Installation Compatibility Use Zone (AICUZ) guidelines in deciding discretionary development applications for property in noise levels 70 dB Day-Night, average noise Level (DNL) or greater; enact state and local legislation and ordinances to establish a program to condemn and purchase all the incompatible use property located within the Accident Potential Zone 1 areas for Naval Air Station Oceana, as depicted in the 1999 AICUZ pamphlet published by the US Navy and to fund and expend no less than \$15 million annually in furtherance of the aforementioned program; codify the 2005 final Hampton Roads Joint Land Use Study recommendation; legislate requirements for the cities of Virginia Beach and Chesapeake to evaluate undeveloped properties in noise zones 70 dB DNL or greater for rezoning classification that would not allow uses incompatible under AICUZ guidelines; establish programs for purchase of development rights of the inter-facility traffic area between NAS Oceana and NALF Fentress; enact legislation creating the Oceana-Fentress Advisory Council. It shall be deemed that the actions prescribed to be taken by the Commonwealth of Virginia, and the Cities of Virginia Beach, and Chesapeake respectively, by the end of March 2006 have not been taken in their entirety, unless the Department of Defense Inspector General so certifies in writing to the President and oversight committees of Congress by June 1, 2006; and, if the State of Florida appropriates sufficient funds to relocate commercial tenants presently located at Cecil Field, Florida, appropriates sufficient funds to secure public-private ventures for all the personnel housing required by the Navy at Cecil Field to accomplish this relocation and turns over fee simple title to the property comprising the former Naval Air Station Cecil Field, including all infrastructure improvements that presently exist, to the Department on or before December 31, 2006, if the Commonwealth of Virginia and the municipal government of Virginia Beach, VA, and Chesapeake, VA, decline from the outset to take the actions required above or within 6 months of

the Commonwealth of Virginia and the municipal governments of Virginia Beach, VA, and Chesapeake, VA, failing to carry through with any of the actions set out above, whichever is later. The State of Florida may not encumber the title by any restrictions other than a reversionary clause in favor of the State of Florida and short-term tenancies consistent with the relocation of the Master Jet Base to Cecil Field. It shall be deemed that the actions prescribed to be taken by the State of Florida and the City of Jacksonville respectively by the end of 31 December 2006 have not been taken in their entirety unless the Department of Defense Inspector General so certifies in writing to the President and oversight committees of Congress by June 1, 2007. If the Commonwealth of Virginia and the municipal governments of Virginia Beach, VA, and Chesapeake, VA, fail to take all of the prescribed actions and the State of Florida meets the conditions established by this recommendation, the units and functions that shall relocate to Cecil Field will include but are not limited to all of the Navy F/A-18 strike fighter wings, aviation operations and support schools, maintenance support, training, and any other additional support activities the Navy deems necessary and appropriate to support the operations of the Master Jet Base.



BILL FETZER
President

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Herndon, VA 20171-2439

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October 18, 2005

NOTES OF CONVERSATION WITH WILLIAM FETZER (BRAC Navy Team)

19 May 2005 Commissioner Skinner wrote to R&S staff (Frank Cirillo and Jim Hanna) re: collating the past BRAC-related history of Oceana, VA

20 May 2005 Bill Fetzer prepared an executive summary (see Warner doc. production)

24 May 2005 BRAC Commissioners went to Norfolk, VA and were briefed by the CNO on encroachment at Oceana (see #101 to Warner doc. production)

Bill Fetzer requested through clearinghouse requests that the Navy produce COBRAs for:

- Moody, GA (cheapest alternative)
- Whiting Field, FL (also used as a training base for jet pilots)
- Pensacola, FL (supported by Whiting Field)
- Marine Corps Station, Buford, GA (see also GAO 2005 report)

Possible Options:

- Move MJB to Kingsville, TX or Cecil Field, FL (closed in 1993 BRAC Round)
- Outlying Field (OLF) moved to Ft. Pickett, or Ft. AP Hill, VA to support Oceana
- Replace squadron at Oceana to Cherry Pont, NC or Kingsport, TX

Navy's COBRA did not reveal the existing infrastructure at Cecil Field, FL that included, inter alia,

- Refurbished hangars that met current OSHA standards that are being used to retrofit F-18s by Northrop Grumman
- All utilities are in place, and the steam vents are now underground
- Short term commercial leases
- Additional ramp space

1 July 2005 Oceana was added to the list of bases by letter to SECDEF from Chairman Principi

22 July 2005 FL delegation offers Cecil Field as a new MJB at New Orleans regional hearing

28 July 2005 BRAC letter to Governor Jeb Bush

1 August 2005 BRAC Commissioners visit Oceana

4 August 2005 Terry Suit (VA house Delegate) spoke to Bill Fetzer after the BRAC hearing and followed up with an 8 August 2005 letter (see doc. production) to the BRAC Commission, later endorsed by Governor Warner, setting forth 6 conditions for

NOTES OF CONVERSATION RE: OCEANA

rehabilitating the Oceana property. These 6 conditions later formed the basis of the BRAC's recommendation re: Oceana.

- | | |
|----------------|---|
| 10 August 2005 | BRAC staff visited Cecil Field |
| 19 August 2005 | BRAC Commissioner visit to Cecil Field |
| 20 August 2005 | BRAC Hearing on Cecil Field and Oceana |
| 24 August 2005 | Final Deliberations and recommendations with conditionality (Rec. # 193) re: Oceana |

JOHN WARNER
VIRGINIA

COMMITTEES:
ARMED SERVICES, CHAIRMAN
ENVIRONMENT AND PUBLIC WORKS
SELECT COMMITTEE ON INTELLIGENCE
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

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(276) 828-8168

1003 FIRST UNION BANK BUILDING
213 SOUTH JEFFERSON STREET
ROANOKE, VA 24011-1714
(540) 857-2676

September 29, 2005

BRAC Commission

The Honorable Anthony J. Principi
Chairman
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202-3920

OCT 04 2005

Received

Dear Chairman Principi:

Pursuant to Section 2914(d)(2) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C.A. 2687 note), I am writing to request all information used by the Base Realignment and Closure Commission ("Commission") in (1) deciding to consider the closure or realignment of Naval Air Station ("NAS") Oceana, Virginia and (2) recommending to relocate the U.S. Navy's East Coast master jet base from NAS Oceana to former NAS Cecil Field, Florida unless the Commonwealth of Virginia ("Commonwealth"), the City of Virginia Beach, and Chesapeake, Virginia (collectively "the local governments") meet certain criteria. This request includes, but is not limited to, any legal or policy memoranda, technical analyses, Department of Defense reports, Commission reports, contractor reports, economic analyses, correspondence, and any other records that relate in any way to the Commission's decision on NAS Oceana.

Thank you in advance for your compliance with this request.

With kind regards, I am

Sincerely,



John Warner

JW/cas

DCN: 7259



TERRIE L. SUIT
 POST OFFICE BOX 7031
 VIRGINIA BEACH, VIRGINIA 23457
 EIGHTY-FIRST DISTRICT

COMMONWEALTH OF VIRGINIA
 HOUSE OF DELEGATES
 RICHMOND

BRAC Commission

AUG 08 2005

Received

COMMITTEE ASSIGNMENTS
 GENERAL LAWS
 COUNTIES, CITIES AND TOWNS
 COMMERCE AND LABOR

August 8, 2005

Chairman Anthony J. Principi
 Base Closure And Realignment Commission
 2521 S. Clark St., Suite 600
 Arlington, VA 22202-3920

RE: Oceana Naval Air Station.

Dear Chairman Principi,

I write to you as the Member of the Virginia House of Delegates representing the 81st District, which hosts Naval Air Station Oceana in the City of Virginia Beach, and areas south of Naval Air Landing Field Fentress in the City of Chesapeake. On August 1st, at the invitation of Capt. Tom Keeley, I attended the Base Closure and Realignment Commission's site visit to NAS Oceana. During this visit I listened carefully to the concerns identified by members of the commission pertaining to the military value of NAS Oceana and concerns about civilian encroachment around Oceana. On August 4th I attended the public hearing in Washington DC and again heard the concerns about encroachment expressed by Commission members present. Following that hearing I met with commission staff member Bill Fetzer to clarify these concerns.

I am confident that I, along with my colleagues in the Virginia Legislature, have the means to address the Commission's concerns regarding encroachment around Oceana NAS and Fentress Air Field with **permanent statutory solutions**. I am writing this letter to articulate these legislative remedies, and offer my personal commitment to follow through with this legislation.

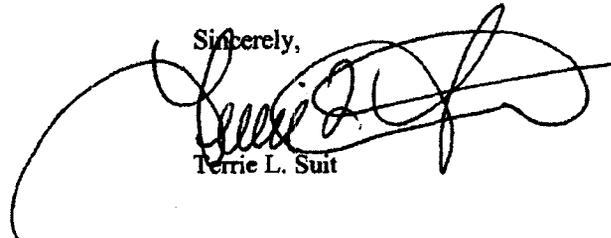
As a practice the State legislature has been reluctant to interfere with local land use planning, however, we do have the ability to legislate such land use restrictions and mandates upon local governing bodies. I, and many of my colleagues, believe that in order to address the Commission's concerns regarding encroachment around NAS Oceana we are warranted in taking the unprecedented action of putting into law a number of land use remedies. I have discussed these remedies with other legislators representing the Hampton Roads region as well as with the leadership of the Virginia House of Delegates. Delegate Cosgrove, Senator Stolle, and I are positioned to move these initiatives forward, with the support of our colleagues, and are confident of their successful adoption by the Virginia General Assembly. These initiatives are as follows:

1. **State-Mandated Zoning Controls**
Requires the cities of Chesapeake and Virginia Beach to adopt zoning ordinances that require the governing body to consider AICUZ guidelines in deciding discretionary development applications (rezoning, conditional use permits) for property in Noise Zones 70 dB DNL or greater.
2. **Purchase of Development Rights (PDRs) Housed Under the Aviation Board.**
Legislation would establish a State program for the purchase of property rights on developed and undeveloped land in Accident Potential Zones in Chesapeake and Virginia Beach. Property rights to be purchased may include development rights or fee simple title. Purchases to be funded by state and federal governments; in addition, each locality may provide funding for purchases within its own jurisdiction. The Program would be administered by a State commission members of which would be appointed by the Governor or General Assembly. Property to be acquired would have by-right development potential (i.e., no approvals needed by the governing body) for uses deemed incompatible with AICUZ guidelines.
3. **Codification of Joint Land Use Study (JLUS)**
Legislative Services (General Assembly staff) to examine JLUS recommendations to determine suitability for statutory enactments of other recommendations.
4. **Evaluation of Undeveloped Properties**
Legislation would require cities of Virginia Beach and Chesapeake to evaluate undeveloped property in Noise Zones 70 dB DNL and greater to determine the suitability of rezoning to different zoning district classifications that would not allow uses incompatible with AICUZ guidelines.
5. **Inter-facility Traffic Area**
Cities of Virginia Beach and Chesapeake to develop programs for the purchase of development rights in NAS Oceana - NALF Fentress flight path (Inter-facility Traffic Area). Purchases could include fee simple title or lesser interests, so long as effect would be the elimination of uses deemed incompatible with AICUZ guidelines.
6. **Oceana/Fentress Military Advisory Council**
Enact legislation creating the Oceana/Fentress Military Advisory Council as a sub-unit of the Virginia Military Advisory Council with staffing provided by the Virginia Office of Commonwealth Preparedness. Membership on the council would consist of two members of the Chesapeake City Council, two members of the Virginia Beach City Council, Virginia legislators whose districts encompass NAS Oceana and NALF Fentress. Advisors would include Commander Navy Region Mid-Atlantic or his representative, and Commanding Officer of NAS Oceana or his representative.

I hope that these legislative remedies will offer the Commission sufficient confidence in the staying power of the actions currently being taken by the Cities of Virginia Beach and Chesapeake. I am available at your convenience to discuss the details of these initiatives. I will be out of the State for the remainder of August on post-deployment leave with my active-duty husband. I can, however, be reached on my mobile phone at 757-651-1852 or by e-mail at tlsuit@cox.net. Please feel free to contact me should you have any questions regarding this legislative package.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrie L. Suit", is written over a large, loopy flourish that extends to the left and then curves back under the signature.

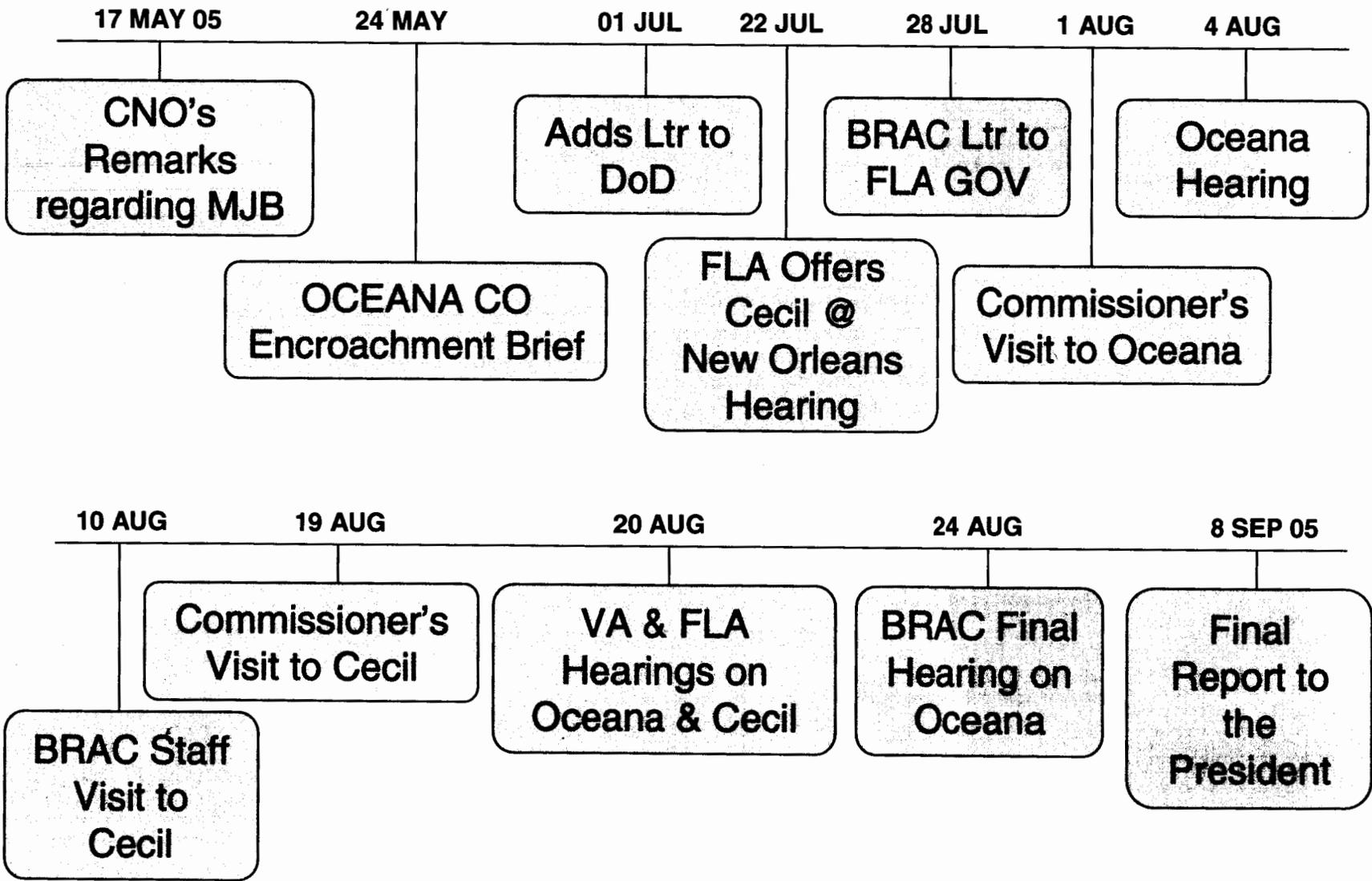
Terrie L. Suit

Cc. **Members and Staff, Base Closure and Realignment Commission**
Governor Warner, Virginia
Virginia's US Senate Delegation
2nd and 4th US Congressional Representatives
Virginia General Assembly Members
Virginia Beach City Council Members
Chesapeake City Council Members
Commander Navy Mid-Atlantic Region
Commander Oceana Naval Air Station

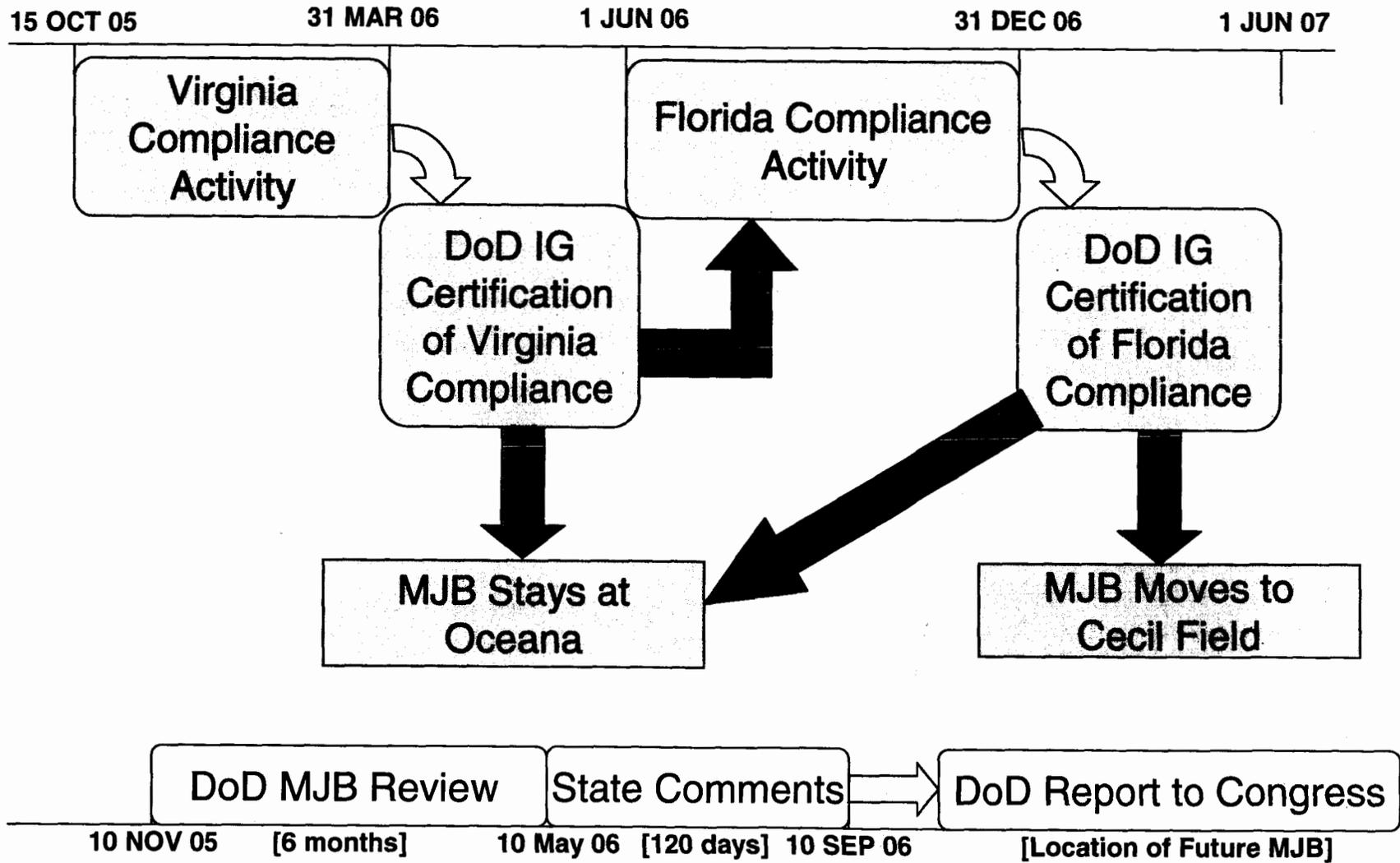
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TLS/slf

Oceana – Cecil Field Timelines – Pre Decision



Oceana – Cecil Field Timelines – Post Decision



Community Requirements

Virginia Requirements

1. Enact state-mandated zoning controls to follow AICUZ guidelines for property in Noise Levels 70 dB Day-Night, average noise Level (DNL) or greater;
2. Enact state legislation and local ordinances to establish a program to condemn and purchase all the incompatible use property located in APZ-1 in NAS Oceana and fund NLT \$15 million annually to support this legislation;
3. Codify the 2005 final Hampton Roads JLUS recommendations;
4. Legislate requirements for rezoning undeveloped properties in DNL 70 dB or greater, and disallow all incompatible uses under AICUZ guidelines;
5. Establish programs for purchasing development rights of the inter-facility traffic area between NAS Oceana and NALF Fentress;
6. Enact legislation creating the Oceana-Fentress Advisory Council.

Requirements met when DoD IG certifies in writing by 6/1/06 to POTUS and Congressional oversight committees.

Florida Requirements

1. Appropriate sufficient funds to relocate commercial tenants presently located at Cecil Field, Florida;
2. Appropriate sufficient funds to secure public-private ventures for all the personnel housing required by the Navy at Cecil Field to accomplish this relocation;
3. Turn over fee simple title to DoD for property comprising the former Naval Air Station Cecil Field.

Requirements met when DoD IG certifies in writing by 12/31/06 to POTUS and Congressional oversight committees. If Virginia declines to undertake these actions from the outset or within 7 months following June 1, 2006, then Florida may meet its requirements. If Florida fails to receive a certification by 6/1/07, the F/A-18 striker fighter wings and support functions for the MJB remain at NAS Oceana at the discretion of the Navy.

Oceana Records – Provided to SENATOR Warner

1. Commission reports
 - a. 1993 BRAC Report
 - b. 1995 BRAC Report
 - c. 2005 DoD BRAC Report - Summary
 - d. Base Visit reports
 - e. Memoranda for the Record
 - f. Memoranda of Meetings (Oceana and Cecil)
 - g. Executive Summary of 20 May 2005
2. Community Correspondence
 - a. Various Letters PRO/CON from the communities
3. DoD Reports
 - a. 1995 Navy BRAC Report regarding Oceana
 - b. 2005 DoD BRAC Report
4. Economic Analysis – COBRA Reports
 - a. Various scenarios from moving squadrons to CHPT, Kingsville, to new OLFs and a New Master Jet Base
5. Email Files
 - a. Frank Cirillo
 - b. Bill Fetzer
6. GAO Report
 - a. 2005 GAO Report
7. Hearing Testimony
 - a. Transcripts from Regional Hearings and Commission Hearings
 - b. Oceana ADDS briefing and Oceana Final Briefing
8. Official Correspondence
 - a. DoD Officials, VA & FLA Officials, Clearing House
9. Other Records
 - a. JLUS Executive Summary
 - b. Oceana Craches
 - c. Virginia BRAC History
10. Technical Analysis - All documents related to analysis of Oceana and Cecil Field
 - a. Texas Offer
 - b. Moody AFB Info
 - c. Ft Pickett Info
 - d. Multiple Imagery Files
 - e. AICUZ Maps
 - f. Airfield Comparison Charts
 - g. FAA Info
 - h. Hurricane Info
 - i. Environmental Cleanup Info
 - j. Cecil Field Engineers Credentials
 - k. F-18 Final Environmental Impact Statement (FEIS) Excerpts
 - l. NAS Oceana Commanding Officer's Brief on Encroachment
 - m. Detailed breakout of Cecil Field facilities for COBRA analysis

- n. Effects of Sound and Noise Charts
 - o. CFFC Responses to Questions (# 47)
 - p. Unique mission facility requirements
 - q. Value of Cecil Field offer
 - r. Public Private Venture data
11. Complete F-18 FEIS Study (on CD only)
 12. BRAC FAA analysis report (Jim Aarnio)
 13. Complete Florida Offer

My deletions are in double strikethrough. Bill's changes are in red. My additions are in bold.

David

OpEd by BRAC Commission Chairman Anthony J. Principi

October 18, 2005

Homes in the NAS Oceana Accident Potential Zones exceed Cecil Field by an Estimated 40 times.

The **2005 Defense** Base Closure and Realignment Commission (~~BRAC~~) first learned of the effects of encroachment on the military value of the Navy's ~~current~~ Oceana, Virginia Master Jet Base on May 17th when the Chief of Naval Operations (CNO) testified before the Commission that the Navy had looked at several possible ~~options but could not find a feasible solution~~ **alternative locations for the base but was unable to find a suitable site.**

After the Commanding Officer of Naval Air Station (NAS) Oceana briefed the Commission **on May 24th** on the **detrimental** effects of encroachment **upon the installation on the operations of the Atlantic Fleet's Master Jet Base**, the Commission ~~had~~ **was compelled** to consider if Atlantic Fleet Strike Fighter Wings' operational readiness, as well as the safety of the citizens of Virginia Beach and Chesapeake, were threatened by growing residential and commercial development. Further, the Commission had to consider whether the Navy would be able to continue operating NAS Oceana as a Master Jet Base if the City of Virginia Beach and the State of Virginia did not take the Navy's often-requested ~~positive~~ measures to significantly limit and roll back that encroachment.

Both the Navy and the Commission clearly recognized that there was an encroachment problem at Oceana that had to be addressed, and that the Navy did not have a solution. Based on the CNO's comments, the Commission first considered Georgia's Moody Air Force Base as an alternative **site**. The Commission did not consider Cecil Field until after the Commission's July 22nd **public hearing in New Orleans** ~~field hearing~~ when the Florida delegation offered that facility as a possible alternative to Oceana.

Contrary to some reports, the Commission evaluated Cecil Field's suitability by carefully examining satellite imagery, conducting several extensive base visits and aerial tours, by ~~both~~ commissioners and staff, as well as FAA analysis **conducted** with our staff experts. The Commission was well aware there was, and is, some minor encroachment at Cecil **Field**.

According to our analysis, there are fewer than 50 homes in Cecil's **Field's** Accident Potential Zones (APZ-1) (highest risk areas closest to aircraft landing and takeoff paths). Using official Navy population estimates for Virginia Beach as reported in the F/A-18 E/F (Super Hornet) Final Environmental Impact Statement (~~FEIS~~) and the 2000 Census Bureau data for Virginia Beach, there are more than 2200 homes in Virginia Beach located within the highest risk areas closest to aircraft landing and takeoff paths, designated Clear Zones and Accident Potential Zones, APZ-1.

In short, NAS Oceana has well over 40 times the level of encroachment as Cecil Field in the highest risk zones. If the Navy's East Coast Master Jet Base remains at NAS Oceana, and Virginia Beach fails to take the strong, proactive measures necessary to cure the negative effects of encroachment, the men and women ~~who bring our Nation's~~ of Atlantic Fleet Strike Fighter Wings ~~to life would~~ **will** continue to experience ~~unnecessarily~~ degraded operational training and readiness, and the local civilian population would suffer continued exposure to unnecessary risks.

Ultimately, the Commission could not, and did not, ignore the national security and public safety issues presented by encroachment on the Navy's Master Jet ~~Training~~ Base. Nor did the Commission hesitate to make a decision when a decision was called for.

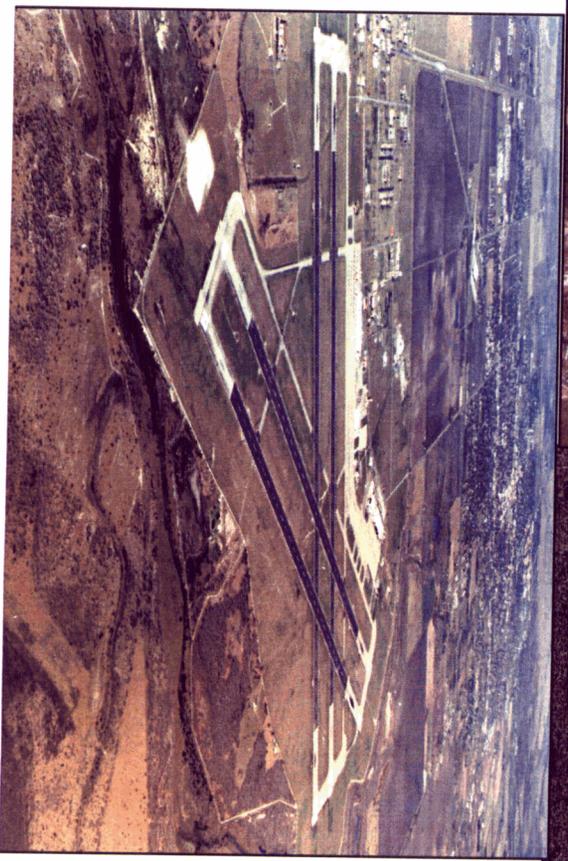
Future Navy Master Jet Base



NAS Oceana



Cecil Field



NAS Kingsville