

## IMPLICATIONS OF THE 1994 ONIZUKA CLOSURE STUDY

### Background

The Air Force has proposed Onizuka Air Station for "realignment", claiming that: 1) Detachment 2 of the Air Force Material Command was moving under a non-BRAC action and that the classified tenants would not move during the BRAC execution period, and 2) that they were not, therefore, legitimately considered a part of BRAC closure costs. The Air Force has failed thus far to offer any estimate of the cost of moving the tenants. Through non-BRAC sources we now know the cost of moving the classified tenants and Detachment 2.

### The Air Force Onizuka Closure Study

In 1994 the Air Force Space Command, in conjunction with the Air Force Material Command and the classified tenants at Onizuka Air Force Base, conducted a study (TAB A) of the impact that would result from the closure of Onizuka with the objective of estimating the cost and operational risk. While the operational risk was estimated to increase "by some degree", the relevant figures for BRAC consideration are the Air Force cost estimates outlined in the study.

The following conclusions may be drawn from the study:

- o The Air Force has intended to close Onizuka since at least 1994 (Tab # 1)
- o Therefore, all of the costs for moving the AFMC Detachment 2 and the classified tenants most properly belong in the cost calculations for the Air Force's 1995 BRAC recommendation regarding the "realignment" of Onizuka AS because they result directly from the movement of 750th Space Group
- o The one-time costs for moving the tenants are \$520 million (Tab # 2)
- o The one-time costs for moving Detachment 2 are \$41.5 million (Tab # 2)
- o The total one-time costs for closure are \$699 million (Tab # 2)
- o The annual operating costs to AFMC increase by \$5 million under a closure scenario (Tab # 3)
- o The annual operating costs to the classified tenants increase by \$10 million under a closure scenario (Tab # 3)
- o The payback for the closure is estimated to be 27.1 years (Tab # 4)

## **Other Considerations**

The cost figure referenced above reflect a part of the burden of pursuing this closure. Additionally, the new "switch" system (i.e., the distributed architecture) now being designed to replace the new Operational Traffic Switching System (itself just now coming on-line at Onizuka) will cost hundreds of million of additional dollars in the next five years, according to Air Force budget documents. (TAB B) While the portion of this cost attributable to the closure of Onizuka is difficult to assess, the fact that a brand new switch is about to be replaced in large part because of a base closure suggests that some part of the cost should be assigned to this closure action. Furthermore, the budget documents indicate that the timeframe for acquiring this distributed architecture, now in the R&D phase, will continue beyond the BRAC execution period.

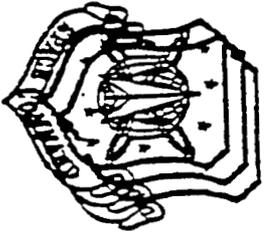
# SINGLE-NODE OPERATIONS STUDY

AF-MC

OD



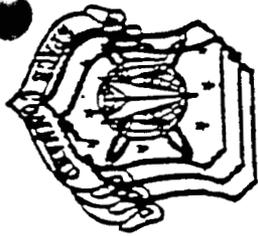
AFSPACECOM



# SINGLE-NODE OPERATIONS STUDY CONTENTS

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- BACKGROUND
- ASSUMPTIONS/APPROACH
- RISK ASSESSMENT
- COST ASSESSMENT
- SUMMARY



# SINGLE-NODE OPERATIONS STUDY BACKGROUND

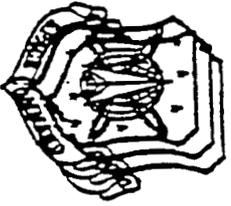
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- AF/XOFS LETTER, 10 FEB 93

“ASSESS THE IMPACTS OF ONIZUKA AFB CLOSURE, DOCUMENT THE DEVELOPMENT AND SUPPORT IMPACTS OF SUCH A CLOSURE AND DETERMINE IF THE MISSION OF THE AIR FORCE SATELLITE CONTROL NETWORK (AFSCN) COULD CONTINUE WHILE MEETING OPERATIONAL AND USER REQUIREMENTS.”

- PROVIDE INFORMATION TO THE SPACE C3I RESOURCE ALLOCATION TEAM FOR THE FY 95 - 99 BUDGET

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# SINGLE-NODE OPERATIONS STUDY BACKGROUND

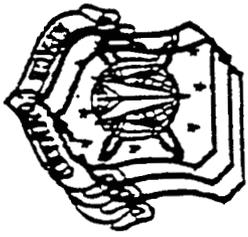
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- JOINT STUDY GROUP MEMBERSHIP

- HQ AFSPACECOM/DOG
- HQ AFSPACECOM/XPX
- HQ AFSPACECOM/DIRS
- HQ AFSPACECOM/SCN
- 50th SPACE WING
- HQ SMC/CWI
- HQ SMC/CU
- OD-1/4

• OBJECTIVE: PROVIDE A "BALLPARK" ESTIMATE OF THE COST AND OPERATIONAL RISK OF CLOSING ONIZUKA AFB

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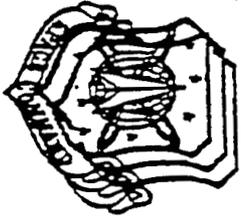
# SINGLE-NODE OPERATIONS STUDY BACKGROUND

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## • OPTIONS STUDIED

- OPTION 1: CLOSE ONIZUKA AFB (OAFB) BY 2000
- OPTION 2: ODS STAY AT OAFB;  
AFSPACCOM AND SMC/CU MOVE
- OPTION 3: SMC/CU STAYS AT OAFB;  
AFSPACCOM AND ODS MOVE
- OPTION 4: SMC/CU AND ODS STAY AT OAFB;  
AFSPACCOM MOVES
- OPTION 5: DELAY CLOSURE UNTIL 2005;  
AFSPACCOM MOVES TO FAFB;  
ODS AND SMC/CU STAY UNTIL CLOSURE

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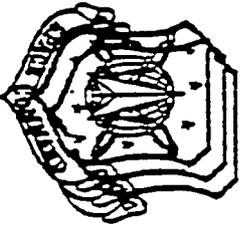


# SINGLE-NODE OPERATIONS STUDY ASSUMPTIONS

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- NO ANTICIPATED CHANGES TO THE AFSCN MISSION
- AFSCN WILL CONTINUE TO MEET EXTERNAL USER REQUIREMENTS--NO ADDITIONAL RISK TO PROGRAMS
- OPERATIONAL RISK TO AFSPACECOM SUPPORTED PROGRAMS WOULD INCREASE BY SOME DEGREE
- SOME LEVEL OF BACKUP CAPABILITY FOR AFSPACECOM PROGRAMS REQUIRED
- TIME TRANSFER OF OAFB RESOURCES TO MINIMIZE COSTS AND OPERATIONAL RISK

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# SINGLE-NODE OPERATIONS STUDY APPROACH

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- IDENTIFIED OAFB FUNCTIONS
  - DETERMINED FUNCTIONS TO BE TRANSFERRED
    - » FAIBB FOR AFSPACECOM PROGRAMS
    - » RDT&E SUPPORT COMPLEX (RSC) FOR SMC/CU
    - » OTHER FOR ODS
- RISK ASSESSMENT FOR AFSPACECOM PROGRAMS
- COST ASSESSMENT
  - ASSESS 1-TIME COSTS (NONRECURRING)
  - ASSESS CURRENT OPERATING BUDGET
  - ASSESS CHANGES TO OPERATING COSTS (RECURRING)
    - » FALCON AFB (AFSPACECOM)
    - » OTHER LOCATIONS (OD/CU)
  - ASSESS SAVINGS

# SINGLE-NODE OPERATIONS STUDY APPROACH

## CURRENT OAFB FUNCTIONS

RIS COMM (WB, NB)  
EXTERNAL USER COMM  
OTHER COMM (SUN, SATCOM, VOICE)  
RESOURCE CONTROL  
RESOURCE SCHEDULING  
INTER-RANGE OPERATIONS (IRO)  
COMMAND POST  
POWER PLANT  
LOGISTICS  
SOC-38 (DSCS, IAIB, GPS, NATO, SKYNET)  
SOC-39 (STS, TITAN, NOAA, BALLISTICS)  
SOC-37 (SMC/CUO)  
SOFTWARE DEVELOPMENT (SMC/CW)  
MCC-A (OD)  
MCC-IX/COMPLEX D (OD)  
MCC-III (OD)  
MCC-XII (OD)  
MCC-IV (OD)  
MCC-VII (OD)  
DATA LINK TERMINAL/EQUIP (OD)

## FUNCTIONS TO FAIB

EXTERNAL USER COMM  
OTHER COMMUNICATIONS  
INTER-RANGE OPERATIONS  
LOGISTICS  
SOC-38  
SOC-39

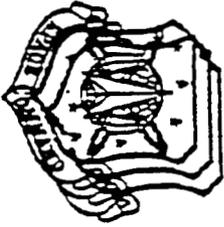


# SINGLE-NODE OPERATIONS STUDY APPROACH

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- NOMINAL TRANSITION OVERVIEW FOR TRANSFERRING SATELLITE OPERATIONS CENTERS TO FAIB AND RSC:
  - REDISTRIBUTE SOC-38 OPERATIONS
  - TRANSFER SOC-39 OPERATIONS
  - MOVE APPLICABLE SOC-38 EQUIPMENT TO FAIB
  - TRANSFER SOC-39 DATABASES INTO "NEW" SOC-39
  - TRANSFER SOC-39 MUE TO FAIB
  - USE "OLD" SOC-39 EQUIP FOR SMC/CU MOVE TO RSC
  - MOVE SOC-37 (TSC) MUE TO RSC
- SOURCE: SMC/CW's ENGINEERING MODEL FOR CCS SINGLE-NODE OPERATIONS

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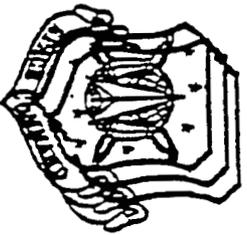


# SINGLE-NODE OPERATIONS STUDY LIMITATIONS--AFSPACECOM

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- FLOOR SPACE WITHIN BLDG 300 & 400 AT FAFB
  - AFSPACECOM AND SMC/CW STUDYING OPTIONS TO MEET FLOOR SPACE REQUIREMENTS WITHIN BLDG 400
- CPU TERMINAL CAPACITY FOR SOC 33 & 34
  - UNABLE TO SUPPORT TRANSFERRED OAFB FUNCTIONS WITHOUT ADDING ADDITIONAL TERMINALS/CAPACITY
- POWER, CHILLED WATER, AND AIR CONDITIONING
  - FAFB CAPACITY REQUIRES ADDITIONAL STUDY
- FAFB NARROWBAND (NB) COMMUNICATIONS
  - NB CAPACITY OF 56 KBps DOES NOT MEET REQUIREMENTS
  - PLANNED UPGRADE TO 1.544 MBps (ECD: MAR 94)
- NB COMM CAPACITY AT IOS, DGS, TTS-C
  - UPGRADE NB TO 1.544 MBps
  - ALTERNATE WB LINK

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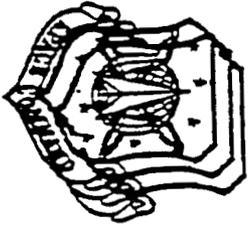


# SINGLE-NODE OPERATIONS STUDY LIMITATIONS--ODs

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- BASIS FOR ESTIMATE IS 91 CSAF RELOCATION STUDY
  - REVALIDATED COST FIGURES AND RELOCATION ASSUMPTIONS WITH PROGRAM OFFICE
  - COSTS AND PREFERRED OPTION GIVEN TO SMC/CW
    - » PREFERRED OPTION IS TO REMAIN AT OAFB
- NO CURRENT PLANS AND/OR PROGRAMMED FUNDS TO TRANSFER OPERATIONS FROM OAFB
  - INITIATED RELOCATION "CONTINGENCIES" STUDY
    - » ESTIMATE 1-YEAR EFFORT

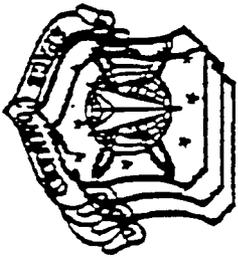
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# SINGLE-NODE OPERATIONS STUDY LIMITATIONS--SMC/CU

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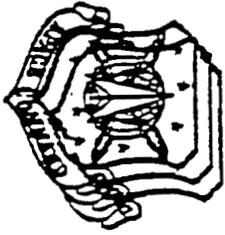
- RELOCATION COSTS BASED UPON CCS OPTION FOR THE RSC STUDY
- SMC/CU HAS NO PROGRAMMED FUNDS TO TRANSFER OPERATIONS



## SINGLE-NODE OPERATIONS STUDY AFSPACCECOM RISK ASSESSMENT

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- TIMEFRAME FOR RISK ASSESSMENT IS 1998 AND ASSUMES THE FOLLOWING:
  - INTEROPERABLE SATELLITE OPERATIONS CENTERS
    - » SOC 31A/B FOR DSP, DMSP, AND GPS
    - » SOC 33/34 FOR COMSAT'S
  - DMSP CONSOLIDATION AT FAIRB COMPLETE
  - 21 SPW IS PRIME FOR DAY-TO-DAY DSP OPERATIONS
    - » 50 SPW RESPONSIBLE FOR DSP LEO, BACKUP, & ANOMALY RESOLUTION
  - BACKUP OPERATIONS REQUIREMENTS WOULD NOT INCLUDE LEO & MAJOR ANOMALY RESOLUTION

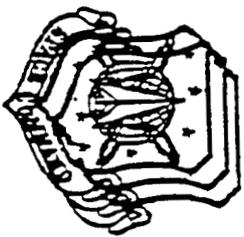


## SINGLE-NODE OPERATIONS STUDY AFSPACECOM RISK ASSESSMENT

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- WHAT IS THE THREAT TO FAEB?
  - SYSTEM/MECHANICAL FAILURE
  - ENVIRONMENTAL (TORNADO)
  - SABOTAGE
- WHAT IS THE PROBABILITY OF OCCURRENCE?
  - 24 HRS: LOW
  - 7 DAYS: LOW
  - 30 DAYS: VERY LOW (CATASTROPHIC FAILURE)
  - INDEX: EXTREMELY LOW
- WHAT IS THE IMPACT TO SATELLITE PROGRAMS?
  - ASSESSED ON A PROGRAM BY PROGRAM BASIS

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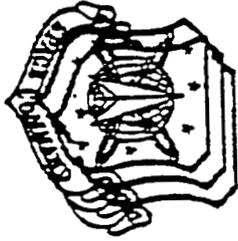


# SINGLE-NODE OPERATIONS STUDY AFSPACECOM SATELLITE PROGRAM RISK ASSESSMENT SUMMARY

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- GIVEN PROBABILITY OF OCCURRENCE AND IMPACT TO SATELLITE OPERATIONS :
  - RISK TO SATELLITE OPERATIONS RATED ACCEPTABLE
- COMMUNICATIONS
  - MOD 3/4 BECOMES A SINGLE-POINT FAILURE
  - PROBABILITY OF OCCURRENCE IS VERY LOW
  - SIGNIFICANT RISK TO PROGRAMS IF FAILURE OCCURS
  - STUDY INCLUDES RISK MITIGATION COSTS

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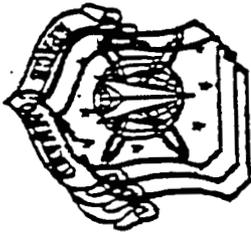


# SINGLE-NODE OPERATIONS STUDY NETWORK SERVICES RISK ASSESSMENT SUMMARY

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- MOD 3/4 BECOMES SINGLE POINT FAILURE ASSUMING
  - ALL COMM RESOURCES REMOVED FROM OAFB
  - ACEM IMPROVEMENT PROGRAM NOT IMPLEMENTED
- RISK MITIGATION ACTIONS COSTED
  - TRANSFER EXISTING NARROWBAND (NB) CAPABILITY FROM MOD 3/4 TO THE NTF
  - INCREASE NB FOR IOS, DGS, AND TTS-C TO 1.544 MBps
- INTER-RANGE OPERATIONS - FAIRB
  - MISSION OPS REQUIREMENTS vs FLOOR SPACE CONFLICT FOR TRANSFERRED RESOURCES

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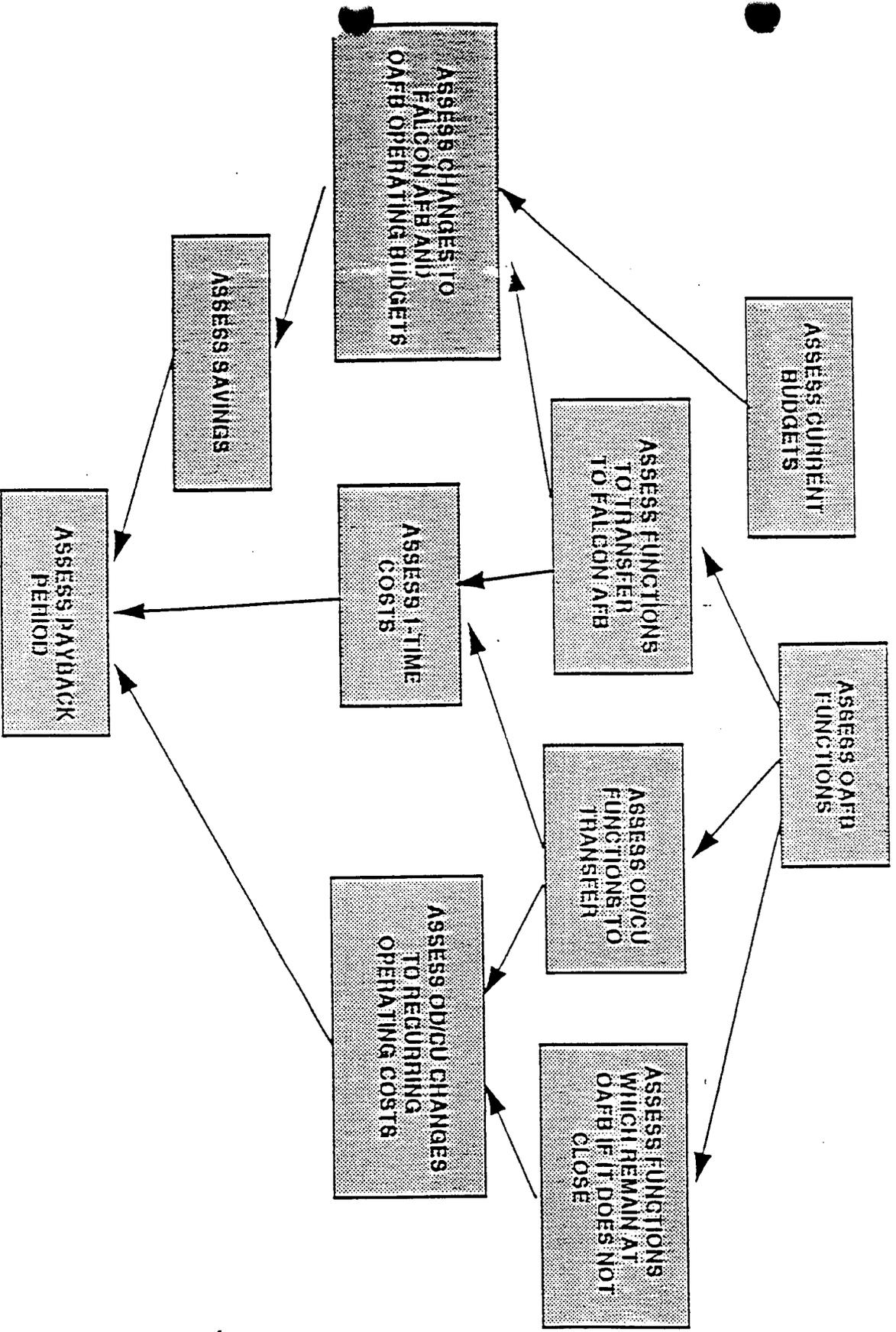
# SINGLE-NODE OPERATIONS OAFB PROGRAMS RISK ASSESSMENT SUMMARY

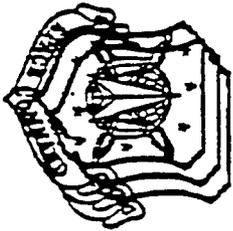
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- INITIAL RISK ASSESSMENT:
  - MAJORITY OF RISK IS DURING TRANSITION
  - MINIMUM IMPACT FOR DAY-TO-DAY OPERATIONS
    - » ASSUMES NO CHANGE TO THE LEVEL<sup>of</sup> NETWORK SERVICES PROVIDED BY THE AFSCN
  - CONOPS ON HOW NETWORK SERVICES ARE PROVIDED TO EXTERNAL USERS WILL CHANGE
    - » COORDINATED BETWEEN AIRSPACECOM, SMC/CU, AND OD-1/4
- FINAL RISK ASSESSMENT PENDING
  - ACCOMPLISHED DURING PHASE II STUDY

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# SINGLE-NODE OPERATIONS STUDY COST ASSESSMENT METHODOLOGY



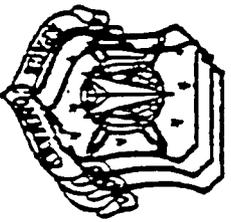


# SINGLE-NODE OPERATIONS STUDY ASSUMPTIONS--FACILITIES

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- OVERALL:
  - OPTIONS 1 & 5: OAFB AFB WOULD BE DISPOSED OF IN ACCORDANCE WITH BASE REALIGNMENT AND CLOSURE COMMISSION GUIDELINES
  - OPTIONS 2 - 4: AFSPACECOM WOULD CONTINUE IN SOME CAPACITY AND SERVE AS HOST
- AFSPACECOM: NO NEW FACILITIES REQUIRED
  - USE EXISTING FACILITIES: BLDG 300, 400, & NTF
- SMC/CU: KIRTLAND AFB FACILITIES: 402, 410, 412, 413, & 1000
- ODS: PROVIDED TO SMC/CW

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# SINGLE-NODE OPERATIONS STUDY ASSUMPTIONS--COMMAND AND CONTROL SYSTEMS

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- AFSPACECOM:
  - USE EXISTING EQUIPMENT AS MUCH AS POSSIBLE
  - MINIMIZE DUPLICATION OF MISSION UNIQUE EQUIP
  - NO CHANGE TO DATABASE SECURITY LEVELS
- SMC/CU:
  - USE EXISTING SURPLUS CGS HARDWARE
  - REPLICATE EXISTING SOC-37 COMMON USER EQUIP
  - MOVE EXISTING MUE AS MUCH AS POSSIBLE
    - » PURCHASE OF SOME MUE WILL BE REQUIRED
- ODS: PROVIDED TO SMC/CW

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# SINGLE-NODE OPERATIONS STUDY

## I-TIME COST DETAILED BREAKDOWN

	OPT 1	OPT 2	OPT 3	OPT 4	OPT 5 AFSPACE - FAFB OD - OTHER CU - OTHER (OD DELAY UNTIL 2005)	AFSPACE - OAFB OD - OAFB CU - OAFB
	AFSPACE - FAFB OD - OTHER CU - OTHER	AFSPACE - FAFB OD - OAFB CU - OTHER	AFSPACE - FAFB OD - OTHER CU - OAFB	AFSPACE - FAFB OD - OAFB CU - OAFB		
DATA	19.7M	19.7M	19.7M	19.7M	19.7M	-----
COMM	52.0M	52.0M	52.0M	52.0M	52.0M	-----
FACILITIES	5.1M	5.1M	5.1M	5.1M	5.1M	-----
MOVE & DE- ACTIVATION	53.8M	20.1M	20.1M	20.1M	53.8M	-----
TRANSITION	6.8M	6.8M	6.8M	6.8M	6.8M	-----
SUBTOTAL	137.4M	103.7M	103.7M	103.7M	137.4M	-----
CU	41.5M	41.5M	2.0M	1.0M	41.5M	-----
OD	520.0M	2.0M	520.0M	1.0M	TBD	-----
TOTAL	699.0M	147.2M	625.7M	105.7M	TBD	-----

# SINGLE-NODE OPERATIONS STUDY

## ONIZUKA AFB OPERATING BUDGET

OPERATIONS & MAINTENANCE	40.5M
COMMUNICATIONS	3.9M
BOS	13.7M
ENVIRONMENTAL	0.8M
FACILITIES	5.3M
MOFFETT	2.3M
FAMILY HOUSING	4.2M
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TOTAL	70.7M

# SINGLE-NODE OPERATIONS STUDY

## COST INCREASES AT FALCON AFB

OPERATIONS & MAINTENANCE	18.0M
COMMUNICATIONS	1.0M
BOS	5.0M
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ESTIMATED INCREASE:	\$ 24.0M

# SINGLE-NODE OPERATIONS STUDY

## NOMINAL SAVINGS PER YEAR

OPERATIONS & MAINTENANCE	22.5M
COMMUNICATIONS	2.9M
BOS	8.7M
ENVIRONMENTAL	0.8M
FACILITIES	5.3M
MOFFETT SUPPORT	2.3M
FAMILY HOUSING	4.2M
DET 25 AVOIDANCE	0.6M

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ESTIMATED SAVINGS:

\$ 47.3M

# SINGLE-NODE OPERATIONS STUDY

## CHANGES TO RECURRING OPERATING COSTS

	OPT 1 AFSPACE - FAFB OD - OTHER CU - OTHER	OPT 2 AFSPACE - FAFB OD - OAFB CU - OTHER	OPT 3 AFSPACE - FAFB OD - OTHER CU - OAFB	OPT 4 AFSPACE - FAFB OD - OAFB CU - OAFB	OPT 5 AFSPACE - FAFB OD - OTHER CU - OTHER (OD DELAY UNTIL 2005)	CURRENT BASELINE OPERATING COSTS AFSPACE - OAFB OD - OAFB CU - OAFB
OD	10.0M	30.0M	10.0M	15.0M	TBD	----
CU	5.0M	5.0M	30.0M	15.0M	5.0M	----
AF- SPACE	(47.3M)	(47.3M)	(47.3M)	(47.3M)	(47.3M)	70.7M
AF	(32.3M)	(12.3M)	(7.3M)	(17.3M)	TBD	----
DoD	(25.8M)	(5.8M)	(0.8M)	(10.8M)	TBD	----

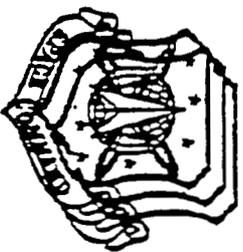
( ) INDICATES SAVINGS

# SINGLE-NODE OPERATIONS STUDY

## PAYBACK PERIOD (YEARS)

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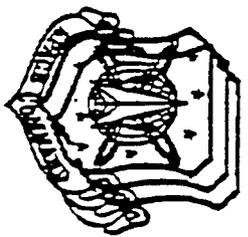
	<b>OPT 1</b> AFSPACE - FAFB OD - OTHER CU - OTHER	<b>OPT 2</b> AFSPACE - FAFB OD - OAFB CU - OTHER	<b>OPT 3</b> AFSPACE - FAFB OD - OTHER CU - OAFB	<b>OPT 4</b> AFSPACE - FAFB OD - OAFB CU - OAFB	<b>OPT 5</b> AFSPACE - FAFB OD - OTHER CU - OTHER (OD DELAY UNTIL 2005)	AFSPACE - OAFB OD - OAFB CU - OAFB
AF	21.6	12.0	85.7	6.1	TBD	----
DoD	27.1	25.4	782.0	9.8	TBD	----



# SINGLE-NODE OPERATIONS STUDY PHASE I SUMMARY

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- OPERATIONAL RISK ASSESSMENT
  - MUST ACHIEVE INTEROPERABILITY AT IAFB
  - MUST OVERCOME SINGLE-POINT FAILURE FOR COMM
  - MUST STUDY RISK MITIGATION OPTIONS FURTHER
  - GIVEN RISK MITIGATION ACTIONS COMPLETE
    - » AFSPACECOM RISK WITHIN ACCEPTABLE LIMITS
    - » RISK FOR ODS & SMC/CU TBD
  
- COST ASSESSMENT
  - COST TO CLOSE DURING FYDP (OPTION 1) IS \$671.5M
  - RESULTING COST AVOIDANCE IS \$37.3M (\$30.8M - DoD)
  - PAYBACK PERIOD ON INVESTMENT IS 18.0 (21.8 - DoD)



# SINGLE-NODE OPERATIONS STUDY CONCLUSION

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- FINDINGS DO NOT SUPPORT CLOSURE DURING FYDP
- FURTHER STUDIES NECESSARY TO DETERMINE LOWEST COST SOLUTION
  - PROPOSED COMPLETION DATE IS FALL 94
    - » RESULTS OF OD STUDY
    - » FINALIZATION OF PREFERRED OPTION
    - » DEVELOPMENT OF IMPLEMENTATION PLAN
    - » DETAILED COST ANALYSIS OF PREFERRED OPTION

# SINGLE-NODE OPERATIONS STUDY

## 1-TIME DATA SYSTEMS COSTS

SOC-38 EQUIP MOVE	0.9M
SOC-39 EQUIP MOVE	0.9M
ASTRO B/U MOVE	0.2M
DATABASE MOVES	0.1M
RCC/IRO/SDTL-B EQUIP MOVE	0.2M
MUE PURCHASE	4.2M
FACTORS/BURDENS/MGT RESERVE	13.3M

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TOTAL: \$ 19.7M

# SINGLE-NODE OPERATIONS STUDY

## 1-TIME COMMUNICATIONS COSTS

NEW COMM EQUIPMENT & CONNECTIVITY	14.3M
COMM EQUIP MOVE	0.3M
FACTORS/BURDENS/MGT RESERVE	37.3M
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TOTAL:	\$ 51.9M

# SINGLE-NODE OPERATIONS STUDY

## 1-TIME FACILITIES COSTS

SITE PREPARATION	INC
MODIFY OPS BUILDING	1.7M
MOD 3/4 REWORK	0.4M
FURNISHINGS	0.5M
ADDITONAL PARKING	0.5M
ADDITIONAL SEWAGE TREATMENT	1.0M
FACTORS/BURDENS/MGT RESERVE	1.0M

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TOTAL: \$ 5.1M

# SINGLE-NODE OPERATIONS STUDY

## 1-TIME MOVE & DEACTIVATION COSTS

	(OPTIONS 1&5)	(OPTIONS 2-4)
DEACTIVATION	10.4M	5.4M
DSCS TERMINALS	22.0M	-----
CW CONTRACTORS MOVE (150)	7.5M	7.5M
CIVILIAN MOVE (79)	3.2M	3.2M
FACTORS/BURDENS/MGT RESERVE	10.8M	4.0M
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TOTAL	53.8M	20.1M

DEACTIVATION: CONTRACTS - 2.5M; CIVILIAN HOUSING OFFSET - 1.7M; FACILITIES - 0.6M, MISC CIV COSTS - 0.6M

MOVE COSTS: \$40,000/PERSON

# SINGLE-NODE OPERATIONS STUDY

## 1-TIME TRANSITION COSTS

DATA SYSTEM TRANSITION	2.7M
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COMMUNICATIONS TRNASITION	2.7M
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FACTORS/BURDENS/MGT RESERVE	1.4M
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TOTAL:	\$ 6.8M
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# SINGLE-NODE OPERATIONS STUDY

## 1-TIME COSTS

	OPT 1	OPT 2	OPT 3	OPT 4	OPT 5
	AFSPACE - FAFB OD - OTHER CU - OTHER	AFSPACE - FAFB OD - OAFB CU - OTHER	AFSPACE - FAFB OD - OTHER CU - OAFB	AFSPACE - FAFB OD - OAFB CU - OAFB	AFSPACE - FAFB OD - OTHER CU - OTHER (OD DELAY UNTIL 2005)
OD	520.0M	2.0M	520.0M	1.0M	TBD
CU	41.5M	41.5M	2.0M	1.0M	42.0M
AF- SPACE	137.4M	103.7M	103.7M	103.7M	137.4M
AF	699.0M	147.2M	625.7M	105.7M	TBD

## UNCLASSIFIED

RDT&E BUDGET ITEM JUSTIFICATION SHEET (R-2 Exhibit)								DATE February, 1995		
BUDGET ACTIVITY 7 - Operational System Development				PE NUMBER AND TITLE 0305110F Satellite Control Network				PROJECT 3276		
COST (In Thousands)	FY 1994 Actual	FY 1995 Estimate	FY 1996 Estimate	FY 1997 Estimate	FY 1998 Estimate	FY 1999 Estimate	FY 2000 Estimate	FY 2001 Estimate	Cost to Complete	Total Cost
3276 Satellite Control Network (SCN)	78,884	79,232	69,717	85,435	96,855	112,705	115,532	119,676	Continuing	Continuing

(U) **A. Mission Description and Budget Item Justification**

(U) The AF Satellite Control Network (AFSCN) is a global network of control centers, remote tracking stations, and communications links which provide the earth-to-space connection required for operation of military satellites. The AFSCN provides satellite and payload command and control, and mission data relay using Mission Control Centers in California and Colorado and nine global Remote Tracking Stations (RTS). Because the AFSCN operations are continuous, system improvements must occur in parallel with operations of the growing inventory of national security space vehicles. This AFSCN project funds the development, acquisitions, and engineering needed to continue the evolution of this highly reliable national satellite tracking, telemetry, commanding, and data relay capability to meet the requirements of the operational and developmental DoD, National, Civil, and Allied satellite systems. Since this effort supports a fielded system, it is in the budget activity/research category Operational Systems Development.

(U) Satellite systems must have contact with ground based command & control systems to operate. The AFSCN is the DoD common user satellite control network. The AFSCN is maintained, operated and improved using funding provided in three PE's. The AFSCN provides satellite state-of-health for the following operational satellite systems: DMSP, GPS, DSCS, DSP, FLTSAT, Milstar, GEOSAT, Skynet, NATO III/IV, and Classified Programs. It controls on orbit spares and orbit changes of satellite programs with dedicated mission networks. It also supports these and other systems with mission data relay.

(U) The SCN has an aggressive Improvement & Modernization (I&M) program to reduce the cost of satellite operations in the future and to operate effectively with fewer, lower skilled personnel. The primary focus of the I&M program is upgrades to the Command and Control Segment and the Communications Segment. Both are planned to be accomplished on a time phased approach exploiting commercial developments, using an evolutionary acquisition strategy.

(U) The Command and Control Upgrades, an evolutionary upgrade, will move satellite command and control from a mainframe-based, centralized computer architecture to a workstation-based, open architecture using advanced high speed data links. When developed and fielded, this will facilitate a 30% reduction in O&M for the command and control segment. In addition, the SCN will have greater capability and capacity with increased standardization and interoperability.

(U) The Communications Upgrades eliminate the current, costly point-to-point AFSCN communications network and replaces it with a communications grid system that integrates government and commercial networks. This new architecture will eliminate costly infrastructure, enable surge capability, and provide a minimum 25% savings in O&M costs over the current systems. This will greatly improve capacity, reliability, data quality, and user access to the network.

(U) Research category is Operational Systems Development. Development of new satellite control capabilities is essential to the operational capability of current and new satellite systems. The project number for the entire Program Element is 3276.

Page 1 of 7 Pages

Exhibit R-2

## UNCLASSIFIED

RDT&E BUDGET ITEM JUSTIFICATION SHEET (R-2 Exhibit)		DATE
BUDGET ACTIVITY <b>7 - Operational System Development</b>		February, 1995
PE NUMBER AND TITLE <b>0305110F Satellite Control Network</b>		PROJECT <b>3276</b>
<p>(U) <u>FY 1994</u></p> <ul style="list-style-type: none"> <li>- (U) Command and Control Segment (CCS): <ul style="list-style-type: none"> <li>- (U) Continued CCS upgrades by beginning distributed architecture workstation-based control prototyping. Continued developing commercial off-the-shelf (COTS)-based open and distributed system architecture for Falcon AFB Satellite Operations Centers (SOC). Scheduled completion FY 03 (\$5,200)</li> <li>- (U) Continued developing user-requested modifications to command and control segment (\$21,700)</li> </ul> </li> <li>- (U) Communications Segment: <ul style="list-style-type: none"> <li>- (U) Begin design specification for the communication segment upgrades and provide beginning of open architecture to the AFSCN control nodes. Complete definition of new archiving equipment specifications for upgrade of both control nodes. Comm Upgrade scheduled program completion FY 01 (\$8,800)</li> <li>- (U) Continued developing user-requested modifications to command and control segment (\$10,900)</li> </ul> </li> <li>- (U) Range Segment: <ul style="list-style-type: none"> <li>- (U) Continued developing user-requested modifications to the range segment (\$3,900)</li> </ul> </li> <li>- (U) Systems Engineering and Integration: <ul style="list-style-type: none"> <li>- (U) Continue system engineering, development and integration of network hardware/software to meet evolving satellite program requirements at Onizuka AFB, Falcon AFB, and the Remote Tracking Stations (RTS) (\$28,100)</li> </ul> </li> </ul> <p>(U) <u>FY 1995</u></p> <ul style="list-style-type: none"> <li>- (U) Command and Control Segment: <ul style="list-style-type: none"> <li>- (U) C<sup>2</sup> Upgrades: Develop system architecture, documentation, and lab demonstration equipment necessary to support development contract for workstation based, Simplified Satellite Operations System for satellite command and control mission. Objectives: open architecture "plug-and-use," increased efficiency, reduced hardware/software maintenance costs, and reduced manpower to operate. Complete development of functional requirements document and employment concept, identify system implementation alternatives for further technical evaluations. Begin assessments of those satellite control products in the Demonstration Lab. Pursue a system development approach in cooperation with other government efforts. Scheduled program completion FY 01 (\$18,300)</li> <li>- (U) Continue developing user-requested, priority work group required modifications (\$8,600)</li> </ul> </li> <li>- (U) Communications Segment (\$25,800): <ul style="list-style-type: none"> <li>- (U) Continue Communications upgrades by completing engineering and integration of standardized telemetry recorders to mission control centers and tracking sites. Initiate development of hardware (H/W) and software (S/W) for Wide Area Interface Unit (WIU) for installation at the control nodes and remote tracking stations. Initiate the development of the Centralized Control and Monitoring (CCM) of network communications at the control nodes and remote tracking stations. Comm Upgrade completion FY01 (\$18,900)</li> </ul> </li> <li>- (U) Range Segment: Continue developing user-requested modifications to range segment (\$2,000)</li> <li>- (U) Systems Engineering and Integration: Continue system engineering and development of network hardware/software to meet evolving satellite program requirements at Onizuka AFB, Falcon AFB, and the RTS's (\$24,532)</li> </ul>		
Page 2 of 7 Pages		Exhibit R-2

UNCLASSIFIED

<b>RD&amp;E BUDGET ITEM JUSTIFICATION SHEET (R-2 Exhibit)</b>	
<b>DATE</b>	February, 1995
<b>BUDGET ACTIVITY</b>	7 - Operational System Development
<b>PE NUMBER AND TITLE</b>	0305110F Satellite Control Network
<b>PROJECT</b>	3276

- (U) FY 1996
- (U) Command & Control Segment:
  - (U) Complete prototype of workstation-based control environment and perform functional assessments in the Demonstration Lab. Complete development of specification, contract actions, and initiate acquisition of selected distributed architecture Command & Control System Upgrade. These upgrades are consistent with the US Space Command developed "Plug-and-Use" architecture. The four Satellite Operations Centers (SOC) to be modernized are: SOC 31A (GPS), SOC 31B (DSP & DMSP), SOC 33 (Comm Sats), and SOC 34 (Militar). Work will begin on one in FY 96. CCS Upgrade scheduled completion FY 01 (\$27,000)
  - (U) Continue developing priority user-requested modifications to command and control (\$3,800)
  - (U) Communications Segment:
    - (U) Continue Communications upgrades by completing engineering and integration of standardized telemetry recorders to mission control centers and tracking sites. Initiate development of hardware (H/W) and software (S/W) for Wide Area Network Interface Unit (WANIU) for installation at the control nodes and remote tracking stations. Initiate the development of the Centralized Control and Monitoring (CCM) of network communications at the control nodes and remote tracking stations. Begin voice upgrades and solid state switch replacement. Comm Upgrade scheduled completion FY 01 (\$33,900)
    - (U) Continue developing priority user-requested modifications to the communications segment (\$1,100)
    - (U) Range Segment: Continue developing priority user-requested modifications to range segment (\$2,000)
    - (U) Systems Engineering and Integration: Continue system engineering and development of network hardware/software to meet evolving satellite program requirements at Outrigger AFB, Falcon AFB, and the RTS's (\$21,900)
- (U) FY 1997
- (U) Command & Control Segment:
  - (U) Continue acquisition, installation, and test of upgrades to C<sup>2</sup> system for first of four Falcon AFB Satellite Operations Centers (SOC), and begin upgrades on the second SOC. CCS Upgrade scheduled program completion FY 01 (\$26,000)
  - (U) Continue developing priority user-requested modifications to command and control segment (\$9,800)
  - (U) Communications Segment:
    - (U) Complete development of WANIU and CCM H/W and S/W and begin development of voice circuit improvement. Comm Upgrade scheduled completion FY 01 (\$32,100)
    - (U) Continue developing user-requested modifications to the communications segment (\$3,400)
    - (U) Range Segment: Continue developing user-requested modifications to range segment (\$3,000)
    - (U) Systems Engineering and Integration: Continue system engineering and development of network hardware/software to meet evolving satellite program requirements at Outrigger AFB, Falcon AFB, and the RTS's (\$21,100)

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RDT&E BUDGET ITEM JUSTIFICATION SHEET (R-2 Exhibit)					DATE					
					February, 1995					
BUDGET ACTIVITY	PE NUMBER AND TITLE				PROJECT					
7 - Operational System Development	0305110F Satellite Control Network				3276					
<b>(U) B. Program Change Summary (\$ in Thousands)</b>										
	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>	Total Cost					
(U) Previous President's Budget	96,095	101,146	96,482	100,957	Continuing					
(U) Appropriated Value	100,000	83,000								
(U) Adjustments to Appropriated Value										
a. Cong Gen Reductions	-3,905	-2,213								
b. SBIR	-1,499	-1,534								
c. Omnibus and Other Above Threshold Reprogram	-12,000									
d. Below Threshold Reprogramming	-3,712	-21								
(U) Adjustments to Budget Years since FY 95 PB			-6,765	-5,522						
(U) Current Budget Submit/President's Budget	78,884	79,232	89,717	95,435	Continuing					
<b>(U) Change Summary Explanation:</b>										
Funding: Reductions due to Omnibus reprogramming action and undistributed Congressional reductions.										
Schedule: No changes.										
Technical: Not Applicable.										
<b>(U) C. Other Program Funding Summary (\$ in Thousands)</b>										
	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>	To <u>Compl</u>	Total Cost
(U) Other Procurement, Budget Activity: 83, Program Title: AFSCN, BPAC 83440	30,005	25,629	25,495	28,052	32,551	37,629	39,487	40,380	Continue	Continue
<b>Related RDT&amp;E:</b>										
(U) Not Applicable.										

UNCLASSIFIED

RDT&E BUDGET ITEM JUSTIFICATION SHEET (R-2 Exhibit)													DATE February, 1995			
BUDGET ACTIVITY 7 - Operational System Development					PE NUMBER AND TITLE 0305110F Satellite Control Network							PROJECT 3276				
<b>(U) D. Schedule Profile</b>																
		<u>FY 1994</u>				<u>FY 1995</u>				<u>FY 1996</u>				<u>FY 1997</u>		
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
(U) Complete spec for archival equip				X												
(U) Relocate Network Status and Scheduling workstations				X												
(U) Provide prototype common workstations/local area network (C2)				X					X							
(U) Prototype SSOP							X									
(U) Initiate development of WIU & CCM							X									
(U) Initiate procurement of communications data archiving equipment for installation at Falcon & Omizuka							X									
(U) Deliver standardized recorders								X								
(U) Complete CCS Cartridge Tape Upgrade							X									
(U) Complete prototype of distributed workstation control architecture										X						
(U) Complete specification development for distributed workstation architecture							X									
(U) RFBCP for WIU development										X						
(U) Complete development of Wide Area Network Interface Units (WIU) and initiate procurement														X		
(U) Install WIU at Colorado Tkg Station																X
(U) Complete Archival equipment installations - FY98																
(U) Install WIU at three remote tracking stations - FY98																

Page 5 of 7 Pages

Exhibit R-2

UNCLASSIFIED

DATE February, 1995

# RDT&E BUDGET ITEM JUSTIFICATION SHEET (R-2 Exhibit)

PROJECT  
3276

BUDGET ACTIVITY

7 - Operational System Development

PE NUMBER AND TITLE

0305110F Satellite Control Network

FY 1997

	FY 1994				FY 1995				FY 1996				FY 1997			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
(U) Complete Centralize Control and Monitor development - FY99																
(U) Design spec for Planning and Evaluation side replacement - FY99																

(U) Complete Centralize Control and Monitor development - FY99  
 (U) Design spec for Planning and Evaluation side replacement - FY99

Exhibit R-2

Page 6 of 7 Pages

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UNCLASSIFIED

RDT&E PROGRAM ELEMENT/PROJECT COST BREAKDOWN (R-3)		DATE		
BUDGET ACTIVITY	PE NUMBER AND TITLE	PROJECT		
7 - Operational System Development	0305110F Satellite Control Network	February, 1995 3276		
<b>(U) A. <u>Project Cost Breakdown (\$ in Thousands)</u></b>				
	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
(U) Command and Control Segment	26,967	26,900	30,800	35,800
(U) Communications Segment	19,769	25,800	35,000	35,500
(U) Range Segment	4,011	2,000	2,000	3,000
(U) Systems Engineering and Integration	28,137	24,532	21,917	21,135
(U) Total	78,884	79,232	89,717	95,435
<b>(U) B. <u>Budget Acquisition History and Planning Information (\$ in Thousands)</u></b>				
(U) Not Applicable.				

Page 7 of 7 Pages

Exhibit R-3

**CONGRESSIONAL HEARING  
WASHINGTON, DC  
TUESDAY, JUNE 13, 1995**



**ROOM 216 SENATE OFFICE BUILDING**

**HEARING**

**FACT SHEET**

**STAFF ASSIGNMENT SHEET**

**COMMISSIONERS ARRIVALS/DEPARTURES**

**CONGRESSTIONAL HEARING  
WASHINGTON, DC  
JUNE 13, 1995**

---

**COMMISSIONERS ATTENDING:**

Chairman Alan J. Dixon  
Commissioner Al Cornella  
Commissioner Rebecca Cox  
Commissioner J.B. Davis  
Commissioner S. Lee Kling  
Commissioner Joe Robles  
Commissioner Wendi Steele

**HEARING LOCATION:**

Room 216  
Hart Senate Office Building  
Washington, DC 20510

**CONTACT:**

Mazie Mattson/Kim Range  
Senate Appropriations Committee  
(202) 224-7255  
(202) 224-3001 (fax)

Capitol Hill Police  
Paula Harington  
(202) 224-4841

Tim Maxey  
Office of the Superintendent  
Special Functions  
(202) 224-3146

**FACT SHEET  
CONGRESSIONAL HEARING  
WASHINGTON, DC  
JUNE 13, 1995**

---

**HEARING LOCATION:**

Room 216  
Hart Senate Office Building  
United States Senate  
Washington, DC 20510

**DIRECTIONS:**

\*Enter Dirksen Building (corner of  
Constitution & 1st Street.)  
\*Take the elevator to the second floor  
\*Turn right out of the elevator and enter  
SD212-214(This is the back  
entrance to Hart 216 and the  
Commission holding room.)

**CAPACITY:**

300

**HOLDING ROOM:**

Room 212  
Dirksen Senate Office Building  
United States Senate  
Washington, DC 20515

**CONTACTS:**

Mazie Mattson/Kim Range  
Senate Appropriations Committee  
(202) 224-7255  
(202) 224-3001 (fax)

Capitol Hill Police  
Paula Harington  
(202) 224-4841

Tim Maxey  
Office of the Superintendent  
Special Functions  
(202) 224-3146

**LUNCH:**

Monocle  
Nick  
Carry Out  
107 D Street, NE  
(202) 546-4488

**PARKING:**

None

**STENOGRAPHER:**

Diversified  
Ellen Alcott  
(202) 296-2929

**STAFF ASSIGNMENT SHEET  
CONGRESSIONAL HEARING  
WASHINGTON, DC  
TUESDAY, JUNE 13, 1995**

**STAFF ASSIGNMENT SHEET**

---

Advance on site check.....Chris/Ziba

Signage.....Ziba  
reserved seating (DBRAC, congressional, press)  
staff only

Dais setting.....Shelley  
nameplates and gavel  
pad, pen, pencil, highlighter  
Pepsi, post-its

Lunch arrangement and logistics.....Ziba

Testimony Collection.....Christy

Timekeeper.....Paul

VIP Greeter.....CeCe

Designated on-site supervisor during lunch.....Ziba

General Runner.....Shelley/Ziba

Computer Technician.....Dave

Final site sweep.....Shelley/Ziba

Thank you letters.....Ziba

---

# OFFICE OF TRAVEL AND ADVANCE

---

**TO:** Department Heads  
**FROM:** Shelley Kestner  
**RE:** Commissioner's Travel Itinerary  
**DATE:** June 11, 1995

---

**ALAN DIXON**

Arrival: Sunday, June 11 10:59 pm JW Marriott  
Departure: Wednesday, June 14 4:40 pm 202-393-2000

**AL CORNELLA**

In town

**REBECCA COX**

In town

**J.B. DAVIS**

Arrival: Saturday, June 10 time unknown Key Bridge Marriott  
Departure: Wednesday, June 14 2:15 pm 703-524-6400

**LEE KLING**

Arrival: Sunday, June 11 8:31 pm JW Marriott  
Departure: Thursday, June 15 4:55 pm 202-393-2000

**BEN MONTOYA**

Arrival: Tuesday, June 13 11:54 am Marriott Gateway  
Departure: Friday, June 16 10:30 am 703-920-3230

**JOE ROBLES**

Arrival: Monday, June 12 9:00 pm JW Marriott  
Departure: Wednesday, June 14 5:59 pm 202-393-2000

**WENDI STEELE**

Arrival: Monday, June 12 12:04 pm JW Marriott - 6/12  
Departure: Friday, June 16 6:45 am 202-393-2000  
Ritz Carlton - 6/13-16  
703-415-5000

06/11/95 6:54 PM

JIM RAMSTAD  
THIRD DISTRICT, MINNESOTA

WAYS AND MEANS  
COMMITTEE

TRADE SUBCOMMITTEE

OVERSIGHT SUBCOMMITTEE



WASHINGTON OFFICE  
300 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2871

DISTRICT OFFICE  
2120 PENN AVENUE SOUTH, #152  
BLOOMINGTON, MN 55431  
(612) 881-4800

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2303**

**Statement of Hon. Jim Ramstad (R-MN)**  
**before the Base Closure and Realignment Commission**  
**June 12, 1995**

Mr. Chairman, I welcome the opportunity to submit testimony before your panel today on behalf of the 934th Airlift Wing of the Air Force Reserve in Minnesota.

Although I no longer directly represent the Reserve base, many of the 1,200 part-time and 500 full-time jobs at the base are held by my constituents.

The 934th Airlift Wing has performed heroically in many historic military operations, from Panama to Operation Desert Storm. More recently, the 934th helped airlift humanitarian goods to poverty stricken Somalia and to war torn Bosnia.

Besides its excellent service for our country, the 934th Airlift Wing has consistently operated at costs below other Air Force Reserve Bases when it comes to operations and maintenance.

The 934th provides jobs to Minnesota. The economic impact on the Twin Cities area of Minneapolis/St. Paul has been estimated at \$77 million a year.

While I strongly support the Defense Base Closure and Realignment Commission process and will continue to do so, I am hopeful the members will recognize the value of this important base to our area and to the defense of our country.

Thank you very much for your consideration.

# TESTIMONY BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

THE HONORABLE ESTEBAN E. TORRES (CA-34th)

June 12, 1995

Mr. Chairman, thank you for this opportunity to testify before the Defense Base Closure and Realignment Commission. My request is somewhat unusual. Rather than resist the closure of a home-district defense facility, I propose that the Commission include the Defense Fuel Supply Point (DFSP), Norwalk, California on its list of installations recommended for closure. DFSP Norwalk has for years been a source of great concern to the people I represent in this Southern California community. Since 1987, Norwalk residents living in the shadow of the twelve fuel storage tanks have endured the fear of serious potential threats, including catastrophic fire, explosion, groundwater contamination from leaking fuel, and severely depressed real estate values.

I do not believe we can rightly ignore these health and safety concerns, especially as the military usefulness of DFSP Norwalk is declining rapidly. The fuel volumes shipped through DFSP Norwalk have fallen off 60 percent since FY90 with further decreases expected as a result of downsizing in the region. An October 1992 General Accounting Office report identifies a drop in fuel volume at DFSP Norwalk from 9.8 million barrels in FY90 to 5.2 million barrels in FY93. In written response to my inquiry, the Air Force projected that fuel requirements would decline to 3.9 million barrels in FY96. Given this dramatic decline in fuel resupply needs, I believe the Department of Defense should immediately begin pursuing safer, more cost-effective alternatives to continuing operations at DFSP Norwalk.

The expense of maintaining DFSP Norwalk in a time of declining need is not my only concern, however. The Department of Defense first detected contamination of soil and groundwater with petroleum byproducts at DFSP Norwalk in 1985. Plans to remediate elements of the three separate toxic plumes migrating from leaks at the site are finally getting underway. Nonetheless, cleanup delays already have had a disastrous effect on the Norwalk community -- both the property values and peace of mind of local residents have been seriously diminished.

The 36 million gallon capacity Tank Farm is located in the middle of a densely populated residential area. The facility is surrounded by residential property and, on one side, by an elementary school and park. Nearby residents, schoolchildren and users of the adjacent park live under constant fear of the ongoing threat to their health and safety. Property owners near the facility are unable to sell, finance or even rent their properties due to the contamination problems.

As you may be aware, the Department of Housing and Urban Development ruled [FR Doc. 94-19179 Filed 8-4-94] that dozens of surplus housing units at the Long Beach Naval Station are unsuitable for use as a homeless shelter because they are too close to two privately-owned aviation fuel tanks. HUD's finding that it is unsafe for human beings to live within 2,000 feet of aviation fuel tanks is certainly justifiable. What I find unjustifiable, unconscionable and intolerable, is that the Defense Department does not use this same criteria nor place the same value on public safety. Hundreds of property owners in the Norwalk community live well within 2,000 feet of the facility's twelve fuel tanks, and yet the Defense Department maintains there is "no substantial danger" to the public.

We cannot wait for some unexpected disaster or accident to occur before we recognize the danger DFSP Norwalk poses to nearby residents. Taking steps today to terminate activities at the facility could save lives. I strongly urge the Commission to take action and defend the public from potential harm by placing DFSP Norwalk on their list of recommended closure sites.

Thank you for your attention to this very important matter.

DEPUTY DEMOCRATIC WHIP

COMMITTEE ON  
APPROPRIATIONS

SUBCOMMITTEES  
MILITARY CONSTRUCTION

OPERATIONS, EXPORT FINANCING  
AND RELATED PROGRAMS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0534**

**ESTEBAN E. TORRES**  
34TH DISTRICT, CALIFORNIA

WASHINGTON, DC  
236F RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0534  
202-225-5256

DISTRICT OFFICES

8819 WHITTIER BOULEVARD  
SUITE 101  
PICO RIVERA, CA 90060  
(310) 595-0702

LA PUENTE, VALINDA, INDUSTRY,  
HACIENDA HEIGHTS AND BASSETT  
PHONE ONLY  
818-461-1974

MONTEBELLO, EAST LOS ANGELES  
PHONE ONLY  
310-720-1804

**TESTIMONY BY:**

**REP. ESTEBAN E. TORRES, CA-34CD**

**Before the Defense Base Closure and Realignment Commission**

**June 12, 1995**  
**345 Cannon HOB**  
**Washington, DC**

**REPRESENTING: BASSETT, EAST LOS ANGELES, HACIENDA HEIGHTS, INDUSTRY, LA PUENTE, LOS NIETOS, MONTEBELLO,  
NORWALK, PICO RIVERA, SANTA FE SPRINGS, VALINDA AND WHITTIER**

**THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS**

Furthermore, according to a May, 1995 Environmental Impact Study Report on the proposed San Diego CV/CVN construction projects, San Diego County is an area of high seismic risk. This report indicates that the Spanish Bight fault, which is associated with the Rose Canyon fault zone, runs through the proposed CV/CVN proposed construction site. This report states : "...it is our opinion that the Spanish Bight should be considered active and fault surface rupture may be a significant geological hazard to the project". The report continues: "Furthermore, it is generally considered economically unfeasible to build a totally earthquake-resistant project; it is therefore possible that a large or nearby earthquake could cause damage at the site".

Mr Chairman, I am deeply concerned with a possible scenario where the LBNSY--with assets to meet the Navy's needs to berth CV/CVNs--would be closed, and duplicative Navy facilities, proposed for North Island would not be able to be build for safety reasons. If the LBNSY is closed, at this point, it appears to me that the NAVY is boxing its CV/CVN berthing strategy into a tight corner, where environmental considerations might prevent the Navy from safely completing its North Island construction agenda. Of course, I am raising also the question of the waste of taxpayers scarce dollars to build facilities which duplicate existing, and close-by, Navy resources.

I would be pleased to have my office share with the Commission the information substantiating the above concerns.

At the very least, I maintain that the Navy's total current and projected costs for building CV/CVN berthing and support facilities at North Island must be factored into their consideration of the cost of keeping the LBNSY open or closed.



# TESTIMONY BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

**THE HONORABLE ESTEBAN E. TORRES (CA-34th)**

**June 12, 1995**

Mr. Chairman, thank you for this opportunity to testify before the Defense Base Closure and Realignment Commission. My request is somewhat unusual. Rather than resist the closure of a home-district defense facility, I propose that the Commission include the Defense Fuel Supply Point (DFSP), Norwalk, California on its list of installations recommended for closure. DFSP Norwalk has for years been a source of great concern to the people I represent in this Southern California community. Since 1987, Norwalk residents living in the shadow of the twelve fuel storage tanks have endured the fear of serious potential threats, including catastrophic fire, explosion, groundwater contamination from leaking fuel, and severely depressed real estate values.

I do not believe we can rightly ignore these health and safety concerns, especially as the military usefulness of DFSP Norwalk is declining rapidly. The fuel volumes shipped through DFSP Norwalk have fallen off 60 percent since FY90 with further decreases expected as a result of downsizing in the region. An October 1992 General Accounting Office report identifies a drop in fuel volume at DFSP Norwalk from 9.8 million barrels in FY90 to 5.2 million barrels in FY93. In written response to my inquiry, the Air Force projected that fuel requirements would decline to 3.9 million barrels in FY96. Given this dramatic decline in fuel resupply needs, I believe the Department of Defense should immediately begin pursuing safer, more cost-effective alternatives to continuing operations at DFSP Norwalk.

The expense of maintaining DFSP Norwalk in a time of declining need is not my only concern, however. The Department of Defense first detected contamination of soil and groundwater with petroleum byproducts at DFSP Norwalk in 1985. Plans to remediate elements of the three separate toxic plumes migrating from leaks at the site are finally getting underway. Nonetheless, cleanup delays already have had a disastrous effect on the Norwalk community -- both the property values and peace of mind of local residents have been seriously diminished.

The 36 million gallon capacity Tank Farm is located in the middle of a densely populated residential area. The facility is surrounded by residential property and, on one side, by an elementary school and park. Nearby residents, schoolchildren and users of the adjacent park live under constant fear of the ongoing threat to their health and safety. Property owners near the facility are unable to sell, finance or even rent their properties due to the contamination problems.

As you may be aware, the Department of Housing and Urban Development ruled [FR Doc. 94-19179 Filed 8-4-94] that dozens of surplus housing units at the Long Beach Naval Station are unsuitable for use as a homeless shelter because they are too close to two privately-owned aviation fuel tanks. HUD's finding that it is unsafe for human beings to live within 2,000 feet of aviation fuel tanks is certainly justifiable. What I find unjustifiable, unconscionable and intolerable, is that the Defense Department does not use this same criteria nor place the same value on public safety. Hundreds of property owners in the Norwalk community live well within 2,000 feet of the facility's twelve fuel tanks, and yet the Defense Department maintains there is "no substantial danger" to the public.

We cannot wait for some unexpected disaster or accident to occur before we recognize the danger DFSP Norwalk poses to nearby residents. Taking steps today to terminate activities at the facility could save lives. I strongly urge the Commission to take action and defend the public from potential harm by placing DFSP Norwalk on their list of recommended closure sites.

Thank you for your attention to this very important matter.

Testimony of  
U.S. Representative Ed Royce  
Before the  
Base Closure and Realignment Commission  
June 12, 1995

Mr. Chairman, members of the Commission, thank you for the opportunity to appear before you today on a matter of vital importance to the Nation and to Southern California -- the future of the Long Beach Naval Shipyard.

My colleague Steve Horn and others have addressed many of the economic, technical and legal issues involved in this debate ... the deviation from base closure law criteria; disparities in the Navy's application of those criteria; errors in excluding workman's compensation costs associated with the closure of Long Beach; and the economic impact on the Long Beach/Los Angeles area of closing Long Beach, worth an estimated three-quarters of a billion dollars annually.

They have also mentioned the outstanding record of Long Beach as the only public shipyard operating in the black and returning money to the taxpayers the last six years in a row.

Accordingly, I would like to focus this evening on another perspective -- the essential contribution that Long Beach Naval Shipyard makes to America's military capability and to America's security presence in Asia and the Pacific. As Vice Chairman of the House Subcommittee on Asia and The Pacific, I am acutely aware of the importance of the Asia-Pacific region to our economic and national security. And Long Beach Naval Shipyard, with its unmatched physical infrastructure and trained manpower resources, has a key role to play in those arenas.

That our economic well-being for the 21st Century is tied inextricably to Asia and the Pacific Rim is indisputable. So is our national security. Current and incipient military, trade and regional disputes involving Russia, China, Japan, Taiwan, the Koreas, the Philippines, Malaysia, Indonesia, Vietnam, Australia, New Zealand, India, Pakistan, the Persian Gulf and Eastern Africa, to name some, all argue for a stout and reliable force projection capability from the West Coast of America. Please note that least three of the nations I named, in addition to the U.S., are nuclear powers.

The Pacific and its adjacent waters have become in this century America's ocean, and they need to be secure for American commerce and American sea power. Long Beach Naval Shipyard is an essential element of that formulation.

For example, the overall Chinese defense budget increased by 22% last year, and is going up by another 25% this year. No other country in the world comes close to these levels of growth in military spending. A large portion of this increased defense spending is going to the Chinese navy. Earlier this year the Chinese bought two submarines from Russia as the first part of a package deal in which they will buy several more Russian subs.

The expanding forward presence of Chinese ships in the seas of Southeast Asia is another example. The Chinese navy already has tried to occupy islands in the South China Sea that are claimed by other Asian countries. These are but some of the ways in which communist China has sought to develop a bigger and more powerful blue-water navy with nuclear and ballistic-missile capability.

[over]

DEPUTY DEMOCRATIC WHIP

COMMITTEE ON  
APPROPRIATIONS

SUBCOMMITTEES:

MILITARY CONSTRUCTION

FOREIGN OPERATIONS, EXPORT FINANCING,  
AND RELATED PROGRAMS

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**TESTIMONY BY:**

**REP. ESTEBAN E. TORRES, CA-34CD**

**Before the Defense Base Closure and Realignment Commission**

**June 12, 1995**  
**345 Cannon HOB**  
**Washington, DC**

REPRESENTING: BASSETT, EAST LOS ANGELES, HACIENDA HEIGHTS, INDUSTRY, LA PUENTE, LOS NIETOS, MONTEBELLO,  
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## TESTIMONY OF REP. E. TORRES--34CD-CA

Before the Defense Base Closure and Realignment Commission  
June 12, 1995

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Chairman Dixon: I appreciate this opportunity to address the Defense Base Closure and Realignment Commission, and to present new information which I believe impacts upon your consideration for closure of the Long Beach Naval Shipyard, Long Beach, California LBNSY.

First, my work as a member of the Military Construction Subcommittee of the Appropriations Committee, has brought to my attention information which indicates that the Navy is proposing to build facilities at North Island, San Diego, California, that duplicate existing facilities which lie only 11 miles outside of the defined San Diego homeport area. The Military Construction Appropriations Subcommittee is having the GAO check the exact cost figures, but it appears that the Navy's desire to build facilities at North Island, duplicating existing Navy facilities at the LBNSY, may reach total costs of from one quarter to three quarters of a billion dollars. I would contend that these Navy construction costs, proposed for North Island, California, should be factored into the cost to our government, of closing the LBNSY.

For instance, the Navy intends to berth at least three CVNs in Southern California--currently, North Island, San Diego. To do this, the Navy will have to construct adequate berthing structures to accommodate deep draft CVNs, including a north-south pier structure and all necessary utilities and mooring hardware. I assume additional cost will be incurred for dredging operations and for personnel support services and facilities.

According to the Navy's requests for appropriations for berthing the first CVN at North Island, any where from a minimum of \$99.1 million, up to \$149.080 million will be required. This figure excludes personnel support services cost and other overhead and support needs.

The Military Construction Appropriations Subcommittee is in the process of seeking GAO assistance in pinning down the exact cost to the taxpayers of building these new CVN berthing facilities at North Island. At this point, your Committee needs to know that these costs, for the three CVNs, may run anywhere from \$ 297.3 million to \$ 447.240 million.

These costs **exclude** appropriations to support Navy CVN personnel to be homeported within the San Diego homeport area. Given that the San Diego homeport area has one of the largest Navy housing backlogs in the country, we can reasonably expect that personnel support cost for this CVN berthing project to raise the above figures considerably.

According to information sent to my office, the LBNSY has the capability to berth five aircraft carriers without affecting their ship repair capabilities. Estimates of the costs of berthing NIMITZ class carriers at the LBNSY are somewhere between \$7 and \$20 million.

The primary reason why the Navy is excluding the berthing assets at the LBNSY from its plans for San Diego appear to be that the LBNSY is outside of San Diego's homeport area-- **outside by 11 nautical miles.**

I would propose that your Commission needs to find out exactly what additional costs are going to be laid at the taxpayers feet for building facilities which duplicate assets currently in the Navy's inventory, but outside of its self-defined homeport areas. These new costs definitely should be part of your equation when considering the cost to the government of closing the LBNSY.

It just doesn't make sense to this Congressman, why the Navy would choose to ask the government to put up hundreds of millions of scarce taxpayer dollars to fund construction for facilities which currently exist **only 11 nautical miles outside of the area of need.**

Furthermore, according to a May, 1995 Environmental Impact Study Report on the proposed San Diego CV/CVN construction projects, San Diego County is an area of high seismic risk. This report indicates that the Spanish Bight fault, which is associated with the Rose Canyon fault zone, **runs through the proposed CV/CVN proposed construction site.** This report states : **"...it is our opinion that the Spanish Bight should be considered active and fault surface rupture may be a significant geological hazard to the project"**. The report continues: **"Furthermore, it is generally considered economically unfeasible to build a totally earthquake-resistant project; it is therefore possible that a large or nearby earthquake could cause damage at the site"**.

Mr Chairman, I am deeply concerned with a possible scenario where the LBNSY--with assets to meet the Navy's needs to berth CV/CVNs--would be closed, and duplicative Navy facilities, proposed for North Island would not be able to be build for safety reasons. If the LBNSY is closed, at this point, it appears to me that the NAVY is boxing its CV/CVN berthing strategy into a tight corner, where environmental considerations might prevent the Navy from safely completing its North Island construction agenda. Of course, I am raising also the question of the waste of taxpayers scarce dollars to build facilities which duplicate existing, and close-by, Navy resources.

I would be pleased to have my office share with the Commission the information substantiating the above concerns.

At the very least, I maintain that the Navy's total current and projected costs for building CV/CVN berthing and support facilities at North Island **must be factored** into their consideration of the cost of keeping the LBNSY open or closed.

Rep. Torres Testimony  
June 12, 1995  
Page 4

In addition, I would urge the Commission to delay any final decision to close the LBNSY until the current GAO examination of the costs of new construction in North Island, and the existence of assets suitable for the Navy's CV/CVN needs at the LBNSY, are completed.

The FY '96 House Military Construction Appropriations bill, includes report language pertaining to the issue of the construction of the initial CVN berthing and support facilities at North Island, California. This report language states that the Subcommittee will evaluate the GAO study of the project's costs and, the feasibility and costs associated with berthing the carriers at alternative locations. I would ask that your Committee, likewise, seek the answers to these critical questions before making decisions about closing the LBNSY.

I thank you for permitting me to include this information in your formal proceedings and stand ready to work with your Commission in resolving the important questions surrounding the question of the wisdom to our armed services, and to our taxpayers, of closing the Long Beach Naval Shipyard.

**STATEMENT OF HON. ANTHONY C. BEILENSON  
MEMBER OF CONGRESS, 24TH DISTRICT, CALIFORNIA  
TESTIMONY BEFORE THE BASE REALIGNMENT  
AND CLOSURE COMMISSION  
WASHINGTON, D. C. HEARING  
JUNE 12, 1995**

Good morning, members of the commission. I appreciate very much your making time for me in your schedule today.

I had hoped to be able to speak with you when you held your regional meeting in San Francisco, but scheduled votes in the House and a very important family commitment made it impossible for me to come to San Francisco.

I did submit a statement for that hearing, and I am here today to emphasize, albeit very briefly, my strong, continued support for Point Mugu. I hope very much that, after you have studied all the information, you will decide that adding Point Mugu to the closure list was ill advised, and should be reversed.

We all assume that the potential cost savings was the major reason you decided to add Point Mugu to your closure list. I have followed very carefully the debate over the potential cost savings that might result from closing or realigning Point Mugu, and I believe it is clear that these presumed savings will not be realized.

As Congressman Gallegly mentioned at the San Francisco hearing, I attended a meeting with the DoD Inspector General's office at which time my staff and I, as well as representatives from Congressman Gallegly's office and our Senators' offices, heard the IG's office acknowledge that the data in their frequently quoted report is out of date.

They also conceded that events have overtaken the report, so that its findings probably no longer reflect an accurate picture of the situation today.

**Statement of Hon. Anthony C. Beilenson****June 12, 1995****Page 2**

I shall not belabor the point here today; I know that you have heard from the community and the Navy in detail about this matter, and that you will study their interpretation of the one-time closure costs, and the recurring annual costs of your plan.

The essence of our argument was spelled out at your San Francisco hearing by Admiral McKinney:

--that Point Mugu "has an exceptionally high military value," and that the Navy does not agree with the savings that the IG report predicted;

--"That the redundant facilities and idle workers envisioned in the DoD IG report do not exist, nor do the savings claimed in that report. (That) (T)he proposed scenario will not reduce the excess capacity in DoD Test and Evaluation, and, in my opinion, will not result in an acceptable return on investment. If executed, it will result in the fragmentation of an efficiently integrated Research, Development, Test and Evaluation center resulting in cost inefficiencies. It will jeopardize a national Test and Evaluation asset which supports a significant fleet concentration."

From all the evidence, Point Mugu is a necessary base, in strategic and military terms; in fact, it ranks so high in military value that its closure would seem to make no good sense at all.

I appreciate having this opportunity to speak with you. I hope very much that Point Mugu will be preserved in the manner and for the purposes for which it currently operates, and that you will find that you are in agreement with the Navy and the Department of Defense, both of which specifically decided against recommending Point Mugu for closure in the first place--for very sensible and good reasons.

**POSITION PAPER ON ENVIRONMENTAL AND PERMITTING ISSUES**  
**RELATIVE TO THE PROPOSED CLOSURE OF FORT McCLELLAN, ALABAMA**  
**PRESENTED BY SENATOR HOWELL HEFLIN**  
**TO THE 1995 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION**  
**MONDAY, JUNE 12, 1995**

Mr. Chairman and Members of the Commission, I thank you for this opportunity to again address the Defense Base Closure and Realignment Commission (BRAC) concerning the recommendation to close Fort McClellan in my home state of Alabama.

In my previous testimony before this Commission at the April 4, 1995, BRAC regional hearing held in Birmingham, Alabama, I focused on the Army's failure to consider the joint service and domestic and international training needs currently provided by Fort McClellan. The Army never consulted the Air Force, the Navy, the Marine Corps or the National Security Council about the military value of the Fort, and that is still the case. In addition, since April the Fort's far-reaching international and domestic anti-terrorism responsibilities have increased.

In the past few years, twenty-four countries have trained their military and civilian defense personnel at Fort McClellan, including the Japanese personnel who responded to the nerve gas attack in Tokyo's subway on March 20, 1995. As a result of the World Trade Center bombing in New York City last year, Tokyo's sarin gas attack on March 20, a threatened nerve gas attack at Disneyland in Anaheim, California, on Easter weekend (April 15-16, 1995), the Oklahoma City bombing on April 19, and the discovery just four days ago of a stockpile of nuclear-grade zirconium in Queens, New York, (See news stories attached at Tab A) the entire world -- and especially the United States -- has become acutely aware of the absolute necessity for us to maintain the best anti-terrorism training capability in the world, which we already have at Fort McClellan. As an example of many of our cities' recognition of the need to improve their ability to counter chemical and biological terrorist attacks, the Port Authority of New York

and New Jersey recently requested Fort McClellan to assist them in training their 1,400 officers to be prepared to respond to any such attacks. (See Tab A, page 5). As another example, the City of Atlanta is already training their officials to respond to an emergency during the 1996 Olympics. (See Tab A, page 6). We fully expect Atlanta to also request important training assistance from Fort McClellan. It is clear to me, as I'm sure it is to you, that the Army Chemical School's training expertise and capability to respond to the growing terrorist threat is directly related to national security, as well as having a major and direct impact on military value -- which is the most important criteria of your own decision process.

Contrary to their ill-advised recommendations in previous years, this year not even the Defense Department has recommended the outright closure of the Army's chemical defense training facilities -- they just want to move it. However, if you go along with that poorly conceived idea under the guise of theoretically trying to save a few dollars -- which I very seriously doubt will ever be achieved -- you will be putting our country's internal and national security at grave risk.

The Defense Department's recommendation to close Fort McClellan and to move the Army's Chemical School and its nuclear, biological and chemical defense training facilities to Missouri is hinged on the assumption that they can somehow obtain all the permits, licenses and certifications which are required to construct, operate and move the Army's state-of-the-art training facilities to Fort Leonard Wood in the short six year time frame required by the BRAC enabling legislation. Ladies and Gentlemen, anyone who's had any experience with the complicated business of trying to obtain environmental permits and build those kinds of sophisticated facilities knows you can't validly obtain all the required permits in 90 days. It just can't be done, and with all due respect, when the officials of the State of Missouri say they've

given the Army all the permits they need, please don't be fooled by that misrepresentation.

When you began your review of the Fort McClellan recommendation earlier this year, you keyed on the permit issue. As you knew, the 1993 BRAC Commission wisely rejected the Army's recommendation to close Fort McClellan two years ago, because the Army couldn't produce the permits necessary to accomplish the Chemical School's and the Chemical Defense Training Facility's ("CDTF") relocation to Missouri. Despite the 1993 BRAC Commission's instructions to the Defense Department for the Army to obtain all the required permits before the 1995 BRAC process began (See page 101 of BRAC hearing transcript dated March 1, 1995, attached at Tab B), the Army did not begin their permit application process until March 1, 1995, after Secretary of Defense Perry's base closure recommendations had been submitted to you. (See page 37 of BRAC hearing transcript dated March 7, 1995, attached at Tab C). In his appearance at the March 1, 1995, BRAC hearing, Deputy Secretary of Defense John Deutsch testified: "I believe that the proposal . . . to move the Chemical Warfare School Element up to Fort Leonard Wood, Missouri -- it would not go to Fort Leonard Wood . . . unless the proper permits are received from the State of Missouri." (emphasis added) (See Tab B, page 102). A week later, on March 7, 1995, in his appearance before this Commission, Army Secretary Togo West acknowledged that the permitting process in Missouri would be uncertain. In response to Commissioner Steele's questions, Secretary West candidly testified: "I would say that there are no guarantees in the permitting process. The one thing that I, as a lawyer, over the years have learned, is that we have no real indication as to how the process could turn out when a community and a permitting authority begin to come to grips with the reality." (See Tab C, page 37).

That reality check has now occurred just as Secretary West predicted. In the past two months, the environmental community and a number of concerned citizens in Missouri have

raised serious objections about the speed of the permitting process and have filed numerous appeals in and challenges to every single permit proceeding in the state. So when Missouri officials tell you the Chemical School's move is guaranteed don't you believe them, because the long and uncertain permitting debate has just begun. It won't be settled for years, during which time Fort McClellan will have to remain open, and when it is over the Army may never obtain all the permits they need to move the chemical training to Fort Leonard Wood. The long and expensive permit fight and the increased costs of building the new facilities in Missouri, which will inevitably result from the permit appeals process, will likely negate any predicted current costs savings projected from the recommended move. Moreover, there will only be costs, and no savings at all, if the Army ultimately loses the permit battle and the Chemical School's facilities have to remain at Fort McClellan. In that event, this Commission's hoped for cost-cutting accomplishments will be lost, because the Army won't be able to make good on its very uncertain permitting predictions to you.

Since the permits seem to be the predominant issue regarding the Fort McClellan recommendation, I urge you to closely examine and seriously question the glaring defects in that process.

#### CDTF INCINERATOR HAZARDOUS WASTE PERMIT

The most controversial permit question is whether or not the Army needs a hazardous waste permit in Missouri to build and operate the Chemical Defense Training Facility ("CDTF"). On May 19, 1993, in response to a request from 1993 BRAC Chairman Jim Courter, the current Director of Missouri's Department of Natural Resources, David A. Shorr, replied:

". . . we anticipate that the Chemical Defense Training Facility would require permits from Missouri's Air Pollution Control Program, Water Pollution Control Program (for NPDES), and the Hazardous Waste Program. The permit for the incinerator from the Hazardous Waste Program will, no doubt, take the most time

to obtain. . . Depending on the complexity of the permit and the complexity of the incinerator, the Part 1 Application will take nine to fourteen months to complete. Part 2 of the permit (after construction is complete), will take an additional eight months to a year to complete." (emphasis added). (See copy of letter dated May 19, 1993, attached at Tab D).

Nineteen months later, on December 23, 1994, in a letter to Defense Secretary Perry, Mr. Shorr confirmed and reiterated for the third time the State of Missouri's position regarding permits for the Chemical School and the CDTF at Fort Leonard Wood. Mr. Shorr stated:

"As I indicated on June 4, 1993, we anticipate the construction of this facility will require air pollution control, water pollution control and hazardous waste program related permits. To date, we have not received applications for such permits and eagerly await their submittal so that we can timely review and approve if appropriate." (emphasis added) (See copy of letter dated December 23, 1994, attached at Tab E).

Consistent with Mr. Shorr's repeated assurances to both BRAC and the Department of Defense that the CDTF incinerator requires a hazardous waste permit, on April 5, 1995, Col. Anders B. Aadland, Chief of Staff, Fort Leonard Wood, Missouri, responded in writing to the office of the Chief of Staff, Department of the Army, Washington, DC, as follows:

- "1. As requested by Congressman Browder, environmental permits submitted by Fort Leonard Wood are enclosed as follows:
  - a. Air permit for the CDTF incinerator
  - b. Air permit for large area smoke training
  - c. Installation-wide storm water permit
  - d. Hazardous waste permit for CDTF
2. As of this date, no official reply has been received from the Missouri Department of Natural Resources regarding any of these permit applications." (emphasis added) (See copy of memorandum dated April 5, 1995, attached at Tab F).

Surprisingly, and totally inconsistent with his often repeated official position during the previous two years, a week after Col. Aadland's memorandum was transmitted, Missouri's Director of Natural Resources, David Shorr, stated that a hazardous waste permit is not needed for the CDTF. In sworn testimony before this BRAC Commission at your regional hearing in Chicago, Illinois, on April 12, 1995, Mr. Shorr stated:

"To answer your question, Mr. Commissioner, three permits are required by... Missouri: A permit for air construction for the CDTF, which is the Chemical Decontamination and Training Facility, a water permit for the base, and a permit for the smoke school, which is going -- which was issued as a PSD permit application to significantly deteriorate the air around the area of Fort Leonard Wood. A hazardous waste permit is not required for the thirty-four thousandth time. Okay. Any other questions?" (emphasis added) (See page 99 of BRAC hearing transcript dated April 12, 1995, attached at Tab G).

According to records at the Missouri Department of Natural Resources ("MDNR"), the state received Fort Leonard Wood's hazardous waste permit application referenced in Col. Aadland's memorandum on April 6, 1995, and within a single day determined that a RCRA hazardous waste permit was not needed for the CDTF. During that extremely limited review, MDNR evaluated only two waste streams which would be incinerated in the CDTF facility. Those were the chromium impregnated filters used in the gas masks and the wastewaters resulting from the decontamination of the nerve agents (i.e. Sarin & VX). MDNR's primary focus on the gas mask filters was highlighted in MDNR Director Shorr's testimony at the April 12 BRAC regional hearing in Chicago. (See Tab G, pages 102-103). However, Fort Leonard Wood's permit application did not include the following hazardous, or potentially hazardous, wastes which are generated at the CDTF and are likely to be burned in the incinerator:

- a. Laboratory wastes generated at the CDTF facility - Numerous solvents are used in the CDTF laboratory at Fort McClellan for quality control checks and for normal maintenance requirements on various pieces of equipment. That use produces wastes which are possibly contaminated with nerve gas agents and are, therefore, required to be incinerated at the CDTF by U.S. Army Directive. Other laboratory material wastes contain metals above allowable Toxicity Characteristic Leaching Procedure ("TCLP") levels which are also incinerated. Specific laboratory chemicals which would be considered hazardous waste when they are incinerated include: acetone, carbon disulfide, chloroform, cyclohexane, ethyl alcohol, hexane, hydrochloric acid, isopropyl alcohol,

mercury, methyl alcohol, methyl ethyl ketone, methylene chloride, nitric acid, potassium dichromate, silver nitrate, sodium hydroxide and sulfuric acid. (See inventory of CDTF MSDS attached at Tab H).

b. Waste nerve agent detector pads containing silver nitrate - These pads are known to fail the TCLP test for silver and are burned in the CDTF incinerator.

c. Ventilation carbon filters - Carbon filters are used to absorb the active nerve agents from the ventilation system which maintains a negative air pressure in the CDTF building. Nerve agents and materials containing nerve agents have been classified as D003 reactive wastes by the U.S. Army at facilities that are destroying nerve agent weapons. This determination is based on the fact that VX nerve agent is a sulfur-bearing material. VX can generate toxic gases, vapors or fumes in sufficient quantities to present a danger to human health. A mere rise in temperature will cause a release of toxic fumes from the filters.

Unfortunately, in their hasty review MDNR failed to investigate the above-mentioned waste streams and also failed to obtain answers to these questions from either Fort McClellan or Fort Leonard Wood prior to concluding that a hazardous waste permit would not be required for the CDTF incinerator.

As a result of Fort Leonard Wood's and MDNR's incomplete review of the CDTF's potential hazardous waste stream, on May 12, 1995, three individuals and the Missouri Coalition for the Environment (an established environmental organization representing thousands of members throughout the state) filed an appeal petition before the Missouri Hazardous Waste Management Commission ("HWMC"). (See copy of petition attached at Tab I). The petitioners asked the HWMC to prohibit Fort Leonard Wood from constructing and operating the CDTF incinerator without first obtaining a hazardous waste permit from the state. The petition alleges

that hazardous wastes will be burned in and emitted from the incinerator and that Fort Leonard Wood failed to appropriately identify all the hazardous wastes which will be incinerated in the CDTF as discussed above.

In response to that appeal petition, on June 1, 1995, the Attorney General for the State of Missouri filed a "Motion to Dismiss" with the HWMC based on the arguments set forth in an accompanying brief entitled "Suggestions in Support of Respondent's Motion to Dismiss." (See copy attached at Tab J). As in most states, in Missouri it is the Attorney General, not MDNR Director Shorr, who is responsible for interpreting the law and representing the state in legal matters. In his brief on the application of Missouri law to MDNR Director Shorr's decision on the hazardous waste permit, the Attorney General contradicted Mr. Shorr by stating:

" . . . the decision petitioners claim is a final agency decision is not a final, appealable decision. An agency decision is final when 'the agency arrives at a terminal, complete resolution of the case before it. An order lacks finality in this sense while it remains tentative, provisional, or contingent, subject to recall, revision or reconsideration by the issuing agency.'

Under this analysis, the decision by the MDNR that a permit is not required to operate the CDTF is not a final administrative decision which would render it subject to appeal before this Commission. The MDNR decision is contingent upon the accuracy of the information that was supplied to it by the U.S. Army Engineers Center in Fort Leonard Wood (Army). The decision is also contingent upon the procedures, methodologies and waste streams, among other things, remaining the same as currently envisioned by the Army. Furthermore, the determination whether a particular facility needs a hazardous waste treatment, storage or disposal permit is, by statute, the responsibility of the facility owner and/or operator, not the MDNR. The MDNR's responsibility is to review and approve or deny permit applications submitted to it." (emphasis added) (See Tab J, page 5).

As we know, Fort Leonard Wood had made this determination by the submission of their hazardous waste permit application to MDNR in early April of 1995. Consequently, by not acting to either approve or deny the permit, MDNR has placed the whole hazardous waste permit issue in complete limbo.

In his June 1 filing with the HWMC, the Attorney General continued:

". . . the MDNR may change its mind as to whether the CDTF, even based on the information currently available to the MDNR, requires a hazardous waste treatment, storage or disposal permit. This 'decision' such as it is, confers no rights upon the Army. In any later administrative or judicial action citing the Army for the failure to have a treatment, storage or disposal permit for the CDTF unit, the Army could not utilize any previously made statements by the MDNR such as those cited in paragraphs 11 and 12 of the Petition filed herein to estop the government from bringing its action." (emphasis added) (See Tab J, pages 5-6).

Paragraphs 11 and 12 in the appeal petition (See Tab I, pages 4-5) which the Attorney General cited above are the statements which MDNR Director Shorr made to this BRAC Commission during the regional hearing in Chicago on April 12 that a hazardous waste permit is not needed for the CDTF incinerator. Clearly, as Missouri's Attorney General -- the state's top legal officer -- concluded in his brief, MDNR Director Shorr's recent assurances to you are not supported by Missouri law:

"The MDNR position that the CDTF unit does not require a hazardous waste treatment, storage or disposal permit does not determine any obligations. . . . legal consequences will not flow from this agency position complained of. The MDNR position that a permit is not required does not really decide anything because the MDNR is not strictly vested with the power to decide that issue." (emphasis added) (See Tab J, page 6).

Consequently, it is clear that instead of being settled as Director Shorr would have you believe, Missouri's Attorney General has determined that under the state's statute the hazardous waste permit issue in Missouri is not resolved. (See copy of Mo. Rev. Stat. § 260.395 attached at Tab K). Therefore, the Army has not met your requirement to have all the necessary permits in hand prior to your making a decision on the closure recommendation. In the short time remaining, it is now virtually impossible for the Army and MDNR to go back and properly and legally deal with the hazardous waste permit prior to your June 22 decision deadline. Meanwhile, the appeal of MDNR's decision is still pending before the MHWC, and their next meeting is not until August 3, 1995, well after your deadline.

As if the Army doesn't already have enough problems, Missouri's hazardous waste law also contains a provision which allows interested parties to file a citizen's suit for failure to possess a properly issued hazardous waste permit. (See copy of Mo. Rev. Stat. § 260.415.3 attached at Tab K). Such a lawsuit typically could not be filed until the operation of the CDTF facility is imminent. Consequently, a citizen suit filed against Fort Leonard Wood four or five years from now, during the final stages of construction or just before operation of the CDTF incinerator begins, could block the whole process at the 11th hour; and the Army would have to continue training at Fort McClellan after wasting hundreds of millions of dollars on the proposed move. As we've already seen, there are several well organized citizen groups and environmental organizations in Missouri who will continue to oppose this move, unless the Army and MDNR properly and legally follow the state's well-established hazardous waste permitting process, including allowing public input and providing adequate due process. Some of those groups have already indicated they will likely file a citizens suit, if it becomes necessary to force the Army and MDNR to follow the applicable provisions of the state's environmental laws and regulations. Consequently, unless the Army obtains a properly issued hazardous waste permit for the CDTF incinerator -- which they most assuredly have not received -- this facility will be caught up in controversy and uncertainty for years in the future.

#### CDTF INCINERATOR AIR PERMIT

Fort Leonard Wood submitted an application for an air permit to construct the Chemical Defense Training Facility ("CDTF") to the MDNR on March 1, 1995. Key personnel within the Army's chain of command, including Army Secretary West (See Tab C, page 37) and the permit preparers at Fort Leonard Wood, have repeatedly stated they did not begin work on the permit applications until after the Secretary of Defense announced his base closure recommendations on February 28, 1995. In the rush to prepare and submit their permit

applications, Fort Leonard Wood personnel failed to consult with anyone at Fort McClellan, as they had been instructed to do by higher Army headquarters (See copy of memorandum dated March 13, 1995, attached at Tab L). In 1983 it took personnel at Fort McClellan months to prepare the complicated application for the permit to construct the CDTF, at a time when the applicable environmental laws and regulations were much simpler to understand and comply with than they are today. By then, Fort McClellan had also spent two years working on an Environmental Impact Statement ("EIS") for the CDTF, which began in 1981. Miraculously, Fort Leonard Wood's personnel prepared and submitted their CDTF permit application in only one day! (See copy of permit application attached at Tab M). Moreover, to date Fort Leonard Wood personnel have repeatedly stated they do not intend to begin work on an EIS for any facet of the proposed Chemical School move, including the CDTF, until after you members of the BRAC Commission make your decision.

Because they did not know enough about the CDTF and because they failed to consult with Fort McClellan, Fort Leonard Wood's personnel prepared their CDTF permit application based on outdated drawings, information and engineering data assembled during 1983-1985, (See Tab M, pages 2, 4, 8, 11, 13 and 14) on which basis Fort McClellan's original permits to construct and operate were issued on November 2, 1983, and June 1, 1987, respectively. (See copies of Ft. McClellan's 1983 and 1987 CDTF permits attached at Tabs N and O). Another major defect in Fort Leonard Wood's permit application process is their personnel did not realize that Fort McClellan's June 1, 1987, permit to operate the CDTF was withdrawn by the Alabama Department of Environmental Management ("ADEM") on December 17, 1992, when it was replaced by a new permit to operate on that same day. (See copy of Fort McClellan's December 17, 1992, permit attached at Tab P). The 1992 operating permit was issued by ADEM to encompass the dozens of changes and major modifications which had been made to the CDTF

at Fort McClellan. As you can see by comparing the information and flow diagrams in Fort McClellan's August 25, 1992, application to ADEM for a permit modification (See copy attached at Tab Q) with Fort Leonard Wood's CDTF permit application to MDNR (See Tab M), Fort McClellan's modifications to the CDTF were not included in Fort Leonard Wood's permit application. Therefore, they are also not included in the CDTF air permit issued by MDNR.

Based on the incomplete and inaccurate information in Fort Leonard Wood's permit application and because of MDNR's rush to issue the permits before June 22, MDNR Director David Shorr conveniently determined that the air emissions from Fort Leonard Wood's CDTF would be *de minimis*. Consequently, no public comment period and no public hearing opportunity was provided by the state on the CDTF permit application, which would have taken a minimum of 45 days under Missouri law and would have slowed down the permit process.

On April 10, 1995, MDNR issued a "permit to construct" the CDTF incinerator, which Director Shorr has since said is also a permit to operate. (See copy of permit attached at Tab R). However, it is clear from the detailed Conditions attached to the permit that the incinerator cannot begin operation until after Fort Leonard Wood conducts and meets stringent burn tests and strict emissions tests after construction of the facility. In addition, Special Conditions (a) and (b) on page 2 of the Missouri air permit (See Tab R, page 3) state that no hazardous wastes can be burned in the CDTF incinerator, specifically gas mask filters containing chromium. However, as described in the earlier detailed discussion on the hazardous waste permit, it is clear that hazardous wastes other than the gas mask filters will be burned in the incinerator -- which requires a permit from the Missouri Hazardous Waste Program.

The accelerated "fast track" review of the CDTF permit application, without providing any opportunity for public input or giving Missouri citizens time to study the public health and safety and environmental issues, resulted in immediate anger and opposition from environmental

organizations and public interest citizen's groups in Missouri. (See copies of news articles attached at Tab S). Consequently, on April 27, 1995, three individuals and the Missouri Coalition for the Environment filed an appeal of the issuance of the CDTF construction permit with the Missouri Air Conservation Commission ("MACC"). (See copy of Notice of Appeal attached at Tab T). The appeal alleges the CDTF air permit was based on incomplete and inaccurate operational data; that hazardous wastes will be burned in and emitted from the incinerator; that more than 100 tons/year of pollutions will be emitted from the incinerator requiring a public hearing process; that the required pre-application modeling, monitoring, analysis of visibility and projected air quality impacts were not done; that the requirements for prevention of significant deterioration ("PSD") review were not met; and numerous other defects. The parties seek denial of the permit and a public hearing on the CDTF permit application. (A partial discussion of the technical defects in the CDTF air permit application and MDNR's permit approval process, which was prepared by the environmental engineering firm of Schreiber, Grana & Yonley, Inc. and submitted to the MACC in support of the permit appeal, is attached at Tab U).

On April 27, 1995, the same appealing parties filed a motion with the MACC to expedite and complete the appeal process on the CDTF air permit so there would be some modicum of final state agency action on the CDTF permit prior to this BRAC Commission's decision deadline of June 22, 1995. (See copy of Motion to Expedite attached at Tab V). Unfortunately for all concerned, including you members of the BRAC Commission, that motion to expedite was opposed by MDNR (See copy of MDNR's May 5, 1995, Response in Opposition attached at Tab V), and it was subsequently denied by the MACC in a hurriedly convened telephone conference on or about May 9, 1995. The MACC has indicated they intend to assign the CDTF air permit appeal to an Administrative Hearing Officer who will then be responsible for

establishing a discovery schedule and eventually conducting a hearing on the permit appeal. That process, which has not yet begun, will take several months to complete. Consequently, the CDTF air permit appeal process will obviously not be completed before the BRAC Commission's decision deadline of June 22.

The MACC's ultimate decision on the CDTF air permit appeal will in turn be reviewable by a judicial appeal to the State Circuit Court and by the Missouri Court of Appeals. That process typically takes a minimum of eighteen months to two years to complete. It is clear from the public statements recently made by several of the environmental and citizen's groups in Missouri that they intend to fight these permits to the end; consequently, the CDTF air permit will be subjected to continuing controversy and legal appeals for years to come. During that time, of course, no one will know the eventual outcome, and the Chemical School's training facilities will be left in a continuing state of limbo with no way for anyone to undo or rectify a hasty decision made by this BRAC Commission.

In recent days, various staff members at the MDNR have been making what I consider to be brash and factually misleading statements about the status of these permits. For example, in an Associated Press story written by David A. Lieb filed in Jefferson City, Missouri, on June 7, 1995, Roger Randolph, director of MDNR's air pollution control program stated: "These permits are well researched, and the models are double and triple checked. The permits have undergone such scrutiny that they are near perfect." The next day, on June 8, 1995, in a story written by Thomas Hargrove published in the Birmingham Post-Herald, MDNR Director Shorr was quoted as saying: "We follow the law here (in Missouri). If they (Alabama) are playing games with the law, they should play the same game across the board." Unfortunately for MDNR, their permitting process has been far from perfect. In fact, as the detailed technical comments which were filed in support of the permit appeal before the MACC have shown, there

are major serious defects in the permits which don't need a rocket scientist to understand.

To begin with, the legal description of the location of the CDTF contained in the air permit issued by MDNR is Section 21, Township 35 North, Range 8 West. However, that location is approximately 12 miles east of the location specified by the longitude and latitude coordinates contained in Fort Leonard Wood's CDTF permit application. Moreover, the location specified for the CDTF in MDNR's air permit is outside the boundaries of Fort Leonard Wood, is even outside of Pulaski County where Fort Leonard Wood is located, and instead is actually situated in the Mark Twain National Forest in adjacent Phelps County.

Second, the air permit issued by the State of Alabama for the CDTF at Fort McClellan specifically restricts the quantity of live nerve agent on site to a maximum of one liter at any one time. Contrary to the repeated public statements and assurances of both Fort Leonard Wood and MDNR personnel to the citizens of Missouri, the air permit issued by MDNR for the CDTF at Fort Leonard Wood does not include a quantity restriction.

Third, a temperature of 1,750°F for at least two seconds is required for the complete destruction of GB and VX nerve agents in the incinerator. However, no detention time, which would assure complete destruction of all live nerve agents in the secondary chamber of the CDTF incinerator, is specified in the air permit issued by MDNR. Moreover, no operating conditions are included in the air permit issued by MDNR, even though MDNR Director Shorr now says permission was granted by the state permit to also operate the CDTF.

Fourth, the existing CDTF at Fort McClellan uses two autoclaves for the decontamination of the Battle Dress Overgarments ("BDO") worn by the troops while training in the CDTF. This makes possible the reuse of the BDO's up to four times before they have to be incinerated. This information was included in a letter sent to Mr. Art Groner at MDNR on February 18, 1994, and received by MDNR's Hazardous Waste Section on February 22, 1994. However, the

inclusion of the two autoclaves was left out of both Fort Leonard Wood's permit application and the air permit for the CDTF issued by MDNR. In addition, none of the emissions from the autoclaves was included in the emission calculations. Because the autoclaves are not included in the permitted equipment for the CDTF, the amount of BDO's which will be required to be incinerated in Fort Leonard Wood's CDTF will be four times greater than the planned amount. Consequently, this major omission of the autoclaves from MDNR's air permit will increase the daily waste load to be incinerated at Fort Leonard Wood's CDTF to approximately 1,300 pounds, which exceeds the permitted quantity of 1,000 pounds contained in the CDTF air permit issued by MDNR. This serious omission will also drive up the cost of the CDTF training, because four times as many BDO's will have to be purchased by the Chemical School in order to provide the live nerve agent training in Missouri.

Fifth, Fort Leonard Wood's air permit application for the CDTF and MDNR's permit review (which is part of the air permit) specify use of a Midland Ross Pyrobatch model, forced draft, batch type, dual chamber incinerator unit at Fort Leonard Wood. However, Midland Ross is no longer in business, and this model is no longer in production. Consequently, Fort Leonard Wood cannot procure the CDTF incinerator specified in their air permit from MDNR.

In the event this list of obvious deficiencies is not enough to prove the point that MDNR's air permit won't allow the Army to build and operate the required CDTF at Fort Leonard Wood, a detailed description of additional permit errors and omissions is attached at Tab W.

Because numerous significant errors and omissions have been identified in the CDTF permit application and the air permit issuance process, MDNR will eventually be required to reevaluate the CDTF permit application and all supplemental information submitted by the U.S. Army for the Chemical School's proposed operations and facilities at Fort Leonard Wood.

MDNR clearly failed to adequately consider all the applicable regulatory requirements and potential environmental impacts associated with the multiple operations and facilities that are an integral part of the Chemical School's operation, including the CDTF. Until these numerous and serious permit issues are addressed and all required procedures, regulations, and requirements of law (both Missouri and Federal) are complied with by MDNR, the Army will not possess all the necessary permits which this BRAC Commission has said are required in order to approve the Defense Department's recommendation. With only ten days to go before your decision deadline, it is obvious that the requisite permits will not be obtained by the Army. Consequently, I urge you to join with the 1991 and 1993 BRAC Commissions and once again reject this ill-advised recommendation.

#### FOG OIL SMOKE AIR PERMIT

Fort Leonard Wood submitted an air permit application to MDNR on March 1, 1995, to conduct static and mobile fog oil smoke training in Missouri. (See copy of permit application attached at Tab X). Like their CDTF air permit application, Fort Leonard Wood's personnel prepared their fog oil permit application in only one day, because they did not begin work on the application until after Defense Secretary Perry announced his base closure recommendations on February 28, 1995. Also like the CDTF permit application process, Fort Leonard Wood's personnel hurriedly prepared and submitted their fog oil permit application to MDNR without first talking to or coordinating with officials at Fort McClellan, despite receiving specific instructions from TRADOC headquarters to do so. (See Tab L).

Because they had been in too big a hurry earlier in the month, on March 16, 1995, Fort Leonard Wood had to submit supplementary information to MDNR modifying their original permit application from VOC (volatile organic compound) to PM<sub>10</sub> (particulates) emissions. Their modification also stated that 63,000 gallons per year of "light grade mineral oil" would

be used to generate smoke at Fort Leonard Wood. (See copies of supplementary March 16, 1995, information attached at Tab Y). For some strange reason, no permit application for use of additives (such as kerosene which is required to thin the fog oil during cold weather) or for use of any other kinds of obscurants or smoke generators was ever submitted by Fort Leonard Wood to MDNR, despite the fact that those kinds of materials are a vital component of the Chemical School's smoke training program at Fort McClellan. (See Description of Fog Oil Smoke/Obscurant Training conducted at Fort McClellan attached at Tab Z).

On March 23, 1995, in response to a Freedom of Information Act request filed by MDNR, Fort McClellan provided written information directly to MDNR detailing the use of fog oil, other fuels and obscurants at Fort McClellan over the past five years. (See copy of March 23, 1995, memorandum attached at Tab 1). The March 23 memo explained that during the past five years Fort McClellan used an average of 77,476 gallons of fog oil each year. In 1993, the actual fog oil usage was 93,800 gallons, and in 1994 Fort McClellan used 116,350 gallons of fog oil in the Chemical School's smoke training exercises. (See Tab 1). Fort McClellan also informed MDNR they used gasoline to run the smoke generators, and the Fort's "potential to emit" with 20 mobilizing chemical units would roughly double the above listed fog oil and gasoline usage totals each year. In addition, Fort McClellan pointed out to MDNR that they also use other required smoke generation sources including hexachloroethane smoke pots, colored dye smoke grenades, infrared defeating obscurant grenades (brass flakes), and large area infrared defeating obscurants (graphite powder). Finally, Fort McClellan notified MDNR that they also expect to begin using millimeter wave obscurants (similar to radar chaff) within the next two years. (See Tab 1). Even after receiving that information, neither Fort Leonard Wood nor MDNR made any further changes to the permit application.

On April 11, 1995, MDNR issued a draft air permit to Fort Leonard Wood which limits

the Army to the use of no more than 65,000 gallons per year of fog oil. (See copy attached at Tab 2). No use of any other type of fuel or obscurants was allowed under MDNR's draft permit. There was also no mention of the use of anti-freeze type additives which must be mixed with the SGF-2 fog oil (which is 20 weight motor oil, not mineral oil as stated in the permit application) when the temperature drops below 40°F to be able to use the fog oil during the winter months. Other conditions in the draft permit limited the Chemical School to doing smoke training a maximum of 135 days/year for a maximum of one hour per day. Fort McClellan currently trains with smoke at least 250 days per year, conducting from one to four exercises per day, with each exercise averaging one hour each, depending on weather conditions.

Officials in the Army's chain of command subsequently became concerned about the severely restrictive conditions in the draft fog oil permit issued by MDNR, because it would clearly not allow the Chemical School to do the type and extent of smoke training in Missouri which is presently conducted at Fort McClellan. Consequently, they requested an analysis of the draft permit from the experts at the Chemical School. In response, on May 16, 1995, the Special Assistant to the Commandant of the U.S. Army Chemical School, sent a detailed five page memorandum to Headquarters, Department of Army, concluding that the draft permit conditions will essentially destroy the Chemical School's ability to effectively do smoke training. (See copy of May 16, 1995, memorandum attached at Tab 3). In summary, the May 16 memo concluded that Missouri's smoke permit restrictions "will create overwhelming degradation to Chemical Mission readiness" which "would kill both the U.S. Army and U.S. Air Force smoke training." (See Tab 3, page 1). The memo also stated that under MDNR's draft permit the Chemical School would lose the ability to train with any other obscurant except fog oil, and the fog oil training itself would be drastically reduced to only 25% of current training standards. In addition, the Reserve Component smoke training would also be a casualty of the severely

restrictive Missouri draft air permit. (See Tab 3, page 1).

After subjecting the draft fog oil permit to a thirty day comment period, MDNR held a required public hearing at Waynesville, Missouri, on May 12, 1995. Public opposition to issuance of the fog oil permit was voiced by several citizens, and formal statements of opposition were filed by several attendees, including the Ozark Chapter of the Sierra Club (See copies attached at Tab 4). In addition, detailed technical comments on the numerous deficiencies in the draft fog oil permit were filed with MDNR by the environmental engineering firm of Schreiber, Grana & Yonley, Inc., St. Louis, Missouri, on May 12, 1995. A partial summary of those technical comments is attached at Tab 5.

On June 7, 1995, MDNR issued a final fog oil air permit to Fort Leonard Wood. (See copy attached at Tab 6). Unfortunately for the Army, the final permit is even more restrictive than the draft permit. The number of special conditions was increased from 24 in the draft permit to 37 in the final permit. Moreover, whereas the draft permit simply failed to mention the use of such items as kerosene additives, obscurants and smoke sources other than fog oil, MDNR's final permit specifically prohibits their use in Missouri. Therefore, the final permit is even more damaging to the Chemical School's ability to conduct smoke training at Fort Leonard Wood than even LTC Newing predicted in his May 16 memorandum at Tab 3. (See article on the impact of the fog oil permit limits on the Army's smoke training attached at Tab 7). The Army now finds itself in a difficult dilemma. They have received a fog oil permit, but in reality it's a worthless piece of paper, because it won't allow the Chemical School to properly train in Missouri. Undoubtedly it will be a difficult "gut check" decision for the Army, but now they really have only two alternatives. They can either be honest and admit to you they don't have the permits they need to move the Chemical School to Missouri. Or, they can file an appeal of their own permit with the Missouri Air Conservation Commission ("MACC") hoping

to convince the MACC to remove the fatally restrictive conditions in MDNR's permit. In either event, however, the Army will be acting against self-interest, because they will be admitting to you that despite the "hype" coming out of Missouri, the fog oil permit is of no real military value to the Army. In any event, it is now clear to everyone that your first and most important criteria for making your decision as members of the BRAC (i.e. preservation of military value) will not be met by this permit. Moving the smoke training to Fort Leonard Wood will damage national security by compromising the military mission; therefore, you should vote to reject the recommendation to close Fort McClellan.

Even if the Department of Defense decides to ignore the obvious and play out their bluff by not admitting the fog oil permit will seriously degrade the Chemical School's training capability, environmental groups in Missouri have already put the Army and MDNR on notice that they intend to appeal the issuance of the fog oil permit. Roger Pryor, Executive Director of the Missouri Coalition for the Environment ("Coalition") was quoted in the press on June 8, 1995, as follows: "We're going to fight this thing to the end. If the (Missouri Air) Commission wants to go forward, they can, but they do so at the risk of it being thrown out of court." (See copy of news story from the June 8, 1995, Birmingham News attached at Tab 8). St. Louis attorney Lew Green, Counsel for the Coalition, has indicated in the press that he expects to file an appeal with the MACC within a few days. That appeal will take months to be resolved, and the MACC's decision will then be reviewable in the State Circuit Court and by the Missouri Court of Appeals. The judicial appeals process alone typically takes from eighteen months to two years to complete, during which time the fate of the fog oil air permit will remain uncertain. Clearly, the finality of the permit process which you members of this BRAC Commission have so forthrightly sought before you have to make your decision will not be achieved for years into the future.

## FOG OIL VARIANCE

Despite being in such a rush to immediately prepare and submit their permit applications to MDNR on March 1, 1995, Fort Leonard Wood's personnel did not realize they would need a variance for their fog oil permit until after they were so informed by MDNR in mid-April. Consequently, on April 24, 1995, Fort Leonard Wood submitted to MDNR an application for a variance from Missouri's state air regulations which impose a maximum 20% opacity limit on air emissions. (See copy of variance application attached at Tab 9). The objective of the Army Chemical School's fog oil training mission is to generate a smoke cloud which is 100% effective in obscuring vision to protect our troops and equipment from enemy detection. Consequently, Fort Leonard Wood needed a variance from the state's air regulations before they could be legally issued a fog oil air permit.

The variance application was discussed at the Missouri Air Conservation Commission's ("MACC's") regularly scheduled meeting on April 27, 1995. However, the granting of the opacity variance was formally opposed by a number of parties, including three individuals and the Missouri Coalition for the Environment ("Coalition"). (See copies of news stories and a copy of the petition filed by the opponents attached at Tab 10).

The evidentiary phase of the administrative hearing process on Fort Leonard Wood's variance request was quickly initiated by the MACC at the insistence of the MDNR, because they recognized that timetables normally followed in processing variance applications would prevent MDNR from issuing the fog oil permit before June 22. As a result, fifteen depositions of the opponents, Fort Leonard Wood personnel, MDNR personnel and the Coalition's expert witnesses were scheduled and taken in an extraordinarily short nine day period between May 15 and May 23, 1995. The parties then had only one day to pour over the voluminous record which had been developed and prepare for the MACC's hearing on the variance application,

which began on May 25, 1995.

In another unusual turn of events, the Chairwoman of the MACC designated herself as the hearing officer, instead of following the normal procedure of referring the matter to an appointed administrative hearing officer. A formal hearing on the variance was conducted over the two day period of May 25 and 26, with various members of the MACC in attendance, several of whom actively and aggressively participated in the hearing process, often recommending to the Chairwoman how she should rule on various legal issues, objections and evidentiary questions.

Following the conclusion of the hearing of testimony, the parties were given only five short days over the Memorial Day holiday weekend to review the lengthy depositions and transcripts and prepare and submit by June 1, 1995, replies and exhibits for consideration by the MACC.

Under Missouri law, the four (out of six) members of the MACC who did not attend the entire two days of the hearing, had to review the lengthy transcript and exhibits before they could participate in the variance decision. Moreover, all six members of the MACC who voted on the variance had to review, discuss and vote on the proposed findings of fact, conclusions of law and language in the MACC's order. If you think, like I do, that it was a tall order for the six members of the MACC who have full time jobs and other important day-to-day responsibilities to get this done, you would be in good company. Nevertheless, in just five short, but undoubtedly backbreaking days over another weekend, the members of the MACC accomplished their task. On June 6, 1995, the MACC approved an order granting Fort Leonard Wood's request for an opacity variance for only one year from the date of startup testing. (See copy of MACC order attached at Tab 11). The very next day, on June 7, 1995, MDNR speedily issued Fort Leonard Wood's fog oil air permit, based on the issuance of the opacity

variance by the MACC.

In response, on June 9, 1995, an individual plaintiff, along with the Missouri Coalition for the Environment, filed a complaint in the State Circuit Court in St. Louis, Missouri, against the MACC and Fort Leonard Wood challenging the granting of the opacity variance and asking the court to void its issuance. (See copies of news article and Petition for Judicial Review attached at Tab 12).

In conjunction with filing their lawsuit, the plaintiffs also asked the State Circuit Court for a stay of the MACC's order granting Fort Leonard Wood's opacity variance. (See copies of Motion for Stay and the plaintiffs' memorandum in support of their motion attached at Tab 13). On June 9, 1995, the State Circuit Court issued an "Order to Show Cause" to the MACC and to Fort Leonard Wood to explain why the stay should not be granted. A hearing on the Motion for Stay is scheduled for June 16, 1995. (See copy of Show Cause Order attached at Tab 13). If the stay of the variance is granted, then the issuance of the fog oil permit would also be adversely affected, because the fog oil permit could not be legally issued or remain in effect if the variance is stayed by the court.

In any event, the environmental groups in Missouri have kept their promise to challenge the permits and variances, not only in the administrative forum, but also in court. Even if the stay of the variance is not granted, it will be eighteen to twenty-four months before the outcome of that litigation is finalized, including further review by the Missouri Court of Appeals. Meanwhile, the fate of the fog oil permit, which depends on the validity of the issuance of the opacity variance, will also be unknown.

#### STORMWATER PERMIT

On January 24, 1994, Fort Leonard Wood submitted a general facility-wide stormwater discharge permit application to MDNR for a number of ongoing activities at Fort Leonard

Wood, such as maintenance facilities, fuel storage areas, asphalt plant, airfield operations, landfills, ordnance ranges, etc. On February 17, 1995, MDNR issued Fort Leonard Wood a state operating permit for those discharges, which will be effective for five years in accordance with normal timetables under the Clean Water Act.

On March 2, 1995, in a one paragraph letter submission which attached a one page map sketch (See copies attached at Tab 14), Fort Leonard Wood requested a modification to the Fort's general stormwater discharge permit to include the proposed fog oil smoke training activities proposed for relocation from Fort McClellan. With lightning-like speed, the very next day, on March 3, 1995, MDNR issued a draft state operating permit modifying the discharge of stormwater from Fort Leonard Wood's operational activities to include the Chemical School's proposed fog oil smoke training activities.

Despite opposition from established environmental groups, including the Ozark Chapter of the Sierra Club (See copy of written comments attached at Tab 14) and the Missouri Coalition for the Environment, on April 4, 1995, MDNR issued a revised state operating permit to Fort Leonard Wood without providing a requested public hearing. The permit was issued for a number of stormwater discharges which included fog oil smoke training at several outfalls and additional discharge points at Fort Leonard Wood. (See copy of permit attached at Tab 14).

In response, on May 3, 1995, three individuals and the Coalition filed an appeal of the issuance of the revised stormwater discharge permit with the Missouri Water Conservation Commission ("MWCC"). The permit appeal alleges that the stormwater permit does not include necessary water quality control measures required under State law, that the Army failed to seek authority to use flame training and fog oil obscurants which will adversely impact water quality, and that monitoring requirements for heavy metals were not included for discharges into the Big Piney River, along with a number of additional defects in both Fort Leonard Wood's permit

application and in the permit issued by MDNR. The parties seek denial of the permit by the MWCC. (See copy of appeal attached at Tab 15).

The next regularly scheduled meeting of the MWCC is not until June 21, 1995, the day before this BRAC Commission's June 22, 1995, decision deadline. Clearly, the MWCC has decided not to deal with this appeal on an expedited basis, since no action has been taken on the appeal. Consequently, the stormwater permit appeal process will not be completed before the BRAC Commission's decision date. The MWCC's ultimate decision on the permit appeal will also be reviewable in the State Circuit Court and by the Missouri Court of Appeals. The judicial process along typically takes from eighteen to twenty-four months to complete, during which time the final status of the water permit will be uncertain.

#### NUCLEAR REGULATORY COMMISSION LICENSES

One of the vital training components of the Army's Chemical School is the nuclear defense training conducted at Fort McClellan using live nuclear agents. That nuclear training component is included in the Chemical School's proposed relocation to Fort Leonard Wood. The nuclear radiation training facilities at Fort McClellan consist of ten laboratories which utilize 25-30 different radioactive isotopes, many of which have half lives that last for decades. During the Chemical School's training and testing exercises, the radiation facilities produce low level radioactive waste ("LLRW"), which averages three 55 gallon drums per year. Unlike Fort McClellan, Fort Leonard Wood does not have access to a functioning regional LLRW disposal facility. Consequently, Fort Leonard Wood will have to construct a LLRW facility on site with the capability of storing and managing LLRW for at least fifteen years and perhaps longer.

Because the Chemical School utilizes special nuclear materials and produces LLRW, Fort Leonard Wood will have to obtain two new licenses from the Nuclear Regulatory Commission ("NRC"), a Part 30 license and a Part 70 license. For a more detailed discussion of the

operation of Fort McClellan's nuclear defense training facilities, its important functions in support of the CDTF, and the requirements for NRC licenses and LLRW facilities at Fort Leonard Wood, see the copy of the White Paper attached at Tab 16. The only NRC license Fort Leonard Wood possesses is a Part 35 license utilized by the base hospital. To date, Fort Leonard Wood has not applied for these two new NRC licenses. In order to do so, the plans and design for the new nuclear facilities at Fort Leonard Wood must be attached to a 100+ page NRC application. The process of designing and preparing those plans and application is estimated to take twelve months. Once an application is received by the NRC, it can take from thirty days to a year to process, depending on the completeness of the application.

Even then, Fort Leonard Wood would have only a Limited Operations License, which would allow only the storage but not the use of radioactive materials. A final Full Operations License would not be issued by the NRC until after the facility at Fort Leonard Wood is constructed and inspected. Optimistic estimates by Fort Leonard Wood engineers indicate this could take at least three years. As an example of how long this complete nuclear licensing process can take, when the Chemical School was moved back to Alabama from Aberdeen Proving Ground, Maryland, the radiological facility at Fort McClellan received its Limited Operations License in 1980. However, the Chemical School was not allowed to begin full-scale operations until its nuclear facilities were finally completed and inspected by the NRC in 1988.

During the years before Fort Leonard Wood receives its Full Operations License, nuclear defense training would either have to be continued at Fort McClellan or it would have to be discontinued. Moreover, only after the radioactive materials have been removed from Fort McClellan and that facility is decommissioned by the NRC may that facility close and its two existing licenses be terminated. In addition, if and when Fort Leonard Wood decides to apply for their NRC licenses, the Army can fully expect opposition from environmental groups and

nuclear activists in Missouri. As an example, see the May 10, 1995, testimony presented to the Missouri House of Representatives Energy Commission by Kay Drey attached at Tab 17. Consequently, like the challenges which have been filed on the issuance of the various air, water and hazardous waste permits, it is almost guaranteed that the NRC licensing process at Fort Leonard Wood will also be subjected to legal challenges and uncertainty for a number of years in the future. Until that is settled, no one will know for sure whether the Chemical School's nuclear training facilities can ever be relocated to Missouri.

#### ENDANGERED SPECIES AND WILDLIFE ISSUES

Another disturbing and extremely serious issue involved in the Chemical School's proposed relocation is the Army's failure to comply with, and cavalier attitude toward, its obligations under the Federal Endangered Species Act and other wildlife protection statutes. According to both the Army and the Missouri Natural Heritage Program, Fort Leonard Wood is home to a large number of imperiled species, native species and migratory species. Of particular concern are the federally listed endangered American bald eagle, Gray bat and Indiana bat, which are known to inhabit Fort Leonard Wood. The Army has recommended transferring several training activities to Fort Leonard Wood which would likely harm these species. As discussed in detail earlier in this position paper, one of the primary activities conducted by the Army's Chemical School is obscurant training utilizing fog oil smoke and other smoke obscurants. During fog oil smoke training, SGF-2 (similar to 20 weight motor oil) and/or diesel fuel are vaporized and dispersed into the air, where they form a smoke screen composed of small droplets of the vaporized substance. Ideally, the smoke screen created during these exercises hugs the ground to conceal troop movements. According to the Army's report on a smoke trial conducted at Fort Leonard Wood in 1993:

"No findings were available on the environmental acceptance of fog oil dispersion or effects on [Fort Leonard Wood's] three endangered species of Indiana bats,

Grey bats, and American Bald eagles. An assessment by Federal, State, and local environmental officials is a critical factor to feasibility of smoke operations on the installation." (See copy of excerpt from "Assessment Report -- Smoke Trial 1993" attached at Tab 18).

To date, no such assessment has been done, in spite of available and alarming information demonstrating that fog oil and obscurant training will likely adversely affect these three endangered species, as well as other wildlife at Fort Leonard Wood.

The Army is already well aware of the potential adverse impact of fog oil smoke on the endangered Indiana and Gray bats. On January 17, 1995, the U.S. Army Corps of Engineers Construction Engineering Research Laboratories published a draft document entitled "Potential Impact of Fog Oil Smoke on Selected Threatened and Endangered Species" (See copy of excerpts attached at Tab 19). That report recognized the Army's need "to minimize adverse impacts upon individuals or populations of threatened and endangered species present in training areas", and notes that "[e]xposure to smokes and obscurants is perceived to constitute such a potential negative impact." The document also states that there are currently "inadequate data to provide an accurate assessment of the potential impact of smokes and obscurants . . . on threatened and endangered species occupying training installations." On the contrary, sufficient information does exist to demonstrate that the various types of obscurants, including fog oil smoke, will have an adverse impact on, or at the very least "may affect", the Indiana and Gray bats at Fort Leonard Wood, as well as the endangered American bald eagle.

Many other documents -- both Army reports and scientific publications -- reveal the likely adverse impact of fog oil smoke on these bats. According to a report entitled "Environmental and Health Effects Review for Obscurant Fog Oil" by C.J. Driver and others (See copy attached at Tab 20), "[f]og oils have the potential to accumulate in the aquatic environment while they are being routinely used and could reach acutely toxic levels for some benthic organisms." The

Driver report also states that "[l]ubricating oils such as SGF-2 have been shown to bioaccumulate in aquatic food chains with mammalian top consumers" and that "[l]oss of aquatic food sources may affect the survivability of aquatic wildlife young that are dependent on limited local resources and high nutrient requirements during their initial growth period." The bats prey primarily upon mayflies, caddisflies, stoneflies, and other insects associated with the aquatic environment. These same mayflies, caddisflies, and stoneflies reside at the bottom of rivers and lakes during their larval state, and thus are "benthic organisms". The Driver report confirms the Army's own conclusion that fog oil smoke will have a direct adverse affect on the primary prey of the Indiana and Gray bats, and thus on the bats themselves.

Efforts made by the Corps of Engineers in its January 17, 1995, report (See Tab 19) to attempt to discount the impact of fog oil smoke on the endangered Indiana and Gray bats are highly questionable. For example, the conclusions in the Impact Document are premised on the incorrect notion that fog oil smoke training will not occur at night. Furthermore, the Corps' Impact Document ignores the fact that fog oil smoke generation occurs most often at prime foraging time for the bats -- dusk and dawn. The Corps document does recognize that "fog oil precipitating onto the vegetation would be ingested by and accumulated in the prey insects", and that "oils have been used as insecticides in the past . . . ; thus, there may be a reduction in insect populations and in turn a reduction in food availability should fog oil precipitate onto the vegetation." In spite of its recognition of these facts, the Corps report concludes that the adult bats "would not be expected to ingest significant quantities of fog oil." However, in the next paragraph, the Corps report recognizes the need to test their critical assumption that "[t]he prey of bats does not contain sufficient quantities of fog oil to cause toxicological effects when ingested by bats." Furthermore, the Corps report ignores the Driver Report's conclusion that fog oil smoke will have an adverse impact on the bats' food chain. Likewise, other scientists

have documented mortality of Gray bats resulting directly from pesticide application on the bats prey. E.g., Clark, D., et al. 1978. "Dieldrin-Induced Mortality in an Endangered Species, the Gray Bat (Myotis grisescens)" Science, 199(4335):1357-59.

Unfortunately, the Army failed to reveal in its fog oil permit application or otherwise to the Missouri Department of Natural Resources that the Chemical School's obscurant smoke training also utilizes graphite flakes, brass flakes and other additives. Fort Leonard Wood has also failed to apply for permission to use HC smoke, a pyrotechnic smoke-producing composition of grained aluminum, zinc oxide and hexachloroethane contained in smoke munitions and "floating smoke pots". In addition to fog oil smoke and HC smoke and munitions, the Army Chemical School utilizes munitions containing red, white and plasticized phosphorus during obscurant training, as well as dye colored smokes for signaling purposes. The Army has failed to even preliminarily address the impact which these activities will have on the bald eagle and Indiana and Gray bats. I suggest they have failed to do so, because even a preliminary analysis would reveal that the planned move of the Chemical School to Fort Leonard Wood would be doomed due to the adverse impact the training would have on the resident endangered species and their habitat.

In July of 1993, the Chemical Research & Development Center of the U.S. Army Armament, Munitions and Chemical Command at Aberdeen Proving Ground, Maryland, ("CRDC") published a five-volume document intended "to provide a general environmental assessment for the overall smoke/obscurant program." According to Volume 4 of that document, "HC smoke mix and its combustion products pose significant health hazards to manufacturing personnel and using troops" and "is fairly toxic to mammals." A training accident in the 25th Infantry Division, Hawaii, in 1984 seriously injured twenty-two soldiers, one of whom died. According to Volume 2 of the CRDC document, the phosphorus compounds

used in smoke training are potentially lethal to both humans and wildlife, and may cause sublethal effects after prolonged exposure. In at least one case, bald eagles in Alaska died after eating fowl which had consumed phosphorus residue. Volume 5 of the CRDC document states that "some of the organic dyes presently used in colored smoke pyrotechnic formulations pose potential serious health hazards to occupationally exposed personnel" and present toxic and carcinogenic hazards. While the CRDC documents do not address the health and environmental effects of smoke containing graphite or brass flakes, they clearly reveal that the Chemical School's obscurant training activities will have a potentially devastating effect on the bats, bald eagles, and wildlife on and near Fort Leonard Wood.

Mr. Chairman and Members of the Commission, it is important for you to understand the adverse impact the Chemical School's activities will likely have on the wildlife and protected species at Fort Leonard Wood. Moreover, I draw your attention to the fact that I was able to do so relying almost exclusively on the Army's own documents and reports. It is particularly disturbing to me that the Army, which has this information in its possession, has failed to live up to its obligations under the Endangered Species Act and other wildlife laws.

Before anyone discounts the importance of this issue, let me remind the Committee of the impact the Endangered Species Act had on a multi-million dollar dam which the Tennessee Valley Authority had largely completed prior to the passage of that Act. I was elected to the Senate just a few months after the U.S. Supreme Court handed down its famous decision in TVA v. Hill back in 1978, and I can personally attest to the consternation in the Senate over the Court's ruling that TVA could not complete the Tellico Dam. As a result of my own experience with the snail darter and numerous other endangered species issues since -- including the recent Alabama sturgeon fiasco -- I am acutely aware that one small critter can shut down the best laid plans of any agency -- whether it be the TVA, the Federal Highway Administration, or even the

U.S. Army. Consequently, I strongly encourage this Commission to examine carefully the Army's failure to comply with the Endangered Species Act and other wildlife protection statutes in making your decision on the Chemical School's recommended move to Fort Leonard Wood.

Section 7 of the Endangered Species Act requires that the Army, in consultation with the U.S. Fish & Wildlife Service, ensure that any action it authorizes, funds or carries out is not likely to jeopardize the continued existence of any endangered or threatened species. 16 U.S.C. § 1536(a)(2). Section 7 also prohibits the irreversible or irretrievable commitment of resources during the consultation period. It is my belief that Fort Leonard Wood's submittal of their permit applications to the State of Missouri, coupled with the Army's knowledge that the Chemical School's activities "may affect" the endangered species at Fort Leonard Wood, triggered its obligations under Section 7 of the Endangered Species Act. Certainly that action was an action authorized, funded or carried out by the Army. Furthermore, if you elect to accept the Army's recommendation that the Chemical School and other activities be transferred from Fort McClellan to Fort Leonard Wood, you will set in motion a process which cannot be stopped by you or officials at the Department of Defense -- thus resulting in an irreversible and irretrievable commitment of resources. Based upon the available science, it is clear that the Chemical School's activities will either be prohibited or at the very least severely curtailed by the presence of these endangered species at Fort Leonard Wood.

On April 27, 1995, Congressman Glen Browder wrote to the U.S. Fish & Wildlife Service Director, Mollie Beattie, requesting from her information on the Army's compliance with the mandates of ESA section 7. (See copy of April 27 letter attached at Tab 21). The Fish and Wildlife Service replied on May 12, 1995, that the Army had not initiated consultation with the Service on this issue, and that the Army did not intend to do so until after this Commission has made its decision. (See copy of May 12 letter attached at Tab 21). In my opinion, that

decision to delay consultation is contrary to federal law, and I suspect a federal court would confirm my opinion. With all due respect, I remind the Commission that, while your own actions are expressly exempted from the requirements of the National Environmental Policy Act, 42 U.S.C. § 4321-4370, your actions are not exempted from the requirements of the Endangered Species Act ("ESA"). This Commission is well aware of the substantial resources which will be required to close Fort McClellan and transfer the Chemical School's activities to Fort Leonard Wood. It would be a travesty if the Army's violation of the ESA ultimately blocks the transfer of the Chemical School and other activities to Fort Leonard Wood **after** substantial taxpayer money has been spent to effectuate the move.

Finally, the documented bald eagle death from obscurant training, and the known toxicity of these compounds to other birds, raise the question of whether the Army has satisfied its obligations under the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668-668d and the Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712. Although those statutes do not contain consultation requirements like those found in Section 7 of the ESA, they do prohibit the taking, killing, or poisoning of migratory birds (including bald eagles) and more specifically, the taking, killing, poisoning, molesting or disturbing of bald eagles. I am concerned that the relocation of the Chemical School and the CDTF to Fort Leonard Wood will have just such an adverse effect on migratory birds and bald eagles in violation of these two laws. Unfortunately, I can find no evidence that the Army has even contemplated its obligations under these latter two laws, much less taken steps to comply with them, any more than they have the Endangered Species Act.

#### NATIONAL ENVIRONMENTAL POLICY ACT REQUIREMENTS

I now call your attention to the issue of compliance with the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370 ("NEPA"). I recognize that the authorizing legislation for

the BRAC and the relevant case law demonstrate that this Commission's decisions are not subject to NEPA. While this may have been a wise decision by Congress, I note that it leaves you members of the BRAC Commission, the public, and the Army in the dark regarding the environmental impact of your decision. As you know, NEPA requires federal agencies to prepare an environmental impact statement before approving any "major federal action significantly affecting the quality of the human environment." 42 U.S.C. § 4332. It has been conceded by both Army and EPA personnel, as well as the environmental coordinator at Fort Leonard Wood, that the Army will "definitely have to do an impact statement" pursuant to NEPA if this BRAC Commission makes the decision to relocate the CDTF, Chemical School and other Fort McClellan activities to Fort Leonard Wood. (See copies of news articles attached at Tab 22). Unfortunately, no one will truly understand the environmental consequences of this decision until after it has been irrevocably made by this Commission.

You Commission members have previously expressed your concerns regarding the Army's ability to obtain all of the necessary environmental permits and approvals in a timely fashion to effectuate the relocation of the Chemical School to Fort Leonard Wood. Based on the Army's previous experience with hundreds of projects, it is undisputed that the Army will not be able to secure the requisite NEPA approvals in the near future --and perhaps not at all. As an example, it took the Army four years (from 1981 to 1985) to complete the environmental impact statement ("EIS") on the CDTF currently in operation at Fort McClellan. (See also copy of letter from David Shorr to BRAC dated May 19, 1993, indicating that preparation of an EIS for Fort Leonard Wood will take four years, attached at Tab D).

One of the primary components of an EIS is an analysis of the impacts of an agency action upon endangered and threatened species and other wildlife. As discussed at length in the previous section, relocating the Chemical School to Fort Leonard Wood will very likely have

a severe adverse impact on the three listed endangered species known to inhabit Fort Leonard Wood. Therefore, the EIS will likely show that this proposed move will have a significant adverse impact on the environment, and I believe the Army will be bound to reverse its decision to close Fort McClellan. However, because of the Army's unwillingness to comply with its obligations to consult pursuant to the ESA, and because this Commission's decision process is exempted from NEPA, we will not know for four or five years whether the recommendation to relocate Fort McClellan's activities to Fort Leonard Wood was doomed from the start. Mr. Chairman and Members of the Commission, even though you are not required by law to do an EIS, if you carefully consider the available information regarding the adverse impact on the environment of this proposed move, I believe the only reasonable decision you can make is to reject the Army's recommendation to close Fort McClellan. By rejecting that recommendation now, this Commission will have avoided needlessly wasting millions of taxpayer dollars on an ill-fated endeavor which will never be successfully completed.

### CONCLUSION

Mr. Chairman and Members of the Commission, there are a host of other permits, licenses and certifications which will be needed by the Army to accomplish the relocation of the Chemical School to Fort Leonard Wood. One example is a required approval from the Federal Aviation Administration, because the CDTF which has three stacks exceeding 50 feet in height, will be located in a fly over zone less than 2500 feet from Forney Air Field which services three commercial TWA Express Airline flights each day. Another example is an approval from the Department of Defense Explosive Safety Board for the CDTF, as is currently required at Fort McClellan. Numerous other examples abound, which I dare say Fort Leonard Wood has not even focused on. Nevertheless, I do not believe further elaboration of additional permitting deficiencies is necessary. That's because I sincerely believe that the detailed discussion already

provided in this position paper should be more than enough to firmly convince you that the Army does not now possess, nor are they ever likely to acquire, all the required permits to accomplish moving the Chemical School and its training facilities to Fort Leonard Wood. I trust you agree, and I urge you to vote to reject this recommendation.

**STATEMENT OF THE HONORABLE STENY H. HOYER  
BEFORE THE BASE REALIGNMENT AND CLOSURE COMMISSION**

**JUNE 12, 1995**

**MR. CHAIRMAN, I AM PLEASED TO BE HERE WITH SENATOR SARBANES AND THE REST OF THE MARYLAND CONGRESSIONAL DELEGATION TO EXPRESS OUR CONCERN ABOUT A NUMBER OF PROPOSALS FROM THE SECRETARY OF DEFENSE THAT WOULD ADVERSELY IMPACT OUR STATE.**

**OUR STATE HAS LONG PLAYED A CRITICAL ROLE IN THE NATIONAL DEFENSE, ESPECIALLY IN RESEARCH AND DEVELOPMENT EFFORTS THAT ARE SO CRITICAL TO READINESS.**

**OUR CITIZENS HAVE LONG SUPPORTED THE STATE'S ARMY, NAVY, AIR FORCE, AND DEPARTMENT OF DEFENSE INSTALLATIONS IN MARYLAND AND I KNOW THAT AT THE MAY 4TH REGIONAL HEARING MANY OF YOU SAW FIRST HAND THE TREMENDOUS RELATIONSHIP THAT EXISTS WITH THE FACILITIES THAT HAVE BEEN TARGETED IN THE STATE.**

**I FIRST WANT TO COMMENT BRIEFLY ON THE SECRETARY'S PROPOSAL TO MOVE MUCH OF THE NAVAL AIR WARFARE CENTER'S AIRCRAFT DIVISION AT LAKEHURST, NEW JERSEY TO THE PATUXENT RIVER NAVAL AIR STATION. PREVIOUS COMMISSIONS HAVE MOVED PERSONNEL FROM TWO ELEMENTS OF THE AIRCRAFT DIVISION, WARMINSTER AND TRENTON, AS WELL AS THE HEADQUARTERS OF THE NAVAL AIR SYSTEMS COMMAND TO THE STATION. WE HAVE CREATED A UNPARALLELED FACILITY FOR TEST AND EVALUATION OF NAVAL AIRCRAFT.**

**THE 700 JOBS THAT WOULD TRANSFER FROM LAKEHURST WOULD FURTHER ENHANCE THE SYNERGISM AT THE BASE. CLEARLY, PATUXENT RIVER WILL BE AN ENORMOUS ASSET TO THE NAVY AND THE DEPARTMENT OF DEFENSE AS WE ENTER THE NEXT CENTURY.**

**THE SOUTHERN MARYLAND COMMUNITY HAS WELCOMED THE OTHER RELOCATIONS WITH OPEN ARMS AND I WANT TO ASSURE YOU THAT THEY WILL WORK CLOSELY WITH THE NAVY TO ENSURE A SMOOTH TRANSFER FOR THE MEN AND WOMEN FROM LAKEHURST. SUBSTANTIAL EFFORTS ARE ALREADY UNDERWAY TO ASSIST WITH HOUSING, EDUCATION, TRANSPORTATION, AND SPOUSAL EMPLOYMENT ISSUES -- MANY OF THE WORRIES OF ANYONE WHO MOVES TO A NEW COMMUNITY.**

**WHILE I URGE YOU TO APPROVE THIS RECOMMENDATION, I JOIN WITH THE DELEGATION IN ASKING YOU TO REJECT SEVERAL OTHERS. AS I SAID WHEN I TESTIFIED BEFORE YOU AT YOUR REGIONAL HEARING IN BALTIMORE, I BELIEVE THAT SOME OF THE DEPARTMENT'S RECOMMENDATIONS ARE BASED ON INCOMPLETE INFORMATION AND INSUFFICIENT CONSIDERATION OF MILITARY VALUE.**

**KIMBROUGH ARMY HOSPITAL AT FORT MEADE HAS LONG BEEN A VITAL PART OF THE SERVICE WE OFFER TO SOLDIERS STATIONED AT FORT MEADE AND TO THE MANY MILITARY RETIREES IN THE REGION. IT ALSO FULFILLS UNIQUE ROUND-THE-CLOCK NEEDS OF THE NATIONAL SECURITY AGENCY. THE COMMUNITY IS PREPARING COST DATA FOR THE COMMISSION WHICH I HOPE YOU WILL REVIEW CAREFULLY.**

**I ALSO WANT TO ENCOURAGE YOU TO TAKE A CLOSER LOOK AT THE NAVAL SURFACE WARFARE CENTER'S ANNAPOLIS DETACHMENT. THE CENTER'S MACHINERY WORK REQUIRES SPECIALIZED FACILITIES THAT THE NAVY CANNOT AFFORD TO DUPLICATE ELSEWHERE DESPITE OUR NEED TO ACCELERATE SUBMARINE RESEARCH. WE CAN'T AFFORD TO LOSE OUR SUBMARINE SILENCING CAPABILITY OR THE PEOPLE WHO MAKE IT WORK. I ASK YOU TO DUPLICATE THE 1993 COMMISSION'S UNANIMOUS VOTE AGAINST THIS PROPOSAL.**

**THE MOVE OF THE NAVAL SEA SYSTEMS COMMAND TO WHITE OAK CONTINUES TO MAKE SENSE FROM A COST STANDPOINT AND FROM THE MILITARY VALUE VIEWPOINT. YOU HAVE BEEN PRESENTED WITH A PROPOSAL TO LOCATE THE SPACE AND NAVAL WARFARE SYSTEMS COMMAND WITH NAVSEA AT WHITE OAK. LIKE THE COLLOCATIONS AT PATUXENT RIVER, THIS PROPOSAL HAS THE POTENTIAL TO CREATE ENORMOUS SYNERGISM AND I HOPE YOU WILL APPROVE IT.**

**YOU WILL BE HEARING FROM MY COLLEAGUES ABOUT THE EQUALLY STRONG ARGUMENTS FOR THE ARMY PUBLICATIONS DISTRIBUTION CENTER IN BALTIMORE AND FORT RITCHIE IN CASCADE.**

**MR. CHAIRMAN, I TRUST THAT EACH OF YOU WILL CAREFULLY CONSIDER ALL OF THE INFORMATION AVAILABLE TO YOU ON MARYLAND INSTALLATIONS. I THANK EACH OF YOU AND ALL OF YOUR STAFF FOR THE ENORMOUS INVESTMENT OF TIME AND ENERGY THAT YOU HAVE SPENT REVIEWING AND VISITING MARYLAND BASES. A FAIR CONSIDERATION OF THE FACTS IS ALL WE ASK OF YOU.**

**THANK YOU.**

**BILL McCOLLUM**  
8TH DISTRICT, FLORIDA

CHAIRMAN  
SUBCOMMITTEE ON CRIME  
  
COMMITTEE ON  
JUDICIARY  
  
COMMITTEE ON  
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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0908**

June 13, 1995

The Honorable Al Cornella  
Defense Base Closure and Realignment Commission  
1700 N. Moore Street, Suite 1425  
Arlington, VA 22209

RE: Orlando Interests

Dear Mr. Cornella:

Accompanying this letter is a report prepared to present to you the Orlando community analysis of the three base closure items on your agenda affecting Orlando and Orange County, Florida. These three items are:

(a) Redirect of Navy Nuclear Power Training Command (presently in Orlando, directed to New London by BRAC 93 and recommended by DOD for redirect to Charleston) - Orlando community strongly believes NNPTC should be redirected to Orlando, not Charleston which would result in an enormous savings;

(b) Closure of Navy Research Laboratory - Underwater Sound Reference Detachment Orlando;

(c) Redirect of Armstrong Laboratory - Air Crew Training Facility (BRAC 91 directed it to Orlando, but DOD has recommended redirect to leave it where it is in Arizona) - Orlando believes the redirect should be denied and the move to Orlando continued as directed by BRAC 91.

With respect to NNPTC, the bottom line point is that the twenty year net present value cost savings of moving NNPTC to Charleston does not justify the \$147 million up front construction cost. All of the facilities necessary for NNPTC already exist in Orlando and the one time cost for keeping it there is only about \$8 million. Please note there is a fiction of \$162 million in cost avoidance which DBCRC staff have requested us to use on the assumption that there is a cost avoidance in not putting NNPTC in New London. However, this distorts one very important item of cost analysis: the break even point. NNPTC is never going to New London if the decision is made to put it in Charleston. Under normal Base Closure analysis there would be no "New London cost avoidance". Then the analysis would show that the break even point for a move to Charleston would be twenty years. This is another way of illustrating my point that any cost savings in the Charleston move, as opposed to keeping NNPTC in Orlando, in no

BILL McCOLLUM  
8TH DISTRICT, FLORIDA

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June 13, 1995

The Honorable S. Lee Kling  
Defense Base Closure and Realignment Commission  
1700 N. Moore Street, Suite 1425  
Arlington, VA 22209

RE: Orlando Interests

Dear Mr. Kling:

Accompanying this letter is a report prepared to present to you the Orlando community analysis of the three base closure items on your agenda affecting Orlando and Orange County, Florida. These three items are:

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The Honorable S. Lee Kling  
June 13, 1995  
Page 2

way justifies the \$147 million up front costs that have to be expended in Charleston. I make this point by letter for fear that the details of the report may tend to mask the key bottom line.

Each of these facilities is very important to the Orlando community. I would like to personally visit with you about these matters before you begin final deliberations. A request has been made through your Congressional liaison office some time ago for an appointment to talk privately with you. I know how hectic your schedule must be, but I would appreciate your calling me at your earliest convenience at my Washington office - (202) 225-2176.

I am grateful for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill McCollum", written in a cursive style.

BILL McCOLLUM  
Member of Congress

BILL McCOLLUM  
8TH DISTRICT, FLORIDA

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June 13, 1995

The Honorable Alan J. Dixon, Chairman  
Defense Base Closure and Realignment Commission  
1700 N. Moore Street, Suite 1425  
Arlington, VA 22209

RE: Orlando Interests

Dear Chairman Dixon 

Accompanying this letter is a report prepared to present to you the Orlando community analysis of the three base closure items on your agenda affecting Orlando and Orange County, Florida. These three items are:

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The Honorable Alan J. Dixon, Chairman  
June 13, 1995  
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Member of Congress

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June 13, 1995

The Honorable Wendi L. Steele  
Defense Base Closure and Realignment Commission  
1700 N. Moore Street, Suite 1425  
Arlington, VA 22209

RE: Orlando Interests

Dear Ms. Steele:

Accompanying this letter is a report prepared to present to you the Orlando community analysis of the three base closure items on your agenda affecting Orlando and Orange County, Florida. These three items are:

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(b) Closure of Navy Research Laboratory - Underwater Sound Reference Detachment Orlando;

(c) Redirect of Armstrong Laboratory - Air Crew Training Facility (BRAC 91 directed it to Orlando, but DOD has recommended redirect to leave it where it is in Arizona) - Orlando believes the redirect should be denied and the move to Orlando continued as directed by BRAC 91.

With respect to NNPTC, the bottom line point is that the twenty year net present value cost savings of moving NNPTC to Charleston does not justify the \$147 million up front construction cost. All of the facilities necessary for NNPTC already exist in Orlando and the one time cost for keeping it there is only about \$8 million. Please note there is a fiction of \$162 million in cost avoidance which DBCRC staff have requested us to use on the assumption that there is a cost avoidance in not putting NNPTC in New London. However, this distorts one very important item of cost analysis: the break even point. NNPTC is never going to New London if the decision is made to put it in Charleston. Under normal Base Closure analysis there would be no "New London cost avoidance". Then the analysis would show that the break even point for a move to Charleston would be twenty years. This is another way of illustrating my point that any cost savings in the Charleston move, as opposed to keeping NNPTC in Orlando, in no

The Honorable Wendi L. Steele  
June 13, 1995  
Page 2

way justifies the \$147 million up front costs that have to be expended in Charleston. I make this point by letter for fear that the details of the report may tend to mask the key bottom line.

Each of these facilities is very important to the Orlando community. I would like to personally visit with you about these matters before you begin final deliberations. A request has been made through your Congressional liaison office some time ago for an appointment to talk privately with you. I know how hectic your schedule must be, but I would appreciate your calling me at your earliest convenience at my Washington office - (202) 225-2176.

I am grateful for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill McCollum", written in a cursive style.

BILL McCOLLUM  
Member of Congress

The Honorable Al Cornella  
June 13, 1995  
Page 2

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BILL McCOLLUM  
Member of Congress



THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

1700 NORTH MOORE STREET SUITE 1425

ARLINGTON, VA 22209

703-696-0504

ALAN J. DIXON, CHAIRMAN

COMMISSIONERS:

AL CORNELLA

REBECCA COX

GEN J. B. DAVIS, USAF (RET)

S. LEE KLING

RADM BENJAMIN F. MONTOYA, USN (RET)

MG JOSUE ROBLES, JR., USA (RET)

WENDI LOUISE STEELE

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION  
CONGRESSIONAL TESTIMONY

JUNE 12, 1995

345 CANNON HOUSE OFFICE BUILDING

8:30-8:35 Opening remarks

**NEW MEXICO**

8:35-8:40 Sen. Pete Domenici

8:40-8:45 Sen. Jeff Bingaman

8:45-8:50 Rep. Joe Skeen

8:50-8:55 Rep. Bill Richardson

8:55-9:00 Rep. Steve Schiff

**SOUTH CAROLINA**

9:03-9:08 Sen. Strom Thurmond

9:08-9:13 Sen. Ernest Hollings

9:13-9:18 Rep. Mark Sanford

9:18-9:23 Rep. James Clyburn

**ALABAMA**

9:26-9:31 Sen. Howell Heflin

9:31-9:36 Rep. Glen Browder

9:36-9:41 Rep. Tom Bevill

**ALASKA**

9:44-9:49

9:49-9:54 Sen. Frank Murkowski

9:54-9:59 Rep. Don Young

**ARKANSAS**

10:02-10:07 Sen. Dale Bumpers

10:07-10:12 Sen. David Pryor

10:12-10:17 Rep. Jay Dickey

**CALIFORNIA**

10:20-10:25 Sen. Dianne Feinstein

10:25-10:30 Sen. Barbara Boxer

10:30-10:35 Rep. Vic Fazio

10:35-10:40 Rep. Wally Herger

10:40-10:45 Rep. John Doolittle

10:45-10:50 Rep. Robert Matsui

10:50-10:55 Rep. Richard Pombo

10:55-11:00 Rep. Matthew Martinez

11:00-11:05 Rep. Sam Farr

11:05-11:10 Rep. Andrea Scastrand

11:10-11:15 Rep. Tony Beilenson

11:15-11:20 Rep. Walter Tucker

11:20-11:25

11:25-11:30 Rep. Esteban Torres

11:30-11:35 Rep. Dana Rohrabacher

11:35-11:40 Rep. Ken Calvert

11:40-11:45

**COLORADO**

11:48-11:53 Sen. Hank Brown

11:53-11:58

11:58-12:03 Rep. Pat Schroeder

12:03-12:08 Rep. Joel Hefley

12:08-12:13 Rep. David Skaggs

**CONNECTICUT**

12:16-12:21 Sen. Chris Dodd

12:21-12:26 Sen. Joe Lieberman

12:26-12:31

**FLORIDA**

12:34-12:39 Sen. Bob Graham

12:39-12:44 Rep. Joe Scarborough

12:44-12:49 Rep. Bill McCollum

12:49-12:54

12:54-12:59 Rep. Dave Weldon

12:59-1:04 Rep. Carrie Meek

**GEORGIA**

1:07-1:12

1:12-1:17

1:17-1:22

1:22-1:27 Rep. Bob Barr

1:27-1:32 Rep. Mac Collins

6/11/95 7:00 PM

1:32-1:37 Rep. Saxby Chambliss  
1:37-1:42 Rep. Sanford Bishop  
1:42-1:47

#### **GUAM**

1:50-1:55 Del. Robert Underwood

#### **ILLINOIS**

1:58-2:03  
2:03-2:08  
2:08-2:13 Rep. Jerry Costello  
2:13-2:18 Rep. Don Manzullo  
2:18-2:23 Rep. Lane Evans  
2:23-2:28 Sen. Paul Simon

#### **INDIANA**

2:31-2:36 Sen. Dan Coats  
2:36-2:41 Rep. C.W. Young (R-FL)  
2:41-2:46 Rep. John Hostettler  
2:46-2:51 Rep. Lee Hamilton

#### **KENTUCKY**

2:54-2:59 Sen. Wendell Ford  
2:59-3:04 Sen. Mitch McConnell  
3:04-3:09 Rep. Ron Lewis  
3:09-3:14 Rep. Mike Ward

#### **MAINE**

3:17-3:22 Sen. Bill Cohen  
3:22-3:27 Sen. Olympia Snowe  
3:27-3:32 Rep. James Longley  
3:32-3:37 Rep. John Baldacci

#### **NEW HAMPSHIRE**

3:40-3:45 Sen. Bob Smith  
3:45-3:50 Sen. Judd Gregg  
3:50-3:55 Rep. Bill Zelif

3:55-4:00 Rep. Charlie Bass

#### **MARYLAND**

4:03-4:08 Sen. Paul Sarbanes  
4:08-4:13 Sen. Barbara Mikulski  
4:13-4:18 Rep. Steny Hoyer  
4:18-4:23 Rep. Robert Ehrlich  
4:23-4:28 Rep. Connie Morella  
4:28-4:33 Rep. Al Wynn  
4:33-4:38 Rep. Wayne Gilchrest  
4:38-4:43 Rep. Roscoe Bartlett  
4:43-4:48 Rep. Benjamin Cardin

#### **MASSACHUSETTS**

4:51-4:56 Sen. Ted Kennedy  
4:56-5:01 Rep. Gerry Studds  
Sen. John Kerry

#### **MICHIGAN**

5:04-5:09 Sen. Carl Levin  
5:09-5:14  
5:14-5:19 Rep. Sander Levin

#### **MINNESOTA**

5:22-5:27 Rep. Martin Sabo  
5:27-5:32 Rep. Bruce Vento  
Sen. Paul Wellstone

5:35-5:40 Rep. Sonny Bono  
5:40-5:45 Rep. Elton Gallegly  
5:45-5:50 Rep. Eva Clayton  
5:50-5:55 Rep. Alcee Hastings  
5:55-6:00 Sen. Carol Moseley-Braun  
6:00-6:05 Rep. Ed Royce  
6:05-6:10 Rep. Jane Harman

**DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION  
CONGRESSIONAL TESTIMONY  
JUNE 13, 1995  
216 HART SENATE OFFICE BUILDING**

8:30-8:35 Opening remarks

**MISSISSIPPI**

8:35-8:40 Sen. Thad Cochran  
8:40-8:45 Sen. Trent Lott  
8:45-8:50 Rep. Sonny Montgomery

**MISSOURI**

8:53-8:58 Sen. Kit Bond  
8:58-9:03 Sen. John Ashcroft  
9:03-9:08 Rep. Dick Gephardt  
9:08-9:13 Rep. William Clay  
9:13-9:18 Rep. James Talent  
9:18-9:23 Rep. Ike Skelton

**MONTANA**

9:26-9:31 Sen. Max Baucus  
9:31-9:36 Sen. Conrad Burns  
9:36-9:41 Rep. Pat Williams

**NEW JERSEY**

9:44-9:49 Sen. Bill Bradley  
9:49-9:54 Sen. Frank Lautenberg  
9:54-9:59 Rep. Jim Saxton  
9:59-10:04 Rep. Chris Smith  
10:04-10:09 Rep. Frank Pallone  
10:09-10:14 Rep. Robert Menendez  
Rep. Dick Zimmer

**NEW YORK**

10:17-10:22 Sen. Pat Moynihan  
10:22-10:27 Sen. Al D'Amato  
10:27-10:32 Rep. Gary Ackerman  
10:32-10:37 Rep. Susan Molinari  
10:37-10:42 Rep. Sherwood Boehlert  
10:42-10:47 Rep. Jack Quinn  
10:47-10:52 Rep. John LaFalce

**NORTH CAROLINA**

10:55-11:00 Rep. David Bonior (D-MI)  
11:00-11:05 Rep. Walter Jones

**NORTH DAKOTA**

11:08-11:13 Sen. Kent Conrad  
11:13-11:18 Sen. Byron Dorgan  
11:18-11:23 Rep. Earl Pomeroy

**OHIO**

11:26-11:31 Sen. John Glenn  
11:31-11:36 Sen. Mike Dewine  
11:36-11:41 Rep. Tony Hall  
11:41-11:46 Rep. David Hobson  
11:46-11:51 Rep. Jim Traficant  
11:51-11:56 Rep. Rob Portman  
11:56-12:01 Rep. John Kasich

**OKLAHOMA**

12:04-12:09 Sen. Don Nickles  
12:09-12:14 Sen. Jim Inhofe  
12:14-12:19 Rep. Bill Brewster  
12:19-12:24 Rep. J.C. Watts  
12:24-12:29 Rep. Ernest Istook  
12:29-12:34 Rep. Frank Lucas

**PENNSYLVANIA**

12:37-12:42 Sen. Arlen Specter  
12:42-12:47 Sen. Rick Santorum  
12:47-12:52 Rep. Tom Foglietta  
12:52-12:57 Rep. Robert Borski  
12:57-1:02 Rep. Jon Fox  
1:02-1:07 Rep. Tim Holden  
1:07-1:12 Rep. Curt Weldon  
1:12-1:17 Rep. James Greenwood  
1:17-1:22 Rep. Bud Shuster  
1:22-1:27 Rep. Ron Klink  
1:27-1:32 Rep. William Coyne  
1:32-1:37 Rep. Mike Doyle  
1:37-1:42 Rep. Frank Mascara  
1:42-1:47 Rep. Phil English  
Rep. George Gekas  
Rep. Paul Kanjorski  
Rep. Joe McDade

**PUERTO RICO**

1:50-1:55 Rep. Carlos Romero-Barcelo

**RHODE ISLAND**

1:58-2:03 Sen. Claiborne Pell  
2:03-2:08 Sen. John Chafee  
2:08-2:13 Rep. Jack Reed  
Rep. Patrick Kennedy

**TENNESSEE**

2:16-2:21 Sen. Bill Frist  
2:21-2:26 Sen. Fred Thompson

2:26-2:31 Rep. Bart Gordon  
2:31-2:36 Rep. Harold Ford  
2:36-2:41 Rep. Ed Bryant

#### TEXAS

2:44-2:49 Sen. Phil Gramm  
2:49-2:54 Sen. Kay Bailey Hutchison  
2:54-2:59 Rep. Jim Chapman  
2:59-3:04 Rep. Joe Barton  
3:04-3:09 Rep. Lloyd Doggett  
3:09-3:14 Rep. Pete Geren  
3:14-3:19 Rep. Charles Stenholm  
3:19-3:24 Rep. Larry Combest  
3:24-3:29 Rep. Henry Gonzalez  
3:29-3:34 Rep. Lamar Smith  
3:34-3:39 Rep. Henry Bonilla  
3:39-3:44 Rep. Martin Frost  
3:44-3:49 Rep. Frank Tejeda  
3:49-3:54 Rep. Greg Laughlin  
Rep. Kika de la Garza

6:16-6:21 Rep. Tim Hutchinson  
6:21-6:26 Rep. Chris Shays  
6:26-6:31 Sen. Ted Stevens  
6:31-6:36 Rep. Dick Durbin  
6:36-6:41 Rep. Anna Eshoo  
6:41-6:46 Rep. Bill Orton  
6:46-6:51 Sen. Spencer Abraham  
6:51-6:56 Rep. Steve Horn  
6:56-7:01 Rep. Dan Burton  
7:01-7:06 Rep. Solomon Ortiz  
7:06-7:11 Rep. Sam Gibbons  
7:11-7:16

#### UTAH

3:57-4:02 Sen. Orrin Hatch  
4:02-4:07 Sen. Bob Bennett  
4:07-4:12 Rep. Jim Hansen  
4:12-4:17 Rep. Enid Waldholtz

#### VIRGINIA

4:20-4:25 Sen. John Warner  
4:25-4:30 Sen. Chuck Robb  
4:30-4:35 Rep. Owen Pickett  
4:35-4:40 Rep. Bobby Scott  
4:40-4:45 Rep. Norm Sisisky  
4:45-4:50 Rep. Jim Moran  
4:50-4:55 Rep. Tom Davis

#### WISCONSIN

4:58-5:03 Sen. Herb Kohl  
5:03-5:08 Sen. Russ Feingold  
5:08-5:13 Rep. Thomas Barrett

5:16-5:21 Sen. Richard Shelby  
5:21-5:26 Rep. Bud Cramer  
5:26-5:31 Rep. Tom Lantos  
5:31-5:36 Rep. Maxine Waters  
5:36-5:41 Rep. Lucille Roybal-Allard  
5:41-5:46  
5:46-5:51 Rep. Sam Gejdenson  
5:51-5:56 Rep. Rosa DeLauro  
5:56-6:01 Rep. Ileana Ros-Lehtinen  
6:01-6:06 Rep. Charles Canady  
6:06-6:11 Rep. Andy Jacobs  
6:11-6:16 Rep. L.F. Payne

**STATEMENT OF THE HONORABLE DON YOUNG  
SUBMITTED TO THE  
BASE REALIGNMENT AND CLOSURE COMMISSION  
JUNE 12, 1995**

**Good Morning, Mr. Chairman, members of the BRAC commission, I am delighted to be here today to offer my strong support for the Fort Greely and Delta Junction community. As Congressman for all Alaska, I am concerned about the implications of the BRAC's decision to realign Fort Greely and the effects that the Fort's closing will have on the Delta Junction community. The facts I am about to present will characterize the economic impact upon the Delta Junction community and the Army's concept of SAFARI.**

**As many of you know, Fort Greely was established in 1942 as a lend lease transfer point for aircraft being ferried to the Soviet Union. The Delta Community grew up around the base and added support to the military services and to the Delta Junction population. The Delta**

**Community recognizes and appreciates Fort Greely and has always been a good neighbor. This is why the community is quite concerned about their future.**

**The proposed realignment of Fort Greely will have a disastrous impact on the community of Delta Junction. Not only are many people dependent upon the variety of human services that Fort Greely provides, but Fort Greely also provides jobs, schooling, recreation and hospital care to an expanding population. By realigning Fort Greely, or moving the core functions of this unique training and testing base 120 miles away to Fort Wainwright, the Delta Junction community is expected to suffer an economic impact, or job loss, of 70% to 80%. With this expected economic impact, many of the citizens who call Fort Greely and Delta Junction home will be required to move on. The estimated reduction in population will mean that the school system will lose approximately 75% of its student enrollment and will shred the fabric of this community.**

**While economic impact is not one of the highest evaluation**

criteria, it remains a criteria for the BRAC Commission to consider. In view of the crushing impact this proposed action would have on the community of Delta Junction, the Commission must consider alternatives to the realignment suggested by the Army. In essence, by realigning Fort Greely you are realigning the community of Delta Junction.

The second concept I will discuss is the proposed use of SAFARI operations from Fort Wainwright. This idea simply does not make sense. I must ask the Commission members, what are the operational benefits of moving the Cold Regions Test Activity to Fort Wainwright? Because the testing must be conducted at Fort Greely, by virtue of its unique, sustained, arctic winter weather conditions, many of the soldiers will be required to commute the 120 miles back to Fort Greely when conditions are best for testing and worst for traveling. The concept was tried once before and failed then. I believe that there is no need to repeat this experiment now.

By continuing the permanent retention of CRTA at Fort Greely the program will continue to become more efficient, reduce safety hazards associated with transit to personnel, and provide for an on-site group of employees who are proficient in knowledge of the ranges

and telemetry equipment. Implementing SAFARI and distancing the CRTA mission from Fort Greely's abundant ranges will reduce the familiarity of Army personnel with ranges and dramatically increase the prospects for an accident associated with unexploded munitions and hazardous transportation.

The costs associated with SAFARI and the Army's proposed realignment do not correlate. The Army is trying to save money by realigning Fort Greely to Fort Wainwright, but while the quarters at Fort Greely will be closed and declared excess, this move will require the construction of more quarters at Fort Wainwright. The Army will also incur costs in the form of TDY pay, and families will be separated, by having to test and/or train at Fort Greely. Essentially, this will cause logistics problems, delays in testing, and additional burdens on the soldiers and civilians who have a mission to accomplish. When added to the hazards of travel during poor conditions and the costs associated with reduction in training time, this proposed realignment places significant costs on the Army and their mission.

In closing, Chairman Dixon and fellow Commissioners, Please consider the dramatic impact that the Army's proposed realignment will have on the community of Fort Greely and Delta Junction.

**Consider the integral link and strategic cooperation that exists between Fort Greely the military and the community, and continue to look for a viable solution to the community's needs should you decide to realign Fort Greely. As you consider the value which Fort Greely possesses and the troublesome issues this realignment presents, please remember that by realigning Ft. Greely you are drastically affecting the lives of every person who lives in the Delta Junction community.**

**I appreciate the opportunity to testify before your Commission and thank you for your consideration of my concerns.**

**TESTIMONY OF SENATOR FRANK MURKOWSKI  
BEFORE THE BASE REALIGNMENT AND CLOSURE COMMISSION  
JUNE 12, 1995**

**Introduction:**

Let me begin by thanking you Mr. Chairman and Commission members for this chance to testify on behalf of Fort Greely and the town and people of Delta Junction, Alaska.

I believe that the realignment of Fort Greely is a mistake. It does not make sense strategically, it is not cost effective and it imposes upon the town of Delta Junction, a burden that is disproportionate and unjust.

**The Realignment is Unwise Strategically:**

One of the most serious concerns I have regarding this action is its incompatibility with the strategic interests of the United States and the maintenance of our military readiness.

The fall of the Soviet Union has brought with it tremendous opportunity for the progress of Democracy while at the same time unleashing the forces of uncertainty. The Pacific has become one of the most significant areas of interests to the United States because of our sizeable trade relationships and legitimate security interests. I won't go into the arms length list of areas of concern to us in the Pacific but needless to say, the on-going crisis with North Korea and the unstable balance of power situation in the region demands that we maintain our military strength in this vital part of the world.

Fort Greely has played a crucial role in our Pacific theater defense posture. It has served as a crucial staging area as well as providing training facilities not found anywhere else. Allen Army Airfield was built specifically with this concept in mind as witnessed by the fact that it is C-5 capable.

With respect to training and maintaining our military readiness, Fort Greely is unparalleled. It is one of only two Army bases, the other being Fort Bragg, where close air support operations can be held. Previous studies and reviews have stated without exception that Fort Greely is of incalculable value to the military. Realigning to Fort Wainwright will diminish our capabilities immeasurably.

Large scale ground and air maneuver problems as well as USAF air space controversies have plagued the military in Alaska for at least thirty years. This is especially true in the Fairbanks area where citizen concerns have repeatedly kept the military from realizing the full capacity of Fort Wainwright. This controversy is the reason that the vast area of land west of the Tanana river has been left unused. To imagine that this controversy will disappear when the military decides to conduct increased artillery operations at Fort Wainwright is in my opinion naive.

Fort Greely is the only facility that can accommodate large scale ground and air maneuvers with its closed airspace, which is from the surface to 100,000 feet, and the availability of 670,000 acres which are accessible year round.

Planned changes of air space usage around Forts Richardson and Wainwright have prompted civilian aviator complaints resulting in alterations of military training plans. This situation has not occurred at Fort Greely.

Neither Fort Wainwright nor Fort Richardson are capable of meeting the Army's range safety requirements for training safety even with the addition of the 248,000 acre Yukon Maneuver Area. This is not true of the 670,000 acre reservation at Fort Greely.

Further, any significant live-fire training or testing outside of Fort Greely will require that a new environmental impact statement be submitted and approved. This as we all know, is an expensive and time consuming process which is often fraught with controversy. In the meantime, our readiness will suffer.

There is also the high probability risk of forest fires if live fire training is conducted at Fort Wainwright. Fort Greely is used year round for this activity without the risk of fires.

Fort Greely was also charged with two very important missions related to the readiness of the US Army. The testing of equipment in a cold regions environment and the training of soldiers in cold and mountainous terrain. Fort Greely is the Army's premier source of expertise in both of these areas. To illustrate this point, elements of this part of Greely's operations were moved to Fort Wainwright for two years and then moved back when it became obvious that climatic conditions were not suitable.

The preceding points all point to the fact that the military value of Fort Greely is unique and significant and should not be forfeited.

#### **Cost Effectiveness of the Realignment:**

With respect to savings, any short term cost reductions that may result from the move are lost when the long-term plans are reviewed.

First of all, there is not enough housing at Fort Wainwright to accommodate troops from Greely and so will have to be constructed. I have seen credible figures that suggest that it will cost the military upwards of \$48.8 million to build adequate housing to accommodate the troops from Fort Greely. The COBRA study states that the total cost to the military for housing construction will only be \$13.2 million. There is obviously a discrepancy that needs to be worked out before any further actions are taken.

In addition, the cost to shuttle troops back and forth from Fort Greely during training operations is estimated to be around \$1.6 million annually. This aspect of the plan alone tells me that it has not been well thought out. The road from Fort Wainwright

to Fort Greely, while one of the better in the state, is more than 100 miles of fog, ice, extreme temperatures and frost heaves.

Lastly, I have seen nothing that talks of the environmental restoration at Fort Greely which will obviously be substantial. Add to this the fact that an Environmental Impact Statement will have to be completed before any live-fire training occurs at Fort Wainwright, and it becomes clear that there are substantial hidden costs associated with this action that have not been spelled out.

Given these obvious uncertainties involved in the costing of this action, it would be imprudent in the extreme for the BRAC to recommend realigning Fort Greely without further in-depth and credible studies. At the least, the calculations to date point to little if any savings while bringing devastation to a dependant community.

### **Impact on the Community:**

The worst part of this action in my opinion will be the devastation of the town of Delta Junction. This is a community that has grown up around Fort Greely and is totally dependant upon it for its survivability.

This is another area in which I believe that the COBRA report has made several glaring errors that need to be corrected before any decision is made. The COBRA study uses the entire population of the Southeast Fairbanks census area in making its claims of how the community will be affected. The figures they arrive at show that 36.8% of the study population will be adversely impacted. However, the community that will be hit the hardest is the town of Delta Junction which has a population of roughly 4,000 people. The job loss in this area will be 82.6% according to the Community Coalition of Delta.

Further, 48% of the students currently enrolled in schools will be gone from the community, while 52% of the professional and support staff employed in the school district will be thrust into unemployment.

Another factor of serious concern is that the medical support and evacuation services that Fort Greely provides will also be moved. This is the only medical evacuation facility in an area larger than the state of West Virginia.

### **Conclusion:**

To conclude, since 1968, over 150 separate installations and sites have been closed in Alaska by the Defense Department in its efforts to downsize and reorganize. This suggests very strongly that the excess military capacity in Alaska has already been eliminated.

The cost estimates of the action are in my opinion seriously flawed because they substantially underestimate the cost of new housing at Fort Wainwright and because no mention is made of any environmental restoration at Fort Greely. Further, the move is at odds with the changing defense posture of the United States and our interests abroad while it also weakens our military readiness.

06-12-95 01:04PM

FROM SENATOR MURKOWSKI

TO 97036960550

P005 005

Lastly, the people of Delta Junction have been factored into this plan as an afterthought. I suggest that the BRAC reconsider its plans regarding Fort Greely or else produce facts and figures that are not subject to speculation and will stand up by themselves. Alaska deserves better than this and I look forward to working with you on this issue.



Office of Senator Frank Murkowski  
Fax Transmission

Fax: (202) 224-5301 • Voice: (202) 224-6665

TO: *Cela Cerven*

FROM: *KAMRAN AKHTAR*

PAGES: *5*

MESSAGE:

*Please call if you have any questions. The attached is Sen. Murkowski's statement for the record.*

**POSITION PAPER ON ENVIRONMENTAL AND PERMITTING ISSUES**  
**RELATIVE TO THE PROPOSED CLOSURE OF FORT McCLELLAN, ALABAMA**  
**PRESENTED BY SENATOR HOWELL HEFLIN**  
**TO THE 1995 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION**  
**MONDAY, JUNE 12, 1995**

Mr. Chairman and Members of the Commission, I thank you for this opportunity to again address the Defense Base Closure and Realignment Commission (BRAC) concerning the recommendation to close Fort McClellan in my home state of Alabama.

In my previous testimony before this Commission at the April 4, 1995, BRAC regional hearing held in Birmingham, Alabama, I focused on the Army's failure to consider the joint service and domestic and international training needs currently provided by Fort McClellan. The Army never consulted the Air Force, the Navy, the Marine Corps or the National Security Council about the military value of the Fort, and that is still the case. In addition, since April the Fort's far-reaching international and domestic anti-terrorism responsibilities have increased.

In the past few years, twenty-four countries have trained their military and civilian defense personnel at Fort McClellan, including the Japanese personnel who responded to the nerve gas attack in Tokyo's subway on March 20, 1995. As a result of the World Trade Center bombing in New York City last year, Tokyo's sarin gas attack on March 20, a threatened nerve gas attack at Disneyland in Anaheim, California, on Easter weekend (April 15-16, 1995), the Oklahoma City bombing on April 19, and the discovery just four days ago of a stockpile of nuclear-grade zirconium in Queens, New York, (See news stories attached at Tab A) the entire world -- and especially the United States -- has become acutely aware of the absolute necessity for us to maintain the best anti-terrorism training capability in the world, which we already have at Fort McClellan. As an example of many of our cities' recognition of the need to improve their ability to counter chemical and biological terrorist attacks, the Port Authority of New York

and New Jersey recently requested Fort McClellan to assist them in training their 1,400 officers to be prepared to respond to any such attacks. (See Tab A, page 5). As another example, the City of Atlanta is already training their officials to respond to an emergency during the 1996 Olympics. (See Tab A, page 6). We fully expect Atlanta to also request important training assistance from Fort McClellan. It is clear to me, as I'm sure it is to you, that the Army Chemical School's training expertise and capability to respond to the growing terrorist threat is directly related to national security, as well as having a major and direct impact on military value -- which is the most important criteria of your own decision process.

Contrary to their ill-advised recommendations in previous years, this year not even the Defense Department has recommended the outright closure of the Army's chemical defense training facilities -- they just want to move it. However, if you go along with that poorly conceived idea under the guise of theoretically trying to save a few dollars -- which I very seriously doubt will ever be achieved -- you will be putting our country's internal and national security at grave risk.

The Defense Department's recommendation to close Fort McClellan and to move the Army's Chemical School and its nuclear, biological and chemical defense training facilities to Missouri is hinged on the assumption that they can somehow obtain all the permits, licenses and certifications which are required to construct, operate and move the Army's state-of-the-art training facilities to Fort Leonard Wood in the short six year time frame required by the BRAC enabling legislation. Ladies and Gentlemen, anyone who's had any experience with the complicated business of trying to obtain environmental permits and build those kinds of sophisticated facilities knows you can't validly obtain all the required permits in 90 days. It just can't be done, and with all due respect, when the officials of the State of Missouri say they've

given the Army all the permits they need, please don't be fooled by that misrepresentation.

When you began your review of the Fort McClellan recommendation earlier this year, you keyed on the permit issue. As you knew, the 1993 BRAC Commission wisely rejected the Army's recommendation to close Fort McClellan two years ago, because the Army couldn't produce the permits necessary to accomplish the Chemical School's and the Chemical Defense Training Facility's ("CDTF") relocation to Missouri. Despite the 1993 BRAC Commission's instructions to the Defense Department for the Army to obtain all the required permits before the 1995 BRAC process began (See page 101 of BRAC hearing transcript dated March 1, 1995, attached at Tab B), the Army did not begin their permit application process until March 1, 1995, after Secretary of Defense Perry's base closure recommendations had been submitted to you. (See page 37 of BRAC hearing transcript dated March 7, 1995, attached at Tab C). In his appearance at the March 1, 1995, BRAC hearing, Deputy Secretary of Defense John Deutsch testified: "I believe that the proposal . . . to move the Chemical Warfare School Element up to Fort Leonard Wood, Missouri -- it would not go to Fort Leonard Wood . . . unless the proper permits are received from the State of Missouri." (emphasis added) (See Tab B, page 102). A week later, on March 7, 1995, in his appearance before this Commission, Army Secretary Togo West acknowledged that the permitting process in Missouri would be uncertain. In response to Commissioner Steele's questions, Secretary West candidly testified: "I would say that there are no guarantees in the permitting process. The one thing that I, as a lawyer, over the years have learned, is that we have no real indication as to how the process could turn out when a community and a permitting authority begin to come to grips with the reality." (See Tab C, page 37).

That reality check has now occurred just as Secretary West predicted. In the past two months, the environmental community and a number of concerned citizens in Missouri have

raised serious objections about the speed of the permitting process and have filed numerous appeals in and challenges to every single permit proceeding in the state. So when Missouri officials tell you the Chemical School's move is guaranteed don't you believe them, because the long and uncertain permitting debate has just begun. It won't be settled for years, during which time Fort McClellan will have to remain open, and when it is over the Army may never obtain all the permits they need to move the chemical training to Fort Leonard Wood. The long and expensive permit fight and the increased costs of building the new facilities in Missouri, which will inevitably result from the permit appeals process, will likely negate any predicted current costs savings projected from the recommended move. Moreover, there will only be costs, and no savings at all, if the Army ultimately loses the permit battle and the Chemical School's facilities have to remain at Fort McClellan. In that event, this Commission's hoped for cost-cutting accomplishments will be lost, because the Army won't be able to make good on its very uncertain permitting predictions to you.

Since the permits seem to be the predominant issue regarding the Fort McClellan recommendation, I urge you to closely examine and seriously question the glaring defects in that process.

#### CDTF INCINERATOR HAZARDOUS WASTE PERMIT

The most controversial permit question is whether or not the Army needs a hazardous waste permit in Missouri to build and operate the Chemical Defense Training Facility ("CDTF"). On May 19, 1993, in response to a request from 1993 BRAC Chairman Jim Courter, the current Director of Missouri's Department of Natural Resources, David A. Shorr, replied:

". . . we anticipate that the Chemical Defense Training Facility would require permits from Missouri's Air Pollution Control Program, Water Pollution Control Program (for NPDES), and the Hazardous Waste Program. The permit for the incinerator from the Hazardous Waste Program will, no doubt, take the most time

to obtain. . . Depending on the complexity of the permit and the complexity of the incinerator, the Part 1 Application will take nine to fourteen months to complete. Part 2 of the permit (after construction is complete), will take an additional eight months to a year to complete." (emphasis added). (See copy of letter dated May 19, 1993, attached at Tab D).

Nineteen months later, on December 23, 1994, in a letter to Defense Secretary Perry, Mr. Shorr confirmed and reiterated for the third time the State of Missouri's position regarding permits for the Chemical School and the CDTF at Fort Leonard Wood. Mr. Shorr stated:

"As I indicated on June 4, 1993, we anticipate the construction of this facility will require air pollution control, water pollution control and hazardous waste program related permits. To date, we have not received applications for such permits and eagerly await their submittal so that we can timely review and approve if appropriate." (emphasis added) (See copy of letter dated December 23, 1994, attached at Tab E).

Consistent with Mr. Shorr's repeated assurances to both BRAC and the Department of Defense that the CDTF incinerator requires a hazardous waste permit, on April 5, 1995, Col. Anders B. Aadland, Chief of Staff, Fort Leonard Wood, Missouri, responded in writing to the office of the Chief of Staff, Department of the Army, Washington, DC, as follows:

- "1. As requested by Congressman Browder, environmental permits submitted by Fort Leonard Wood are enclosed as follows:
  - a. Air permit for the CDTF incinerator
  - b. Air permit for large area smoke training
  - c. Installation-wide storm water permit
  - d. Hazardous waste permit for CDTF
2. As of this date, no official reply has been received from the Missouri Department of Natural Resources regarding any of these permit applications." (emphasis added) (See copy of memorandum dated April 5, 1995, attached at Tab F).

Surprisingly, and totally inconsistent with his often repeated official position during the previous two years, a week after Col. Aadland's memorandum was transmitted, Missouri's Director of Natural Resources, David Shorr, stated that a hazardous waste permit is not needed for the CDTF. In sworn testimony before this BRAC Commission at your regional hearing in Chicago, Illinois, on April 12, 1995, Mr. Shorr stated:

"To answer your question, Mr. Commissioner, three permits are required by... Missouri: A permit for air construction for the CDTF, which is the Chemical Decontamination and Training Facility, a water permit for the base, and a permit for the smoke school, which is going -- which was issued as a PSD permit application to significantly deteriorate the air around the area of Fort Leonard Wood. A hazardous waste permit is not required for the thirty-four thousandth time. Okay. Any other questions?" (emphasis added) (See page 99 of BRAC hearing transcript dated April 12, 1995, attached at Tab G).

According to records at the Missouri Department of Natural Resources ("MDNR"), the state received Fort Leonard Wood's hazardous waste permit application referenced in Col. Aadland's memorandum on April 6, 1995, and within a single day determined that a RCRA hazardous waste permit was not needed for the CDTF. During that extremely limited review, MDNR evaluated only two waste streams which would be incinerated in the CDTF facility. Those were the chromium impregnated filters used in the gas masks and the wastewaters resulting from the decontamination of the nerve agents (i.e. Sarin & VX). MDNR's primary focus on the gas mask filters was highlighted in MDNR Director Shorr's testimony at the April 12 BRAC regional hearing in Chicago. (See Tab G, pages 102-103). However, Fort Leonard Wood's permit application did not include the following hazardous, or potentially hazardous, wastes which are generated at the CDTF and are likely to be burned in the incinerator:

- a. Laboratory wastes generated at the CDTF facility - Numerous solvents are used in the CDTF laboratory at Fort McClellan for quality control checks and for normal maintenance requirements on various pieces of equipment. That use produces wastes which are possibly contaminated with nerve gas agents and are, therefore, required to be incinerated at the CDTF by U.S. Army Directive. Other laboratory material wastes contain metals above allowable Toxicity Characteristic Leaching Procedure ("TCLP") levels which are also incinerated. Specific laboratory chemicals which would be considered hazardous waste when they are incinerated include: acetone, carbon disulfide, chloroform, cyclohexane, ethyl alcohol, hexane, hydrochloric acid, isopropyl alcohol,

mercury, methyl alcohol, methyl ethyl ketone, methylene chloride, nitric acid, potassium dichromate, silver nitrate, sodium hydroxide and sulfuric acid. (See inventory of CDTF MSDS attached at Tab H).

b. Waste nerve agent detector pads containing silver nitrate - These pads are known to fail the TCLP test for silver and are burned in the CDTF incinerator.

c. Ventilation carbon filters - Carbon filters are used to absorb the active nerve agents from the ventilation system which maintains a negative air pressure in the CDTF building. Nerve agents and materials containing nerve agents have been classified as D003 reactive wastes by the U.S. Army at facilities that are destroying nerve agent weapons. This determination is based on the fact that VX nerve agent is a sulfur-bearing material. VX can generate toxic gases, vapors or fumes in sufficient quantities to present a danger to human health. A mere rise in temperature will cause a release of toxic fumes from the filters.

Unfortunately, in their hasty review MDNR failed to investigate the above-mentioned waste streams and also failed to obtain answers to these questions from either Fort McClellan or Fort Leonard Wood prior to concluding that a hazardous waste permit would not be required for the CDTF incinerator.

As a result of Fort Leonard Wood's and MDNR's incomplete review of the CDTF's potential hazardous waste stream, on May 12, 1995, three individuals and the Missouri Coalition for the Environment (an established environmental organization representing thousands of members throughout the state) filed an appeal petition before the Missouri Hazardous Waste Management Commission ("HWMC"). (See copy of petition attached at Tab I). The petitioners asked the HWMC to prohibit Fort Leonard Wood from constructing and operating the CDTF incinerator without first obtaining a hazardous waste permit from the state. The petition alleges

that hazardous wastes will be burned in and emitted from the incinerator and that Fort Leonard Wood failed to appropriately identify all the hazardous wastes which will be incinerated in the CDTF as discussed above.

In response to that appeal petition, on June 1, 1995, the Attorney General for the State of Missouri filed a "Motion to Dismiss" with the HWMC based on the arguments set forth in an accompanying brief entitled "Suggestions in Support of Respondent's Motion to Dismiss." (See copy attached at Tab J). As in most states, in Missouri it is the Attorney General, not MDNR Director Shorr, who is responsible for interpreting the law and representing the state in legal matters. In his brief on the application of Missouri law to MDNR Director Shorr's decision on the hazardous waste permit, the Attorney General contradicted Mr. Shorr by stating:

" . . . the decision petitioners claim is a final agency decision is not a final, appealable decision. An agency decision is final when 'the agency arrives at a terminal, complete resolution of the case before it. An order lacks finality in this sense while it remains tentative, provisional, or contingent, subject to recall, revision or reconsideration by the issuing agency.'

Under this analysis, the decision by the MDNR that a permit is not required to operate the CDTF is not a final administrative decision which would render it subject to appeal before this Commission. The MDNR decision is contingent upon the accuracy of the information that was supplied to it by the U.S. Army Engineers Center in Fort Leonard Wood (Army). The decision is also contingent upon the procedures, methodologies and waste streams, among other things, remaining the same as currently envisioned by the Army. Furthermore, the determination whether a particular facility needs a hazardous waste treatment, storage or disposal permit is, by statute, the responsibility of the facility owner and/or operator, not the MDNR. The MDNR's responsibility is to review and approve or deny permit applications submitted to it." (emphasis added) (See Tab J, page 5).

As we know, Fort Leonard Wood had made this determination by the submission of their hazardous waste permit application to MDNR in early April of 1995. Consequently, by not acting to either approve or deny the permit, MDNR has placed the whole hazardous waste permit issue in complete limbo.

In his June 1 filing with the HWMC, the Attorney General continued:

" . . . the MDNR may change its mind as to whether the CDTF, even based on the information currently available to the MDNR, requires a hazardous waste treatment, storage or disposal permit. This 'decision' such as it is, confers no rights upon the Army. In any later administrative or judicial action citing the Army for the failure to have a treatment, storage or disposal permit for the CDTF unit, the Army could not utilize any previously made statements by the MDNR such as those cited in paragraphs 11 and 12 of the Petition filed herein to estop the government from bringing its action." (emphasis added) (See Tab J, pages 5-6).

Paragraphs 11 and 12 in the appeal petition (See Tab I, pages 4-5) which the Attorney General cited above are the statements which MDNR Director Shorr made to this BRAC Commission during the regional hearing in Chicago on April 12 that a hazardous waste permit is not needed for the CDTF incinerator. Clearly, as Missouri's Attorney General -- the state's top legal officer -- concluded in his brief, MDNR Director Shorr's recent assurances to you are not supported by Missouri law:

"The MDNR position that the CDTF unit does not require a hazardous waste treatment, storage or disposal permit does not determine any obligations. . . . legal consequences will not flow from this agency position complained of. The MDNR position that a permit is not required does not really decide anything because the MDNR is not strictly vested with the power to decide that issue." (emphasis added) (See Tab J, page 6).

Consequently, it is clear that instead of being settled as Director Shorr would have you believe, Missouri's Attorney General has determined that under the state's statute the hazardous waste permit issue in Missouri is not resolved. (See copy of Mo. Rev. Stat. § 260.395 attached at Tab K). Therefore, the Army has not met your requirement to have all the necessary permits in hand prior to your making a decision on the closure recommendation. In the short time remaining, it is now virtually impossible for the Army and MDNR to go back and properly and legally deal with the hazardous waste permit prior to your June 22 decision deadline. Meanwhile, the appeal of MDNR's decision is still pending before the MHWC, and their next meeting is not until August 3, 1995, well after your deadline.

As if the Army doesn't already have enough problems, Missouri's hazardous waste law also contains a provision which allows interested parties to file a citizen's suit for failure to possess a properly issued hazardous waste permit. (See copy of Mo. Rev. Stat. § 260.415.3 attached at Tab K). Such a lawsuit typically could not be filed until the operation of the CDTF facility is imminent. Consequently, a citizen suit filed against Fort Leonard Wood four or five years from now, during the final stages of construction or just before operation of the CDTF incinerator begins, could block the whole process at the 11th hour; and the Army would have to continue training at Fort McClellan after wasting hundreds of millions of dollars on the proposed move. As we've already seen, there are several well organized citizen groups and environmental organizations in Missouri who will continue to oppose this move, unless the Army and MDNR properly and legally follow the state's well-established hazardous waste permitting process, including allowing public input and providing adequate due process. Some of those groups have already indicated they will likely file a citizens suit, if it becomes necessary to force the Army and MDNR to follow the applicable provisions of the state's environmental laws and regulations. Consequently, unless the Army obtains a properly issued hazardous waste permit for the CDTF incinerator -- which they most assuredly have not received -- this facility will be caught up in controversy and uncertainty for years in the future.

#### CDTF INCINERATOR AIR PERMIT

Fort Leonard Wood submitted an application for an air permit to construct the Chemical Defense Training Facility ("CDTF") to the MDNR on March 1, 1995. Key personnel within the Army's chain of command, including Army Secretary West (See Tab C, page 37) and the permit preparers at Fort Leonard Wood, have repeatedly stated they did not begin work on the permit applications until after the Secretary of Defense announced his base closure recommendations on February 28, 1995. In the rush to prepare and submit their permit

applications, Fort Leonard Wood personnel failed to consult with anyone at Fort McClellan, as they had been instructed to do by higher Army headquarters (See copy of memorandum dated March 13, 1995, attached at Tab L). In 1983 it took personnel at Fort McClellan months to prepare the complicated application for the permit to construct the CDTF, at a time when the applicable environmental laws and regulations were much simpler to understand and comply with than they are today. By then, Fort McClellan had also spent two years working on an Environmental Impact Statement ("EIS") for the CDTF, which began in 1981. Miraculously, Fort Leonard Wood's personnel prepared and submitted their CDTF permit application in only one day! (See copy of permit application attached at Tab M). Moreover, to date Fort Leonard Wood personnel have repeatedly stated they do not intend to begin work on an EIS for any facet of the proposed Chemical School move, including the CDTF, until after you members of the BRAC Commission make your decision.

Because they did not know enough about the CDTF and because they failed to consult with Fort McClellan, Fort Leonard Wood's personnel prepared their CDTF permit application based on outdated drawings, information and engineering data assembled during 1983-1985, (See Tab M, pages 2, 4, 8, 11, 13 and 14) on which basis Fort McClellan's original permits to construct and operate were issued on November 2, 1983, and June 1, 1987, respectively. (See copies of Ft. McClellan's 1983 and 1987 CDTF permits attached at Tabs N and O). Another major defect in Fort Leonard Wood's permit application process is their personnel did not realize that Fort McClellan's June 1, 1987, permit to operate the CDTF was withdrawn by the Alabama Department of Environmental Management ("ADEM") on December 17, 1992, when it was replaced by a new permit to operate on that same day. (See copy of Fort McClellan's December 17, 1992, permit attached at Tab P). The 1992 operating permit was issued by ADEM to encompass the dozens of changes and major modifications which had been made to the CDTF

at Fort McClellan. As you can see by comparing the information and flow diagrams in Fort McClellan's August 25, 1992, application to ADEM for a permit modification (See copy attached at Tab Q) with Fort Leonard Wood's CDTF permit application to MDNR (See Tab M), Fort McClellan's modifications to the CDTF were not included in Fort Leonard Wood's permit application. Therefore, they are also not included in the CDTF air permit issued by MDNR.

Based on the incomplete and inaccurate information in Fort Leonard Wood's permit application and because of MDNR's rush to issue the permits before June 22, MDNR Director David Shorr conveniently determined that the air emissions from Fort Leonard Wood's CDTF would be *de minimis*. Consequently, no public comment period and no public hearing opportunity was provided by the state on the CDTF permit application, which would have taken a minimum of 45 days under Missouri law and would have slowed down the permit process.

On April 10, 1995, MDNR issued a "permit to construct" the CDTF incinerator, which Director Shorr has since said is also a permit to operate. (See copy of permit attached at Tab R). However, it is clear from the detailed Conditions attached to the permit that the incinerator cannot begin operation until after Fort Leonard Wood conducts and meets stringent burn tests and strict emissions tests after construction of the facility. In addition, Special Conditions (a) and (b) on page 2 of the Missouri air permit (See Tab R, page 3) state that no hazardous wastes can be burned in the CDTF incinerator, specifically gas mask filters containing chromium. However, as described in the earlier detailed discussion on the hazardous waste permit, it is clear that hazardous wastes other than the gas mask filters will be burned in the incinerator -- which requires a permit from the Missouri Hazardous Waste Program.

The accelerated "fast track" review of the CDTF permit application, without providing any opportunity for public input or giving Missouri citizens time to study the public health and safety and environmental issues, resulted in immediate anger and opposition from environmental

organizations and public interest citizen's groups in Missouri. (See copies of news articles attached at Tab S). Consequently, on April 27, 1995, three individuals and the Missouri Coalition for the Environment filed an appeal of the issuance of the CDTF construction permit with the Missouri Air Conservation Commission ("MACC"). (See copy of Notice of Appeal attached at Tab T). The appeal alleges the CDTF air permit was based on incomplete and inaccurate operational data; that hazardous wastes will be burned in and emitted from the incinerator; that more than 100 tons/year of pollutions will be emitted from the incinerator requiring a public hearing process; that the required pre-application modeling, monitoring, analysis of visibility and projected air quality impacts were not done; that the requirements for prevention of significant deterioration ("PSD") review were not met; and numerous other defects. The parties seek denial of the permit and a public hearing on the CDTF permit application. (A partial discussion of the technical defects in the CDTF air permit application and MDNR's permit approval process, which was prepared by the environmental engineering firm of Schreiber, Grana & Yonley, Inc. and submitted to the MACC in support of the permit appeal, is attached at Tab U).

On April 27, 1995, the same appealing parties filed a motion with the MACC to expedite and complete the appeal process on the CDTF air permit so there would be some modicum of final state agency action on the CDTF permit prior to this BRAC Commission's decision deadline of June 22, 1995. (See copy of Motion to Expedite attached at Tab V). Unfortunately for all concerned, including you members of the BRAC Commission, that motion to expedite was opposed by MDNR (See copy of MDNR's May 5, 1995, Response in Opposition attached at Tab V), and it was subsequently denied by the MACC in a hurriedly convened telephone conference on or about May 9, 1995. The MACC has indicated they intend to assign the CDTF air permit appeal to an Administrative Hearing Officer who will then be responsible for

establishing a discovery schedule and eventually conducting a hearing on the permit appeal. That process, which has not yet begun, will take several months to complete. Consequently, the CDTF air permit appeal process will obviously not be completed before the BRAC Commission's decision deadline of June 22.

The MACC's ultimate decision on the CDTF air permit appeal will in turn be reviewable by a judicial appeal to the State Circuit Court and by the Missouri Court of Appeals. That process typically takes a minimum of eighteen months to two years to complete. It is clear from the public statements recently made by several of the environmental and citizen's groups in Missouri that they intend to fight these permits to the end; consequently, the CDTF air permit will be subjected to continuing controversy and legal appeals for years to come. During that time, of course, no one will know the eventual outcome, and the Chemical School's training facilities will be left in a continuing state of limbo with no way for anyone to undo or rectify a hasty decision made by this BRAC Commission.

In recent days, various staff members at the MDNR have been making what I consider to be brash and factually misleading statements about the status of these permits. For example, in an Associated Press story written by David A. Lieb filed in Jefferson City, Missouri, on June 7, 1995, Roger Randolph, director of MDNR's air pollution control program stated: "These permits are well researched, and the models are double and triple checked. The permits have undergone such scrutiny that they are near perfect." The next day, on June 8, 1995, in a story written by Thomas Hargrove published in the Birmingham Post-Herald, MDNR Director Shorr was quoted as saying: "We follow the law here (in Missouri). If they (Alabama) are playing games with the law, they should play the same game across the board." Unfortunately for MDNR, their permitting process has been far from perfect. In fact, as the detailed technical comments which were filed in support of the permit appeal before the MACC have shown, there

are major serious defects in the permits which don't need a rocket scientist to understand.

To begin with, the legal description of the location of the CDTF contained in the air permit issued by MDNR is Section 21, Township 35 North, Range 8 West. However, that location is approximately 12 miles east of the location specified by the longitude and latitude coordinates contained in Fort Leonard Wood's CDTF permit application. Moreover, the location specified for the CDTF in MDNR's air permit is outside the boundaries of Fort Leonard Wood, is even outside of Pulaski County where Fort Leonard Wood is located, and instead is actually situated in the Mark Twain National Forest in adjacent Phelps County.

Second, the air permit issued by the State of Alabama for the CDTF at Fort McClellan specifically restricts the quantity of live nerve agent on site to a maximum of one liter at any one time. Contrary to the repeated public statements and assurances of both Fort Leonard Wood and MDNR personnel to the citizens of Missouri, the air permit issued by MDNR for the CDTF at Fort Leonard Wood does not include a quantity restriction.

Third, a temperature of 1,750°F for at least two seconds is required for the complete destruction of GB and VX nerve agents in the incinerator. However, no detention time, which would assure complete destruction of all live nerve agents in the secondary chamber of the CDTF incinerator, is specified in the air permit issued by MDNR. Moreover, no operating conditions are included in the air permit issued by MDNR, even though MDNR Director Shorr now says permission was granted by the state permit to also operate the CDTF.

Fourth, the existing CDTF at Fort McClellan uses two autoclaves for the decontamination of the Battle Dress Overgarments ("BDO") worn by the troops while training in the CDTF. This makes possible the reuse of the BDO's up to four times before they have to be incinerated. This information was included in a letter sent to Mr. Art Groner at MDNR on February 18, 1994, and received by MDNR's Hazardous Waste Section on February 22, 1994. However, the

inclusion of the two autoclaves was left out of both Fort Leonard Wood's permit application and the air permit for the CDTF issued by MDNR. In addition, none of the emissions from the autoclaves was included in the emission calculations. Because the autoclaves are not included in the permitted equipment for the CDTF, the amount of BDO's which will be required to be incinerated in Fort Leonard Wood's CDTF will be four times greater than the planned amount. Consequently, this major omission of the autoclaves from MDNR's air permit will increase the daily waste load to be incinerated at Fort Leonard Wood's CDTF to approximately 1,300 pounds, which exceeds the permitted quantity of 1,000 pounds contained in the CDTF air permit issued by MDNR. This serious omission will also drive up the cost of the CDTF training, because four times as many BDO's will have to be purchased by the Chemical School in order to provide the live nerve agent training in Missouri.

Fifth, Fort Leonard Wood's air permit application for the CDTF and MDNR's permit review (which is part of the air permit) specify use of a Midland Ross Pyrobatch model, forced draft, batch type, dual chamber incinerator unit at Fort Leonard Wood. However, Midland Ross is no longer in business, and this model is no longer in production. Consequently, Fort Leonard Wood cannot procure the CDTF incinerator specified in their air permit from MDNR.

In the event this list of obvious deficiencies is not enough to prove the point that MDNR's air permit won't allow the Army to build and operate the required CDTF at Fort Leonard Wood, a detailed description of additional permit errors and omissions is attached at Tab W.

Because numerous significant errors and omissions have been identified in the CDTF permit application and the air permit issuance process, MDNR will eventually be required to reevaluate the CDTF permit application and all supplemental information submitted by the U.S. Army for the Chemical School's proposed operations and facilities at Fort Leonard Wood.

MDNR clearly failed to adequately consider all the applicable regulatory requirements and potential environmental impacts associated with the multiple operations and facilities that are an integral part of the Chemical School's operation, including the CDTF. Until these numerous and serious permit issues are addressed and all required procedures, regulations, and requirements of law (both Missouri and Federal) are complied with by MDNR, the Army will not possess all the necessary permits which this BRAC Commission has said are required in order to approve the Defense Department's recommendation. With only ten days to go before your decision deadline, it is obvious that the requisite permits will not be obtained by the Army. Consequently, I urge you to join with the 1991 and 1993 BRAC Commissions and once again reject this ill-advised recommendation.

#### FOG OIL SMOKE AIR PERMIT

Fort Leonard Wood submitted an air permit application to MDNR on March 1, 1995, to conduct static and mobile fog oil smoke training in Missouri. (See copy of permit application attached at Tab X). Like their CDTF air permit application, Fort Leonard Wood's personnel prepared their fog oil permit application in only one day, because they did not begin work on the application until after Defense Secretary Perry announced his base closure recommendations on February 28, 1995. Also like the CDTF permit application process, Fort Leonard Wood's personnel hurriedly prepared and submitted their fog oil permit application to MDNR without first talking to or coordinating with officials at Fort McClellan, despite receiving specific instructions from TRADOC headquarters to do so. (See Tab L).

Because they had been in too big a hurry earlier in the month, on March 16, 1995, Fort Leonard Wood had to submit supplementary information to MDNR modifying their original permit application from VOC (volatile organic compound) to PM<sub>10</sub> (particulates) emissions. Their modification also stated that 63,000 gallons per year of "light grade mineral oil" would

be used to generate smoke at Fort Leonard Wood. (See copies of supplementary March 16, 1995, information attached at Tab Y). For some strange reason, no permit application for use of additives (such as kerosene which is required to thin the fog oil during cold weather) or for use of any other kinds of obscurants or smoke generators was ever submitted by Fort Leonard Wood to MDNR, despite the fact that those kinds of materials are a vital component of the Chemical School's smoke training program at Fort McClellan. (See Description of Fog Oil Smoke/Obscurant Training conducted at Fort McClellan attached at Tab Z).

On March 23, 1995, in response to a Freedom of Information Act request filed by MDNR, Fort McClellan provided written information directly to MDNR detailing the use of fog oil, other fuels and obscurants at Fort McClellan over the past five years. (See copy of March 23, 1995, memorandum attached at Tab 1). The March 23 memo explained that during the past five years Fort McClellan used an average of 77,476 gallons of fog oil each year. In 1993, the actual fog oil usage was 93,800 gallons, and in 1994 Fort McClellan used 116,350 gallons of fog oil in the Chemical School's smoke training exercises. (See Tab 1). Fort McClellan also informed MDNR they used gasoline to run the smoke generators, and the Fort's "potential to emit" with 20 mobilizing chemical units would roughly double the above listed fog oil and gasoline usage totals each year. In addition, Fort McClellan pointed out to MDNR that they also use other required smoke generation sources including hexachloroethane smoke pots, colored dye smoke grenades, infrared defeating obscurant grenades (brass flakes), and large area infrared defeating obscurants (graphite powder). Finally, Fort McClellan notified MDNR that they also expect to begin using millimeter wave obscurants (similar to radar chaff) within the next two years. (See Tab 1). Even after receiving that information, neither Fort Leonard Wood nor MDNR made any further changes to the permit application.

On April 11, 1995, MDNR issued a draft air permit to Fort Leonard Wood which limits

the Army to the use of no more than 65,000 gallons per year of fog oil. (See copy attached at Tab 2). No use of any other type of fuel or obscurants was allowed under MDNR's draft permit. There was also no mention of the use of anti-freeze type additives which must be mixed with the SGF-2 fog oil (which is 20 weight motor oil, not mineral oil as stated in the permit application) when the temperature drops below 40°F to be able to use the fog oil during the winter months. Other conditions in the draft permit limited the Chemical School to doing smoke training a maximum of 135 days/year for a maximum of one hour per day. Fort McClellan currently trains with smoke at least 250 days per year, conducting from one to four exercises per day, with each exercise averaging one hour each, depending on weather conditions.

Officials in the Army's chain of command subsequently became concerned about the severely restrictive conditions in the draft fog oil permit issued by MDNR, because it would clearly not allow the Chemical School to do the type and extent of smoke training in Missouri which is presently conducted at Fort McClellan. Consequently, they requested an analysis of the draft permit from the experts at the Chemical School. In response, on May 16, 1995, the Special Assistant to the Commandant of the U.S. Army Chemical School, sent a detailed five page memorandum to Headquarters, Department of Army, concluding that the draft permit conditions will essentially destroy the Chemical School's ability to effectively do smoke training.

(See copy of May 16, 1995, memorandum attached at Tab 3). In summary, the May 16 memo concluded that Missouri's smoke permit restrictions "will create overwhelming degradation to Chemical Mission readiness" which "would kill both the U.S. Army and U.S. Air Force smoke training." (See Tab 3, page 1). The memo also stated that under MDNR's draft permit the Chemical School would lose the ability to train with any other obscurant except fog oil, and the fog oil training itself would be drastically reduced to only 25% of current training standards. In addition, the Reserve Component smoke training would also be a casualty of the severely

restrictive Missouri draft air permit. (See Tab 3, page 1).

After subjecting the draft fog oil permit to a thirty day comment period, MDNR held a required public hearing at Waynesville, Missouri, on May 12, 1995. Public opposition to issuance of the fog oil permit was voiced by several citizens, and formal statements of opposition were filed by several attendees, including the Ozark Chapter of the Sierra Club (See copies attached at Tab 4). In addition, detailed technical comments on the numerous deficiencies in the draft fog oil permit were filed with MDNR by the environmental engineering firm of Schreiber, Grana & Yonley, Inc., St. Louis, Missouri, on May 12, 1995. A partial summary of those technical comments is attached at Tab 5.

On June 7, 1995, MDNR issued a final fog oil air permit to Fort Leonard Wood. (See copy attached at Tab 6). Unfortunately for the Army, the final permit is even more restrictive than the draft permit. The number of special conditions was increased from 24 in the draft permit to 37 in the final permit. Moreover, whereas the draft permit simply failed to mention the use of such items as kerosene additives, obscurants and smoke sources other than fog oil, MDNR's final permit specifically prohibits their use in Missouri. Therefore, the final permit is even more damaging to the Chemical School's ability to conduct smoke training at Fort Leonard Wood than even LTC Newing predicted in his May 16 memorandum at Tab 3. (See article on the impact of the fog oil permit limits on the Army's smoke training attached at Tab 7). The Army now finds itself in a difficult dilemma. They have received a fog oil permit, but in reality it's a worthless piece of paper, because it won't allow the Chemical School to properly train in Missouri. Undoubtedly it will be a difficult "gut check" decision for the Army, but now they really have only two alternatives. They can either be honest and admit to you they don't have the permits they need to move the Chemical School to Missouri. Or, they can file an appeal of their own permit with the Missouri Air Conservation Commission ("MACC") hoping

to convince the MACC to remove the fatally restrictive conditions in MDNR's permit. In either event, however, the Army will be acting against self-interest, because they will be admitting to you that despite the "hype" coming out of Missouri, the fog oil permit is of no real military value to the Army. In any event, it is now clear to everyone that your first and most important criteria for making your decision as members of the BRAC (i.e. preservation of military value) will not be met by this permit. Moving the smoke training to Fort Leonard Wood will damage national security by compromising the military mission; therefore, you should vote to reject the recommendation to close Fort McClellan.

Even if the Department of Defense decides to ignore the obvious and play out their bluff by not admitting the fog oil permit will seriously degrade the Chemical School's training capability, environmental groups in Missouri have already put the Army and MDNR on notice that they intend to appeal the issuance of the fog oil permit. Roger Pryor, Executive Director of the Missouri Coalition for the Environment ("Coalition") was quoted in the press on June 8, 1995, as follows: "We're going to fight this thing to the end. If the (Missouri Air) Commission wants to go forward, they can, but they do so at the risk of it being thrown out of court." (See copy of news story from the June 8, 1995, Birmingham News attached at Tab 8). St. Louis attorney Lew Green, Counsel for the Coalition, has indicated in the press that he expects to file an appeal with the MACC within a few days. That appeal will take months to be resolved, and the MACC's decision will then be reviewable in the State Circuit Court and by the Missouri Court of Appeals. The judicial appeals process alone typically takes from eighteen months to two years to complete, during which time the fate of the fog oil air permit will remain uncertain. Clearly, the finality of the permit process which you members of this BRAC Commission have so forthrightly sought before you have to make your decision will not be achieved for years into the future.

## FOG OIL VARIANCE

Despite being in such a rush to immediately prepare and submit their permit applications to MDNR on March 1, 1995, Fort Leonard Wood's personnel did not realize they would need a variance for their fog oil permit until after they were so informed by MDNR in mid-April. Consequently, on April 24, 1995, Fort Leonard Wood submitted to MDNR an application for a variance from Missouri's state air regulations which impose a maximum 20% opacity limit on air emissions. (See copy of variance application attached at Tab 9). The objective of the Army Chemical School's fog oil training mission is to generate a smoke cloud which is 100% effective in obscuring vision to protect our troops and equipment from enemy detection. Consequently, Fort Leonard Wood needed a variance from the state's air regulations before they could be legally issued a fog oil air permit.

The variance application was discussed at the Missouri Air Conservation Commission's ("MACC's") regularly scheduled meeting on April 27, 1995. However, the granting of the opacity variance was formally opposed by a number of parties, including three individuals and the Missouri Coalition for the Environment ("Coalition"). (See copies of news stories and a copy of the petition filed by the opponents attached at Tab 10).

The evidentiary phase of the administrative hearing process on Fort Leonard Wood's variance request was quickly initiated by the MACC at the insistence of the MDNR, because they recognized that timetables normally followed in processing variance applications would prevent MDNR from issuing the fog oil permit before June 22. As a result, fifteen depositions of the opponents, Fort Leonard Wood personnel, MDNR personnel and the Coalition's expert witnesses were scheduled and taken in an extraordinarily short nine day period between May 15 and May 23, 1995. The parties then had only one day to pour over the voluminous record which had been developed and prepare for the MACC's hearing on the variance application,

which began on May 25, 1995.

In another unusual turn of events, the Chairwoman of the MACC designated herself as the hearing officer, instead of following the normal procedure of referring the matter to an appointed administrative hearing officer. A formal hearing on the variance was conducted over the two day period of May 25 and 26, with various members of the MACC in attendance, several of whom actively and aggressively participated in the hearing process, often recommending to the Chairwoman how she should rule on various legal issues, objections and evidentiary questions.

Following the conclusion of the hearing of testimony, the parties were given only five short days over the Memorial Day holiday weekend to review the lengthy depositions and transcripts and prepare and submit by June 1, 1995, replies and exhibits for consideration by the MACC.

Under Missouri law, the four (out of six) members of the MACC who did not attend the entire two days of the hearing, had to review the lengthy transcript and exhibits before they could participate in the variance decision. Moreover, all six members of the MACC who voted on the variance had to review, discuss and vote on the proposed findings of fact, conclusions of law and language in the MACC's order. If you think, like I do, that it was a tall order for the six members of the MACC who have full time jobs and other important day-to-day responsibilities to get this done, you would be in good company. Nevertheless, in just five short, but undoubtedly backbreaking days over another weekend, the members of the MACC accomplished their task. On June 6, 1995, the MACC approved an order granting Fort Leonard Wood's request for an opacity variance for only one year from the date of startup testing. (See copy of MACC order attached at Tab 11). The very next day, on June 7, 1995, MDNR speedily issued Fort Leonard Wood's fog oil air permit, based on the issuance of the opacity

variance by the MACC.

In response, on June 9, 1995, an individual plaintiff, along with the Missouri Coalition for the Environment, filed a complaint in the State Circuit Court in St. Louis, Missouri, against the MACC and Fort Leonard Wood challenging the granting of the opacity variance and asking the court to void its issuance. (See copies of news article and Petition for Judicial Review attached at Tab 12).

In conjunction with filing their lawsuit, the plaintiffs also asked the State Circuit Court for a stay of the MACC's order granting Fort Leonard Wood's opacity variance. (See copies of Motion for Stay and the plaintiffs' memorandum in support of their motion attached at Tab 13). On June 9, 1995, the State Circuit Court issued an "Order to Show Cause" to the MACC and to Fort Leonard Wood to explain why the stay should not be granted. A hearing on the Motion for Stay is scheduled for June 16, 1995. (See copy of Show Cause Order attached at Tab 13). If the stay of the variance is granted, then the issuance of the fog oil permit would also be adversely affected, because the fog oil permit could not be legally issued or remain in effect if the variance is stayed by the court.

In any event, the environmental groups in Missouri have kept their promise to challenge the permits and variances, not only in the administrative forum, but also in court. Even if the stay of the variance is not granted, it will be eighteen to twenty-four months before the outcome of that litigation is finalized, including further review by the Missouri Court of Appeals. Meanwhile, the fate of the fog oil permit, which depends on the validity of the issuance of the opacity variance, will also be unknown.

#### STORMWATER PERMIT

On January 24, 1994, Fort Leonard Wood submitted a general facility-wide stormwater discharge permit application to MDNR for a number of ongoing activities at Fort Leonard

Wood, such as maintenance facilities, fuel storage areas, asphalt plant, airfield operations, landfills, ordnance ranges, etc. On February 17, 1995, MDNR issued Fort Leonard Wood a state operating permit for those discharges, which will be effective for five years in accordance with normal timetables under the Clean Water Act.

On March 2, 1995, in a one paragraph letter submission which attached a one page map sketch (See copies attached at Tab 14), Fort Leonard Wood requested a modification to the Fort's general stormwater discharge permit to include the proposed fog oil smoke training activities proposed for relocation from Fort McClellan. With lightning-like speed, the very next day, on March 3, 1995, MDNR issued a draft state operating permit modifying the discharge of stormwater from Fort Leonard Wood's operational activities to include the Chemical School's proposed fog oil smoke training activities.

Despite opposition from established environmental groups, including the Ozark Chapter of the Sierra Club (See copy of written comments attached at Tab 14) and the Missouri Coalition for the Environment, on April 4, 1995, MDNR issued a revised state operating permit to Fort Leonard Wood without providing a requested public hearing. The permit was issued for a number of stormwater discharges which included fog oil smoke training at several outfalls and additional discharge points at Fort Leonard Wood. (See copy of permit attached at Tab 14).

In response, on May 3, 1995, three individuals and the Coalition filed an appeal of the issuance of the revised stormwater discharge permit with the Missouri Water Conservation Commission ("MWCC"). The permit appeal alleges that the stormwater permit does not include necessary water quality control measures required under State law, that the Army failed to seek authority to use flame training and fog oil obscurants which will adversely impact water quality, and that monitoring requirements for heavy metals were not included for discharges into the Big Piney River, along with a number of additional defects in both Fort Leonard Wood's permit

application and in the permit issued by MDNR. The parties seek denial of the permit by the MWCC. (See copy of appeal attached at Tab 15).

The next regularly scheduled meeting of the MWCC is not until June 21, 1995, the day before this BRAC Commission's June 22, 1995, decision deadline. Clearly, the MWCC has decided not to deal with this appeal on an expedited basis, since no action has been taken on the appeal. Consequently, the stormwater permit appeal process will not be completed before the BRAC Commission's decision date. The MWCC's ultimate decision on the permit appeal will also be reviewable in the State Circuit Court and by the Missouri Court of Appeals. The judicial process along typically takes from eighteen to twenty-four months to complete, during which time the final status of the water permit will be uncertain.

#### NUCLEAR REGULATORY COMMISSION LICENSES

One of the vital training components of the Army's Chemical School is the nuclear defense training conducted at Fort McClellan using live nuclear agents. That nuclear training component is included in the Chemical School's proposed relocation to Fort Leonard Wood. The nuclear radiation training facilities at Fort McClellan consist of ten laboratories which utilize 25-30 different radioactive isotopes, many of which have half lives that last for decades. During the Chemical School's training and testing exercises, the radiation facilities produce low level radioactive waste ("LLRW"), which averages three 55 gallon drums per year. Unlike Fort McClellan, Fort Leonard Wood does not have access to a functioning regional LLRW disposal facility. Consequently, Fort Leonard Wood will have to construct a LLRW facility on site with the capability of storing and managing LLRW for at least fifteen years and perhaps longer.

Because the Chemical School utilizes special nuclear materials and produces LLRW, Fort Leonard Wood will have to obtain two new licenses from the Nuclear Regulatory Commission ("NRC"), a Part 30 license and a Part 70 license. For a more detailed discussion of the

operation of Fort McClellan's nuclear defense training facilities, its important functions in support of the CDTF, and the requirements for NRC licenses and LLRW facilities at Fort Leonard Wood, see the copy of the White Paper attached at Tab 16. The only NRC license Fort Leonard Wood possesses is a Part 35 license utilized by the base hospital. To date, Fort Leonard Wood has not applied for these two new NRC licenses. In order to do so, the plans and design for the new nuclear facilities at Fort Leonard Wood must be attached to a 100+ page NRC application. The process of designing and preparing those plans and application is estimated to take twelve months. Once an application is received by the NRC, it can take from thirty days to a year to process, depending on the completeness of the application.

Even then, Fort Leonard Wood would have only a Limited Operations License, which would allow only the storage but not the use of radioactive materials. A final Full Operations License would not be issued by the NRC until after the facility at Fort Leonard Wood is constructed and inspected. Optimistic estimates by Fort Leonard Wood engineers indicate this could take at least three years. As an example of how long this complete nuclear licensing process can take, when the Chemical School was moved back to Alabama from Aberdeen Proving Ground, Maryland, the radiological facility at Fort McClellan received its Limited Operations License in 1980. However, the Chemical School was not allowed to begin full-scale operations until its nuclear facilities were finally completed and inspected by the NRC in 1988.

During the years before Fort Leonard Wood receives its Full Operations License, nuclear defense training would either have to be continued at Fort McClellan or it would have to be discontinued. Moreover, only after the radioactive materials have been removed from Fort McClellan and that facility is decommissioned by the NRC may that facility close and its two existing licenses be terminated. In addition, if and when Fort Leonard Wood decides to apply for their NRC licenses, the Army can fully expect opposition from environmental groups and

nuclear activists in Missouri. As an example, see the May 10, 1995, testimony presented to the Missouri House of Representatives Energy Commission by Kay Drey attached at Tab 17. Consequently, like the challenges which have been filed on the issuance of the various air, water and hazardous waste permits, it is almost guaranteed that the NRC licensing process at Fort Leonard Wood will also be subjected to legal challenges and uncertainty for a number of years in the future. Until that is settled, no one will know for sure whether the Chemical School's nuclear training facilities can ever be relocated to Missouri.

#### ENDANGERED SPECIES AND WILDLIFE ISSUES

Another disturbing and extremely serious issue involved in the Chemical School's proposed relocation is the Army's failure to comply with, and cavalier attitude toward, its obligations under the Federal Endangered Species Act and other wildlife protection statutes. According to both the Army and the Missouri Natural Heritage Program, Fort Leonard Wood is home to a large number of imperiled species, native species and migratory species. Of particular concern are the federally listed endangered American bald eagle, Gray bat and Indiana bat, which are known to inhabit Fort Leonard Wood. The Army has recommended transferring several training activities to Fort Leonard Wood which would likely harm these species. As discussed in detail earlier in this position paper, one of the primary activities conducted by the Army's Chemical School is obscurant training utilizing fog oil smoke and other smoke obscurants. During fog oil smoke training, SGF-2 (similar to 20 weight motor oil) and/or diesel fuel are vaporized and dispersed into the air, where they form a smoke screen composed of small droplets of the vaporized substance. Ideally, the smoke screen created during these exercises hugs the ground to conceal troop movements. According to the Army's report on a smoke trial conducted at Fort Leonard Wood in 1993:

"No findings were available on the environmental acceptance of fog oil dispersion or effects on [Fort Leonard Wood's] three endangered species of Indiana bats,

Grey bats, and American Bald eagles. An assessment by Federal, State, and local environmental officials is a critical factor to feasibility of smoke operations on the installation." (See copy of excerpt from "Assessment Report -- Smoke Trial 1993" attached at Tab 18).

To date, no such assessment has been done, in spite of available and alarming information demonstrating that fog oil and obscurant training will likely adversely affect these three endangered species, as well as other wildlife at Fort Leonard Wood.

The Army is already well aware of the potential adverse impact of fog oil smoke on the endangered Indiana and Gray bats. On January 17, 1995, the U.S. Army Corps of Engineers Construction Engineering Research Laboratories published a draft document entitled "Potential Impact of Fog Oil Smoke on Selected Threatened and Endangered Species" (See copy of excerpts attached at Tab 19). That report recognized the Army's need "to minimize adverse impacts upon individuals or populations of threatened and endangered species present in training areas", and notes that "[e]xposure to smokes and obscurants is perceived to constitute such a potential negative impact." The document also states that there are currently "inadequate data to provide an accurate assessment of the potential impact of smokes and obscurants . . . on threatened and endangered species occupying training installations." On the contrary, sufficient information does exist to demonstrate that the various types of obscurants, including fog oil smoke, will have an adverse impact on, or at the very least "may affect", the Indiana and Gray bats at Fort Leonard Wood, as well as the endangered American bald eagle.

Many other documents -- both Army reports and scientific publications -- reveal the likely adverse impact of fog oil smoke on these bats. According to a report entitled "Environmental and Health Effects Review for Obscurant Fog Oil" by C.J. Driver and others (See copy attached at Tab 20), "[f]og oils have the potential to accumulate in the aquatic environment while they are being routinely used and could reach acutely toxic levels for some benthic organisms." The

Driver report also states that "[l]ubricating oils such as SGF-2 have been shown to bioaccumulate in aquatic food chains with mammalian top consumers" and that "[l]oss of aquatic food sources may affect the survivability of aquatic wildlife young that are dependent on limited local resources and high nutrient requirements during their initial growth period." The bats prey primarily upon mayflies, caddisflies, stoneflies, and other insects associated with the aquatic environment. These same mayflies, caddisflies, and stoneflies reside at the bottom of rivers and lakes during their larval state, and thus are "benthic organisms". The Driver report confirms the Army's own conclusion that fog oil smoke will have a direct adverse affect on the primary prey of the Indiana and Gray bats, and thus on the bats themselves.

Efforts made by the Corps of Engineers in its January 17, 1995, report (See Tab 19) to attempt to discount the impact of fog oil smoke on the endangered Indiana and Gray bats are highly questionable. For example, the conclusions in the Impact Document are premised on the incorrect notion that fog oil smoke training will not occur at night. Furthermore, the Corps' Impact Document ignores the fact that fog oil smoke generation occurs most often at prime foraging time for the bats -- dusk and dawn. The Corps document does recognize that "fog oil precipitating onto the vegetation would be ingested by and accumulated in the prey insects", and that "oils have been used as insecticides in the past . . . ; thus, there may be a reduction in insect populations and in turn a reduction in food availability should fog oil precipitate onto the vegetation." In spite of its recognition of these facts, the Corps report concludes that the adult bats "would not be expected to ingest significant quantities of fog oil." However, in the next paragraph, the Corps report recognizes the need to test their critical assumption that "[t]he prey of bats does not contain sufficient quantities of fog oil to cause toxicological effects when ingested by bats." Furthermore, the Corps report ignores the Driver Report's conclusion that fog oil smoke will have an adverse impact on the bats' food chain. Likewise, other scientists

have documented mortality of Gray bats resulting directly from pesticide application on the bats prey. E.g., Clark, D., et al. 1978. "Dieldrin-Induced Mortality in an Endangered Species, the Gray Bat (Myotis grisescens)" Science, 199(4335):1357-59.

Unfortunately, the Army failed to reveal in its fog oil permit application or otherwise to the Missouri Department of Natural Resources that the Chemical School's obscurant smoke training also utilizes graphite flakes, brass flakes and other additives. Fort Leonard Wood has also failed to apply for permission to use HC smoke, a pyrotechnic smoke-producing composition of grained aluminum, zinc oxide and hexachloroethane contained in smoke munitions and "floating smoke pots". In addition to fog oil smoke and HC smoke and munitions, the Army Chemical School utilizes munitions containing red, white and plasticized phosphorus during obscurant training, as well as dye colored smokes for signaling purposes. The Army has failed to even preliminarily address the impact which these activities will have on the bald eagle and Indiana and Gray bats. I suggest they have failed to do so, because even a preliminary analysis would reveal that the planned move of the Chemical School to Fort Leonard Wood would be doomed due to the adverse impact the training would have on the resident endangered species and their habitat.

In July of 1993, the Chemical Research & Development Center of the U.S. Army Armament, Munitions and Chemical Command at Aberdeen Proving Ground, Maryland, ("CRDC") published a five-volume document intended "to provide a general environmental assessment for the overall smoke/obscurant program." According to Volume 4 of that document, "HC smoke mix and its combustion products pose significant health hazards to manufacturing personnel and using troops" and "is fairly toxic to mammals." A training accident in the 25th Infantry Division, Hawaii, in 1984 seriously injured twenty-two soldiers, one of whom died. According to Volume 2 of the CRDC document, the phosphorus compounds

used in smoke training are potentially lethal to both humans and wildlife, and may cause sublethal effects after prolonged exposure. In at least one case, bald eagles in Alaska died after eating fowl which had consumed phosphorus residue. Volume 5 of the CRDC document states that "some of the organic dyes presently used in colored smoke pyrotechnic formulations pose potential serious health hazards to occupationally exposed personnel" and present toxic and carcinogenic hazards. While the CRDC documents do not address the health and environmental effects of smoke containing graphite or brass flakes, they clearly reveal that the Chemical School's obscurant training activities will have a potentially devastating effect on the bats, bald eagles, and wildlife on and near Fort Leonard Wood.

Mr. Chairman and Members of the Commission, it is important for you to understand the adverse impact the Chemical School's activities will likely have on the wildlife and protected species at Fort Leonard Wood. Moreover, I draw your attention to the fact that I was able to do so relying almost exclusively on the Army's own documents and reports. It is particularly disturbing to me that the Army, which has this information in its possession, has failed to live up to its obligations under the Endangered Species Act and other wildlife laws.

Before anyone discounts the importance of this issue, let me remind the Committee of the impact the Endangered Species Act had on a multi-million dollar dam which the Tennessee Valley Authority had largely completed prior to the passage of that Act. I was elected to the Senate just a few months after the U.S. Supreme Court handed down its famous decision in TVA v. Hill back in 1978, and I can personally attest to the consternation in the Senate over the Court's ruling that TVA could not complete the Tellico Dam. As a result of my own experience with the snail darter and numerous other endangered species issues since -- including the recent Alabama sturgeon fiasco -- I am acutely aware that one small critter can shut down the best laid plans of any agency -- whether it be the TVA, the Federal Highway Administration, or even the

U.S. Army. Consequently, I strongly encourage this Commission to examine carefully the Army's failure to comply with the Endangered Species Act and other wildlife protection statutes in making your decision on the Chemical School's recommended move to Fort Leonard Wood.

Section 7 of the Endangered Species Act requires that the Army, in consultation with the U.S. Fish & Wildlife Service, ensure that any action it authorizes, funds or carries out is not likely to jeopardize the continued existence of any endangered or threatened species. 16 U.S.C. § 1536(a)(2). Section 7 also prohibits the irreversible or irretrievable commitment of resources during the consultation period. It is my belief that Fort Leonard Wood's submittal of their permit applications to the State of Missouri, coupled with the Army's knowledge that the Chemical School's activities "may affect" the endangered species at Fort Leonard Wood, triggered its obligations under Section 7 of the Endangered Species Act. Certainly that action was an action authorized, funded or carried out by the Army. Furthermore, if you elect to accept the Army's recommendation that the Chemical School and other activities be transferred from Fort McClellan to Fort Leonard Wood, you will set in motion a process which cannot be stopped by you or officials at the Department of Defense -- thus resulting in an irreversible and irretrievable commitment of resources. Based upon the available science, it is clear that the Chemical School's activities will either be prohibited or at the very least severely curtailed by the presence of these endangered species at Fort Leonard Wood.

On April 27, 1995, Congressman Glen Browder wrote to the U.S. Fish & Wildlife Service Director, Mollie Beattie, requesting from her information on the Army's compliance with the mandates of ESA section 7. (See copy of April 27 letter attached at Tab 21). The Fish and Wildlife Service replied on May 12, 1995, that the Army had not initiated consultation with the Service on this issue, and that the Army did not intend to do so until after this Commission has made its decision. (See copy of May 12 letter attached at Tab 21). In my opinion, that

decision to delay consultation is contrary to federal law, and I suspect a federal court would confirm my opinion. With all due respect, I remind the Commission that, while your own actions are expressly exempted from the requirements of the National Environmental Policy Act, 42 U.S.C. § 4321-4370, your actions are not exempted from the requirements of the Endangered Species Act ("ESA"). This Commission is well aware of the substantial resources which will be required to close Fort McClellan and transfer the Chemical School's activities to Fort Leonard Wood. It would be a travesty if the Army's violation of the ESA ultimately blocks the transfer of the Chemical School and other activities to Fort Leonard Wood **after** substantial taxpayer money has been spent to effectuate the move.

Finally, the documented bald eagle death from obscurant training, and the known toxicity of these compounds to other birds, raise the question of whether the Army has satisfied its obligations under the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668-668d and the Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712. Although those statutes do not contain consultation requirements like those found in Section 7 of the ESA, they do prohibit the taking, killing, or poisoning of migratory birds (including bald eagles) and more specifically, the taking, killing, poisoning, molesting or disturbing of bald eagles. I am concerned that the relocation of the Chemical School and the CDTF to Fort Leonard Wood will have just such an adverse effect on migratory birds and bald eagles in violation of these two laws. Unfortunately, I can find no evidence that the Army has even contemplated its obligations under these latter two laws, much less taken steps to comply with them, any more than they have the Endangered Species Act.

#### NATIONAL ENVIRONMENTAL POLICY ACT REQUIREMENTS

I now call your attention to the issue of compliance with the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370 ("NEPA"). I recognize that the authorizing legislation for

the BRAC and the relevant case law demonstrate that this Commission's decisions are not subject to NEPA. While this may have been a wise decision by Congress, I note that it leaves you members of the BRAC Commission, the public, and the Army in the dark regarding the environmental impact of your decision. As you know, NEPA requires federal agencies to prepare an environmental impact statement before approving any "major federal action significantly affecting the quality of the human environment." 42 U.S.C. § 4332. It has been conceded by both Army and EPA personnel, as well as the environmental coordinator at Fort Leonard Wood, that the Army will "definitely have to do an impact statement" pursuant to NEPA if this BRAC Commission makes the decision to relocate the CDTF, Chemical School and other Fort McClellan activities to Fort Leonard Wood. (See copies of news articles attached at Tab 22). Unfortunately, no one will truly understand the environmental consequences of this decision until after it has been irrevocably made by this Commission.

You Commission members have previously expressed your concerns regarding the Army's ability to obtain all of the necessary environmental permits and approvals in a timely fashion to effectuate the relocation of the Chemical School to Fort Leonard Wood. Based on the Army's previous experience with hundreds of projects, it is undisputed that the Army will not be able to secure the requisite NEPA approvals in the near future --and perhaps not at all. As an example, it took the Army four years (from 1981 to 1985) to complete the environmental impact statement ("EIS") on the CDTF currently in operation at Fort McClellan. (See also copy of letter from David Shorr to BRAC dated May 19, 1993, indicating that preparation of an EIS for Fort Leonard Wood will take four years, attached at Tab D).

One of the primary components of an EIS is an analysis of the impacts of an agency action upon endangered and threatened species and other wildlife. As discussed at length in the previous section, relocating the Chemical School to Fort Leonard Wood will very likely have

a severe adverse impact on the three listed endangered species known to inhabit Fort Leonard Wood. Therefore, the EIS will likely show that this proposed move will have a significant adverse impact on the environment, and I believe the Army will be bound to reverse its decision to close Fort McClellan. However, because of the Army's unwillingness to comply with its obligations to consult pursuant to the ESA, and because this Commission's decision process is exempted from NEPA, we will not know for four or five years whether the recommendation to relocate Fort McClellan's activities to Fort Leonard Wood was doomed from the start. Mr. Chairman and Members of the Commission, even though you are not required by law to do an EIS, if you carefully consider the available information regarding the adverse impact on the environment of this proposed move, I believe the only reasonable decision you can make is to reject the Army's recommendation to close Fort McClellan. By rejecting that recommendation now, this Commission will have avoided needlessly wasting millions of taxpayer dollars on an ill-fated endeavor which will never be successfully completed.

### CONCLUSION

Mr. Chairman and Members of the Commission, there are a host of other permits, licenses and certifications which will be needed by the Army to accomplish the relocation of the Chemical School to Fort Leonard Wood. One example is a required approval from the Federal Aviation Administration, because the CDTF which has three stacks exceeding 50 feet in height, will be located in a fly over zone less than 2500 feet from Forney Air Field which services three commercial TWA Express Airline flights each day. Another example is an approval from the Department of Defense Explosive Safety Board for the CDTF, as is currently required at Fort McClellan. Numerous other examples abound, which I dare say Fort Leonard Wood has not even focused on. Nevertheless, I do not believe further elaboration of additional permitting deficiencies is necessary. That's because I sincerely believe that the detailed discussion already

provided in this position paper should be more than enough to firmly convince you that the Army does not now possess, nor are they ever likely to acquire, all the required permits to accomplish moving the Chemical School and its training facilities to Fort Leonard Wood. I trust you agree, and I urge you to vote to reject this recommendation.

**STATEMENT OF SENATOR PAUL S. SARBANES  
BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION**

**JUNE 12, 1995  
CANNON HOUSE OFFICE BUILDING, ROOM 345**

Mr. Chairman and members of the Commission, thank you for this opportunity to testify once again on behalf of the military installations in Maryland.

As you know, Maryland was impacted heavily by the DoD's 1995 Base Closure and Realignment Recommendations. Over the past three months, our Congressional Delegation has worked closely together and with the affected communities to analyze the Department's justifications and, in our judgment, these justifications contain some serious flaws. We outlined many of our concerns to you at the May 4th Regional Hearing in Baltimore, and you will be hearing shortly from each member of our Delegation who will provide more detailed arguments for the facilities in their congressional districts. I want to use my time to highlight, with respect to each installation, some of the principal areas where we believe the Department deviated substantially from the Commission's Base Closure and Realignment Criteria.

NSWC - Annapolis

Two years ago the 1993 BRAC unanimously rejected the Department's recommendation to disestablish the Annapolis Detachment of the Naval Surface Warfare Center. In our view, nothing has changed to warrant reconsidering this decision. In fact, in light of the Detachment's growing workload in such critical and time-sensitive areas as non-CFC Research and Development, the rationale for keeping it open is even stronger. There is simply no excess capacity at Annapolis! I want to underscore the following points:

First, the Navy cannot move over \$300 million worth of machinery and personnel for the same \$25 million cost that it planned to move just personnel in 1993. Even the Base Structure Evaluation Committee (BSEC) has acknowledged that its estimates are faulty and that it was using the wrong base operating data. Our own review of the certified data, which we provided to the Commission in April, indicates that the figure is at least \$58 million too low.

Second, by closing NSWC Annapolis we would lose not only critical military facilities such as the Deep Ocean Pressure and Submarine Fluid Dynamics facilities -- considered in just the past two years to be vital to the Navy's future mission -- but perhaps more importantly, a dedicated team of scientists, engineers and technicians, and their corporate memory which would reduce the Navy's Machinery R & D capability to an unacceptable level and take many years to reconstitute. Even though Annapolis accounts for less than 10% of the personnel within the Carderock Division of NSWC, it consistently generates more than 50% of the patents.

estimate for closing Fort Ritchie is 60% lower than the cost savings stated in DoD's original recommendation.

The fact that the Army's cost savings analysis has been so severely flawed to this point should not only cast doubt on its assessment of Ritchie's military value and critical synergies, but also on its entire rationale for closing Fort Ritchie.

#### Army Publications Distribution Center, Baltimore

The proposal to close PDC-Baltimore is flawed in a number of areas, namely because it fails to recognize the opportunity for significantly higher savings and increased efficiencies that could be achieved if PDC-Baltimore and its fully automated capabilities were to be utilized to carry out part of a consolidated DoD-wide PDC mission.

It is clear that in making this recommendation DoD failed to fully explore PDC-Baltimore's remarkable track record of quick response, its demonstrated flexibility in handling a wide variety of publications and forms, and the superior efficiency of its fully-automated warehouse capabilities.

Contrary to DoD's assertions, PDC-Baltimore is not a manual operation, but a highly automated warehouse with a high tech warehouse computer control system as your staff who visited and toured the center can attest.

PDC-Baltimore is an award-winning installation -- it recently won Vice President Al Gore's 1994 National Performance Hammer Award. When compared to the other services this facility is truly second to none. During Desert Shield Desert Storm, Baltimore distributed 1581 of the Army's 1873 total tons shipped for 75% of the Army's total cost. During this period, the Baltimore Center filled the majority of its orders in two days time.

With its broad authority, the Commission has the opportunity to request that Baltimore be removed from the list so that a fair and independent study of DoD-wide consolidation can be conducted.

#### Fort Meade - Kimbrough Hospital

Maintaining Kimbrough at full hospital status is essential to providing adequate medical services to the National Capital Region. Kimbrough provides both cost-effective and top quality patient care to the Fort Meade area which continues to grow. Downsizing Kimbrough will not save money as the Army originally asserted, but according to a recent cost analysis performed by the Army Medical Command will actually cost approximately \$3 million per year.

We contend that maintaining Kimbrough at full hospital status is the most expeditious way to provide timely and quality service to the active duty and retired military personnel and their families in the National Capital Region.

Naval Medical Research Institute - Bethesda

Finally, we fully support the relocation of the Infectious Diseases, Combat Casualty Care and Operational Medicine Programs to the new Walter Reed Army Institute for Research in Forest Glen, Maryland. However, we disagree with the proposed relocation of the "manned diving" research component to Panama City, Florida.

This would disrupt a highly integrated research program and abandon unique research facilities such as the Hydrogen Gas Research and Diving Tanks. This view is also supported by the Head of the Deep Submergence Branch for the Navy, who raises concerns regarding the adequacy of existing facilities, staffing, and operation and maintenance funding at Panama City to support the additional requirements of the "manned diving" research.

In conclusion, I appreciate the opportunity to be here today and hope that you will not hesitate to let me know if I can provide any further information to you on any of these issues.

RICHARD J. DURBIN  
20TH DISTRICT ILLINOIS

AT-LARGE WHIP

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STATEMENT BY REPRESENTATIVE RICHARD J. DURBIN

TO THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

JUNE 13, 1995

Mr. Chairman, members of the Commission, thank you for the opportunity to meet with you today.

There are two important facilities which the Army has recommended closing or realigning that affect the citizens and communities I represent in the 20th Congressional District of Illinois. These facilities are the Aviation-Troop Command (better known as ATCOM) in St. Louis, and the Charles Melvin Price Support Center in Granite City. The Army's recommendation to close ATCOM and realign the Price Support Center does not fairly and accurately represent the military value of these facilities, and it exaggerates the resulting return on investment.

In the case of ATCOM, it is clear that the Army's recommendation is not based on military value, as shown by the Army's Management Control Plan and the final decision briefing for the Secretary of the Army. In fact, the Army provided no supporting documentation that its recommendation is based on military value, despite this Commission's request. The U.S. General Accounting Office found no documentation addressing the military value of leases, and even recommended that the Commission make a determination whether this represents a substantial deviation from the selection criteria.

The Army's recommendation to close ATCOM grossly exaggerates the number of civilian personnel and the savings that would result. The Army has stated that as many as 786 civilian personnel positions would be eliminated by closing ATCOM. However, the Army's finding is based on Army Stationing and Installation Plan data that exceeds Program Budget Guidance personnel authorizations, and on undocumented claims that almost all Mission Support, Area Support, and BASOPs positions could be eliminated over time. The actual number of civilian personnel positions that would be eliminated by closing ATCOM is 48, based on Program Budget Guidance personnel authorizations and Army data on Mission Support, Area Support and BASOPs position requirements.

The Army's recommendation to close ATCOM also exaggerates savings in annual overhead costs. The COBRA report which the Army used to recommend closing ATCOM showed a decrease in overhead costs of \$17.6 million. However, this estimate inappropriately included mission-related costs that would continue to exist even if ATCOM were closed. In fact, closing ATCOM would

that are now housed at the Price Center, plus the cost of housing and variable housing allowances for 164 families, which amounts to \$1.45 million per year. Third, the Army did not include the reimbursable amount they now receive from tenants, which amounts to almost \$1 million. Fourth, the Army did not include the cost of relocating or maintaining the following Price Center functions: The Ogden Air Logistics Center F-4 tooling; Defense Reutilization and Marketing; the Army Reserve Personnel Center; the Air Force Materiel Command; the Naval Air Warfare Center Detachment; the U.S. Marine Corps Reserve; the U.S. Department of Agriculture Farmers Home Administration; and others. In fact, the Army admitted to the Commission that it miscalculated the savings of realigning the Price Center over the implementation period by \$10 million -- from an original estimate of \$35 million to a revised estimate of \$25 million.

The Army also did not consider the impact of closing several Quality of Life facilities at the Price Center. These facilities include the Army Relief Agency; Family Housing; the child care center; the Base Exchange; the fitness center; the library; and other morale and welfare activities. These facilities are used by the large number of active duty and Reserve Force personnel in the St. Louis area, and by their families and retirees. No other installation in the area has the ability to replace these services.

In sum, Mr. Chairman and members of the Commission, the best alternative for the Army is not to close ATCOM or the Price Support Center. The best alternative for the Army is to establish an Aviation Command in St. Louis, retain SIMA in St. Louis and move it into the Federal Center, and retain the Price Support Center.

I appreciate the opportunity to speak with you, and I urge the Commission to reject the Army's recommendations concerning ATCOM and the Price Support Center.

PAUL SIMON  
ILLINOISCOMMITTEES  
LABOR AND HUMAN RESOURCES  
JUDICIARY  
FOREIGN RELATIONS  
BUDGET  
INDIAN AFFAIRS**United States Senate**

WASHINGTON, DC 20510-1302

June 12, 1995

Testimony of Senator Paul Simon  
before the  
Defense Base Closure and Realignment Commission  
345 Cannon House Office Building

Thank you for giving me the opportunity to address BRAC's consideration of military installations in Illinois. As you begin your final deliberations on the future of our nation's military infrastructure, I urge you to take a second look at the unique qualities and capabilities of the Illinois bases and units under consideration.

**SAVANNA ARMY DEPOT**

The recommendation by the Army to close the Savanna Army Depot Activity is seriously flawed. The Army underestimated the costs for this proposed closure, miscalculated the actual storage needs of our military, and has ignored the unique capabilities of Savanna.

In its review of the Army's base closure and realignment recommendations, the General Accounting Office (GAO) questioned the accuracy of data in the military value analysis for ammunition storage installations. In addition, the Savanna Army Depot Realignment Task Force estimates that the total cost of closing Savanna Army Depot and moving the U.S. Army Defense Ammunition Center was underestimated by \$50 million. These cost discrepancies must be addressed by BRAC before action is taken on our nation's ammunition storage installations.

The Department of Defense's Integrated Ammunition Stockpile Management Plan, which led to the proposed Savanna closure, is not viable. The integrated plan fails to accurately identify the redistribution costs of our country's stockpile at a time when a large portion of our ammunition inventory is inaccurately catalogued. In addition, the Wholesale Ammunition Stockpile Program (WASP) actually supports the retention and continuation of all ammunition storage installations. Given these contradictory recommendations, BRAC should carefully review our nation's ammunition storage needs. The Army has underestimated our ammunition inventory requirements.

The Army also ignored the unique aspects of Savanna in its overall analysis. Savanna had the highest outloading rate of any

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ammunition depot during the Persian Gulf War. Closure of Savanna will result in the closure of our most efficient depot. Unlike other depots, Savanna offers the Army excellent access to rail service and shipping centers. These geographical assets cannot be duplicated and are very necessary should our nation need to mobilize its military forces.

Savanna Army Depot Activity should not be closed. The Secretary of Defense substantially deviated from BRAC's established criteria and this fact cannot be overlooked.

#### CHARLES MELVIN PRICE SUPPORT CENTER

The Department of Defense's recommendation on the Charles Melvin Price Support Center should be overturned. The Army substantially deviated from BRAC's criteria with a flawed rationale, an understated military value, and inaccurate cost and savings projections.

Price was recommended for realignment because of the Army's supposedly related recommendation to close the Army's Aviation Troop Command (ATCOM) in St. Louis. The problem with this recommendation is that the activities at Price do not revolve around ATCOM's activities. ATCOM is not the primary user of Price. ATCOM represents only 17 percent of the family housing at Price, four percent of the transportation workload, 21 percent of the administrative space, none of the covered warehouse space, .1 percent of the enclosed warehouse space, and none of the open storage space. Clearly, Price's fate should not be tied to that of ATCOM.

The Army ignored the location of Price and its attractiveness to many other defense activities in properly calculating Price's military value. Price is located within ten miles of six major interstate highways, has rail access to the second largest railhead in the U.S., is located on the country's largest inland waterway, is 15 miles from the St. Louis airport, and is 25 miles from Scott Air Force Base. While the Army made the realignment recommendation on Price, it failed to recognize that the Navy, the Defense Contract Management Agency, and the U.S. Coast Guard are all interested in locating activities at Price. Price is truly a multi-service base.

Furthermore, the Army's COBRA analysis of Price's activities is inaccurate. The Army underestimated the annual savings from realigning Price by almost \$3 million a year, and failed to account for the cost of relocating eight tenants of Price. If anything, Price is positioned to expand and take on more of the Department of Defense's workload.

#### O'HARE AIR FORCE RESERVE STATION

BRAC recently decided to add the O'Hare Air Force Reserve

Station to its list for consideration. While I understand the economic benefits that will accrue to the City of Chicago if this base is closed, the Air Force Reserve unit based at O'Hare should remain active and based in Illinois.

Demography is very important in recruiting and maintaining quality personnel in our armed services. With the Reserves, demography is even more important. Reservists are directly tied to their local communities. When these ties are broken, the readiness of these units is adversely affected. Illinois offers the Air Force a rich demographic base to attract all types of military occupation specialties. Moving the 928th Airlift Wing out of Illinois would severely affect the units readiness. If BRAC recommends to disestablish the 928th, they would be recommending to disestablish one of the Air Force's top C-130 Reserve units. The Air Force considered closing the O'Hare base during its internal deliberations this winter. It decided it was not worth eliminating a quality unit. A better alternative would be to relocate within Illinois both the Air Force Reserve and the Air National Guard units based at O'Hare within Illinois. Several communities in Illinois have expressed an interest in welcoming these units.

BRAC has an opportunity with its consideration of the O'Hare Air Force Reserve Station to make the world's busiest airport more efficient while at the same time preserving one of the country's top Air Force Reserve units. I urge you to closely consider this option.

SENATOR PAUL SIMON  
ILLINOIS



# FAX COVER PAGE

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**SAM M. GIBBONS**

11th DISTRICT, FLORIDA

*Congress of the United States*

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BARBARA TOFFLING  
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**Statement of  
The Honorable Sam M. Gibbons  
Before  
The Defense Realignment and Base Closure Commission  
Regarding MacDill Air Force Base, Florida**

**June 13, 1995  
216 Hart Senate Office Building  
Washington, D.C.**

Mr. Chairman and Members of the Commission, thank you for the opportunity to appear before you today.

I want to address an issue which, when the facts are laid on the table, is one of the least difficult decisions you will have to address during your deliberations. I'm talking about MacDill Air Force Base, Florida, and the MacDill Airfield.

As you know, MacDill Air Force Base is unique among Department of Defense installations. It is the only installation home to two joint unified commands from which their national command authority missions are directed.

Today I want to address the Department of Defense's two recommendations for MacDill Air Force Base which enjoy my full support.

The Department recommends redirecting the retention of the MacDill airfield as part of MacDill Air Force Base with the Air Force continuing to operate the runway and its associated activities. The Department of Commerce should remain a tenant.

You have heard testimony given by the Commander of the United States Special Operations Command, General Wayne Downing, and the Deputy Commander in Chief of the United States Central Command, Lt. General Butch Neal, and both have told you of their requirement for airfield support at MacDill. Without access to the airfield, their critical missions cannot be carried out. Additionally, former Deputy Secretary of Defense, John Deutch, and Chairman of the Joint Chiefs of Staff, General John Shalikashvili, have both also testified to the validity of the airfield requirements of USSOCOM and USCENTCOM. The Air Force Chief of Staff, General Ron Fogleman, has acknowledged the Air Force must provide the support required by the two commands. Because these support requirements comprise the vast majority of airfield

Page Two - Congressman Sam Gibbons

operations, it is more efficient and just makes sense for the Air Force to operate the airfield from the existing active duty support base at MacDill Air Force Base. (Internal Air Force studies found that the only airfield capable of supporting the two commands' requirements is the MacDill airfield.)

I fully support this recommendation as do the Department of Commerce, local political leaders and residents of the Tampa Bay area. Once your approval of the Department of Defense's recommendation is given, we can once again bring stability to the men and women stationed at MacDill Air Force Base and their families.

The second recommendation you have to consider is the transfer of the 43rd Air Refueling Group, a KC-135R tanker unit at Malmstrom Air Force Base, Montana, to MacDill.

The Force Structure Review found a shortage of air refueling units in the Southeastern United States, where 27% of the demand lies but only 9% of the assets are based. Compare that to the Northern region having a 5% demand but 15% of the assets. This, along with the Secretary of Defense's direction to the Air Force to support the Joint Unified Commands' needs at MacDill, creates an opportunity to relocate a tanker unit from the asset-rich Northern area to the asset-starved Southeastern area. The location, infrastructure and physical plant at MacDill make it an ideal location for the beddown of tanker aircraft. Furthermore, the transfer of the refueling unit from Malmstrom Air Force Base to MacDill is not only strategically sensible, but will also enhance the cost-effectiveness of the MacDill airfield.

The most important criterion used in your deliberations is military value. MacDill's military value is unquestionable. In this post-Cold War era when regional threats are our focus, MacDill is a unique component of our new force structure. During Operation Desert Shield/Desert Storm, USCENTCOM provided the unified command structure out of MacDill. Over 2000 sorties were staged from MacDill in support of the mission. The Joint Communications Support Element was deployed from MacDill as USCENTCOM's communications arm. For the action in Somalia, USCENTCOM and USSOCOM provided command infrastructure and trained personnel. And again last year, because of MacDill's large ramp and strategic location, the base was used to stage over 50 C-130s carrying heavy equipment for a planned invasion of Haiti.

Adding a tanker unit can only enhance MacDill's military value. In fact, its military value, strategic location, exceptional infrastructure and ability to absorb additional missions mean MacDill can accommodate the tanker transfer and any other transfer of units or aircraft looking for a new home. They would all be welcomed as the military has been welcomed by the Tampa Bay community since 1939.

I feel confident that the Commission, too, will come to the conclusion that MacDill Air Force Base and its active airfield are unparalleled assets, critical to our national defense. Thank you for your time.

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11th DISTRICT, FLORIDA

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**STATEMENT OF  
REPRESENTATIVE DAVE WELDON (FL-15)  
BEFORE THE BASE REALIGNMENT AND  
CLOSURE COMMISSION**

**JUNE 12, 1995**

I AM PLEASED TO HAVE THE OPPORTUNITY TO APPEAR BEFORE YOU AGAIN TODAY TO DISCUSS THE IMPORTANCE OF THE 301ST AIR SEA RESCUE SQUADRON AND ITS PERMANENT LOCATION AT PATRICK AIR FORCE BASE.

ON SEVERAL OCCASIONS SINCE MY ELECTION IN NOVEMBER, I HAVE PRESENTED ARGUMENTS BEFORE THE BRAC, SETTING FORTH WHY IT IS IMPORTANT THAT THE 301ST REMAIN AT PATRICK. I WAS PLEASED WHEN THE SECRETARY RECOMMENDED THAT THE 301ST BE PERMANENTLY STATIONED AT PATRICK AIR FORCE BASE. THIS IS GOOD FOR THE MILITARY, FOR THE MEMBERS OF THE 301ST RESCUE SQUADRON, OUR LOCAL COMMUNITY, AND THE U.S. TAXPAYERS.

IN AN ERA OF RESTRAINED FEDERAL SPENDING, AND WITH A NEED TO STRETCH EVERY DEFENSE DOLLAR AS MUCH AS POSSIBLE, LEAVING THE 301ST AT PATRICK SIMPLY MAKES GOOD SENSE. NEARLY NINETY-NINE PERCENT OF THE MISSIONS UNDERTAKEN BY THE 301ST TAKE PLACE AT OR NORTH OF PATRICK. ALSO, PATRICK IS MORE CENTRALLY LOCATED THAN HOMESTEAD, MAKING TRAVEL TO OTHER MILITARY BASES THROUGHOUT FLORIDA FASTER AND LESS COSTLY.

THE PRIMARY PEACETIME MISSION OF THE 301ST IS SPACE SHUTTLE AND SPACECRAFT LAUNCH SUPPORT. THE CLOSE PROXIMITY THAT PATRICK AFB OFFERS WILL BEST SERVE THIS NATIONAL INTEREST.

AS CLEARLY STATED IN THE RECOMMENDATIONS OF THE SECRETARY OF DEFENSE, KEEPING THE 301ST AT PATRICK WILL HELP THE MILITARY AVOID ADDITIONAL COSTS ASSOCIATED WITH EXPENSIVE TEMPORARY DUTY ARRANGEMENTS, EXTENSIVE SCHEDULING DIFFICULTIES, AND THE DISLOCATION OF THE UNIT'S MISSION FROM ITS BEDDOWN SITE. THE SECRETARY ESTIMATES A SAVINGS OF \$1 MILLION A YEAR BY KEEPING THE 301ST AT PATRICK. THIS IS THE BOTTOM LINE.

ALL AREAS OF OUR FEDERAL BUDGET ARE UNDER CONSIDERABLE PRESSURE, AND WE MUST TAKE ALL THE STEPS WE CAN TO REDUCE COSTS. THIS WILL GENERATE AN ANNUAL SAVINGS OF \$1 MILLION, SAVINGS THAT CAN BE PUT TO USE IN OTHER AREAS OF OUR DEFENSE BUDGET.

FINALLY, BUT NOT LEAST, THE VAST MAJORITY OF THE RESERVISTS AND FULL-TIME EMPLOYEES OF THE 301ST ARE RESIDENTS OF CENTRAL FLORIDA. THESE MEN AND WOMEN AND THEIR CHILDREN ARE AN IMPORTANT PART OF OUR COMMUNITY AND ADD TO THE PRIDE AND PRESTIGE OF THIS AREA.

THEY CONTRIBUTE TO THE WELL-BEING OF OUR LOCAL ECONOMY. OUR COMMUNITY HAS SUFFERED IN RECENT YEARS DUE TO DEFENSE DOWNSIZING AND THE REMOVAL OF THE 301ST WOULD BE ANOTHER SETBACK FOR OUR LOCAL ECONOMY. BUT, MORE IMPORTANTLY, THEY CONTRIBUTE TO THE IDENTITY AND REPUTATION OF OUR PROUD COMMUNITY. THEIR REMOVAL WOULD GO BEYOND ECONOMIC LOSS. IT WOULD BE AN UNFORTUNATE DISRUPTION FOR THE FAMILIES OF THE 301ST AND THE COMMUNITY THAT HAS BEEN THEIR HOME.

OUR LOCAL COMMUNITY HAS OPENED ITS ARMS TO THE 301ST AIR SEA RESCUE SQUADRON AND THEIR FAMILIES. THIS COHESIVENESS BETWEEN THE UNIT AND THE COMMUNITY CONTRIBUTES IMMEASURABLY TO MISSION ACCOMPLISHMENT AND THE QUALITY OF LIFE OF OUR SERVICE MEN AND WOMEN.

IN SUMMARY, I'M PLEASED WITH THE SECRETARY'S RECOMMENDATION AND ENDORSE IT FULLY. IT IS IN THE BEST INTEREST OF THE MILITARY, THE TAXPAYERS, THE LOCAL COMMUNITY, AND THE FAMILIES INVOLVED.

AGAIN, THANK YOU FOR THIS OPPORTUNITY TO SPEAK ON BEHALF OF MY CONSTITUENTS.

STEPHEN HORN  
38TH DISTRICT, CALIFORNIA

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June 13, 1995

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The Honorable Alan J. Dixon  
The Base Closure and Realignment Commission  
1700 North Moore Street  
Suite 1425  
Arlington, Virginia 22209

Dear Chairman Dixon:

I am writing to address several issues which are crucial to the deliberations the 1995 Defense Base Closure and Realignment Commission will soon be undertaking concerning the potential closure of naval shipyards. As you are aware, The Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) and subsequent changes made by the Congress (Public Law 102-311 and Public Law 102-484) were designed to provide a fair and impartial process for the timely closure and realignment of domestic military installations. Under the provisions of this legislation, specific criteria were established under which the Department of Defense recommends a military installation for closure. The law specifically states that these recommendations must be based on the future force structure plan and preestablished final selection criteria.

Public Law 101-510 specifically states that the Defense Base Closure and Realignment Commission can make changes in the recommendations made by the Department of Defense only if the Commission determines that the Secretary deviated substantially from the future force-structure plan and final selection criteria. (See Attachment A, Sec. 2903 (d)(2)(B) and (C) of Public Law 101-501.)

It has been proven conclusively that in recommending Long Beach Naval Shipyard for closure, the Department of Defense substantially deviated from the future force structure plan and the preestablished final selection criteria. A summary of the evidence and rationale for this conclusion is presented in Attachment B.

**If the Commission concludes that the Department of Defense substantially deviated from the criteria established in Public Law 101-510 then, under this law, this consideration, and this consideration alone, is sufficient grounds to change the Secretary of Defense's recommendation.**

Representatives of the City of Long Beach and I have had several meetings with Commission staff where we have presented the arguments which prove that there has been substantial deviation. It is my belief that Commission staff is generally in agreement with our position. However, there seems to be a concern that since so much overcapacity exists, some closures will have to occur.

In this regard, the technical case to keep the Portsmouth Naval Shipyard open appears to rest heavily on nuclear issues, rather than on the future force structure plan and the preestablished final selection criteria. Based on the criteria established in Public Law 101-510, if overcapacity considerations argue for the closure of a naval shipyard, the data clearly favor keeping the Long Beach Naval Shipyard open. In addition, closing the Portsmouth Naval Shipyard has a much greater effect on reducing excess capacity. Based on the data presented by Commission staff at the Commission "add" hearing on May 10, 1995, public naval shipyard nuclear excess capacity is currently 37 percent; conventional non nuclear excess capacity is 16 percent.

Closing conventional shipyards such as SRF Guam and the Long Beach Naval Shipyard does not change the Navy's excess capacity at nuclear shipyards. That remains untouched at its current level of 37 percent. However, this closure would result in a shortage of non nuclear shipyard capacity of minus 17 percent. The irony is that with the exception of a few aircraft carriers and submarines, the Navy's future ships will be conventionally powered. In brief, the future of the Navy seems to be non nuclear. Closing SRF Guam and the Portsmouth Naval Shipyard would reduce nuclear excess capacity to 14 percent, and reduce non-nuclear excess capacity to 7 percent (See Attachment C, the bar charts prepared by Commission staff).

**Thus, in terms of attaining the objective of reducing excess capacity, if one of these shipyards has to be closed, the numbers show that the Commission should close the Portsmouth Naval Shipyard.**

On another related but relevant issue, it is my understanding that a primary consideration in the decision not to close McClellan Air Force Base in 1993 was the cost of environmental clean-up. Moreover, the presentation made by community representatives at the Wednesday, May 24, 1995 regional hearing heavily emphasized the high cost of environmental restoration in the case to keep McClellan Air Force Base open.

As you are aware, legislation and the Department of Defense guidelines preclude consideration of the costs of environmental clean-up in the installation closure decision making process. **However, if the potential environmental clean-up costs are used as a justification not to close any one particular installation, these criteria should be applied equally to all other installations being considered for closure.**

I would like to make one final comment. It appears that many of the actions in defense of the Portsmouth Naval Shipyard may have been driven by the upcoming New Hampshire Presidential Primary, as opposed to the criteria established by Public Law 101-510. A month before the base closure recommendations were made by the Secretary of Defense, President Clinton publicly stated that he did not believe the Portsmouth Naval Shipyard would be on the list of installations recommended by the Navy and the Department of Defense for closure. More recently, the President spoke over four New Hampshire radio stations as follows: "I support the Secretary of Defense's recommendations and I believe that they will be upheld."

The Navy sent its most senior officials to the Portsmouth site visit and regional hearing. Included were Assistant Secretary of the Navy for Installations and Environment Robert B. Pirie, Jr.; Chief of Naval Operations Jeremy M. Boorda; Director of Naval

Reactors Admiral Bruce DeMars; and the Commander of the Naval Sea Systems Command, Vice Admiral George Sterner. This is unprecedented. Never in the history of the base closure process have such senior members of any military service attended a site visit and regional hearing for the express purpose of advocating that a particular installation remain open.

**I am confident that the Commission will do all it can to assure that any decisions made regarding the closure of either the Portsmouth or the Long Beach Naval Shipyard will be fair and impartial -- and made outside of the political arena -- in accordance with the procedures established in Public Law 101-510. The injection of politics at the highest level is, I believe, unfortunate and has made more difficult the already considerable challenge of convincing affected communities that political considerations are not a factor in the BRAC decision making process. Your efforts to assure the integrity of the process are appreciated.**

Thank you for considering these very important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve", written over a large, stylized letter "S".

Stephen Horn  
U.S. Representative

## ATTACHMENT A

### SEC. 2903 (d)(2)(B) and (C) of Public Law 101-510

*"(B) Subject to subparagraph (C), in making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if the Commission determines that the Secretary deviated substantially from the force-structure plan and final criteria referred to in subsection (c)(1) in making recommendations.*

*"(C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission-*

*"(I) makes the determination required by subparagraph (B);*

*"(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1);*

*"(iii) publishes a notice of the proposed change in the Federal Register not less than 30 days before transmitting its recommendations to the president pursuant to paragraph (2); and*

*"(iv) conducts public hearings on the proposed change."*

## ATTACHMENT B

### LONG BEACH NAVAL SHIPYARD

#### Examples of Where the Navy/Department of Defense Substantially Deviated from the Future Force Structure Plan and the Prestablished Final Selection Criteria

1. The Navy predetermined the fate of the Long Beach Naval Shipyard (Long Beach NSY).
  - Shifting critical workload away.
  - Ignored a \$100 million offer by the Port of Long Beach to consolidate facilities from the Naval Station for Shipyard convenience. Why?
  - Studied feasibility of bringing a floating drydock from Hawaii to San Diego (The Machinist).
  - Never included the Long Beach NSY in the Regional Maintenance Center concept, but did include the Puget Sound and Pearl Harbor Naval Shipyards.
  - Has postponed the transfer of surplus Naval Station property from BRAC 91 to BRAC 95. Is there a connection?
2. The Navy states future uncertainties of the force structure prevent the closure of the Portsmouth Naval Shipyard (Portsmouth NSY).
  - Public Law 101-510 clearly states that the force structure plan for fiscal years 1995 through 2001 be the basis for making recommendations for base closures and realignments.
  - The Navy argues, that the uncertainty of the future submarine force (including future proposed new construction) including beyond 2001 is a valid and essential consideration.
  - This is clearly outside the future force structure plan parameters established by Public Law 101-510.
3. Using the new force structure as the reason not to need Drydock #1.
  - In BRAC 1991 and BRAC 1993, the Navy stated that Drydock #1 was essential for conventional aircraft carrier (CV) and nuclear aircraft carrier (CVN) emergent docking on the west coast.
  - Additionally, in BRAC 1991 and BRAC 1993 the Navy stated unequivocally that it could not fulfill its Pacific Fleet mission requirements without Drydock #1.
  - There are still twelve aircraft carriers in the Fleet with six homeported in the Pacific area.
  - The percentage of large deck ships in the new force structure is increasing.
  - Drydock #1 is one of two drydocks on the entire west coast capable of docking EVERY SHIP IN THE NAVY including CVNs and submarines. Once this asset is lost, its lost forever.
4. The Navy used different economic data and thresholds in its analysis of installations considered for closure.
  - The Office of the Secretary of Defense guidance in the BRAC process stipulates that economic impact is to be assessed at the economic area level (metropolitan statistical area or county).
  - The Navy evaluated the potential impact of closing the Long Beach NSY based on this criteria.
  - Four California installations were removed by the Navy due to cumulative total direct and

indirect job change, even though military value considerations presented them as viable candidates for closure.

- Long Beach's cumulative total direct and indirect job change is higher than three of these installations.
- Thus, the Navy applied economic impact criteria differently between the Long Beach NSY and the other four Navy installations. Again, the Navy/Department of Defense substantially deviated from the final selection criteria.

5. The Navy recommended the closure of the Long Beach NSY and not the Portsmouth NSY.

- The military value of the Long Beach NSY was higher than the Portsmouth NSY.
- The BRAC 1995 final selection criteria are weighted heavily toward military value.
- The Navy contends that nuclear issues significantly outweigh the established selection criteria, therefore the Portsmouth NSY should not be closed.
- This is a substantial deviation from the final selection criteria.
- Therefore, if the Portsmouth NSY remains open, the Long Beach NSY should also remain open due to substantial deviation in the final selection criteria.

6. The Base Structure Analysis Team (BSAT) developed data call scenarios, military value criteria and their evaluation criteria in a manner that was prejudicial and caused the Long Beach NSY to obtain lower scores.

- This accounts for the Long Beach NSY having a military value of 48.7 in 1993 and 38.04 in 1995.
- The Department of Defense did not establish new final selection criteria between 1993 and 1995. Thus, based on the final selection criteria, the relative rankings of the military value of shipyards should not have changed.
- Thus, there was a substantial deviation from the established final selection criteria.

7. The Navy used different and possibly non-existent selection criteria in its consideration of private shipyards on the east coast and the west coast.

- The Navy has stated on the record that regardless of whether technical capabilities or capacity exist, the private sector on the east coast can not and should not absorb transferred workload from east coast public shipyards. Ironically, both Newport News and Electric Boat have the capability and capacity to handle any transferred workload from the Portsmouth NSY.
- The Navy contends that it is acceptable for the majority of the Long Beach NSY's transferred workload to be absorbed by the west coast private shipyards. However, the small private shipyards on the west coast do not have the capability to handle large deck ships.
- The 1995 BRAC process does not list the quantitation of private sector capabilities as a part of the final selection criteria.

8. The Navy badly underestimated the cost of closure (\$74.53 million).

- The Navy's cost of closure budget submitted to Naval Sea Systems Command (NAVSEA) is \$433 million. Some sources have indicated that NAVSEA considers this estimate to low.
- Over \$500 million of additional workman's compensation costs over a 20 year period were not included.

- Thus, the cost of closure is understated by \$858 million. If the costs of homeporting CVNs at North Island as opposed to the Long Beach NSY are properly calculated and included, Long Beach NSY closure costs may exceed \$1 billion.
9. The Navy calculates a 20 year Return on Investment of at least \$1.948 billion. The Navy says this is due to workload shifting to other shipyards. Independent estimates, based on the workload planned for the Long Beach NSY for fiscal years 1996 through 2001, show that performing this work at other locations will cost about \$450 million less than at the Long Beach NSY. The result is a break even point of about 40 years rather than the Navy's claim of an immediate return on investment. The workman's compensation included in the Long Beach NSY costs, which must be paid whether the Long Beach NSY closes or not, will wipe out the \$450 million savings.
10. The data call scenarios and military value criteria established by the BSAT included many factors intended to address nuclear issues. Yet, the Navy now argues that the nuclear issues alone are sufficient grounds to keep the Portsmouth NSY open and close the Long Beach NSY. The Navy now contends;
- No nuclear shipyard should be closed.
  - All non-nuclear work can be done in nuclear shipyards, but nuclear work can only be done in nuclear shipyards.

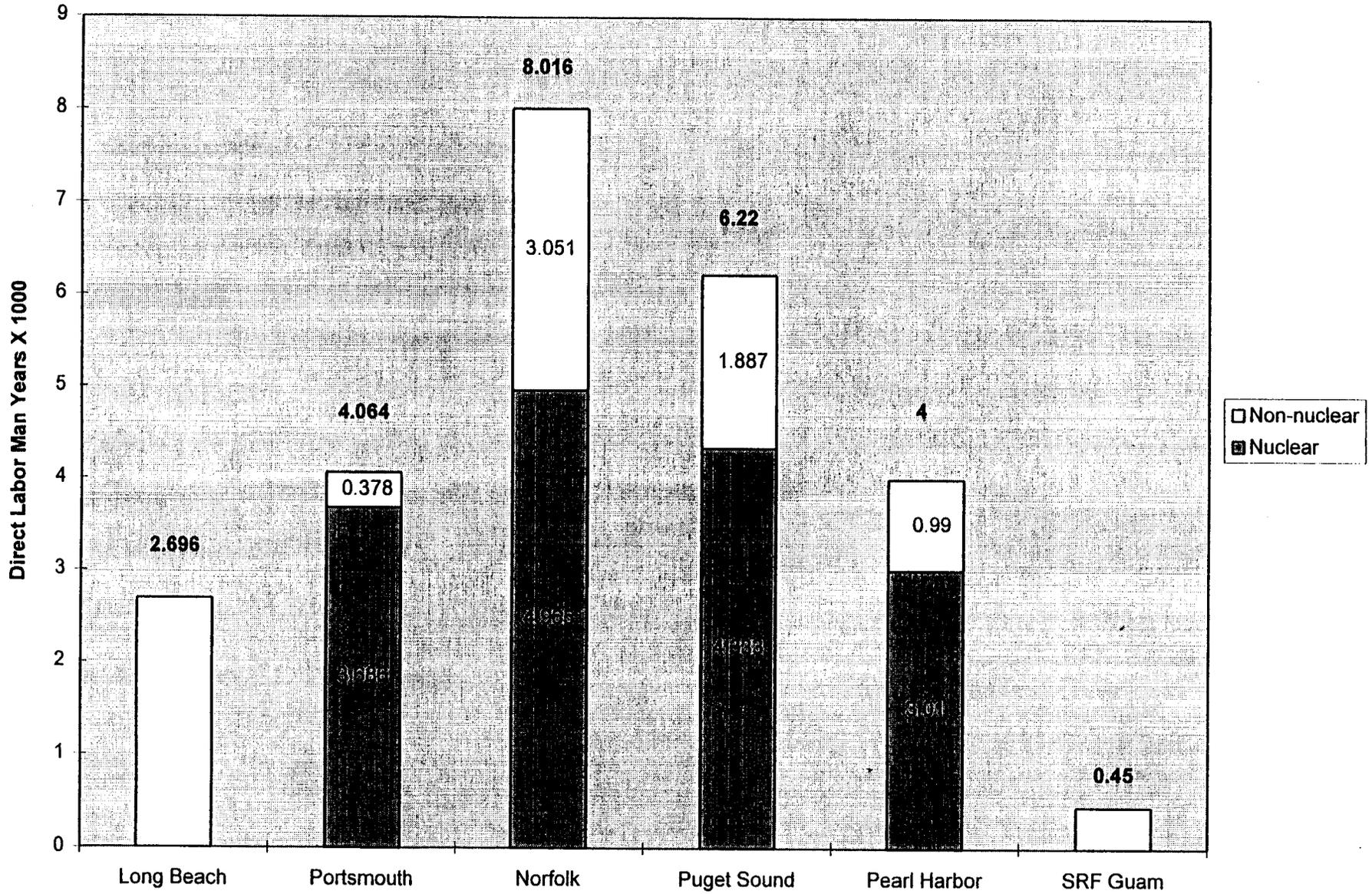
However

- Nuclear issues always seem to be unclear. The facts are that the only components on any nuclear ship that are "nuclear" are the reactor compartment, the cooling systems, and the propulsion systems. Nuclear certification is required to work on these, and only these components.
- It is estimated that 85% of a nuclear ship work package is conventional work and can be done in non-nuclear shipyards.
- The Long Beach NSY with its nuclear certified drydock could work on any nuclear ship with the assistance of tiger teams from a nuclear shipyard.

#### **IS THE BRAC COMMISSION PREPARED TO;**

- Balance the true cost of keeping this strategic waterfront ship repair facility against the unknown future needs of our Navy and our national defense.
- Lose the capability and the strategic location of the Long Beach NSY's Drydock #1. Once closed, Drydock #1 will be lost forever.
- Close the one public shipyard that complied with Department of Defense guidance to install more efficient management, right-sized, and has returned money to the taxpayer six years in a row. Long Beach NSY is the only public shipyard operating in the black. What kind of a message does this send to other federal facilities that are attempting to become more efficient to ensure their long-term survival.

**Naval Shipyard Maximum Potential Capacity: Individual Shipyards  
FY 2001**



Source: Navy Certified Data

# Excess Naval Shipyard Capacity FY 2001

in Various Scenarios

