

2005

To whom it may concern, Aug. 7, 2005

Please forgive the informality of my letter. I applaud the work that this commission and commissioners are doing. President Bush appointed commissioners who are taking the BRAC round seriously.

My letter is regarding the problems at NAS OCEANA. I will be as concise as possible. I am a FERVENT OPPONENT of this air station and will briefly explain why. The "SILENT MAJORITY" must speak out now much to the chagrin of the "intense" lobbying of the few who would have this commission believe we are but a few people "gripping" about a little noise. Much too the contrary! This BRAC look at closing NAS OCEANA as given hope to those of us who are begging for the FACTS on decibel levels, CRASH zone risks, low flying Hornets over

our children's schools and playgrounds etc... to finally be addressed in a serious and thoughtful manner.

I have watched and listened in "horror" as Hornets fly over my 6 year olds' school. We are NOT in an "ENCROACHMENT" AREA. I want that fact to be known! I could see the pilot's silhouette as his low flying supersonic jet flew over our children playing. We parents had to stop talking - we could not hear each other even though we were at arms length away from each other. I like any other mother am very concerned about my child's welfare. My son can not sleep many nights until Hornet training is over - it can go on as long as 11:00 - 11:30 pm. This has become a daily and nightly issue. The Hornets (I don't believe!) ~~do~~ adhere to regulated flight patterns. which is troublesome in the evening when children go to bed on

School nights. I've called Oceana
about late night training and
had explained to the fellow in the
"ops" department - the intrusive
NOISE into my son's bedroom is
an outrage - when I asked about
the Noise of the "coming" SuperHomer
- he had the arrogance to
LAUGH !! - I resent that
immensely!!!

AM I NOT AN AMERICAN TAXPAYER?
This is a nuisance which 911 police
can not respond to.

We citizens are anxiously
awaiting the outcome from BRAC.
So this "PROBLEM" can finally be
put to rest. God Bless + Good Luck!
Thank you very much,

Chris Neal

A14

years in the...
a spokesman for the command
in Patuxent River, Md.

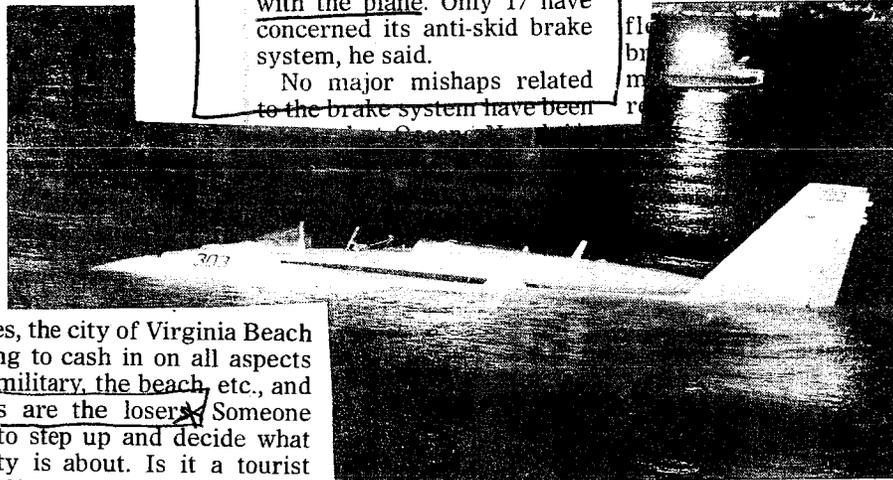
During that time, 3,000 haz-
ard reports have been filed
listing every type of problem
with the plane. Only 17 have
concerned its anti-skid brake
system, he said.

No major mishaps related
to the brake system have been

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3,000 Safety

THE VIRGINIAN-PILOT NATION THE VIRGINIAN-PILO



An F/A-18 jet
that skidded
off the runway
at North Island
Naval Air Station
in San Diego
is seen in this
Aug. 26, 2004,
file photo. The
primary fighter
jet for the Navy
and Marines has
suffered a series
of recent acci-
dents blamed on
brake failure.

RICHARD KASSLER FILE PHOTO/ASSOCIATED PRESS

■ Yes, the city of Virginia Beach
is trying to cash in on all aspects
of the military, the beach, etc., and
citizens are the losers. Someone
needs to step up and decide what
this city is about. Is it a tourist
town, a Navy town, a financial cen-
ter or a farming community?

Brakes: Premier warplane has experienced problem since 1990

Continued from Page A1... care not to chafe the cable... Officials acknowledge that

VIRGINIA BEACH, VIRGINIA
The Virginia Beach Guide Magazine has been assisting
tourists and locals in the world's largest resort city since 1958.

Please keep Oceana
Naval Station intact.

It is an integral
part of the economy
and life style of the
entire region,

Thanks,

Teresa & Tony Kalvaitis
6465 N. RIVER
GENEVA, OH 44041



VIRGINIA BEACH GUIDE,
1228 Ballentine Blvd., Norfolk, VA 23504
Printed by Liskey & Sons Printing, Inc., Norfolk, VA



AUG 11 2005

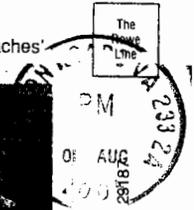
Received
BRAC

2521 SO. CLARK STR.
SUITE 600

ARLINGTON, VA

22202

VIRGINIA BEACH, VIRGINIA
A parasail glides peacefully along Virginia Beaches'
modern skyline.

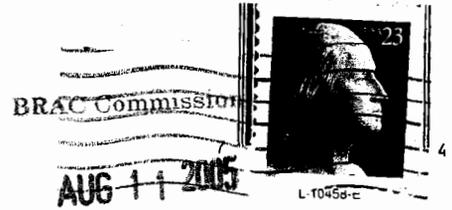


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(804) 229-3276

Close Oceana
Please - it's
AN ACCIDENT
waiting to
happen.

Thanks,

23462-8248



AUG 11 2005

Received

BRAC

2521 S. Clark St
Suite 600

Arlington, VA

22202

BRAC Commission

AUG 11 2005

received

Aug. 6, 2005

To BRAC Commission:

My son and nephew just built a five million dollar Ethan Allan store in Virginia Beach. The old store was also in Virginia Beach. I'm a retired pass president of same firm. The Oceana personel was part of the decision to build the new store. I realize you can't let one companies problem guide your decision but I believe Oceana's closing would have a disastrous affect on all of the Hampton Roads area. I think the law of eniment domain should be used to clear enough property to take care of the future needs. The noise factor should not be a reason to move the base. If enough land was cleared it would seem to me millions could be saved. For the sake of the areas economy, do not close Oceana.

Regards,

Clinton O. Crawford Sr.



clint@strato.net

8/6/05

Dear Sir/Madam.

I value the military and want Oceana to remain a
vital part of my community

BRAC Commission

AUG 12 2005

Received

Sincerely,
Frederick S Buxbaum
8658 Craneybrook Ln Apt A
Portsmouth Va
23703-1711

BRAC Commission

AUG 11 2005

Received

Aug. 8 '05

Dear BRAC Commission,

My husband and I & family have lived in the Oceana Base area for over twenty years and have enjoyed every day. The base has been a vital part of our lives. The exchange, commissary, clubs, bowling alley, swimming pool and youth activities (when our children were younger) have been enjoyed and used often. I could not imagine this area without the base.

There would be so many families moving, jobs would be scarce, real estate would go way down, schools would only be half full and very few would move here because of unemployment.

If another base was created

857 Camino Real North
Virginia Beach, Virginia 23456
August 6, 2005

BRAC Commission

AUG 11 2005

Received

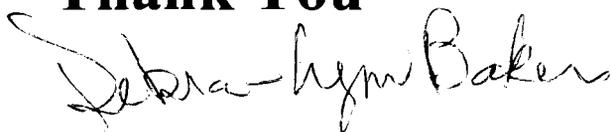
Please Close Oceana

Move Oceana to a more appropriate area.

**The SILENT MAJORITY OF PEOPLE
OF VIRGINIA BEACH DO NOT
WANT ANY MORE PLANES COMING
INTO THIS AREA. IT IS BAD
ENOUGH ALREADY AND KEEPS
GETTING WORSE EVERY YEAR.**

**OPPOSED TO OCEANA REMAINING
BUT A PATRIOTIC CITIZEN.**

Thank You

A handwritten signature in cursive script that reads "Debra-Lynn Baker".

Debra-Lynn Baker

23 Perez Way
Virginia Beach, Virginia 23456
August 7, 2005

BRAC Commission

AUG 11 2005

Received

TO; REALIGNMENT COMMISSION

GET OCEANA OUT OUT OF VIRGINIA BEACH

I FEEL COMPELLED TO WRITE NOT IN SUPPORT of Oceana in Virginia Beach.

There are so very many advertisements in newspapers, radio and television DEMANDING that the Commission be written that make it sound unpatriotic if you are not in support of Oceana in Virginia Beach.

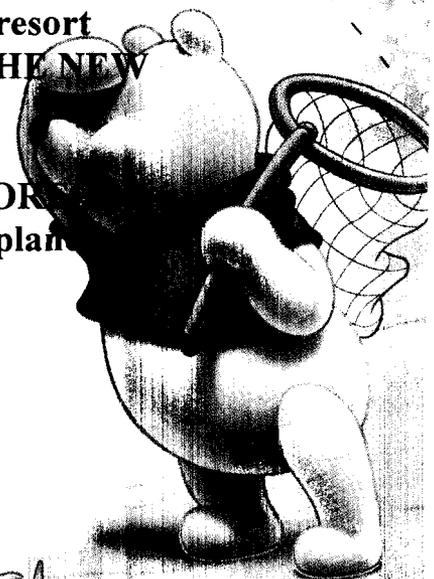
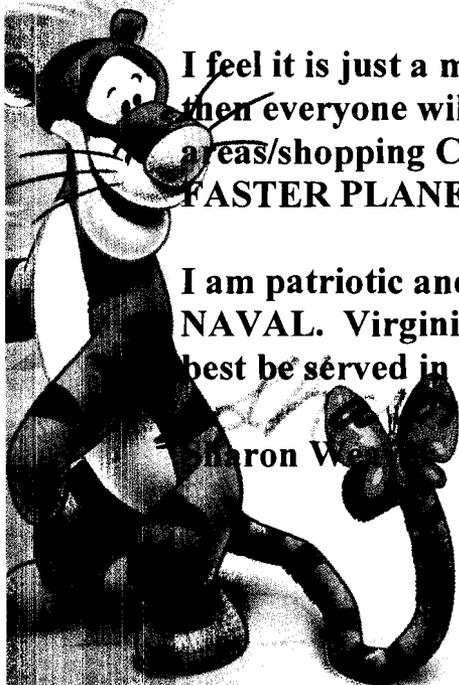
I believe there is a vast number of people who feel that Virginia Beach NO LONGER needs Oceana and for the GOOD AND SAFETY of both the Navy, Air Force and the people of Virginia Beach that it should be replaced.

VIRGINIA BEACH has become a resort area and no longer depends on Oceana for financial support. Perhaps due to poor planning by the City Council in the past they have ENCOURAGED BUILDING OF HOMES AND SHOPPING in direct path of the flight pattern. The Noise is a problem, BUT mainly it is a danger.

I feel it is just a matter of time before there is a MAJOR accident and then everyone will want to place blame, when actually homes/resort areas/shopping Centers ARE NOT COMPATABLE WITH THE NEW FASTER PLANES flying in the area.

I am patriotic and STRONGLY SUPPORT our troops and NOR NAVAL. Virginia Beach economy will survive and large fast planes best be served in other cities.

Sharon W



**857 Artesia Way
Virginia Beach, Virginia 23456
August 6, 2005**

BRAC Commission

AUG 11 2005

Received

Dear Realignment Commission:

Move Oceana OUT OF VIRGINIA BEACH

Virginia Beach is NO LONGER the place for large Jet landings and take-off's.

The City Of Virginia Beach has become too crowded for so many flights.

Oceana can better be served in an area AWAY from Shopping Centers and Resort areas.

Other areas and probably other States have areas that can accommodate the Noise, Dirt and Danger of crashes. Virginia Beach has become too populated for Oceana.

NORFOLK is close enough that the economy of both Norfolk and Virginia Beach can safely survive.

I feel that I am a member of the SILENT MAJORITY who feel that Virginia Beach has outgrown Oceana.

Patriotic Citizen

Artie Camunez

Artie-Marie Camunez

BRAC Commission

AUG 11 2005

Received

320 Lillian Ave.

Va. Beh. VA 23452

August 6, 2005

Dear Sirs:

My husband and I have lived in Va. Beh. for 45 years, as Oceana was his last duty station before he retired from the Navy.

Oceana is a vital part of what makes Hampton Roads great. Military families are our neighbors and friends.

To lose Oceana would not only be heartbreaking, but the economic impact could be devastating.

The BRAC process is authorized to create a greater efficiency in the Dept. of Defense. Spending a minimum of \$500 million to send Oceana's plane to bases that will require massive improvement is not a good deal for the American taxpayer.

We value the military and want Oceana to remain a vital part of our community.

Sincerely,
Paul A. + Christine S. Sayos

**James K. Gregory, Jr.
700 Oriole Drive 424B
Virginia Beach, Virginia 23451**

BRAC Commission

AUG 11 2005

Received

August 7, 2005

Base Realignment & Closure Commission
2521 South Clark Street Suite 600
Arlington Va 22202

Dear Sir:

I want to take this opportunity to inform you of how upset I am about the loud jet noise around the Oceana Naval Base. These Super Hornets are so loud that it is dangerous to live in Va. Beach.

Our Government Official and the Navy have lied about how loud the Supers Hornets are.

The Navy flies the Super Hornets over the people of Va Beach. **They cannot fly** over the Back Bay National Wild Life Refuge or the Pocosin Lakes National Wildlife Refuge because **Federal Regulations** will not permit it.

Please have an independent study to determine how loud the new Super Hornets are. You or one of your staff members are welcome to come to my home and test the noise level.

Please help us, and do not allow the remaining jets to come to Va Beach, Va without testing the noise level.

Sincerely Yours



James K. Gregory, Jr.
LtC VaARNG (Ret)
Area Manger Bank of America (Ret)

Past Member of:

August 8, 2005

2005 BRAC Commission
2521 South Clark Street
Suite 600
Arlington VA 22202

BRAC Commission

AUG 11 2005

Received

Chairman Principi, Members of the 2005 Commission:

As regards the issues concerning NAS Oceana in Virginia Beach I add my voice to those advocating the realignment of that facility. Testimony from elected officials of the state and city notwithstanding it is my opinion that NAS Oceana cannot be preserved in its present form.

One of the commission's own members, retired General James Hill, pointedly observed that there is "...no other place that's more encroached on." Promises from the Virginia Beach city council to "do better" aside, wishful thinking will not undo the decades of irresponsibility that allowed this situation to develop. A cursory examination of past pledges from city officials regarding further encroachment on the base reveals an unwillingness to resist the siren song of developers' dollars. There is no demonstrable reason to believe that today's promises will be any more honored than yesterday's.

The city council of Virginia Beach has a long history of ignoring the Navy's recommendations regarding development around the base, stretching all the way back to the construction of Lynnhaven Shopping Mall. Several more recent examples include approval of a new apartment complex and a condominium project which, according to Oceana's commanding officer, Captain Tom Keeley, "...lies under the flight path of one of the base's busiest runways." Clearly the Virginia Beach city council is more concerned with development and tax revenue than in protecting Oceana from additional encroachment. The recently completed Joint Land Use Study should be viewed with the utmost skepticism, especially when considered in light of the fact that the Navy has virtually disavowed the conclusions contained in the study.

The unrelenting encroachment on NAS Oceana has produced an environment that is unsafe for both residents and pilots, and is unquestionably a nightmare scenario waiting to happen. In addition to safety issues are the impacts on pilot training. While the Navy has testified to the commission that the situation is tolerable and basically has characterized it as a minor inconvenience, many public statements from the service rebut that testimony. On several occasions the Navy publicly has stated that its pilots cannot train "properly" at NAS Oceana due to flight path and altitude adjustments adopted to mitigate noise. The Navy cannot "have it both ways" — either training at NAS Oceana is adequate or it is not.

Although this 2005 BRAC commission stated that noise was not an issue when considering NAS Oceana it *is* an issue for thousands of residents of both Virginia Beach and Chesapeake. Several studies have made connections between noise levels and adverse health effects, such as high blood pressure and sleep deprivation to mention just two. And while noise is not a primary consideration when debating the future of Oceana, it ought at least to be *one* of the considerations.

I realize the Navy has testified that currently NAS Oceana is “irreplaceable,” and that ideally the service wants a new, “ground up” base for the 21st century. I submit that that idea potentially is coloring the Navy’s assessment of the base. That is, a move from Oceana to a more suitable location now may affect the Navy’s future ability to argue its case for the need for a brand new facility.

Ultimately, NAS Oceana — in its present form — and the city of Virginia Beach have reached an impasse that cannot be resolved with simple, empty promises to control further encroachment. What has been done in the past cannot be undone without significant sums of money, sums which are difficult both to appropriate and justify. NAS Oceana — in its present form — can no longer effectively fulfill its mission, to the detriment of those it is tasked with training and national security. The best solution would be to realign Oceana, assigning its fighter squadrons to a more suitable location and utilizing the base for training missions more adapted to a base sited in the midst of a state’s most populous city. The safety and well-being of pilots and citizens alike demands such a response to the issues surrounding NAS Oceana.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Wickert". The signature is fluid and somewhat stylized, with the first letters of the first and last names being capitalized and prominent.

Ronald Wickert
441 Carnegie Road
Virginia Beach VA 23452

8 Aug 2005

BRAC Commission

To: BRAC Commission

AUG 11 2005

From: Captain D. J. Franken, USN (Ret)

Received

1. I wish to express what may be an unpopular, but prudent course of action on NAS OCEANA. It should be closed.
2. These suggestions are from the perspective of one who spent thirty-five years on active Navy duty, with many deployments on carriers in and out of Norfolk, in squadrons that were home-based at NAS OCEANA. My first duty at OCEANA was in 1966, and my last assignment there ended during 1992. I will skip telling you how much things have changed.
3. I also have first hand experience with BRAC and related matters, as I was the Commanding Officer of NAS Norfolk during 1994-1996. I had to close its NADEP with thousands of employees, executing earlier BRAC decisions. I'm also quite familiar with OCEANA's BRAC history, especially vis-à-vis Florida, and decisions regarding Cecil Field. Finally, my family, home, and quality of life is not directly impacted, day in and day out by Oceana flight Operations. I look for a solution motivated by what is best for our country.
4. Encroachment, quality of life for Virginia Beach residents, revenue for the region -- all big issues. The greatest imperative though, as you know, is national security. **The ability to train and maintain war fighters at a top tier of readiness is the over-riding imperative.** We especially need this in order to support Navy's nascent operational set of concepts for achieving and maintaining a higher overall level of total force availability. To achieve this requires continual training -- readiness sustenance for the majority of the force -- more critical now than ever before for our national security. For this, OCEANA is a poor long term choice, and even worse with JSF soon becoming operational. Beyond the continued attenuation of flight profiles, hours, restrictions, etc., and the ever-increasing impact on the quality of life on a city of half a million people, there's a persistent too high probability of a catastrophic aircraft accident. An accident in which an aircraft crashes into a residential community, a shopping mall, a

condominium, school, or other heavily populated site. Then, all will demand to know why we were operating jets so near in the first place.

5. With BRAC goals to reduce DOD infrastructure and associated costs, it makes little sense to be exploring an OLF for Oceana jets to practice landings (or, a new site for a future base). Please know that if, even if there were a new/alternate OLF to take the pressure off OCEANA's current Fentress landing field operations/noise issues, there would still be forces seeking to close OCEANA -- and very justified reasons for its closure. There are many viable solutions available, the Commissioners will just have to revisit and perhaps question some earlier BRAC decisions. I'll state one obvious choice: NAS Cecil Field Florida. It should have never been closed in the first place. Cecil is a very ideal location. Not heavily populated, close to training ranges, decent quality of life for military families, job opportunities, schools, etc. (Having done this for a living and 4000 flight hours, be assured that getting to and from Norfolk-based carriers is not a problem for Cecil squadrons. They did it for decades, and the life-cycle costs are small compared to building bases.) A derivative of this option would be to distribute the Navy and Marine jet community among existing east coast bases that are not heavily encroached upon, that have the base capacity (including OLFs), and can support the military families' needs quite readily: MCAS Cherry Point, MCAS Beaufort, and NAS Cecil Field. Other, even more joint solutions beg to be explored.

6. Navy leadership has sent mixed messages about Oceana. Politics understood. Take this opportunity to act and settle what clearly needs resolution.

Sincerely,



D. J. Franken

757-426-0476

Paul D. Ailiff
2256 Windy Pines Bend
Virginia Beach, Virginia 23456

BRAC Commission

AUG 11 2005

2005 Defense Base Closure and Realignment Commission
2521 S. Clark St., Ste. 600
Arlington, VA 22202

Received

Re: BRAC – Base Closing or Realignment of Naval Air Station Oceana, Virginia Beach, Virginia

August 2, 2005

Dear Commissioners:

My Name is Paul Ailiff and I have lived around NAS Oceana for 32 years. It's gets noisy at times and you can see the pilot's wave back at you when they are over your head. However, please reconsider closing or down sizing NAS Oceana. Think of the money saved by keeping the U.S. Navy jets in Virginia Beach, there is no other base as close to a major port as NAS Oceana is to Norfolk, unless you plan to fund and build one on the eastern shore. This base supports other bases in the area that are helping to secure our Nation. Where would NASA land the Space Shuttle in an emergency? For NAS Oceana, has one of the largest runways on the east coast. Why spend additional funding to relocate aircraft and support personnel, having to construct additional hangers, fuel pits, arresting gears, and upgrading housing for personnel? The fuel cost savings by not have to fly extra mileage to meet with carriers alone should make you reconsider this decision.

In the past thirty-two years I can only recall one-civilian causality because of an aircraft accident when an A-6 crashed onto Oceana Blvd while taking off. As a resident, I have confidence in the proficiency of the pilots and crews of the air wings. The Atlantic Ocean can be one of largest crash zones and it's only a few miles away.

I have to apologize for some of my neighbors who complain about the jet noise when they have not or cannot read their disclosure documents before buying their house near NAS Oceana. They have no one to fault but themselves. The U.S. Navy has been a great neighbor; they have worked hard to be considerate of the residents of Virginia Beach. For instance, a major improvement of noise reduction was the construction of the hush house to test the jet engines.

Similarly to the BRAC commission, I am very disappointed and concerned about my local government's actions to allow the encroachment of residents and business around the base. It's nothing but greed, but I will exercise my rights to restructure my local government to become a better partner to the U.S. Navy. Thank you for your time and please reconsider the decision to close or realign NAS Oceana located in Virginia Beach, Virginia.

Respectfully,



Paul D. Ailiff

4628 Miles Standish Rd.
Virginia Beach VA 23455
Aug. 8, 2005

BRAC Commission

AUG 11 2005

Received

Base Realignment and Closure Commission
2521 South Clark St. Suite 600
Arlington, VA 22202

RE: Oceana NAS

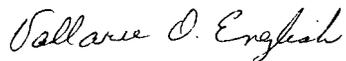
Gentlemen:

My husband and I moved into our present home in 1973, and when he died in 2001, I had the option of staying or moving away. I stayed.

I've watched our esteemed City Council allow the encroachment on Oceana, and have heard the whining of CCAJN, and wondered why the Navy, or whatever branch of government has say-so, hasn't exercised Eminent Domain to protect the base. Oh, certainly, CCAJN will whine, but the organization is doing that, anyway. And the developers? Let them go play with someone else's city council.

Jet noise? I'd rather the thunder and scream of it be from our own jets than from some else's. Please don't let the whining from a few individuals, and the greed of the developers and our City Council, convince you to close a base that is vital to our national security.

Sincerely,



Vallaree O. English

BRAC Commission

Joan Mullin
536 Pheasant Run
Va. Beach, Va.

AUG 11 2005

August 10, 2005

Dear Sirs:

Received

There are many concerned citizens here who think for the sake of all concerned, Oceana should be relocated, however, it is a very unpopular view and it can be dangerous to speak out, one is treated as though one is a traitor.

For decades the city government has encroached on the base despite the pleas of citizens and the base, Lynnhaven Mall was built despite Oceana's better judgment and once that happened, it opened the door to non-stop development.

The city wants it both ways, they want the base to stay, but they also want the city to continue to grow, so they continue to sell land to developers and encroach on the base, you cannot have it both ways, but for decades the city has tried to do so.

If Oceana stays, you can bet the city will continue to encroach. In a few years they will have new planes that are even louder than the super hornets.

The Governor has stated he will give funds to help people train for new jobs or relocate, it would be an economic blow, but the city is vibrant and will continue to grow, many people come here and many choose to retire here, they will continue to do so.

I believe it is in the best interests of both the civilians and the Navy to relocate the base to a rural area where they are guaranteed no encroachment and can train their pilots properly.

Thank you, I appreciate your attention.

BRAC Commission

AUG 11 2005

Received

August 9, 2005

Gentlemen;

We value the military
in our area very much.

Please do not close Down.

The people who have
been complaining are in
the minority.

People whose to our Area
and then want to change it.

Thank you;

Sincerely,

Evelyn W. Shallock

8 August 2005

AUG 11 2005

Received

2005 Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, Virginia 22202

RE: Potential Realignment, Naval Air Station - Oceana
Virginia Beach, Virginia

Chairman Anthony J. Principi,

The purpose of this letter is to express Croatan Civic League's [CCL] support for the continued use of NAS-Oceana as the Navy's Master Jet Base – East Coast.

CCL formally voted unanimously to adopt this position 1 August 2005; thus confirming CCL's position of at least the last three years.

Last summer CCL visited NAS-O after receiving a briefing from the Base Commander and other base representatives at a regular monthly meeting. We were impressed with the NAS-O facilities, the high quality of the aircraft, support equipment and training facilities, the steps taken to attenuate and abate noise and the base military and DNC personnel. CCL concluded we were, and are, proud to have NAS-O as a neighbor.

Croatan is an up scale, eclectic, well educated, somewhat laid back, civic oriented, concerned neighborhood composed of professionals, business owners and leaders, teachers, developers, constructors, soccer families, veterans [WW II, Korean War, Vietnam, Iraq and other conflicts], active duty and retired military [senior enlisted to flag officers, including Navy pilots], retirees and very young children. Geographically, our neighborhood lies approximately 3 miles east of NAS-O between General Booth Boulevard, the Resort Area, Camp Pendleton and the Atlantic Ocean.

Croatan has grown used to a daily air show of Navy and an occasional USCG and Air Force fixed wing aircraft and of all services rotary wing aircraft. We adjust to those flights. Our residents have added insulation and thicker windows and doors to assist in reducing noise. We pause for a minute or so in outdoor conversations, wave at the aircraft and then resume the conversation when an aircraft passes. We enjoy watching aircraft from Croatan Beach. We welcome new Navy families to our neighborhood and are saddened when they are reassigned. We share the spouses concerns during deployments and understand them since we too have deployed for months and years.

According to media reports apparently some of the BRAC commissioners have been influenced by the Concerned Citizens Against Jet Noise [CCAJN]. That organization does not represent CCL, nor for that matter the views of Virginia Beach Civic Organizations [CCO] over 100 member civic leagues. CCAJN is, at best, a very vocal minority with an apparent limitless access to media. Why has CCAJN chosen to not

release it's membership list? Perhaps the number of members claimed is inaccurate?
Or???

Prior to purchasing Croatan property diligent CCL members learned full well that NAS-O was a neighbor. A quick review of a city map, Map Quest, Microsoft Streets and Trips, a conversation with a neighbor, a phone book review, a phone call to the Mayor's office, a visit to Croatan Beach all are methods that have been used to determine NAS-O's nearby presence. The same should be true throughout the City. The point here is that at some point a diligent purchaser should be responsible for his/her actions --- or lack thereof.

The quality of life for Navy families in our oceanfront neighborhood is excellent. Portsmouth Navy General Hospital has had many upgrades totaling in excess of \$80 million. Where else on the East Coast does such a facility exist within 20 minutes of the airfield?

Our Navy families have excellent school, university, employment and recreation opportunities. What is the cost and time to replicate them elsewhere on the East Coast, if indeed that can be accomplished?

Our veterans, including me, have experienced the benefits of having a well trained, well equipped, on call squadron in support of our activities. Certainly we support the actions necessary to provide such support for today's Soldier and Marine.

Our neighborhood pays a considerable amount of local, state and Federal taxes. We expect that our taxes will be spent wisely and cost beneficially. Does replicating the existing NAS-O facilities meet that expectation?

Recently some have suggested that the landing strip at the government owned Fort Picket could be improved easily to provide a NAS-O Alternate Landing Field. Although it has been 35 years since I was assigned TDY to Fort Picket [against my wishes], as I recall the strip was lengthy and of thick concrete. Indeed today's Virginia Pilot contains an eye witness account indicating that strip is C-5 capable. The Fort would not present problems due to night time lights. Recommend that BRAC give very serious consideration to this option.

Yours truly,



Ken Jobe, P.E. [Retired]
USACOE LT COL [Retired] R. A.
President, Croatan Civic League
Second Vice President, Virginia Beach Council of Civic Organizations
304 Croatan Road, Virginia Beach VA 23451
757 428 0328
kejo425@aol.com

August 9, 2005

AUG 11 2005

To: Admiral Michael G. Mullen, Chief of Naval Operations
2000 Navy Pentagon, Washington, DC 20350-2000

Received

Subject: A Different Prospective vs. Realignment of Naval Air Station, Oceana

Admiral:

I am Homar H. Hall Jr. LCDR, USN, Retired — and I would like to give the United States Navy a different prospective to the problems centered around the possible realignment of the Navy's East Coast Master Jet Base (Oceana). It has become very apparent that the neighborhood encroachment on Government property and the flight paths of the several hundred F/A 18 Hornets and/or Super Hornets and half again as many F-14 Tomcats, with their associated noise and pollution levels, that these and other types of aircraft and helicopters are disturbing the life of wild animals, private citizens and military personnel living, working and going to schools within the aircraft flight paths and surrounding areas associated with flight operations.

Here is some food for thought on how to compromise the vast amount of aircraft touch-and-go maneuvers, (some estimate these to be upward of every 2½ minutes on a good flying day¹). The Navy could assign a Carrier off the coast of Virginia Beach for routine flight operations such as night landing, touch-and-go, etc. This could be trial tested for 30 days to evaluate the amount of operations that are performed and reduce noise levels during routine base operations. This could eliminate the use of outlying fields such as Fentress Field in Chesapeake, Va. or trying to acquire new Outlying Landing Facilities (OLF) in North Carolina. It could also reduce the number of take-offs from Oceana while reducing the potential risk to the surrounding area.

I realize the expense of keeping a Carrier and her operating crew at sea just for training, would not only be the pilots practice landing, but the Carrier Crew's exercise as well. There is one alternative to this approach; the Navy could take a decommissioned Carrier (i.e. Ex Saratoga CV60) and place it in the Virginia Capes area at a permanent sea buoy where the Ex-Carrier hull could swing with the wind, portable generators could supply the required lighting not only for the flight deck but just as important, the navigational requirements of a stationary vessel at sea. Manning the Flight Deck with personnel such as the Landing Signal Officers (LSOs) and other support personnel that are assigned to the Master Jet Base Oceana would alleviate manning the entire Ex-Carrier. There are numerous other details in this approach, however they could be explored for potential long-range planning when and/if required building another Master Jet Base within range of the users, without encroachment, which will be an expense with larger consequence.

Another long range alternative to solve the Master Jet Base problems would be to conduct feasibility studies into an "Offshore Runway." There have been studies conducted for a new airport for San Diego in the Pacific Ocean, 3 Miles off the tip of Point Loma. Using the concept of Pneumatically Stabilized Platforms (PSP) from Float Incorporated ² "FloatPort" would use the concept of a (Floating Airport). This same concept could be employed for a runway that would allow takeoffs and/or touch-and-go operations over water affecting no populated areas, thereby virtually eliminating noise pollution and substantially reducing encroachment while operating 24 hours per day without impact on these same populated areas. This same concept was considered under a Defense Advanced Research Project Agency (DARPA) and by NSWC Carderock Division for potential as a floating military base; during 1997 efforts were revised to the Float Incorporated efforts and were transferred to the Office of Naval Research (ONR) for inclusion in their newly formed Mobile Offshore Base (MOB) program. No matter where the Master Jet Base is located (Oceana, Cecil Field, or other existing Air Fields) the problem of noise and encroachment will continue, therefore the only real solution to the problem is to go "Off Shore."

¹ & ³ Story by: Jon W. Glass and Jack Dorsey, The Virginia-Pilot © July 25, 2005

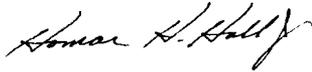
² Float Incorporated 1660 Hotel Circle North, Suite 725, San Diego, CA 92108

In either case it will be expensive, but not to the magnitude of moving a Master Jet Base again, it's Planes, Support Personnel, Mechanics, and Families. The Defense Base Realignment and Closure Commission (BRAC) 1993 and 1995 recommended and the President directed NAS Cecil Field and their OLF at Whitehouse to cease Navy Air operations for some of the same reasons BRAC is looking at Oceana in this go around. Therefore, and alterative must be a real time fix or we will encounter these problems down the road on someone else's watch a few years from now. Keeping the Mater Jet Base will not eliminate all of the noise pollution; there are still engines to be tested before installation onto an aircraft and planes need to come and go for training and mission requirements. Before giving up NAS Oceana, there are other commands that support the Air Wings, and there are others such as the radar system for air-traffic control; that system can be used to support the Federal Aviation Administration (FAA) for backup to control flight patterns of civilian aircraft flying along the East Coast ³.

The expense might out-weigh securing a new state-of-the-art Master Jet Base elsewhere close to the operations of the Naval Air Force, U.S. Atlantic Fleet.

Thank you for your time, and looking forward to your comments.

Sincerely,



Homar H. Hall Jr., LCDR, USN, Retired
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Virginia Beach, Virginia 23464-7213 — propctr1@mecpropctr.com

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4900 World Trade Center
Norfolk, Virginia 23510

Senator George Allen
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Virginia Beach, Virginia 23462

Congresswoman Thelma Drake
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Commander Naval Air Force
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Meyera E Oberndorf, Virginia Beach Mayor
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City Hall, Bldg No 1
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Virginia Beach, Virginia 23456

Defense Base Realignment and Closure
Commission
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Arlington, Virginia 22202
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Base Realignment
+ Closure Commission
2521 S. Clark St.
Suite 600
Arlington, Va 22202

Aug 9, 05

BRAC Commission

I am writing to ^{received} you to encourage your decision on Oceana, to be one that will allow us to go forward together - Navy, Va Beach, families, citizens, and those who fully understand it's importance militarily.

In these times of terrorism that can strike anytime, the airpower of Oceana, serves not only here to protect the ships and bases that are a part of Greater Hampton Roads, but also as part of a vast military network that serves America's Capital City, if needed.

Yours truly,

Dolores P. Harrington
509 Pondview Circle
Va Beach, Va 23452

BRAC Commission

AUG 11 2005

Received

4508 Leonard Drive
Chesapeake, Va 23321
August 8, 2005

Base Realignment & Closure Commission
2521 South Clark Street
Suite 600
Arlington, VA 22202

Dear Sirs:

My husband and I value the military and want it to remain a vital part of our community. We love "jet noise". It means freedom to us.

Sincerely yours,

Bobby & Virginia Edwards

BRAC Commission

AUG 11 2005

Received

August 8, 2005



To the BRAC Commission,
On behalf of the Filipino-American Community, we do humbly appeal that the commission would spare "our" Oceana from being closed.

The thought of Oceana being gone is just unimaginable and devastating to the growth and the economy.

Our family have lived here since 1979 and it's been a wonderful place to raise children and be a member of a great group of people who's lived here.

Coming & growing up around Clark Air Base in the Philippines, coming here & settling here was like coming home - jet noise & all. Jet noise was never an issue ^{to me}, but, actually the sound of freedom.

We, therefore, trust that your decision be that the base should remain where it is.

Very sincerely yours,
Mrs Nora Bait-Dorsey
- Va Fil-Am Republicans

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Manding Salinas
Vice Chairman

Sol Aguinaldo
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Ruby Papa
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"IN UNITY, WE CAN ACHIEVE OUR COMMUNITY'S ECONOMIC AND SOCIAL PROGRESS!"

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BRAC Commission

CAPT. John A. (Zeke) Burns, USN Ret.
1284 Hebden Cove
Virginia Beach VA 23452
757 463 0607// vbchc6@aol.com

AUG 11 2005

Received

31 JUL '05

Dear BRAC Commissioners:

The purpose of this letter is to state four of the many sound reasons for maintaining NAS Oceana and continuing its present mission:

With our military currently fighting two wars, it seems axiomatic to assist our service women and men at every possible opportunity. To upset their operational effectiveness and readiness training at this critical juncture in their lives (current NAS Oceana flight pattern and associated base restrictions understood) would truly prove less than constructive.

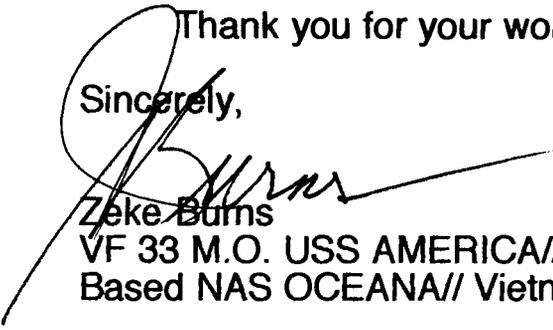
A prime requisite for optimum coordination between sea going Navy squadrons and their carriers is that, when not deployed, fleet squadrons be stationed nearby their home ported carriers. In this respect, the NAS Oceana/ NOB Norfolk base combination is nearly ideal.

Our service women and men and their families are bearing the brunt of our country's war effort. Consider the impact of financial loss to Navy family homeowners who, if forced to make an unforeseen and untimely household move, would be pressed to sell their homes in the anticipated deflated real estate market following a short fused NAS Oceana closure and/or drawdown. These active duty military families, enduring separation and myriad additional sacrifice, need no additional hardship.

Of all the parties concerned, yourselves, DOD, Congress, Oceana Squadrons, the majority of Virginia Beach residents, our vocal CCAJN minority group, etc., it would seem apparent that the US Navy would be in the best position to accurately assess this situation, select the most viable solution, and choose the most appropriate course of action. While you may well assist in the process re what should be done with NAS Oceana, it is most strongly recommended that the US Navy decide if, how and when to remedy this overall situation.

Thank you for your work and concern in this matter.

Sincerely,



Zeke Burns

VF 33 M.O. USS AMERICA// VF 32 C.O. USS JFK// VF 33 & VF 32 Shore Based NAS OCEANA// Vietnam Combat Tour plus Five Med Deployments.

Not worth a seat

I don't get it. If CCAJN does indeed have 5,000 legitimate members (which I question), why would Hal Levenson (letter, Aug. 3) expect "a seat at the table" in the BRAC hearings?

CCAJN only represents 1 percent of the entire Virginia Beach population (roughly 500,000). The only thing CCAJN should be commended for is its marketing strategy, as I have never seen such a small group of people get so much local news air time and press play.

Stephen P. Davis
Virginia Beach

Thank you for allowing me to address your commission. I have many questions concerning Dyess AFB becoming the only B-1 bomber base.

AUG 11 2005

Received

1.) Why was the commission informed about the litigation and encroachment problems at NAS Oceana and not at Dyess? The litigation **now** has a major effect in our pilots training for combat readiness. **IF** the EIS comes out in our favor **and IF** the IR 178 can return to 300 ft low level flying...there is a **GREAT** possibility (Buster Welsh et al.v. United States Air Force pages 40-60) that if even 1 more B-1 is based at Dyess, it will result in further litigation. General Loh stated that we need to train low level flying at 100 agl to avoid detection. Dyess will **never** be able to fly that low.

With the similarities of encroachment problems of Dyess and Oceana, Dyess could have been considered for closure if the Brac Commission had been informed! This can't possibly be an intelligent choice as the only base in which to base our B-1's out of.

2.) How can Dyess and ACC **refuse** to give the Brac commission the site study?

3.) Why weren't cobra studies done on Ellsworth?

4.) Dyess never addresses the lawsuit in any material sent to the Brac Commission. Not until the Brac commission e-mailed questions, which were not answered accurately, and completely concerning Ellsworth or the lawsuit.

5.) How will the litigation and restrictions imposed by encroachment effect Dyess's ability to perform their mission 10 or 20 years from now, after Ellsworth is closed. My guess is they will fly the the Powder River basin to perform training at a substantial cost over runs, effectively negating any supposed savings from closing Ellsworth.

David Ohansen states "there is no permanent restriction pending in court...", but there is no guarantee that the EIS will allow the lifting of restriction. Let alone allow 100 ft low level flying needed for training under the radar. What about further litigation brought on by putting more B-1's on Dyess, ACC states "the rational being that it at least preserves the opportunity, even if limited, for use of the RBTI..." there is no limitations or restrictions at Ellsworth! I feel the questions asked by the Brac commission were not answered straightforwardly.

Dyess flying ranges are privately owned. Ellsworth's' are federally owned, that eliminates all problems now being faced and will in the future be faced by Dyess.

5.) The figures on the savings of closing Ellsworth AFB were extremely and grossly inaccurate. What else is inaccurate concerning Dyess and Ellsworth?

6.) Even if Dyess has all the flying ranges and spaces that they claim to have... how good is it if you can't perform the mission?? Will they be able to fly around the base at low level and practice bombing at 100 ft. over the base?? The rest of the land is not ours or under the governments control.

These are just a few questions I hope the Brac commission will address in one of your meetings, so we can have some answers in your transcripts. I know you have already reprimanded the action of not telling you about the lawsuit...but I hope it has more weight than a reprimand...

I know I'm probably preaching to the choir, but all this seems so fishy... I thank you all for your consideration on all fronts... I have read all the transcripts posted on your website and I know the Brac commission cares and takes their decisions very seriously. I thank you for that, and all your tedious work.

I have studied the DOD Clearinghouse's response to your questions (boy they don't mince words... and they recommend the plan to place our B-1's at Dyess be rejected.

Please don't put all our nation's choice of Bombers at a crippled base...It can't be considered a choice for our national security.

I just hope Dyess isn't a pork barrel and we are going to consider keeping it in Texas while risking our national security...

Sincerely,

A handwritten signature in black ink that reads "Mrs. Jami Carpenter". The signature is written in a cursive, flowing style.

Mrs. Jami Carpenter
Proud wife of Capt. James Carpenter
Serving his country and family for over 25 years

Dated 8 August 2005

MILITARY VALUE OF THE AERIAL TRAINING ROUTES AND MILITARY OPERATING AREAS (MOA) SUPPORTING DYESS AFB

SUMMARY

The USAF submitted flawed, misleading and egregiously incomplete analysis with respect to the availability, capability and future access to aerial training routes and MOAs supporting Dyess AFB. Inexplicably, the USAF failed to acknowledge in its analysis, scoring and recommendations that Dyess' primary training route (IR-178) and Lancer MOA, together known as the Realistic Bomber Training Initiative (RBTI), are in fact operating subject to a Federal District Court order that has placed limits on its availability and operating conditions. The USAF failed to consider that this training route and MOA have been under continuous litigation since 2000 and are, in fact, vulnerable to future litigation that could further limit USAF operations and access. The service also failed to reveal in its recommendations that these key Dyess training assets will remain subject to Court imposed restrictions until the USAF prepares a supplemental Environmental Impact Statement (EIS) and both the court and FAA issue new decisions on whether to retain these airspace training assets. Any such decision could result in yet further operational limitations. Finally, the USAF negligently failed to consider the cumulative effects from an increase of training requirements resulting from the addition of B-1s coming from Ellsworth and a possible court imposed cap on sortie-operations. As a consequence, the final DoD scoring value for Dyess AFB lacks integrity and was based upon flawed scores related to proximity to Airspace Supporting Mission (ASM) and Low Level Routes under the Current and Future Mission category. The over-inflation of Dyess' assessed military value in this category – in comparison to Ellsworth AFB - was a principle determining factor in placing Ellsworth on the closure list. Therefore, DoD substantially deviated from its evaluation of military criteria and the recommended consolidation of the B-1 fleet at Dyess AFB should be rejected.

LITIGATION BACKGROUND

As early as 1997, the Air Force recognized that the aerial training ranges available to aircraft proximate to Dyess and Barksdale AFB were inadequate for realistic and effective training to ensure readiness. The Realistic Bomber Training Initiative was the result of that requirement. As such, an environmental impact statement (EIS) was initiated in December 1997. The AF initiative generated significant controversy with over 1,500 written and oral comments in opposition. The Final Environmental Impact Statement (FEIS) was published in January, 2000. The AF Record of Decision selected a route and range complex (IR-178 and the Lancer MOA) which it deemed critical to the effective training and readiness of bomber air crews stationed at Dyess and Barksdale AFB. After the FEIS was published in January, 2000, litigation was initiated in the United States District Court for the Western District of Texas on behalf of residents and organizations adversely affected by the noise, vibration, vortices and loss of value of their property resulting from the training flights over their land.¹

- Two cases were decided by the District Court and were consolidated on appeal to the United States Court of Appeals for the Fifth Circuit, which decided on October 12, 2004 that the Air Force and FAA compliance with the National Environmental Policy Act, 42

¹:Davis Mountains Trans-Pecos Heritage Assoc., et. al., ("Plaintiffs"), v. United States Air Force, et. al., ("Defendants"), 249 F. Supp. 2d 763 (N.D. Tex. 2003); Welch v. USAF, 2001U.S. Dist. LEXIS 21081 (N.D. Tex., Dec. 19, 2001)

U.S.C. 4321-4370(f), was defective. The Court of Appeals vacated the AF's Record of Decision, the decisions of the district court and the FAA orders approving the Realistic Bomber Training Initiative (RBTI) and ordered the AF to prepare a supplemental EIS (SEIS) (Westlaw at 2004 WL 2295986, No. 02-60288 (5th Cir. Oct. 12, 2004)).

- On January 31, 2005, the appellate court on petition for rehearing, denied the Air Force a rehearing but granted continued use of the RBTI pending the preparation of the EIS "under conditions of operation set by the district court." (2005 U.S. App. LEXIS 1620)
- On June 29, 2005, the district court issued an order imposing flying restrictions proposed by the USAF (under FCIF A05-01) to allow limited use pending the SEIS; thus setting limitations on the Air Force that no aircraft will fly lower than 500 ft. AGL, AP/1B altitude in IR-178, and no lower than 12,000 ft. MSL when utilizing Lancer MOA.

From the foregoing, it is apparent that Dyess' access to the RBTI throughout the foreseeable future is far from being a settled issue. The approval of the SEIS is a lengthy process, potentially lasting up to two years, assuming no further legal challenges. The RBTI's future availability as an optimal training range is, in fact, tenuous at best and vulnerable to finding itself in a continuous litigation limbo. In effect, Dyess access to RBTI is presently under the control of the district court, not the Air Force. And, it is operating under altitude limitations which render the training inadequate when compared to alternative MOAs (e.g. compare to Powder River MOA, Hays MOA, Belle Fourche MTR, Nevada Test & Training Ranges (NTTR) and the Utah NTTR).

QUALITY OF TRAINING UNDER COURT ORDER

On January 5, 2005, the Director of Air and Space Operations, Air Combat Command, filed with the appellate court two separate declarations. First, he asserted the essential nature of IR-178 and the Lancer MOA to the readiness and training of the Dyess AFB bombers. His declaration described the continued use of the RBTI as critical. Second, he asserted the Air Force will make temporary operational changes to its use of the RBTI by flying no lower than 500 feet above ground level or the published minimum altitudes on IR-178, whichever is higher and that aircraft will fly no lower than 12,000 feet mean sea level (an increase of approximately 6,000 ft.) during normal training operations in the Lancer MOA (FCIF A05-01).

- **As to the matters of military value, two major discrepancies are generated by the declarations. First, these proffered changes are characterized as temporary, implying that these limitations will be abandoned when the Supplemental EIS and resulting Record of Decision are completed. No doubt, this will be challenged in the courts by the plaintiffs when the Supplemental EIS is completed, unless the Air Force abandons the present location of the RBTI site. At a minimum, this represents substantial delay in final judicial approval, if such final approval can ever be obtained. The second declaration is an acknowledgement that the court accepted limitations are inadequate for Air Force training; "[T]he changes to the bomber training program, which would be in effect while the Air Force completes the SEIS and the FAA takes action accordingly, do not, in my opinion, allow aircrews to fully meet necessary realistic training objectives."**

DCN 4662

Thus, by the admission of the Director of Air and Space Operations, Air Combat Command, adequate training objectives for the B-1B bomber crews presently stationed at Dyess AFB cannot be met with the court imposed restrictions of June 29, 2005.

FUTURE LITIGATION

As this matter has been in litigation since at least 2001, it is reasonable to conclude that litigation could, and probably will, continue pending the results of the SEIS.² However, the recommended consolidation of all USAF B1-B operations at Dyess AFB raises numerous new issues that have yet to be addressed:

- The court order of June 29, 2005, and prior filings, make no mention of Air Force plans to consolidate and double the number the B-1B aircraft at Dyess AFB.
- Although the January, 2005 court order was well before the BRAC recommendations were announced, it should be noted that the USAF failed to advise the district court of the BRAC recommendations after their release and the possibility of increased flight activities at Dyess (an estimated 35% increase in annual missions utilizing the RBTI).
 - Whatever the existing baseline of flight operations in the RBTI, that number will increase significantly if all B-1Bs are located to Dyess AFB - unless the Air Force accepts a significant decrease in readiness and training. As noted by the appellate court in its reversal and remand of the case, the implementing regulations of NEPA, promulgated by the President's Council on Environmental Quality, at 40 C.F.R. 1502.9(c)(1), "... require agencies to supplement an EIS if the agency makes substantial changes to the proposed action or significant new circumstances or information arise bearing on the proposed action or its impacts."
- It is clear that the Air Force will be required to supplement the RBTI EIS to reflect the impacts associated with the increase in use of the RBTI training areas. The potential increases of required sortie-operations will only exacerbate the complaints raised by plaintiffs, thereby leading to further litigation delaying and jeopardizing the final approval of the RBTI project.
 - While the failure of the Air Force to inform the court of these issues is a matter for the court to address, the failure of the Air Force to apprise the Base Closure Commission of the limitations on use and challenges to the RBTI represents a serious omission and should be sternly addressed by the Commission in the context of its evaluation of the Air Forces credibility in preparing their military value assessments.
 - Of particular note, the Air Force's analysis of the environmental implications of the recommended closure of Ellsworth and the movement to Dyess reflects that "... flight operations at Dyess have been diverted, delayed or rerouted because of noise. Additional operations may further impact this constraining factor and

² It should be noted to the Commission as a matter of significance, the State of Texas submitted an Amicus Curiae brief in support of Plaintiffs in their successful appeal before the Fifth Circuit.

therefore further restrict operations.” This particular comment is noteworthy for three reasons:

- By placing it in the analysis for environmental implications of the recommendation, the Air Force has relegated this constraining factor to a category of the statutory criteria that does not pertain to military value, thereby avoiding the clear implication of the constraint on readiness;
- The language used is similar to that reported for other gaining bases, thereby masking the constraint and implying that this limitation on use is not worthy of special attention as a matter embroiled in litigation;
- By commenting on the need for analysis under NEPA in a routine manner, the Commission would not be alerted to the predictable contentiousness of the addition of significantly more sortie-operations in these range areas.³

CONCLUSION

In assessing the military value of IR-178 and Lancer MOA, the analysis performed by the Air Force for the purposes of BRAC 2005 implies that these training assets will be available to Dyess AFB without limitation or qualification. As the facts suggest, the related USAF data and assumptions used were grossly incorrect. In fact, the continued use of these ranges is now under the aegis of the judicial system and is potentially subject to additional litigation that renders the future use of the ranges supporting Dyess AFB problematic, at best.

³ Although the Base Closure statute includes an exemption from NEPA for the recommendations of the Department of Defense and the actions of the Commission, this exemption does not extend to the implementation of the decisions of the Commission. Under ordinary circumstances, it would be appropriate for the Commission to assume that the Air Force can implement the decision of the Commission. However, no such assumption would be appropriate where, as here, there is a serious challenge to the closely related actions of the Air Force.

AUG 11 2005

Thank you for allowing me to address your commission. I have many questions concerning Dyess AFB becoming the only B-1 bomber base. Received

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I have studied the DOD Clearinghouse's response to your questions (boy they don't mince words... and they recommend the plan to place our B-1's at Dyess be rejected.

Please don't put all our nation's choice of Bombers at a crippled base...It can't be considered a choice for our national security.

I just hope Dyess isn't a pork barrel and we are going to consider keeping it in Texas while risking our national security...

Sincerely,



Mrs. Jami Carpenter
Proud wife of Capt. James Carpenter
Serving his country and family for over 25 years

Dated 8 August 2005

MILITARY VALUE OF THE AERIAL TRAINING ROUTES AND MILITARY OPERATING AREAS (MOA) SUPPORTING DYESS AFB

SUMMARY

The USAF submitted flawed, misleading and egregiously incomplete analysis with respect to the availability, capability and future access to aerial training routes and MOAs supporting Dyess AFB. Inexplicably, the USAF failed to acknowledge in its analysis, scoring and recommendations that Dyess' primary training route (IR-178) and Lancer MOA, together known as the Realistic Bomber Training Initiative (RBTI), are in fact operating subject to a Federal District Court order that has placed limits on its availability and operating conditions. The USAF failed to consider that this training route and MOA have been under continuous litigation since 2000 and are, in fact, vulnerable to future litigation that could further limit USAF operations and access. The service also failed to reveal in its recommendations that these key Dyess training assets will remain subject to Court imposed restrictions until the USAF prepares a supplemental Environmental Impact Statement (EIS) and both the court and FAA issue new decisions on whether to retain these airspace training assets. Any such decision could result in yet further operational limitations. Finally, the USAF negligently failed to consider the cumulative effects from an increase of training requirements resulting from the addition of B-1s coming from Ellsworth and a possible court imposed cap on sortie-operations. As a consequence, the final DoD scoring value for Dyess AFB lacks integrity and was based upon flawed scores related to proximity to Airspace Supporting Mission (ASM) and Low Level Routes under the Current and Future Mission category. The over-inflation of Dyess' assessed military value in this category – in comparison to Ellsworth AFB - was a principle determining factor in placing Ellsworth on the closure list. Therefore, DoD substantially deviated from its evaluation of military criteria and the recommended consolidation of the B-1 fleet at Dyess AFB should be rejected.

LITIGATION BACKGROUND

As early as 1997, the Air Force recognized that the aerial training ranges available to aircraft proximate to Dyess and Barksdale AFB were inadequate for realistic and effective training to ensure readiness. The Realistic Bomber Training Initiative was the result of that requirement. As such, an environmental impact statement (EIS) was initiated in December 1997. The AF initiative generated significant controversy with over 1,500 written and oral comments in opposition. The Final Environmental Impact Statement (FEIS) was published in January, 2000. The AF Record of Decision selected a route and range complex (IR-178 and the Lancer MOA) which it deemed critical to the effective training and readiness of bomber air crews stationed at Dyess and Barksdale AFB. After the FEIS was published in January, 2000, litigation was initiated in the United States District Court for the Western District of Texas on behalf of residents and organizations adversely affected by the noise, vibration, vortices and loss of value of their property resulting from the training flights over their land.¹

- Two cases were decided by the District Court and were consolidated on appeal to the United States Court of Appeals for the Fifth Circuit, which decided on October 12, 2004 that the Air Force and FAA compliance with the National Environmental Policy Act, 42

¹:Davis Mountains Trans-Pecos Heritage Assoc., et. al., ("Plaintiffs"), v. United States Air Force, et. al., ("Defendants"), 249 F. Supp. 2d 763 (N.D. Tex. 2003); Welch v. USAF, 2001U.S. Dist. LEXIS 21081 (N.D. Tex., Dec. 19, 2001)

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U.S.C. 4321-4370(f), was defective. The Court of Appeals vacated the AF's Record of Decision, the decisions of the district court and the FAA orders approving the Realistic Bomber Training Initiative (RBTI) and ordered the AF to prepare a supplemental EIS (SEIS) (Westlaw at 2004 WL 2295986, No. 02-60288 (5th Cir. Oct. 12, 2004)).

- On January 31, 2005, the appellate court on petition for rehearing, denied the Air Force a rehearing but granted continued use of the RBTI pending the preparation of the EIS "under conditions of operation set by the district court." (2005 U.S. App. LEXIS 1620)
- On June 29, 2005, the district court issued an order imposing flying restrictions proposed by the USAF (under FCIF A05-01) to allow limited use pending the SEIS; thus setting limitations on the Air Force that no aircraft will fly lower than 500 ft. AGL, AP/1B altitude in IR-178, and no lower than 12,000 ft. MSL when utilizing Lancer MOA.

From the foregoing, it is apparent that Dyess' access to the RBTI throughout the foreseeable future is far from being a settled issue. The approval of the SEIS is a lengthy process, potentially lasting up to two years, assuming no further legal challenges. The RBTI's future availability as an optimal training range is, in fact, tenuous at best and vulnerable to finding itself in a continuous litigation limbo. In effect, Dyess access to RBTI is presently under the control of the district court, not the Air Force. And, it is operating under altitude limitations which render the training inadequate when compared to alternative MOAs (e.g. compare to Powder River MOA, Hays MOA, Belle Fourche MTR, Nevada Test & Training Ranges (NTTR) and the Utah NTTR).

QUALITY OF TRAINING UNDER COURT ORDER

On January 5, 2005, the Director of Air and Space Operations, Air Combat Command, filed with the appellate court two separate declarations. First, he asserted the essential nature of IR-178 and the Lancer MOA to the readiness and training of the Dyess AFB bombers. His declaration described the continued use of the RBTI as critical. Second, he asserted the Air Force will make temporary operational changes to its use of the RBTI by flying no lower than 500 feet above ground level or the published minimum altitudes on IR-178, whichever is higher and that aircraft will fly no lower than 12,000 feet mean sea level (an increase of approximately 6,000 ft.) during normal training operations in the Lancer MOA (FCIF A05-01).

- As to the matters of military value, two major discrepancies are generated by the declarations. First, these proffered changes are characterized as temporary, implying that these limitations will be abandoned when the Supplemental EIS and resulting Record of Decision are completed. No doubt, this will be challenged in the courts by the plaintiffs when the Supplemental EIS is completed, unless the Air Force abandons the present location of the RBTI site. At a minimum, this represents substantial delay in final judicial approval, if such final approval can ever be obtained. The second declaration is an acknowledgement that the court accepted limitations are inadequate for Air Force training; "[T]he changes to the bomber training program, which would be in effect while the Air Force completes the SEIS and the FAA takes action accordingly, do not, in my opinion, allow aircrews to fully meet necessary realistic training objectives."

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Thus, by the admission of the Director of Air and Space Operations, Air Combat Command, adequate training objectives for the B-1B bomber crews presently stationed at Dyess AFB cannot be met with the court imposed restrictions of June 29, 2005.

FUTURE LITIGATION

As this matter has been in litigation since at least 2001, it is reasonable to conclude that litigation could, and probably will, continue pending the results of the SEIS.² However, the recommended consolidation of all USAF B1-B operations at Dyess AFB raises numerous new issues that have yet to be addressed:

- The court order of June 29, 2005, and prior filings, make no mention of Air Force plans to consolidate and double the number the B-1B aircraft at Dyess AFB.
- Although the January, 2005 court order was well before the BRAC recommendations were announced, it should be noted that the USAF failed to advise the district court of the BRAC recommendations after their release and the possibility of increased flight activities at Dyess (an estimated 35% increase in annual missions utilizing the RBTI).
 - Whatever the existing baseline of flight operations in the RBTI, that number will increase significantly if all B-1Bs are located to Dyess AFB - unless the Air Force accepts a significant decrease in readiness and training. As noted by the appellate court in its reversal and remand of the case, the implementing regulations of NEPA, promulgated by the President's Council on Environmental Quality, at 40 C.F.R. 1502.9(c)(1), "... require agencies to supplement an EIS if the agency makes substantial changes to the proposed action or significant new circumstances or information arise bearing on the proposed action or its impacts."
- It is clear that the Air Force will be required to supplement the RBTI EIS to reflect the impacts associated with the increase in use of the RBTI training areas. The potential increases of required sortie-operations will only exacerbate the complaints raised by plaintiffs, thereby leading to further litigation delaying and jeopardizing the final approval of the RBTI project.
 - While the failure of the Air Force to inform the court of these issues is a matter for the court to address, the failure of the Air Force to apprise the Base Closure Commission of the limitations on use and challenges to the RBTI represents a serious omission and should be sternly addressed by the Commission in the context of its evaluation of the Air Forces credibility in preparing their military value assessments.
 - Of particular note, the Air Force's analysis of the environmental implications of the recommended closure of Ellsworth and the movement to Dyess reflects that "... flight operations at Dyess have been diverted, delayed or rerouted because of noise. Additional operations may further impact this constraining factor and

² It should be noted to the Commission as a matter of significance, the State of Texas submitted an Amicus Curiae brief in support of Plaintiffs in their successful appeal before the Fifth Circuit.

therefore further restrict operations." This particular comment is noteworthy for three reasons:

- By placing it in the analysis for environmental implications of the recommendation, the Air Force has relegated this constraining factor to a category of the statutory criteria that does not pertain to military value, thereby avoiding the clear implication of the constraint on readiness;
- The language used is similar to that reported for other gaining bases, thereby masking the constraint and implying that this limitation on use is not worthy of special attention as a matter embroiled in litigation;
- By commenting on the need for analysis under NEPA in a routine manner, the Commission would not be alerted to the predictable contentiousness of the addition of significantly more sortie-operations in these range areas.³

CONCLUSION

In assessing the military value of IR-178 and Lancer MOA, the analysis performed by the Air Force for the purposes of BRAC 2005 implies that these training assets will be available to Dyess AFB without limitation or qualification. As the facts suggest, the related USAF data and assumptions used were grossly incorrect. In fact, the continued use of these ranges is now under the aegis of the judicial system and is potentially subject to additional litigation that renders the future use of the ranges supporting Dyess AFB problematic, at best.

³ Although the Base Closure statute includes an exemption from NEPA for the recommendations of the Department of Defense and the actions of the Commission, this exemption does not extend to the implementation of the decisions of the Commission. Under ordinary circumstances, it would be appropriate for the Commission to assume that the Air Force can implement the decision of the Commission. However, no such assumption would be appropriate where, as here, there is a serious challenge to the closely related actions of the Air Force.