

## Defense Base Closure and Realignment Commission

# EARLY



# BIRD

September 20, 2005

### Department of Defense Releases

N/A

### National News Articles

Gov.'s Approval Arguably Needed To Relocate A-10's;

### Local News Articles

Senator: State should help keep Oceana's jets (Virginia Beach, VA)

BRAC: Utah defense board starts new projects (UT)

Panel convenes to ponder ways to keep jets at Oceana (Hampton Roads, VA)

### Opinions/Editorials

BRAC runs its course (Huntsville, AL)

Do what it takes to BRAC-proof base (Sioux Falls, SD)

Any politics involved in military closings?

'Common sense' to maintain South Dakota base

Cold War drags on — forever

### Additional Notes

N/A

### Department of Defense Releases

N/A

### National News Articles

**Gov.'s Approval Arguably Needed To Relocate A-10's;**

**Rell v. Rumsfeld;**

Connecticut Law Tribune

September 19, 2005

Governor Jodi Rell, along with U.S. Senators Christopher Dodd and Joseph Lieberman and U.S. Representative John Larson, argued that a recommendation to relocate A-10 aircraft from Connecticut to Massachusetts was made without the governor's consent. The plaintiffs requested a preliminary injunction, to enjoin the Base Closure and Realignment Commission from forwarding its recommendation to the U.S. President. To prevail on a motion for preliminary injunction, a plaintiff must show: (1) irreparable harm; and (2) either (a) a likelihood of success on the merits of the underlying claim or (b) that there are sufficiently serious question going to the merits to make them a fair ground for litigation, and that the balance of the hardships tips decidedly in favor of the moving party. The burden of proof is clear or substantial likelihood of success. The District Court granted the motion for preliminary injunction. It disagreed with the commission's argument that the plaintiffs couldn't establish irreparable harm, because any harm occurred when Secretary of Defense Donald Rumsfeld announced the original recommendation. Alternatively, the commission claimed that harm will occur only

when the president makes his final decision. The plaintiffs established irreparable harm, because conduct at issue violated the governor's authority pursuant to 32 U.S.C. §104(c) and threatens the state's ability to protect its citizens. They also established a substantial likelihood of success on the merits of their claim that the commission's recommendation violates 32 U.S.C. §104(c). The statute provides in part, "No change in the branch, organization, or allotment of a unit located entirely within a State may be made without the approval of its governor." The District Court rejected the commission's arguments that the statute does not apply to relocation of aircraft and that gubernatorial consent was unnecessary.

Relocation of aircraft constitutes a change in the organization or allotment of a unit. The District Court declined to reach the plaintiffs' argument that the commission's recommendation violated 10 U.S.C. §18238.

### Local News Articles

#### **Senator: State should help keep Oceana's jets**

**State Sen. Ken Stolle says Virginia taxpayers should pay part of the cost to help keep jets at Virginia Beach.**

The Daily Press (Virginia Beach, VA)

Jim Hodges

September 20 2005

VIRGINIA BEACH -- Declaring that the impact of Oceana Naval Air Station losing its jets goes beyond the borders of the city, state Sen. Ken Stolle, R-Virginia Beach, said Monday that at least part of the cost to keep F-18s flying in the area should be borne by the state.

The Base Realignment and Closure Commission voted Aug. 24 to move the jets and master jet base designation to Cecil Field in Jacksonville, Fla., if Virginia Beach doesn't comply with a long list of requirements. Most deal with encroachment by developers on landing and takeoff patterns.

"I think the state needs to be involved in this," Stolle said after chairing the first meeting of Gov. Mark Warner's South Hampton Roads BRAC Working Group. "It's big revenue for the state, about \$106 to \$108 million a year."

Chief among the compliance concerns is a requirement that Virginia Beach "purchase all incompatible-use property" within the area deemed most likely affected if a plane crashes, and spend "no less than \$15 million annually" on the program.

One thought is that the BRAC commission wants the city to buy the affected properties as they come onto the market. Another is that the commission wants the city to buy the properties through eminent domain.

Either way, more than 2,000 properties are involved and it will cost hundreds of millions of dollars.

In his opinion, the city does not have the right to condemn the properties, Stolle said. "The state of Virginia does. Arguably, that extends to Oceana."

There are still more questions than answers involved in the BRAC report, and Virginia Beach is going to the Department of Defense's Inspector General for translation of the guidelines. The IG will determine by June 1, 2006, whether or not Virginia Beach has complied with them.

"We are concerned with several issues," said Stolle, who listed the length of the Navy's commitment to Oceana, the legal options available to the city and the cost of complying with the BRAC list.

In conjunction with that, the city is studying the impact of the base on the area's economy.

Old Dominion University professor Gil Yochum estimates Oceana accounts for \$1.7 billion of a \$65 billion regional economy.

Retired Rear Adm. Fred Metz, who has worked with the city in its quest to keep Oceana, told the

group that Florida "probably isn't going after just Oceana. They're probably going after the carriers, too."

The conventionally powered carrier John F. Kennedy has its home port in Mayport, Fla., but the Navy is moving to retire it. Florida has already made its push to lure one of the five carriers home-ported in Norfolk to replace the Kennedy.

If the F-18s move to Cecil Field, "they'll just use the same arguments that we've used all these years," Metz said. Those arguments are that the planes should be close to the ships that carry them.

Stolle also warned that plans to develop Oceana's 5,331 acres are flights of fantasy.

"When I open the paper and see ideas for a theme park or condos, I know they don't understand," he said. "Oceana isn't going to close."

Instead, said Metz, "if the decision is to move jets out of Oceana, they'll just move planes from Norfolk there (to Oceana). That won't help the region."

Stolle and Metz emphasized that the Navy does not want to leave Oceana, and that the move is a BRAC commission idea. They also said that while it has often expressed its concern about encroachment on Oceana, the Navy "said it doesn't want to see houses condemned."

President Bush sent the BRAC decisions to Congress on Thursday. Lawmakers have 45 working days to decide whether or not to approve the list as a whole.

### **BRAC: Utah defense board starts new projects**

The Standard-Examiner (UT)  
Lisa Roskelley  
September 20, 2005

LAYTON -- With the Base Realignment and Closure threat behind them, the folks at the Utah Defense Alliance are ready to move forward.

The UDA board on Monday approved an economic growth plan, beginning with the development of two action groups to address economic development and installation support coordination for Utah's military facilities.

"We're not retooling UDA, we're not reorganizing UDA, we're just continuing the mission we set forth 12 years ago," said Rick Mayfield, UDA executive director. "We really had to focus on BRAC. But now, we're getting back to what we're all about: promoting the great resources that we have, like Hill and the 24,000 jobs we have there."

UDA has been tied to BRAC for the past several years as Utah military installations faced scrutiny from the Department of Defense. But now that the storm has passed, the nonprofit group is excited to rejuvenate the basics of its charter: to promote military-based economic growth by maintaining current workload and looking to expand military development.

"Some people think, 'BRAC's over, there's no longer a use for UDA,'" Mayfield said. "But that's only been a part of the organization. Over time, we've dealt with issues about the range, nuclear storage, Hill. Everything we do really is about jobs, getting new jobs."

So now, the 12-year-old organization is ready to refocus on military-based economic development and coordinating the public and private organizations that also have interests in doing so, such as state and local governments, defense contractors, training and education facilities and others.

But this isn't something that has been ignored during the BRAC process. UDA contracted with Logistics Specialties Inc., of Layton, more than 18 months ago to develop a strategic plan to help build capacity at Hill and other installations.

LSI presented a plan that would create 4,000 jobs from a \$15 million state investment. The

state pledged \$5 million of the request in March, which is currently in motion purchasing equipment to donate to Hill, bringing in about 800 jobs, leaving plenty of jobs still to be captured.

"If (legislators) want to see that economic growth, we need that money," LSI President Sean Slatter said of the remaining \$10 million.

UDA's new action groups will serve as catalysts for their respective communities, bringing together the talents, skills and resources available through both the public and private sectors. Many of the objectives of the two groups coincide, such as expanding defense contractor workloads and bringing in new missions to the installations.

Slatter explained that Hill is in an historical pattern. When the F-4 was being phased out in the 1980s, Hill was able to get the F-16 workload.

"We need to be doing the same thing now that the F-16 is older, look at the F-22 or the (Joint Strike Fighter)," he said, noting that these missions are part of UDA's long-range plan.

However, Mayfield is careful to focus the plan.

"The opportunities are so vast that we could have a huge staff and still not get all that's out there," he said. "We have to make sure we prioritize."

Vickie McCall, UDA president, said the two-pronged effort fits into the traditions of UDA.

"This is where we are going to be focusing most of our energies," McCall said. "We're making sure we have got good committees put together to focus on technology and other areas. It's just channeling energies. We're not reinventing the wheel; we're not reinventing the charter."

### **Panel convenes to ponder ways to keep jets at Oceana**

The Virginian-Pilot (Hampton Roads, VA)  
Jon W. Glass

September 20, 2005

VIRGINIA BEACH — Political leaders from across the region huddled Monday to start hashing out ways to try to keep fighter jets at Oceana Naval Air Station.

It was the group's first meeting since being appointed Sept. 9

by Gov. Mark R. Warner.

The group's job is to address conditions laid down last month by the Defense Base Realignment and Closure Commission for keeping the Navy's East Coast master jet base at Oceana.

After an hour-long meeting at the Virginia Beach Convention Center, more questions than answers remained, but there was consensus that the entire region has a stake in Oceana's fate.

Some members said they worried that losing the jets could reduce the number of aircraft carriers stationed in Norfolk or affect joint-forces facilities in Suffolk.

"Every community has a vested interest in this," said state Sen. Kenneth W. Stolle, R-Virginia Beach, chairman of the South Hampton Roads BRAC Working Group.

The most controversial BRAC demand is that the state, Virginia Beach and Chesapeake create a program to condemn and buy homes and other incompatible development in the highest-risk accident-potential zone .

After the meeting, Stolle said th at demand was "way out of line, irresponsible and unfounded on what the Navy needs to fly out of Oceana." Navy officials have said their main concern is halting further incompatible growth around the base. They have not called for clearing out existing development.

Last week, the state and Virginia Beach retained the law firm of Hunton & Williams, based in Richmond, to explore a potential legal challenge of the BRAC ruling.

The Virginia Beach City Council has committed \$50,000 for an economic analysis to determine the costs of accepting or rejecting the BRAC ultimatum. The city is reviewing bids from two consulting firms and hopes to have the analysis done by Nov. 1.

Stolle said the working group needs the results of the legal and economic reviews before recommending how to respond to BRAC.

Virginia Beach, Chesapeake and the state have until March to comply with BRAC's demands or lose the fighter jets to the Navy's former Cecil Field near Jacksonville, Fla.

The inspector general's office of the Defense Department is charged with making sure the BRAC conditions are met.

Officials said Monday that they hope the BRAC conditions can be satisfied without condemning homes, businesses or churches. The BRAC panel said at least \$15 million must be spent each year buying property in Accident Potential Zone 1.

U.S. Rep. Thelma Drake, R-2nd District and known as a staunch supporter of private property rights, said efforts should focus on willing sellers. An estimated 1,800 to 3,000 homes and dozens of businesses could be affected.

"With \$15 million a year, it's going to take a long time to run out of willing sellers," Drake said. "There is property on the market now for sale. You may never get" to condemnation.

Stolle said efforts are under way to secure a long-term commitment from the Navy to stay at Oceana. Even if the jets move to Florida, he said, under the BRAC panel's ruling, Oceana would remain a military base.

That means the city could not redevelop the property for private use, Stolle said. "We can't build anything at Oceana," he said.

Fred Metz, a retired rear admiral and a member of the working group, said the Navy has made

clear its commitment over the years. He said that includes closing Florida's Cecil Field in 1993, sending its F/A-18 Hornets and Super Hornets to Oceana, and agreeing to build a new outlying landing field to address noise complaints.

"The BRAC threw the Navy a curve ball," Metz said. "This was not a Navy decision. This was a political decision."

The working group did not set a date for its next meeting. Stolle said he expects to meet again within the next month. The group must issue its findings to the governor by Dec. 1.

### *Opinions/ Editorials*

#### **BRAC runs its course Redstone and the region prevail, but the process needs reform**

Huntsville Times (Huntsville, AL)

David Prather

September 20, 2005

The latest Base Realignment and Closure Commission's recommendations are a step away from reality. Within the next 40 or so days it will - unless something very strange indeed occurs - be a done deal. And North Alabama will be a big winner in jobs and economic growth.

Congress must now say "yea" or "nay" to the entire package. Too many incumbents have too much at stake to reject it. Eventually, Redstone Arsenal will gain a command, a headquarters, more work and at least 1,755 new federal jobs - and an additional 2,000 to 3,000 new contractor jobs for Madison County.

This area did so well because Redstone Arsenal is integral to U.S. defense. Workers here are second to none. And local economic development and governmental leaders worked diligently and effectively to get those points across to the BRAC Commission, to the Pentagon, to Congress and to President Bush.

Looking at it from one angle, North Alabama has learned to work the BRAC system as well as - if not better than - any region. The question arises, however, whether the system is flawed.

And that question was raised by the BRAC Commission in its final report to the president.

The BRAC panel, for one, said the Defense Department was overestimating savings the department has touted by some \$30 billion. And saving money is one of the top goals of BRAC.

Further, it noted that some of the streamlining will make the military less efficient.

But most importantly, it questioned whether BRAC should have been postponed until a major national defense strategy review was completed. This does seem a case of cart first, horse second.

None of this reflects badly on local efforts to spur economic growth through BRAC. But is keeping - or adding federal money to - local economies what BRAC is really all about?

The prime goal of military spending is to provide adequate national defense. That's been difficult to focus on because members of Congress must work to promote the economy in their individual districts. BRAC helps remove some of the more egregious politics.

But it doesn't address the issue of how to meet defense needs best. The process must be reformed to do so. That's a vitally necessary next step.

**Do what it takes to BRAC-proof base**

Sioux Falls Argus Leader (Sioux Falls, SD)  
September 20, 2005

Unmanned aerial vehicles. Aircraft with lasers to destroy missiles and satellites. Space-based weapons systems.

Those are some of the ideas for new missions that could make Ellsworth Air Force Base more vital to our nation's defense mission.

"We want to do everything we can to make Ellsworth a multimission base to BRAC-proof it for future rounds," said Republican Sen. John Thune.

Ellsworth was spared in the recent round of closings determined by the federal Base Realignment and Closure Commission, and the commission has suggested that no new closings be contemplated for some years down the road.

But the Defense Department has sought to close Ellsworth before, and it could again. So our congressional delegation is seeking to add missions - to the primary one of housing about half our nation's B1-B bomber fleet - to make Ellsworth more important, more vital, more BRAC-proof.

Whatever it takes. Ellsworth is too important to South Dakota, and if our congressional delegation can add missions to it, to insulate it from future closing proposals, we'll take those.

Our delegation knows this well: While we seem to have avoided closure this time, Ellsworth isn't a sure bet for the future.

Work together and do what it takes. South Dakota needs Ellsworth.

**Any politics involved in military closings?**

Lynchburg News & Advance  
September 20, 2005

Did politics have anything to do with the final list of military bases and installations that will be closed within the next six years?

It depends on who's doing the talking.

The Defense Base Realignment and Closure Commission (BRAC) was established years ago to take a more objective look at the needs of the military when it came time to close some bases. Congress proved it could not make such a decision because few of its members could bring themselves to vote in favor of closing a base in their state.

So the decision to pare military bases was given to the closure commission, which weighs recommendations from the Pentagon and sends a final list to the president.

In the latest round of closures, Defense Secretary Donald Rumsfeld recommended closing 33 major bases and realigning 29 others. By the time the dust had settled on the process, the BRAC sent a list to the White House calling for closing 22 bases and reconfiguring 33 others.

The commission said its recommendations would mean annual savings of \$4.2 billion, compared with \$5.4 billion that would have been saved under the Pentagon proposal.

If Virginia can save Oceana Naval Air Station at Virginia Beach, the state fared fairly well in the commission report. It lost Fort Monroe in Hampton, but the base had been on earlier closing lists and didn't make the cut this time.

But there has to be some give and take in the process. Closing Fort Monroe will mean the loss of some 1,400 military jobs, nearly 2,000 military positions and about 220 contractor jobs. The Army estimated that closing Fort Monroe will save nearly \$690 million over 20 years.

Some of the base's jobs will be moved to Fort Eustis in nearby Newport News under the commission's realignment plans.

The commission also voted to relocate more than 20,000 military and civilian defense workers in leased office space in Arlington County and Alexandria. If that will save the Pentagon money - taxpayer money - it should be done.

The commission has sent its proposals to President Bush for his signature. He has until Friday to accept the entire report and send it to Congress or return it to the commission for further work.

Left unresolved in the report - and this has at least a mild aroma of politics to it - is the future of Oceana Naval Air Station, one of the Navy's main fighter bases. The commission voted last month to require Virginia Beach to condemn land around the base that is most prone to accidents. Virginia Beach officials have said the city would have to buy some 3,000 homes at a

cost of more than \$15 million. State officials have hired a private law firm to explore possible legal measures.

Meanwhile, Florida Governor Jeb Bush has said he would call a special session of the legislature to put up \$150 million to reopen Cecil Field near Jacksonville if the Navy would shift the 11,500 military and civilian jobs from Oceana to Cecil. The city of Jacksonville would also kick in \$50 million toward relocating businesses that have leased space at Cecil since it closed in 1999 under a round of BRAC decisions.

If he gets all of Oceana, and he says he won't settle for anything less, that would make Florida the biggest winner in the BRAC process.

"We're not going to ask the (city and state) to make a financial commitment and get half a jet base, or get the winter home of the East Coast jet base or get half a loaf," said the president's brother.

The commission has said it would leave Oceana open if Virginia and local governments take steps by March 31, 2006, to reduce safety problems in crash zones around the base.

Senator John Warner, R-Va., said he would work with state and local officials to "do our very best to enhance and preserve Oceana as the Navy's East Coast master jet base for many years to come." That's Virginia's senior senator speaking. And he's chairman of the Senate Armed Services Committee. Who said politics have anything to do with the base closings?

### **'Common sense' to maintain South Dakota base**

USA Today  
Senator John Thine  
September 19, 2005

USA TODAY's editorial "Cold War drags on — forever" ignored facts for fiction. When the Base Realignment and Closure Commission (BRAC) voted 8-to-1 to remove Ellsworth Air Force Base, S.D., from the Pentagon's closure list, it wasn't sparing a "costly" base. BRAC members

neither defied "common sense" nor were "absurd." This decision, if signed into law, would save tax dollars (Our view, Military needs debate, Wednesday).

The BRAC staff presented overwhelming data from the commission, the General Accounting Office (GAO) and even the Pentagon that proved closing Ellsworth would not result in a single penny saved.

What defied common sense was USA TODAY's omission of the facts. The Defense Department claimed that closing Ellsworth would save \$1.8 billion over 20 years. This was flat wrong. A GAO report proved that 60% of the projected savings simply did not exist. The Pentagon also failed to calculate enormous costs associated with consolidated training flights and cleanup and construction, which further reduced savings by hundreds of millions of dollars. The end result: Closing Ellsworth would cost almost \$19 million.

The editorial went on to suggest that politics must have "played a role." If so, how does USA TODAY explain that two Democrat appointees on the commission voted to save Ellsworth while the one dissenting commissioner was appointed by the Senate Republican leader?

Ellsworth is a premier Air Force base with exceptional military personnel who are aiding our effort to win the war on terror. Common sense would suggest that closure would have been absurd.

Sen. John Thune, R-S.D., Washington

### **Cold War drags on — forever**

USA Today  
September 14, 2005

By the end of next week, President Bush has to decide what to do with a list of military base closings and realignments he received Thursday from a special commission. The president has two choices: approve the list, or kick it back to the commission for further review.

Because the panel gave the Pentagon most of what it sought, and because Bush is occupied

with Hurricane Katrina and other issues, he's not expected to pick a fight.

But this is a fight worth picking.

This is the final round of a 17-year process aimed at trimming forces that were needed to fight the Cold War. A succession of commissions were created to overcome political opposition. Yet this commission still spared costly Air Force and Navy bases that the Pentagon doesn't want.

#### **BRAC TIMETABLE**

May 13: Defense Department recommends 190 base closures or realignments.

Aug. 24-27: Base Realignment and Closure Commission makes decisions on Pentagon recommendations.

Sept. 8: Final report delivered to White House.

Sept. 23: President must send report to Congress or return it to the commission for further evaluation.

If returned, the commission must resubmit by Oct. 20.

If sent to Capitol Hill, Congress has 45 days to reject. No action means the report becomes law.

As absurd as this is, it's not as absurd as the reaction of several governors, who are suing to reverse the panel's modest changes to National Guard bases. Connecticut's governor, for instance, says A-10 planes need to be based there for homeland security. A-10s are used for strafing ground forces. Perhaps Gov. M. Jodi Rell fears invasion from Canada.

Rejecting the commission's report would signal the governors that the Pentagon needs to focus on the terror threat from abroad, not domestic jobs at Guard bases. And a rejection would force the commission to reconsider other questionable decisions born of the same misplaced motivations:

Tolerating excess submarine capacity.

Submarines play a minor role in the terror war, and the country doesn't need three East Coast submarine bases. Nor does it need to retain its excess submarine repair capacity. And yet the commission elected to keep open the submarine

base in New London, Conn., as well as the Portsmouth sub repair yard in Kittery, Maine.

Delaying base closings. Though the panel agreed that New Mexico's Cannon Air Force Base should lose its four F-16 fighter squadrons, it delayed closing the station — just in case the military could find a new use. Commissioners feared the impact that losing 5,000 jobs would have on the tiny city outside Cannon. But generosity was not the commission's mission.

Just as ill-advised was the decision to keep open South Dakota's Ellsworth Air Force Base. Many suspect politics played a role there because killing Ellsworth could have been fatal to the career of freshman Sen. John Thune, R-S.D., who won his seat by promising to keep the base open. There's no proof, argued the commission, that consolidating the entire B-1 fleet at a single base in Texas would save money.

Common sense suggests otherwise.

The president has a full plate right now, but he shouldn't pass up a chance to save money and improve defense — even if it means putting the commission back to work.

**Additional Notes**