

Inspector General

United States
Department of Defense





INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

JAN 25 2007

The Honorable George W. Bush
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

The Base Closure and Realignment Commission (the Commission) issued a report of findings and recommendations to you on September 8, 2005, which you approved on September 15, 2005. Congress allowed the report to pass into law on November 9, 2005. The Commission's actions were taken under the authority of Public Law 101-510, "Defense Base Closure and Realignment Act of 1990," as amended.

This letter is provided in response to the Commission's Report Recommendation # 193 related to the former Naval Air Station (NAS) Cecil Field, Florida, which contained three criteria. The State of Florida did not take action to satisfy the three criteria. I received a letter from the Governor of Florida, dated January 22, 2007 (Enclosure 1). The letter stated:

On November 8, 2006, the citizens of the City of Jacksonville voted against returning Cecil Field to the military in a county-wide referendum. Because of this decision, the State of Florida was not able to pursue the Navy's return to Cecil Field by taking the designated actions in Recommendation #193.

Because the State of Florida did not take the actions required in Recommendation #193, I am not able to certify compliance with the Commission's criteria.

Recommendation #193 required the Department of Defense Inspector General to certify in writing to the President and oversight committees of Congress by June 1, 2007, as to whether the State of Florida had taken specified actions by December 31, 2006, related to reactivating Cecil Field as a Navy East Coast Master Jet Base. The Commission's Report Recommendation #193, states

Realign Naval Air Station Oceana, Virginia by relocating the East Coast Master Jet Base to Cecil Field, FL, if the Commonwealth of Virginia and the municipal governments of Virginia Beach, VA, and Chesapeake, Virginia, fail to enact and enforce legislation to prevent further encroachment of Naval Air Station Oceana by the end of March 2006, ... and if the State of Florida:

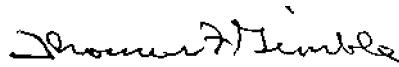
- [1]¹ appropriates sufficient funds to relocate commercial tenants presently located at Cecil Field, Florida,
- [2] appropriates sufficient funds to secure public-private ventures for all the personnel housing required by the Navy at Cecil Field to accomplish this relocation and
- [3] turns over fee simple title to the property comprising the former Naval Air Station Cecil Field, including all infrastructure improvements that presently exist, ... The State of Florida may not encumber the title by any restrictions other than a reversionary clause in favor of the State of Florida and short-term tenancies consistent with the relocation of the Master Jet Base to Cecil Field.

The full text of the Commission's NAS Oceana and Cecil Field Findings and Recommendation #193 is included at Enclosure 2.

My responsibility was to certify whether Florida's actions complied with Recommendation #193, and not to determine whether the East Coast Master Jet Base should or should not be transferred to the State of Florida. This letter concludes my responsibilities required by Recommendation #193.

We are also providing our results to the appropriate oversight committees of Congress. Should you have any questions regarding this matter, please contact me at (703) 604-8300, or Mr. John R. Crane, Assistant Inspector General for Communications and Congressional Liaison, at (703) 604-8324.

Sincerely,



Thomas F. Gimble
Acting

Enclosures: As stated

¹ For purposes of the evaluation, Recommendation #193 is numbered and divided into 3 separate criteria.

Enclosure 1

State of Florida Letter



CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
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January 22, 2007

Mr. Thomas F. Gimble
Acting Inspector General
Department of Defense
400 Army Navy Drive
Arlington, Virginia 22202

Dear Mr. Gimble:

Thank you for your letter regarding Recommendation #193 of the 2005 Base Realignment and Closure Commission.

On November 8, 2006, the citizens of the City of Jacksonville voted against returning Cecil Field to the military in a county-wide referendum. Because of this decision, the State of Florida was not able to pursue the Navy's return to Cecil Field by taking the designated actions in Recommendation #193.

Should you require anything further regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Charlie Crist".

Charlie Crist

CC/ js

Enclosure 2

2005 Defense Base Closure and Realignment Commission Report Recommendation #193

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

COMMISSION RECOMMENDATIONS

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

NAVAL AIR STATION OCEANA, VIRGINIA

RECOMMENDATION # 193 (ADD)

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

SECRETARY OF DEFENSE RECOMMENDATION

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

SECRETARY OF DEFENSE JUSTIFICATION

None.

COMMUNITY CONCERNS

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

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

COMMISSION FINDINGS

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

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

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

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

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

COMMISSION RECOMMENDATIONS

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

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

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



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