

# BASE REUSE REPORT

DECEMBER

Economic Development, Planning and Redevelopment of Military Bases

1995

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## Dual use of facilities: the Indiana experience

By Charles S. Saunders

Charles "Sid" Saunders, Vice President of Government Operations of ICI Americas Inc., is responsible for the management of Army Ammunition Plants in Charlestown, Ind. and Chattanooga, Tenn. He also serves as Chairman of the National Cooperative, Inc., a non-profit professional organization whose objective is to facilitate the cooperative use of national assets, especially Department of Defense facilities, bringing benefits to the Department of Defense, local communities, participating companies, and the national economy. He was formerly Vice President of Business Development for ICI's Advanced Materials Division, responsible for product development and government systems. Prior to joining ICI, he was Director of Commercial Development for GAF Corporation, with responsibility for new business development, economic evaluation and advanced technology and materials.

He holds a B. S. Degree from Texas A&M University and a M.S. from the University of Utah, both in chemistry. He served as an officer in the U.S. Air Force.

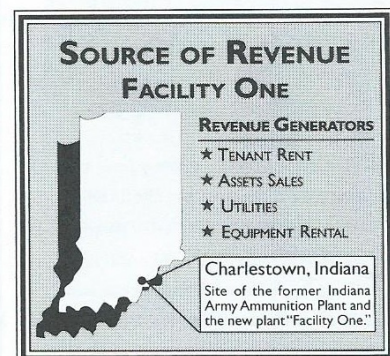
Defense and commercial operations can thrive side by side to restore a government facility to full use for the benefit of the nation, the local community, and industry. That's the clear message from the Indiana Army Ammunition Plant in Charlestown, Ind., an example of a successful collaboration that leverages existing assets so that both the Army and the commercial tenants can do more—and faster—with minimum additional outlay. Here, 48 commercial tenants employing 536 people have found a home alongside the U.S. Army.

The Indiana plant is a prototype for conversion to dual use, as reflected in its

new name, "Facility One." It occupies more than 10,000 acres of land in southern Indiana across the Ohio River from Louisville, Ky. Major assets include over 1.5 million square feet of building space ranging from modest offices to large production facilities. There is an extensive road, rail, electrical, water, and sewage treatment infrastructure. By choosing dual use, the Army retains ownership of the base for possible future defense needs, while recouping its maintenance costs and enhancing the quality of life for surrounding communities.

During the last three years, the plant's GOCO manager, ICI Americas, Inc., has used a variety of established approaches to open the gate to commercial firms. The facility-use agreement is the most widely used arrangement at the Indiana plant. ICI and the Army entered into an overall facility-use agreement, under which ICI is managing the plant's commercial use. Tenants enter into specific facility-use arrangements with ICI, with the Army's approval. Facility-use provisions are part of most facility management contracts, and contractors and

Continued on page 2





# THE BASE REUSE REPORT

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## THE BASE REUSE REPORT



### CASE STUDY

#### Dual use of facilities ...

*Continued from page 1*

more procurement officers are becoming familiar with this process. One advantage is that the approval for such use can be given at the local level by the procurement official, making completion of these agreements relatively quick and easy.

As of October 1995, 48 companies have located their operations at Facility One, bringing in 536 jobs. Many of these companies are utilizing equipment and skills that had previously been used by the Army. Of the 33 skills maintained at the plant prior to deactivation, 28 are now maintained via these new businesses. The facility has also helped to create eight new businesses through an on-site Business Development Center and has attracted two small disadvantaged businesses.

The mix of new companies using the facility is as interesting as it is varied. Many of the companies are involved in resource recovery, including a composter,

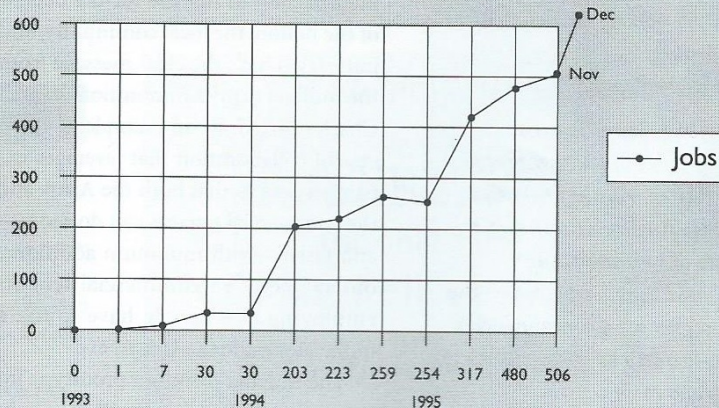
a recycler of barrels, a can de-denting operation, an oil recycler, an industrial rag recycler, and a glycol recycler. There are manufacturers of wood products, several assembly and distribution operations, and even a high-tech one-of-a-kind prototyping organization.

Nu-Yale Corporation, a large commercial laundry and apparel manufacturer, is making use of otherwise under-used space and wastewater treatment facilities on-site. Nu-Yale is retrieving value-added production and jobs from third-world countries in response to the growing appetite of garment venture companies and retailers for quick-response, low-inventory ways of doing business. This company chose Facility One for its sewing, laundry finishing, packaging, and national distribution operations because of the plant's on-site equipment and facilities assets, its central location, and its transportation convenience.

There are now sufficient tenants and revenue at the Indiana plant to cover the basic facility maintenance at no cost to the Army. Projected additional revenues will be used for environmental remediation as well as for improvements to the infrastructure.

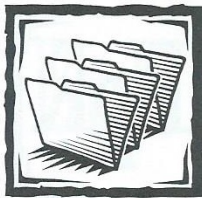
Currently, more than 30 organizations are negotiating to join the

#### Facility One—Job Growth





## THE BASE REUSE REPORT



### CASE STUDY

growing family of companies at Facility One. They represent a range of industries, including transportation equipment, storage, food, mineral processing, fertilizer, medical equipment, recycling, and plastics. In addition, non-profit civic organizations are interested in space for anything from storing materials to holding footraces.

One of the still underused major resources at the Indiana facility is water. Water from existing wells could be sold for outside use. Recent engineering studies show that both the water quality and the wells are adequate to produce more than 70 million gallons of potable water per day.

At the peak of its military use, the Indiana Army Ammunition Plant employed 19,000 people. The goal of Facility One—its “20–20 Vision”—is to provide 20,000 jobs by the year 2020.

The Indiana experience shows clearly that dual use of a military facility is a “win-win” solution to a growing challenge. Military use continues to the

*“Bases do not have to close to privatize the facilities.”*

extent needed, while commercial use offsets the maintenance cost. The defense base and skills are retained, reducing the time and money necessary to mobilize.

Meanwhile, the converted plant provides job opportunities and regional economic development, bringing major benefit to the private sector and the community.

Bases do not have to close to privatize the facilities and benefit the community. This Indiana facility-use example shows that military facilities can be used commercially with revenues offsetting operational costs. Commanders will want to review the facility-use contract option and explore this approach as conditions warrant.

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COMMENTARY

## Downsizing disorders

By Saul Bloom and Eve Bach

*Saul Bloom is director and Eve Bach an economist and planner with Arc Ecology, formerly the Arms Control Research Center, a non-profit organization in San Francisco which specializes in base closure and defense issues.*

In 1987, the Defense Department promised a slimmer, trimmer military through the crash diet of base closures known as BRAC—the Base Closure and Realignment Commission. BRAC actions will shed 800,000 acres of excess military bases acreage within the U.S., causing major dislocations to the communities that have hosted the bases for generations.

Unfortunately, binge eating threatens to cancel out these painful reductions. At the same time that base closures have grabbed the headlines, the Pentagon has been accumulating vast tracts of new lands. By 2001, the year that BRAC closures are to be completed, the military will have realized a net increase of 200,000 acres since 1988.

For communities facing the dislocations of base closures, these expansions add insult to injury. They come at a time that closure communities are being told that there is not enough money to clean up toxic wastes on closing bases.

### Base Reductions—Base Expansion

Under BRAC legislation, the Defense Department is closing 133 major bases, equivalent to about 800,000 acres of land by 2001. Yet if current plans for expansion go through, by that date they will have increased the amount of land they own in the U.S. by 200,000 acres over what they had when they began the base closure process.

The purpose of BRAC is improved operations within a reduced basing structure, not simply the elimination of obsolete installations. National deficit reduction requires that the Defense Department make better use of existing resources. This rationale supported a

legislative process that insulated BRAC decisions from local political pressures to keep bases open, and it is used to justify closing the bases before they are cleaned up.

Unfortunately, the Defense Department's ambitious acquisitions program is working at cross-purposes to these objectives. In the early part of the decade, they obtained 216,400 acres of new land; they are now in the process of adding another 748,000 acres at Fallon

*"Binge eating threatens to cancel out these painful reductions."*

Naval Air Station in Nevada, Fort Irwin in California, and the White Sands Missile Range Ballistic Missile Defense test range.

The Pentagon has cited the need to replace overseas closure sites (350,000 acres) and to accommodate the intensive land requirements of modern battlefield training, but they have not explained why their 13.4 million acres (21,000 square miles) of training facilities are not enough. Pentagon reports indicate that the focus of military concern, and therefore training, has shifted from global warfare to regional conflicts, like the 1991 Persian Gulf War, and smaller peace-keeping operations such as Somalia, Rwanda and Haiti. Their estate of 21,000 square miles is:

- 150 times larger than Grenada (133 square miles);
- almost as big as Panama (29,000 square miles); and
- a significant fraction (one-eighth) of Iraq (169,235 square miles).

Prior to expansion, the Pentagon was meeting its needs for large training areas with domestic, not foreign bases. The 4,700-square-mile Nellis Air Force Base and Bombing Range in Nevada encompasses more land than all overseas U.S. facilities and the five largest U.S. cities combined. The 250 square miles at closing Clark Air Force Base in the Philippines represents less than 5 percent of the area of Nellis and 1 percent of the total for domestic training facilities.

### Environmental Contamination

Bombing, war games, and industrial support activities associated with training facilities cause land compaction and erosion, and leave behind unexploded ordnance, and a full menu of industrial pollutants. The citizens of Monterey County, who have "inherited" 22,000 unusable acres peppered with unexploded ordnance have become experts.

Creating more wastelands is bad public policy, especially in light of the Defense Department's shrinking commitment to environmental remediation. The law is clear that the Defense Department is responsible for cleaning up the pollution on military bases (those in operation as well as those closing). BRAC legislation mandates that bases must be closed within six years of the closure decision, but sets no time requirements for putting cleanup programs in place. This failure to link closure and cleanup is undermining reuse plans of host communities. The military cannot convey base real estate to new owners until this stage of the cleanup process has been achieved, and conveyance is the sine qua non for attracting the capital required to redevelop the bases.

The public should have no illusions about the seriousness of the pollution problem. Remaining cleanup costs for each closing base are, on average, \$38 million, compared to \$13 million for each operating base. The probability that the contamination of closing bases is





## COMMENTARY

serious enough to warrant listing on the National Priorities (Superfund) List is 7.5 times greater than for operating bases. Nineteen of California's bases are designated as Superfund sites; 10 of these are in the process of closing.

### A Weak Commitment to Cleanup

The amount that the Defense Department is planning to request from Congress will not cover the need. According to the Future Year Defense Program (FYDP) in Table 2, the Department intends to request \$2 billion to cover the same BRAC I-III cleanup obligations that it has estimated will require \$3.1 billion.

Since these FYDP numbers were prepared, the President and Congress have approved the closure of 36 more bases, with an additional \$2 billion of cleanup needs. The Defense Department is revising these figures which are expected to become public in early 1996. The Appropriations Conference Committee is signaling that \$200 million will be added for 1996. If this level were sustained over the six years of BRAC IV closures, about \$1.2 billion would be added to cover the \$2 billion liability.

Resources that might allow increased funding are being diverted to other programs. The expansion program of the Defense Department is so problematic because it absorbs and competes with cleanup and other needs of closure communities. This year Congress voted to cut funding for job training, job placement, economic development, infrastructure construction, and other programs that would help workers and their communities recover from closures. The Senate voted to rescind \$100 million from programs for dislocated defense workers.

### Toward Sensible Reduction

In 1995, there is no margin for a Defense Department that is extravagant and wasteful; nor for one that adds to the

base conversion burdens faced by local governments. National decision-makers need to know that their approval of BRAC represents only the first step in developing a more lean and fit Defense Department.

A sensible downsizing program to stabilize the reductions begins with a few key actions:

- Put base expansions on hold. The need for massive acquisitions has not been demonstrated.
- Fully fund the BRAC Environmental Cleanup Fund.

- Hold the military accountable for efficient, timely and thorough cleanup of the closing bases
- Require the military to maintain and upgrade infrastructure when bases close before remediation programs are in place (most bases will fall into this category). Artificially low land holding costs encourage the military to delay cleanup.
- Involve local communities more fully in cleanup decisions

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**TABLE I**  
CHANGES IN BASE LAND AREA IN THE U.S., 1990-2001

Type of Base	Before Closures		After Closures		
	Acres (millions)	% of all bases	Acres (millions)	% of all bases	Change
Training Facility	13.4	52%	14.4	56%	+7%
All Others	12.2	48%	11.4	44%	-6%
<b>Total</b>	<b>25.6</b>	<b>100%</b>	<b>25.8</b>	<b>100%</b>	<b>+1%</b>

**TABLE II**  
FUTURE YEARS DEFENSE PROGRAMMING BRAC ENVIRONMENTAL ACCOUNT  
(\$ BILLIONS)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	Total
Army	\$.127	\$.136	\$.084	\$.022	\$0	\$0	\$0	\$369
Navy	\$.278	\$.225	\$.184	\$.090	\$.057	\$0	\$0	\$.834
Air Force	\$.107	\$.093	\$.087	\$.250	\$.272	\$0	\$0	\$.809
Other	\$.006	\$.003	\$.001	\$0	\$0	\$0	\$0	\$.010
<b>Total</b>	<b>\$0.518</b>	<b>\$0.457</b>	<b>\$0.356</b>	<b>\$0.362</b>	<b>\$0.329</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2.022</b>





BRR FORUM

## Homeless assistance programs present complex reuse issues

By Robin Miller

Introduction by Randall A. Yim  
and Josh Kirschenbaum

*The fate of homeless assistance conveyances is presently in the hands of the Congressional conference committee meeting on the National Defense Authorization Act for Fiscal Year 1996. Until a resolution is reached, the Base Reuse Implementation Manual provides communities with an overview of homeless assistance conveyances (Chapter 3, Section 4) governed under current legislation. Since the federal legislation remains undecided, we have included a review and history of the homeless conveyance process, as part of our series on the Base Reuse Implementation Manual. This article*

*is based on excerpts from a longer position paper on homeless conveyances and economic development by senior staff attorney Robin Miller of HomeBase in San Francisco. The paper was developed as a policy document to support economic conversion of former military bases.*

*HomeBase is a law and social policy center devoted to meeting the civic and legal needs of California's growing homeless population as well as those who seek to provide homeless people with housing, incomes and services. HomeBase offers advice and consultation, training and technical assistance, an extensive collection of legal manuals and working papers on legal issues, and a complete library of policy, program, practical and academic information on homelessness.*

*HomeBase takes a holistic approach to legal advocacy for homeless individuals and is one of the leading authorities in the field of homelessness in the country. HomeBase has worked closely with Bay Area communities to develop homeless assistance programs at closing military bases and fostered the highly acclaimed standards for homeless support at the Alameda Naval Air Station. For more information on HomeBase, please contact Martha Pleetwood at HomeBase, 870 Market Street, Suite 1228, San Francisco, CA 94102, or phone (415) 788-7961.*

Federal property conveyances under base closure law offer many opportunities for communities to acquire property at less than market value cost. One of the greatest assets to accommodate community needs is the availability of former military base property to assist the needs of the homeless. Unfortunately, homeless assistance conveyances are one of the most controversial aspects of the base closure process. Military base reuse and homeless conveyances have been closely linked throughout the last four rounds

of base closures. The relationship has been tested through federal legislation over the past few years.

Homeless assistance providers were originally empowered to utilize former base property by the Stewart B. McKinney Homeless Assistance Act of 1987. In October 1994, Congress and the President passed the Base Closure Community Redevelopment and Homeless Act (PL 103-21), which allowed communities to abandon the requirements of the McKinney Act and established a new process for satisfying community homeless assistance needs. In August 1995, the Department of Defense issued an interim final rule to provide guidance for homeless assistance conveyances. In the absence of a final rule and the pending new legislation at the federal level, HomeBase offers these insights on the homeless assistance process:

The availability of surplus property at closing military bases is an opportunity for the federal government to meet its commitment to address homelessness. While we cannot expect to resolve homelessness through base conversion, we can use the resources offered by the closing bases to meet some local homeless needs.

Fortunately, base conversion is an ideal situation in which to address homelessness and low income housing needs within the context of economic development planning: Most bases, as planned communities, contain housing and a variety of other facilities that are suitable for low income housing and homeless assistance programs. So long as base property used for homeless assistance is conveyed free to the local reuse authorities, and in turn to low income housing developers and homeless service providers, it is an ideal opportunity for these agencies to expand or add services for existing needs in the community.



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BRR FORUM

### Analysis

There is often resistance to participation of homeless representatives in the base conversion process, and to use of property on closing military bases for homeless assistance programs. While several factors contribute to this problem, underlying the resistance is the common perception that homelessness and economic development are completely separate social and economic problems with mutually exclusive solutions; while the reality that successful economic development requires a healthy community devoid of homelessness and other problems of poverty, is often overlooked.

Base conversion is typically viewed first and foremost as a land use planning issue and in most communities homeless representatives are not viewed as community stakeholders in land use planning. Indeed, in most communities

homeless representatives and other stakeholders in the base conversion planning process have little or no previous experience working with each other, and are inclined to bring fear and distrust to the table.

As a result, the role of homeless representatives in the base closure process prescribed by federal law has generated a great deal of controversy over the past several years. The applicable law has been altered twice in the past two years, and additional changes are under consideration as of this writing (November, 1995).

Several key elements govern homeless assistance programs:

• **Title V of the McKinney Act.** Initially Title V of the Stewart B. McKinney Act alone governed the role of homeless representatives in the base closure process. The McKinney Act gives homeless representatives the right to obtain surplus federal property.

• **The Pryor Amendment.** Among other things, the McKinney Act requires publication of surplus property three times a year, and allows homeless representatives to apply for the property during a fixed period after publication. In the base conversion context, this multiple opportunity was particularly worrisome to base conversion planners who feared that they could not rationally plan if every few months different parcels of property at the base were "picked off" by homeless representatives. To

*Continued on page 11*

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INTERVIEW

## BRR Interview: Glenn R. Lawrence

Indiana commission head urges  
more community 'networking'

By Sigrid Bathen

Glenn R. Lawrence is Executive Director of the Governor's Indiana Military Base Use Coordinating Commission, created in 1992 by Gov. Evan Bayh. An attorney, Lawrence had been the Governor's Executive Assistant for Public Safety, and served as Legislative Liaison and Chief Counsel for the Indiana Department of Correction. Previously, he was Legislative Director and Subcommittee Counsel for Indiana Congressman Frank McCloskey, a member of the House Armed Services Committee. From 1974 to 1985, Lawrence was in private practice and served as Chief Deputy Prosecutor for Harrison and Crawford Counties in Southern Indiana.

He holds a Bachelor's degree in political science from Duke University, and a J.D. from Emory Law School. He is a veteran of the U.S. Army.

Members of the Governor's Base Use Commission also include the governor as chairman, the lieutenant governor, the heads of four other state agencies, congressional representatives and private citizens with expertise in development, finance, urban planning and the environment.

**BRR:** When the commission was established by the governor in 1992, what was the impact of base closures on Indiana?

**Lawrence:** In 1991, we got a closure recommendation on Fort Benjamin Harrison and closure or realignment of Grissom Air Force Base. We were already working on the Jefferson Proving Ground in southern Indiana, and there were some realignments of the two air warfare centers. We had, of course, like other places tried to keep them off the list, but as we saw the handwriting on the wall we went ahead and developed this commission to assist the community.

(Editor's Note: By 1997, an estimated 36,000 military and civilian Indiana workers will be affected by base closures or realignments.)

**BRR:** How does the commission differ from similar commissions and task forces in other states?

**Lawrence:** Different states have different methodologies. In one, the governor may appoint somebody in, perhaps,

*"There is a very large historical connection between communities of color and bases."*

their department of commerce, as a lead person. Or they set up a special office. California has its own task force. [Former] Gov. [Ann] Richards had set up a task force in Texas quite a while back. I don't know that there are too many commissions.

**BRR:** Why was the Army Ammunition Plant deactivated (e.g., mothballed) rather than closed?

**Lawrence:** It has one of the largest black-powder producing buildings in the world. We had approximately 14,000 jobs there during the Vietnam era and the Korean era. I think they just see that as a fall-back. It is, however, 10,000 acres on the Ohio River. We have since leased some of it for a new state park and gotten some transfer off of that. They surplused it, so we do have 860 acres transferred for a state park, and we're looking at leasing another 1,000 acres.

**BRR:** Please describe some of the other reuse plans in the works or actually in place. There has been a great deal of discussion in Indiana about privatization.

**Lawrence:** In 1993, we started getting concerned that we were going to be on

the '93 list. All of us worked together, including the governor and the city of Indianapolis, to try to work toward the possibility of a privatization program with Purdue University. We presented that during the course of the consideration of closure, and we did get that consideration, we didn't get a "Hey, no, you're closing." We are still discussing the possibilities with the Navy.

The other facility, Jefferson Proving Ground, is 55,000 acres, and a substantial part of it, maybe a little bit less than 50,000 acres, is basically covered with unexploded ordnance and missiles and bombs.

**BRR:** That's a problem.

**Lawrence:** That's a big problem. We discussed with the Army and the Department of Interior the possibilities of a wildlife refuge there because the costs to clean it up have been estimated all the way up to \$8 billion.

**BRR:** So the wildlife can deal with the unspent ordnance?

**Lawrence:** Well, they're there already. We have a lot of turkeys and deer, and we do allow hunting (hunters have to sign a liability waiver). The rest of the property, about 4,400 acres, is below the firing line and is relatively clean, but there have been no offers for that. The Army Corps of Engineers put it out for bids with a \$6 million price tag, and got no response. The community has filed some requests for a park, the possibility of a golf course, and economic development. There have been some stalemates in discussions between the Army and the community over this.

**BRR:** Is every closed base in some stage of reuse?

**Lawrence:** Fort Benjamin Harrison, of course, is easier than the others, which are in rural areas and are tough to deal with. For Fort Benjamin Harrison, the governor recommended development of a new state park, and that is proceeding. Of the 2,400 or so acres, we are going to have a new state park which encompasses 1,700 acres. The areas where they did training, the officers club, the golf





INTERVIEW

course, will be developed into a state park. The rest of the property is with an LRA, and they have an economic development request in as we speak for the remaining 500 acres or so.

**BRR:** *What success have you had in interesting private industry in bases? Many complain of the red tape involved.*

**Lawrence:** That's still a very serious problem. For example, Grissom Air Force Base has been trying to negotiate leases, but there's still that red tape, that time constraint in establishing a fair market value, and it's very difficult to say to somebody, "Well, we might be able to get back with you in a couple of months to see if we can talk!"

**BRR:** *How might that situation be changed?*

**Lawrence:** I would like to see more realistic discussions between the community and the military. They come in,

and one side appraises it one way for the cheapest possible price, and the Army comes in and appraises it, sometimes without the ability or the information of real market values in the community. I hate to be in a position of saying that people should hire more experts. For example, one of the buildings out at Fort Harrison, the estimated fair market value from the Army is like \$6 a square foot for lease, but you look at the building, and the wind comes through in places. I'm not necessarily faulting anybody, it's just that I think there [should be] more hands-on discussions and negotiations.

**BRR:** *How do you avoid conflicts among local entities in reuse planning?*

**Lawrence:** That has been one issue that, thankfully, we have kind of avoided. Grissom crossed three county lines and a number of small communities. The original board had 34 voting members, and that was a bit much. Trying to even get a quorum of 17 after a period of time is difficult. Eventually, they knocked down to a five-member board which is the main community, since it is mostly in one county.

**BRR:** *What does the commission do in terms of technical and financial assistance to communities?*

**Lawrence:** It's more technical than financial. I don't have any funding, but what I have done is to steer them towards [other government agencies]. We have

*Continued on page 10*

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INTERVIEW

*Continued from page 9*

assisted financially with their required match. Generally, we've given them half of their required match through the Department of Commerce and other resources. The technical assistance has come from every other agency in the state, from transportation to airports to environmental management.

**BRR:** *How many jobs have been lost to base closures in Indiana? How many replaced?*

**Lawrence:** Initially, 13,000 jobs. Per capita, Indiana is on the top of the list of lost jobs. We have lost everything except one technical facility. We were able to save some with the Air Force Reserve staying at Grissom, getting about 400 of those jobs back. But all the ones at Jefferson Proving Ground, the Army Ammunition Plant are gone. We've gotten back maybe 300 there through some private incubator programs.

**BRR:** *Tell us about the incubator programs.*

**Lawrence:** They have a lot of warehouses and storage facilities [at the Army Ammunition Plant], and what they are trying to do is set those up as small businesses. One example is they stone-wash jeans down there. They hire 50 people or so, and now it's expanded to perhaps more than 200. They have 300 jobs there in 12 or 13 industries.

**BRR:** *What advice would you offer communities facing closures?*

**Lawrence:** Every facility is different, but there needs to be substantially more networking. People are doing the same things over and over and over. I realize that the laws change, but a lot of times

what they need to do is go to a facility that is already closed. Go to people who have already experienced it. Go to Grissom and say, "Hey, what did you do wrong?" And they'd say, "Putting 34 people on our board..."

That, plus get a developer involved early—not just consultants. A lot of times, the consultants come in and say, "Hey, here's a great reuse plan." A developer comes in and says, "Hey, I want green space, I don't want those buildings, they need to be demolished." They need a developer consultant early on who can give them some realistic background, some baselines.

*Sigrid BATHEN is the Editor of the BASE REUSE REPORT.*

**Contact:**

*Governor's Indiana Military Base Coordinating Commission, 1 North Capitol, suite 600, Indianapolis, Ind. 46204, phone (317) 233-4271.*

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BRR FORUM

## Homeless assistance . . .

*Continued from page 7*

address this concern, the Pryor Amendment to the National Defense Authorization Act of 1993 specifically limited the opportunity for homeless representatives to apply for base property under the McKinney Act to a one-time-only chance.

• **Base Conversion Community Redevelopment and Homeless Assistance Act.** Despite only recent passage of the Pryor Amendment, in late spring and early summer of 1994, new objections to the McKinney Act arose. Despite the one-time-only limitation, homeless representatives in many communities had developed comprehensive plans for use of base property and were well prepared to meet their McKinney deadlines. The political pressure, occurring in an election year, resulted in a complete change in the role of homeless representatives in the base conversion process through the Base Conversion Community Redevelopment and Homeless Assistance Act ("The Redevelopment Act").

The Redevelopment Act displaces application of Title V of the McKinney Act to base closure property. It sets out a different process which requires LRAs and homeless representatives to work

together in addressing homeless needs in local base conversion planning. The Act is applicable to all bases which are announced for closure subsequent to enactment. For bases which had previously been announced for closure, the law allows local reuse authorities (LRAs) to opt out of the McKinney Act and instead adopt the new Redevelopment Law process.

The Redevelopment Act has fostered cooperation between LRAs and homeless service providers in many communities. At closing military bases throughout California, the base conversion process is moving forward with unprecedented levels of cooperation between local reuse authorities (LRAs) and representatives of the homeless. Productive relationships in turn have contributed to forward movement on development of the final reuse plans.

For example, in Alameda, Calif., a collaborative of homeless agencies established a process in which they negotiated with the reuse authority for Alameda Naval Air Station for standards of how much property would be devoted to homeless assistance uses.

The parties were highly successful in developing a working relationship and coming to compromise. The agreement, which won nearly unanimous approval of the Alameda Reuse and Redevelopment Authority and has community support, includes set-aside of 186 units of the family housing and 200 rooms of barracks housing for transitional and permanent housing; a 15 percent homeless hiring goal for all new employment at the base, with a prescribed first source hiring plan; set-aside of significant warehouse space and other buildings (such as a wood working shop) which will be used for business development and job training sites to benefit homeless clients of the participating service providers; and set-aside of recreational and retail space.

Any change to the 1994 Act will upset the balance of these key factors. Enactment of new provisions governing homeless assistance in base conversion always causes delays in local base conversion planning while stakeholders learn the new law and await implementing regulations.

### Approaching Solutions

Several elements are critical to meeting the needs of homeless people:

*Continued on page 14*

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## NEWS BRIEFS

## News Briefs

### Sacramento, Calif.

#### Yim named deputy of dept. coordinating area base reuse

Sacramento attorney **Randall A. Yim**, Contributing Editor of the *BASE REUSE REPORT* and a nationally recognized legal expert on military base closures and conversions, has been named Deputy Director of a new **Sacramento County Department of Military Base Conversion**.

Formed to coordinate the reuse and privatization of **McClellan Air Force Base** as well as the continuing conversion of **Mather Air Force Base** to civilian use, the new county department relocated to McClellan last month (November, 1995) in order to facilitate joint privatization efforts involving the U.S. Air Force and regulatory agencies.

"McClellan will be the national model for both privatization and rapid reuse," said Yim, who is a member of the **California Military Base Reuse Task Force** and has represented Sacramento County in the closure and reuse of Mather since 1991. "Lessons learned and methods developed at McClellan will guide redevelopment activities not only at military bases, but also at private developments for the next decade."

Yim writes a monthly column, the *BRR Forum*, for the *BASE REUSE REPORT*. Appointed by **Gov. Pete Wilson** to the state's Military Base Reuse Task Force as the member with expertise in toxic cleanup, Yim is also a member of the California Water Resources Control Board Underground Storage Tank Technical Advisory Committee and past chair of the Sacramento Environmental Commission.

An expert in the complex environmental and other legal issues affecting military base closures and reuse, Yim also provides legal services to the **East Bay Conversion and Reinvestment Commission** regarding the **Alameda Naval Air Station** closure, and is a

legal consultant on numerous other military base reuse efforts. He will continue to maintain his private consulting, environmental and base reuse law practice.

An attorney in private practice in Sacramento since 1977, Yim received his B.A. degree in Human Biology from Stanford University and his J.D. from the University of Pennsylvania Law School.

### Washington, D.C.

#### Ala., Ark., S.C., Tex. compete for new Border Patrol training site

Attorney General **Janet Reno** is expected to decide soon where to locate a multi-million dollar facility to train 2,000 new Border Patrol agents and Immigration and Naturalization Service inspectors. The facility will be located at a military base in **Fort Bliss** (Texas), **Charleston** (South Carolina), **Anniston** (Alabama) or **Eaker AFB** (Arkansas).

The federal government plans to operate a training facility for at least 18 months and perhaps permanently, depending on training needs. The facility should generate 125 to 150 jobs and a \$5 million budget.

Texas lawmakers argue that El Paso is the logical choice because it is currently home to hundreds of immigration agents, it provides a bilingual culture that reflects agents' future working environment, and because it is on the border. "The Border Patrol belongs on the border!" **Rep. Henry Bonilla** scribbled at the bottom of a letter this week to Reno.

Eaker AFB offers the lowest cost estimate of \$3.4 million to set up the training site. Earlier this year, the INS announced that Charleston had been selected as the Border Patrol training site. But the agency re-evaluated the selection after learning that South Carolina's

costs could be twice the \$5 million budgeted. It is estimated that the Fort Bliss site would cost \$6.3 million.

Source: *The Dallas Morning News*

### San Francisco, Calif.

#### EPA tries, fails to add bases to federal Superfund priorities list

The **U.S. Environmental Protection Agency** (EPA) recently failed in its effort to add **Mare Island Naval Shipyard** and **Alameda Naval Air Station** to the **Superfund National Priorities List** (NPL). In a letter from **Keith Takata**, Deputy Director for Superfund at EPA Region 9, to **Jesse Huff**, director of the California Department of Toxic Substances Control (DTSC), EPA asked for DTSC agreement in adding the bases to the NPL list.

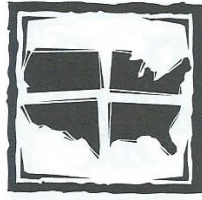
Listing the bases would place them directly under EPA supervision and require the negotiation of new Federal Facility Agreements between the EPA, DTSC and the Navy, governing the cleanup process at each base. However, Congress recently barred EPA from adding facilities to the NPL without concurrence of the state governor.

EPA contended that NPL listing would increase the EPA and DTSC authority to supervise the Navy, speed cleanup, and promote community involvement. However, leaders of the reuse effort in the cities of **Vallejo** and **Alameda** expressed concern over the impact that the stigma of NPL listing would have on their ability to interest businesses and lenders in development of the two bases.

In August, EPA responded to concerns over NPL listing of closing military bases by issuing a model "comfort letter" to reassure businesses that NPL listing does not increase the risk to developers or tenants. In fact, the military provides guarantees and indemnities protecting buyers and tenants against Superfund liability, and EPA signs off on findings that property is cleaned up and ready for leasing or sale.

However, in a response letter to EPA, **Stan Phillippe** of DTSC refused to





NEWS BRIEFS

concur in the NPL listing. While he agreed with EPA that the public perception about NPL listing is unreasonably negative, Phillippe noted that until businesses and lenders are sufficiently educated about the subject, the perception is an unnecessary burden to the base reuse process. He also noted that DTSC is satisfied with the de facto agreements it has worked out to supervise Navy cleanup efforts.

Source: *Raymond Takashi Swenson, Lt. Col. USAF (ret.), Ballard Spahr Andrews & Ingersoll, (801) 531-3024.*

### Moscow, Russia

#### Even if bases fail to pay their bills, government bans utility cut-offs

While the transfer of base utilities to local control in the U.S. has had pitfalls, the situation could be much worse. On Nov. 8, the Russian government had to order its energy ministry to stop cutting off electricity, heating and gas supplies to military installations, even if they fail to pay their bills according to an *Agence France-Presse* article.

The six-month ban follows a series of embarrassing and potentially dangerous incidents in which top-secret Russian installations have had their energy cut-off because of massive arrears. In September, the reactors in four decommissioned nuclear submarines belonging to the Murmansk-based **Northern Fleet** came close to uncontrollable overheating after the local electricity company cut off the power to the base because of unpaid bills. In May, the northern space centre **Plesetsk** had its supplies cut off. In September last year, the central strategic missile command centre briefly had its electricity cut off.

### San Diego, Calif.

#### Groups meet to discuss conversion as LRA approaches reuse decision

Representatives from San Diego's defense conversion assistance programs met Oct. 13 to discuss the region's progress. The event was organized by **San Diego State University** as part of a program to examine the economic

transition under way in San Diego and Baja California.

It is still early to judge whether the local economy can rebound from the financial blow that the region has suffered since the government first began cutting military budgets. Federal funds supported San Diego County's 16 military bases and variety of firms. Without the inflow, 28,000 local workers have had their jobs eliminated.

In the San Diego region, several federally funded programs are clustered mainly under the **San Diego Technology Council**, the SDSU **Defense Conversion Center** and the **Naval Training Center Reuse Project**. The defense conversion projects concentrate on helping businesses develop non-

defense related activities, retraining workers and finding uses for the only local base being closed, the **Naval Training Center**.

The reuse authority for the Naval Training Center has narrowed its options down to two possible scenarios. With Alternative A, the NTC would become a local and regional tourism destination that features cultural and recreational uses. Alternative B would feature office, educational, and research and development uses.

With either alternative, the city faces a major hurdle in financing the approximately \$150 million to develop the facility. The reuse authority is scheduled to make its recommendation early in 1996 followed by the City Council in the spring.

Source: *The San Diego Union-Tribune, San Diego Business Journal*

Written and compiled by Sigrid Bathen and Christopher G. Hart.

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BRR FORUM

## Homeless assistance ...

*Continued from page 9*

### • **Preserve the Redevelopment Act of 1994, Especially the Key Elements.**

Federal guidelines in the base closure process, like those in the Redevelopment Act, must remain an integral part of the process. The Redevelopment Act prescribed certain actions, and results in the base conversion planning process. These requirements are taken seriously because the Act contains a strict enforcement mechanism in which HUD has the power to enforce compliance. The success of the Redevelopment Act is attributable to the three key elements which must be preserved:

- There is a mandated role for representatives of the homeless in the base closure process.
- The process is set up to actually address homeless needs.
- The Department of Housing and Urban Development (HUD) has a strong role in the process.

The 1995 Senate Amendment to the National Defense Authorization Act for Fiscal Year 1996 which would alter the 1994 Redevelopment Act, would dilute the role of HUD in ensuring final reuse plans balance economic development needs with needs of the homeless population in the community. HUD

would continue to expend the same resources assessing compliance with the balancing goal. However, the Defense Department would have final say over the adequacy of the plan to address homeless needs. Given the success of the Redevelopment Act and the progress base closure communities have made in planning for homeless assistance

*"Successful economic development requires a healthy community."*

programs, changes such as proposed by the Senate amendment would likely delay or derail the local base closure planning processes, without any beneficial outcome.

- **Preserve the Property Conveyance Process for Homeless Assistance Programs.** While community economic development must be fostered, the federal investment in military

bases during the past century, should also be funneled into pressing social needs such as homelessness. The ability to obtain base closure property free of cost is key to local community ability to utilize the property to meet homeless needs.

The 1995 House of Representatives Amendment to the National Defense Authorization Act for Fiscal Year 1996, which would completely alter the homeless assistance process in base conversion, would also eliminate DOD's authority to transfer surplus military real property to local government and nonprofits at no cost for homeless assistance programs, even if local authorities want to use base property for homeless assistance. If passed, the Amendment would pose a significant obstacle to use of base property for homeless assistance programs. Without this form of federal subsidy to the efforts to develop programs to assist homeless people, such programs cannot be achieved. This will be a problem for all communities, even those in which the LRAs are strongly supporting use of base property for homeless assistance projects. Neither the LRAs, nor nonprofits hoping to develop these programs can afford to pay for the property on top of the cost of developing the programs.

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BRR FORUM

• **Create Separate Streams of Funding for Design and Implementation of Programs.** Base conversion laws offer unique opportunities for affordable housing developers and homeless service providers to obtain surplus property and address the needs of the homeless in addition to focusing on economic redevelopment. However, few federal resources are available to these agencies and the LRAs for the design and implementation effort needed to adequately address homeless needs in the base conversion context.

Access to funding earmarked specifically for design and implementation of homeless assistance programs in base conversion would serve the interests of all stakeholders. The LRAs and homeless representatives would be able to develop plans with appropriate professional assistance and ensure resources for implementation. Others in the community would have more assurance that the parties are acting under the guidance of experienced and knowledgeable professionals.

• **Foster Regional Collaboration.** While the Redevelopment Act has resulted in increased sensitivity and cooperation among LRAs and homeless representatives, regional collaboration could address continuing confusion. For example, regional cooperation could foster development of guidelines to facilitate and enhance the working relationships between LRAs and homeless representatives in the various base closure communities nationwide.

### Recommendations

Many communities are still struggling to achieve working relationships among the constituencies. Although success stories have provided motivation for other communities to move forward, the various constituencies continue to experience miscommunication and confusion

in their relationships. A number of areas could be covered, in further work on this issue including developing common guidelines for:

- defining issues that should be subject to mutual agreement;
- conducting outreach to homeless service providers and nonprofit low income housing developers;
- consultation with homeless representatives;
- information dissemination to homeless representatives;
- determining homeless needs in the community;
- developing mutually agreeable standards for allocation of resources for homeless assistance projects before the application process is implemented;
- resolving disagreements on how to address homeless needs; and,
- development of standard format for the contracts between LRAs and homeless service providers that must be submitted to HUD with the reuse plan.

### Contact:

Randall A. Yim and Josh Kirschenbaum continue their series analyzing recent developments in the base reuse process. An active dialogue is necessary for continued improvement. Comments on the BRR Forum should be sent to Randall A. Yim at [ryim@ix.netcom.com](mailto:ryim@ix.netcom.com) or fax to (916) 643-2885 or Josh Kirschenbaum at [convert@ced.berkeley.edu](mailto:convert@ced.berkeley.edu) or fax to (510) 643-9576.

## Calendar of Events

**Dec. 10-12:** Conference on The Education of the New California Workforce—San Francisco. (415) 904-7755

**Dec. 11-12:** A National Policy Forum presented by the American Institute of Architects and Governing Magazine—Washington, D.C. (202) 626-7403.

**Jan. 22-23:** NAID Regional Base Reuse Conference and NAID Environmental Conference—Orlando, FL (703) 836-7973

**Aug. 4-7:** NAID Annual Conference—Sacramento, CA (703) 836-7973

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LEGISLATION

## Legislative Update

**Congress working out details of defense funding authorization**

By Josh Kirschenbaum

*Josh Kirschenbaum is the Defense Conversion Coordinator for the Institute of Urban and Regional Development at the University of California, Berkeley.*

Congress has been in conference for more than two months, meeting on the National Defense Authorization Act for Fiscal Year 1996, and there is no sign of a quick resolution. Congress is working out the details of homeless assistance provisions, real estate conveyance guidelines and funding authority for Defense-State Memoranda of Agreement. Until this bill becomes law, conversion funding and programs for fiscal year 1996 will be on hold.

The BASE REUSE REPORT continues to track this significant piece of legislation and will offer a full summary of the bill once it becomes law.

No new federal legislation has been introduced by either the House or Senate since our last issue and only one of 60 bills that we have been tracking has been signed into law. On October 3, the Military Construction Appropriations bill (PL 104-32) was signed by the President. This law makes appropriations for military construction, family housing and base realignment and closure for the

Department of Defense for fiscal year ending Sept. 30, 1996. The law includes appropriations of \$3.898 billion for BRAC and \$562.5 million of BRAC environmental funding.

There were seven new Notices and Rules and Regulations published in the Federal Register since our last update. These listings include:

### Department of Defense (DoD)

Department of the Air Force (USAF)

Notice: Record of Decision (ROD) for the Disposal and Reuse of Portions of Grissom Air Force Base (ABF), Ind.

(FEDREGISTER 60 FR 55701 11/02/95; 72 lines)

### Department of Energy (DoE)

Western Area Power Administration (WAPA)

10 CFR Part 905

Final rule: Energy Planning and Management Program

Contact: Robert C. Fullerton (303) 275-1610

Effective Date: 11/20/95

Item Key: 26495

### Department of Defense (DoD)

Department of the Navy

Notice: Notice of Intent to Prepare an Environmental Impact Statement for the Disposal and Reuse of the Department of Defense Housing Facility, Novato, Calif.

(FEDREGISTER 60 FR 55366 10/31/95; 79 lines)

### Department of Housing and Urban Development (HUD)

Office of the Assistant Secretary for Community Planning and Development

Docket No. FR-3778-N-59—Notice: Federal Property Suitable as Facilities to Assist the Homeless

(FEDREGISTER 60 FR 54247 10/20/95; 986 lines)

### Department of Defense (DoD)

Department of the Navy

Notice: Public Hearings for Draft Environmental Impact Statement on Realignment of Naval Air Station Miramar, Calif.

(FEDREGISTER 60 FR 54065 10/19/95; 73 lines)

### Department of Defense (DoD)

Department of the Navy

Notice: Notice of Intent to Prepare an Environmental Impact Statement for Proposed Disposal and Reuse of Long Beach Naval Station, Long Beach, Calif

(FEDREGISTER 60 FR 55245 10/30/95; 75 lines)

### Department of Defense (DoD)

Department of the Army (DA)

Notice of availability: Final Environmental Impact Statement (FEIS) on the Disposal and reuse of Jefferson Proving Ground, Madison, Ind.

(FEDREGISTER 60 FR 55245 10/30/95; 75 lines)

### Contact:

Josh Kirschenbaum (510) 642-8728,  
e-mail: [convert@ced.berkeley.edu](mailto:convert@ced.berkeley.edu).

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