

BASE REUSE REPORT

MARCH

Economic Development, Planning and Redevelopment of Military Bases

1995

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BRAC '95: The Year of the Army

By Herbert A. Sample

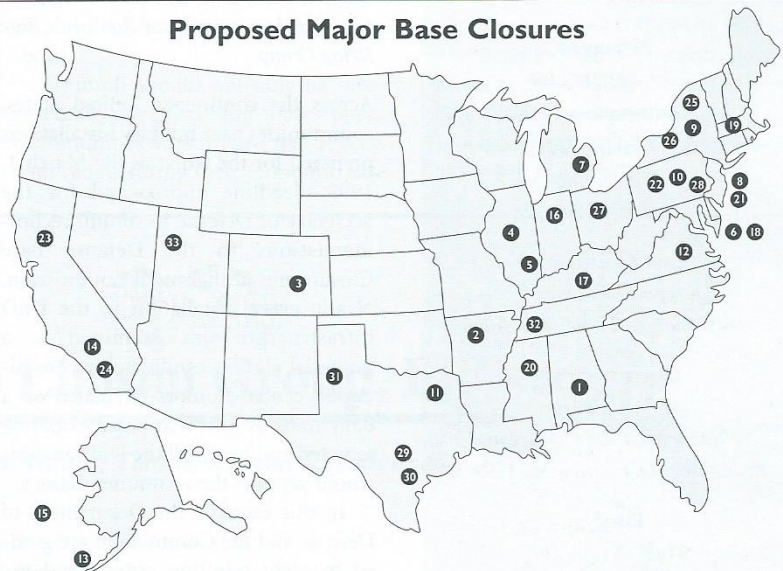
In the world of military base closures, 1995 appears to be the year of the United States Army.

Two years ago, it was the Navy that recommended the elimination of 20 major facilities, including huge, politically-sensitive complexes in Oakland, Calif., and Charleston, S.C.

But faced with what probably will be the last authorized round of base closures for some time, the Army late last month put 12 significant installations on the base closure chopping block and recommended that 12 others be "realigned," or altered in ways that would make them smaller.

continued on page 10

Proposed Major Base Closures



Army

- 1 Fort McClellan, AL
- 2 Fort Chaffee, AR
- 3 Fitzsimons Army Medical Center, CO
- 4 Price Support Center, IL
- 5 Savanna Army Depot Activity, IL
- 6 Fort Ritchie, MD
- 7 Selfridge Army Garrison, MI
- 8 Bayonne Military Ocean Terminal, NJ
- 9 Seneca Army Depot, NY
- 10 Fort Indiantown Gap, PA
- 11 Red River Army Depot, TX
- 12 Fort Pickett, VA

Navy

- 13 Naval Air Facility, Adak, AK
- 14 Naval Shipyard, Long Beach, CA
- 15 Ship Repair Facility, GU
- 16 NAWC, Aircraft Division, Indianapolis, IN
- 17 NSWC, Crane Division Detachment, Louisville, KY

- 18 NSWC, Dahlgren Division Detachment, White Oak, MD
- 19 Naval Air Station, South Weymouth, MA
- 20 Naval Air Station, Meridian, MS
- 21 NAWC, Aircraft Division, Lakehurst, NJ
- 22 NAWC, Aircraft Division, Warminster, PA

Air Force

- 23 North Highlands Air Guard Station, CA
- 24 Ontario IAP Air Guard Station, CA
- 25 Rome Laboratory, Rome, NY
- 26 Roslyn Air Guard Station, NY
- 27 Springfield-Beckley MAP, Air Guard Station, OH
- 28 Greater Pittsburgh IAP Air Reserve Station, PA
- 29 Bergstrom Air Reserve Base, TX
- 30 Brooks Air Force Base, TX
- 31 Reese Air Force Base, TX

Defense Logistics Agency

- 32 Defense Distribution Depot, Memphis, TN
- 33 Defense Distribution Depot, Ogden, UT



COMMENTARY

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(916) 448-6168

FAX 448-9397

Publisher

David C. DeRoos

Editor

Sigrid Bathen

Editorial Advisor

William A. Carlson

Manager

Christopher Hart

Contributing Writers

Tom Philp

Herbert A. Sample

Law Columnist

Joseph E. Coomes, Jr.

McDonough, Holland & Allen

Commentary

James Courter

Chairman, Base Closure and
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THE BASE REUSE REPORT is a primary source of current news and analysis of the issues surrounding the closure of U.S. Military bases and their reuse for civilian purposes. The BRR will focus on the planning, economic development and redevelopment of closed bases.

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Last clear chance to save billions

By James Courter

Former U.S. Rep. James Courter, (R-N.J.), was chairman of the Base Closure and Realignment Commission from 1991-1994. He is senior partner in the New Jersey law firm of Courter, Kobert, Laufer, Purcell & Cohen, and a partner in the Washington, D.C., law firm of Verner, Liipfert, Bernhardt, McPherson & Hand, where he is a member of the firm's Base Reuse Group.

Across the continental United States, communities near military installations prepared for the worst as the March 1, 1995, deadline approached for the Secretary of Defense to submit recommendations to the Defense Base Closure and Realignment Commission. Nearly every installation in the DoD infrastructure was examined as a potential closure candidate or consolidation center. Rumors circulated on a daily basis as to which bases would be targeted and how well the DoD analysis would support the recommendations.

In this exercise, the Department of Defense and the Commission are guided by eight selection criteria and the Force-Structure Plan, which act as the drivers in the Base Realignment and Closure (BRAC) process. In performing their analysis, as required by the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510, as amended), DoD and the commission must give primary consideration to military value — an installation's basic operations with respect to mission fulfillment. Financial, economic and cost factors are also taken into consideration to include return on investment, steady-state savings, environmental restoration and payback.

Earlier intelligence indicated that BRAC '95 was going to involve substantial recommendations for closure by DoD. The Office of the Secretary of Defense assembled several Joint Cross-Service analysis teams to review military facilities and missions for consolidation in the areas of Joint Training, Depots, Labs, Hospitals, Undergraduate Pilot Training, Test and Evaluation (T&E) and Economic Impact.

Congress originally created the commission in 1991 to do one thing — close military bases. The "not in my backyard" (NIMBY) attitude which had circulated throughout Capitol Hill made Congress incapable of making the difficult decisions and, therefore, incapable of saving taxpayers' money. Power to do so was abdicated to the commission by Congress with the full intention of closing military bases in a format and forum that would remove political considerations and influence from this crucial task.

Within the last month, Secretary Perry backed off from original estimates of an expected 15 percent reduction in infrastructure, citing inflated costs to close bases as one of the main influences in this decision. His statements to the U.S. Conference of Mayors indicated that the "easy" decisions had already been made and that the 1995 BRAC process would concentrate more on joint use opportunities, or "purpling," as it is called by DoD. (*Editor's note: "Purpling" is a term describing the "purplish" hue that results from the blending of the uniform colors of the four service branches.*)

Looking at the list of recommendations for BRAC '95, a few anomalies arise. Of particular note: the analysis and recommendations of the Joint Cross-Service analysis teams offer minimal opportunities for "purpling." The lack of depth in the recommendations leaves one questioning whether or not the Service Secretaries were willing to "step up to the plate" with the appropriate strategy to reduce unnecessary DoD infrastructure.

More important, Secretary Perry stated in his press conference announcing the DoD closure list that, even with the



COMMENTARY

BRAC '95 recommendations, DoD still has more bases than it needs to support forces. The public law which created the commission expires at the end of 1995, and legislation has not been introduced to extend it to include a BRAC '97, nor is this likely to take place. In other words, it appears that the Administration is passing by on a once-in-a-lifetime opportunity to save the American taxpayer billions of dollars.

As a result of base closure exercises, a cottage industry of consulting and lobbying groups has arisen which assist communities in developing focus and attention to military value which are required when testifying before the commission. Municipalities have been criticized for expending taxpayer dollars on these "beltway bandits," but their services have proven to be invaluable to communities in providing an overall strategy and definition to their arguments. These groups also serve as an additional audience to scrutinize the data and processes by which DoD makes its decisions.

Employment of a base closure consultant does not, however, ensure a happy ending. It does provide professional assistance with the scrubbing of DoD data and the presentation of articulate and factual information to the commission. Nevertheless, the bottom line remains the reduction of DoD's infrastructure to a manageable size. If previous rounds are any indication, a base that appears on the Secretary's list is more likely to close unless substantial deviation from the eight selection criteria and the Force Structure Plan can be shown.

Triumph should not only be measured by keeping the base open. Communities which have had success with restructuring their economic base

after a closure began focusing their energies on two fronts from the day the Secretary made his recommendations: 1) keeping the base open, and 2) redevelopment if the base should close. This has, in turn, created a subdivision or offspring of the base closure consultant. Law firms are now steering communities through the vast and uncharted opportunities by which revitalization may occur. THE BASE REUSE REPORT is evidence that useful information about life after base closure is a growing and necessary service. Many of the firms assisting communities on base closure issues have assembled teams of consultants and advisors to help guide communities through this seemingly overwhelming and unmanageable process. The opportunities are sometimes staggering when you consider that no template exists for such actions. Realizing that no two communities are alike, redevelopment of a base closure community is limited only by a lack of creativity, imagination, flexibility and hard work. [D]



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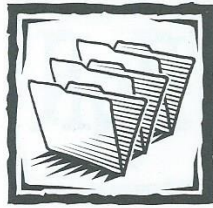
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CASE STUDY

Nightmare at George

The 'base bowl' of closures

It was kickoff time on Super Bowl Sunday. Californians were settling into their couches to watch the battle of North versus South, San Francisco versus San Diego.

Yet at that very moment, a far nastier struggle between two California governments was heading into overtime.

In Los Angeles County Superior Court, in a judge's chambers where there was no television, attorneys were trying to resolve what some 34 lawsuits costing an estimated \$11 million, by one city's estimate, had yet to accomplish. At issue was the future of the former George Air Force Base in San Bernardino County's high desert.

In one corner were attorneys for the city of Adelanto, a community with about 9,000 residents, one card room, one minor league baseball team and one big dream on how to convert the base into an international airport and high-speed rail stop.

In the other corner were attorneys representing the other 240,000 residents of the Victor Valley – Victorville, Hesperia, Apple Valley and unincorporated San Bernardino County. Their plan for George was a more traditional conversion to a public-use airport surrounded by new industry.

In the middle was Superior Court Judge Diane Wayne, who was late to a Super Bowl party of her own. The Sunday showdown was her idea. And it worked.

Given the apparent choice of watching the Super Bowl or settling the fight, "we began to make settlements," said James Cox, the city manager of Victorville. "Immediately we began solving the issues."

Cox was home by half-time. Three days later, the war was officially over. Adelanto lost, and lost big. It not only has no voice in the reuse of the base, but its multi-million-dollar fight for the base attracted the scrutiny of a county grand jury and state auditors.

And both watchdogs say the city's general fund is millions in debt.

"They squandered millions and got absolutely nothing for it," said Guy Halferty, a political columnist who chronicled the saga. "Not a penny. Not a foot in the door. Not even a friendly handshake."

Of all the local skirmishes on how to reuse a military base, the battle over George may go down as the both the biggest and the strangest.

"Why did it occur? We don't know," said Cox.

"There seemed to be no middle ground."

— BEN WILLIAMS

Both sides "could have given up and gone home," said Mary Scarpa, the mayor of Adelanto. "That wasn't in the cards for us." Neither side apparently wanted to give in.

"You had two sides that thought they were right," said Bruce Tepper, an attorney who represented Adelanto for part of the battle. "I know that Adelanto thought it was right."

If there is a message from the high desert for others facing base closures, it is this:

Resolve differences among communities quickly and amicably. And if that regrettably does not happen, then don't expect the Pentagon to quickly resolve the matter for the combatants.

Things started normally enough in the Victor Valley, which was in the middle of a historic development boom when in the first wave of base closures, the Defense Department in 1989 announced it was closing George.

The high desert communities, including Adelanto, formed a joint powers authority to convert the base to some civilian use. And for a few months, all seemed well.

Then Adelanto, which was under the flight path of the roaring jets and historically had not enjoyed the same economic prosperity, decided that it alone should control the base.

"We wanted to develop it so that it was a benefit instead of an environmental disaster for the city," said Scarpa. Adelanto's plans for a major international airport, if successful, would have put the tiny town on the map. And as part of a joint powers authority, it could have been out-voted by the other communities and not gotten its way.

So the lawsuits began. The first target for Adelanto was to test in court an environmental impact report that was the backbone of the base reuse plan of its Victor Valley opponents. The suit stalled reuse plans and prevented Victorville from annexing the base.

The first blood went in favor of Adelanto, which was considerably outnumbered and out-financed by its opponents, yet still had a considerable coffer of its own.

Because years earlier it had declared almost the entire city blighted, Adelanto had considerable property tax revenues heading into its redevelopment agency. And even though George was neither in its city limits nor within the boundaries of its redevelopment agency, Adelanto spent millions in redevelopment money to fight for the base. This use of redevelopment funds remains in considerable dispute, with Adelanto defending the practice and numerous outside watchdogs, including state auditors, saying it violated redevelopment law.

Adelanto also scored some public relations points when it announced that it wanted to buy the base from the Air Force for \$25 million.

Faced with two competing offers from increasingly litigious combatants,



CASE STUDY

the Air Force predictably slowed its decision-making process on who to transfer the base to, and under what terms.

"We did attempt mediation," said Ben Williams, deputy director of the governor's Office of Planning and Research. The combatants all met in 1992 for a session in Ontario. "But there seemed to be no middle ground."

The lawsuits multiplied. And Adelanto's prospects steadily dimmed.

A San Bernardino County Superior Court judge disqualified Adelanto's legal defense team because in previous years it had represented Victorville. The law firm, Kane Ballmer and Berkman, is one of the state's largest specialists in redevelopment law. Tepper, an attorney with the firm, declined to comment on the judge's ruling.

"To walk across the street and start filing lawsuits, we thought was improper ethically and legally," said Cox of Victorville. But Adelanto, simply hired new attorneys. The lawsuits and counter-lawsuits over water rights, environmental impact reports, annexation maneuvers and virtually everything related to George continued.

"Adelanto simply took the position that it was going to be their base or it wasn't going to be anybody's," said Cox. "They had a scorched-earth policy, that it would become a wheat field if they couldn't operate it."

A critical blow to Adelanto was delivered last year when a judge prohibited Adelanto from using its redevelopment monies to fight for George. Adelanto appealed all the way to the state Supreme Court, but lost. Victorville, meanwhile, managed to officially annex the base. And the Air Force had decided to transfer the base to the Victor Valley Economic Development Authority, the joint powers authority representing all the high desert communities except Adelanto.

Adelanto, claiming to have the water rights to George, still wouldn't give up. And hoping for better legal climates elsewhere, it managed to move about a dozen base-related lawsuits

out of San Bernardino County into Los Angeles County.

They ended up on the desk of Judge Wayne.

"She was looking at this pile of litigation as high as her head," said Halferty. At a hearing in late January, she instructed all the parties to attend a settlement conference the next Sunday.

Super Bowl Sunday.

"Even though we succeeded in some areas, it was better to focus our efforts elsewhere," said Scarpa of Adelanto. So Adelanto ended its battle for the base. The only undecided point is some precious high-desert water rights, but that fight won't stall any longer the reuse of George, which is now officially called Southern California International Airport.

Some corporate suitors have headed elsewhere, such as Japan Airlines. It wanted to train its 747 pilots at George. Instead, the airline located the training facility in New Mexico, said Cox.

Others, however, have recently come knocking. Northrop-Grumman Corporation is leasing some space to design for the Defense Department a pilot-less aircraft. So is another consortium of companies working on their own design. Calnev Pipe Line Co. wants to develop a commercial facility to transfer fuel products from its pipelines to trucks. And an old friend, the Army, wants to use the base as a transportation hub for nearby Fort Irwin, where 5,000 troops rotate in and out every month.

"Word has spread quite rapidly that we've resolved the issues," Cox said. "We're really

going to push hard. I'm extremely optimistic."

The State Legislature has tried to ensure that a litigious fight like the one over George will never happen again. Assembly Bill 2010, authored by Majority Leader Jim Brulte, (R-Rancho Cucamonga), and passed last year, prohibits redevelopment agencies from using their money to fund lawsuits over land outside their redevelopment area. Had the law been in place in the 1990s, Adelanto couldn't have used its money to fight for George.

Cox says there are no hard feelings in the Victor Valley against Adelanto or the Air Force. It is "extremely reasonable," he said, for the Defense Department to stay on the sidelines while locals bicker over how to reuse a military base.

"Except they can't afford to send the message that if there is one recalcitrant person, that they'll stop the process," Cox said. "They have to say that if (communities) can't resolve it themselves, it will be majority rule." ■

Contacts:

Ken Hobbs, acting executive director, Victor Valley Economic Development Authority, (619) 245-7243.

Mary Scarpa, mayor, City of Adelanto, (619) 246-2300.

Mike Pexton, director of marketing, Victor Valley Economic Development Authority, (619) 246-6115.

Tom Philp is a staff writer for the Sacramento Bee

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INTERVIEW

BRR Interview: Judy Ann Miller

Top Wilson aide describes strategy – ‘no more reuse than California can handle’

By Sigrid Bathen

Judy Ann Miller was named in September, 1994, by California Gov. Pete Wilson to head a newly created Office of Military Base Retention. A former assistant Air Force secretary with 11 years of Pentagon experience, she helped coordinate the Air Force's base closure process during the 1993 round of the Base Closure and Realignment Commission. Miller, 53, of Arlington, VA., has also served in several other high-level positions with the U.S. Air Force and the Army, and, before that, was an administrator for Contra Costa County in California for more than 16 years. Saying he was "very pleased" that Miller was joining the Wilson team, the governor said he plans to mount a "vigorous" campaign to "support the continuation of our vital military installations."

BRR: Could you tell us something about your strategy in preventing further California base closures?

Miller: When people talk about strategy, they anticipate that we are given an event, and then we plan to address that given event. Some of the plan is, in fact, to address whatever the decision is that comes out of the Department of Defense. It is a reactive situation, a fluid process that we've been going through. And it is a secret process. The development of the services' recommendations to DoD, and the development of DoD's recommendations, are all done under the cloak of secrecy. And consequently, any ability to influence that has to be based on our own analysis of past base closures [and] doing an analysis of those bases that might potentially be on the list. And

then, probing to see if that is the case. And then, if that is the case, trying to make a difference in terms of changing that decision before it becomes public. And, of course, that is all done behind the scenes.

BRR: Your strategy focuses on preventing closure, not on reuse?

Miller: The chairman (BRAC Chairman Alan Dixon) has indicated a great interest in reuse, and they [commission staff] have asked for multiple copies of the reuse task force report that was done under the auspices of the Governor's Office of Planning and Research. My job is to make sure we don't have more reuse than we can

handle . . . Our history on closures indicates this is not a process where you can move from one focus to another without a long lapse of dead time in between and a loss to the local economy. So, obviously, part of the thrust of not having any more closures is not to add to the bases that have been closed but not disposed of and not been turned over or reused in the appropriate manner.

BRR: In your view, has the closure-reuse process moved as quickly as originally hoped for? Have there been the expected savings?

Miller: The support for conversion, the support for clean-up — the money is all drying up in those areas. And consequently what has not already been closed is going to take longer to get closed . . . Even though there is a long term savings for these closures, it takes a lot of

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INTERVIEW

money to close a base — the movement, the reconstruction. They're not dropping missions, they're consolidating them, and when an installation is going to take on more responsibility, there usually has to be additional construction.

BRR: *Is there enough money to deal with the toxics problems on the bases?*

Miller: No. When Dr. Perry [Defense Secretary William Perry] met with the governor [Feb. 8], the first thing Dr. Perry said to the governor was that, contrary to our early expectations for a 15 per cent base closure target, this will not be the mother of all base closures. This will not be equal to the first three rounds, as previously thought. This will not be even equal to 1993's base closure round... They don't have the money for the closures and the cleanup. They don't have the money for the '93 cleanups.

BRR: *Are you saying bases should remain open even if they are a drain on the defense budget?*

Miller: Well, this is the whole interesting point of this next round of base closures. It is very obvious that it [the closure process] has not attained what it hoped to attain, [which] was the reduction of the excess capacity within the services. This round of closures, being the last one, raises the question as to what is then done... Why my base and not someone else's? If you're going to carry this infrastructure in excess, why don't you carry mine in excess?

If we do not see any additional base closure legislation, what I predict will happen, is that the installations will draw down personnel and mothball. That potentially could mean that if you mothball down to the guard at the gate, that could leave communities not only at a loss for the revenue generated by the military when it was there, but the inability to totally reuse that particular area.

BRR: *The BRAC legislation expires at the end of 1995. If the closures aren't done this year, what next — other than mothballing?*

Miller: Until somebody comes up and wants to recommend new legislation, we're on the horns of a dilemma. You can watch your installation whittle away until there's just a fence around it and a guard at the door and you just mothball it. You don't have to clean it up if you just mothball it.

If we do not see any additional base closure legislation, what I predict will happen, is that the installations will draw down personnel and mothball.

BRR: *The conversion process for a closed base is notoriously slow. What can be done to expedite that process?*

Miller: Everyplace I've gone and every community I've talked to, I unfortunately always end up being the base closure expert rather than the base retention expert. But I always tell them that they need to be forward-leaning in the saddle to defend their installation. But in the background, very quietly, because they're so concerned that if they do anything other than that, it is anticipating that they're accepting of closure, and they don't want to give

that impression. But very quietly, in the background, they need to be looking at the beginning elements of reuse.

BRR: *Do you think the '95 round will be more clouded by partisanship than previous rounds?*

Miller: I can't say it's going to be partisan. I can say it's going to be political. There's probably some player or players that may have a partisan agenda. The governor certainly has directed me to deal with each community, meet with affected people, whether they're Democrats or Republicans. I'm very focussed on a goal, and that is to minimize the negative impact of BRAC '95 on the State of California.

I want to make sure that we retain the economic vitality that the military [has brought] as a customer in the state of California, as a business. That's been my thrust, to deal with them as a business. They are here expending dollars, and we need to make sure that we are meeting what they need to do their job... For many years, people had military installations within the confines of their jurisdictions, and they really didn't pay much attention to them. Suddenly, we realized that they're a very viable business. Even in its best situation, no reuse has equated to a transfer of the same kind of economic level that existed when the military was in residence.

BRR: *Do you think U.S. defense cut-backs have gone too far, and how does that relate to base closures?*

Miller: Yes, but I'm a Hawk. I was probably, in some former life, a warrior. I firmly believe that... But, more than gone too far, I'm not sure we know where we're going. The logical approach to base closure is to [determine] your roles and missions first, your force structure second. Then you determine the base [number] you

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LEGAL ISSUES

Interim leasing

Easy ... or Complex

By Joseph E. Coomes, Jr.

Joseph E. Coomes, Jr. is a senior member of the Sacramento law firm of McDonough, Holland & Allen. He is a member of the firm's redevelopment-land use section. A former Sacramento City Attorney, Coomes is one of the state's leading redevelopment practitioners and in over 30 years of practice has been instrumental in developing California's redevelopment laws and practices. His firm is currently involved in a number of base reuse projects in northern and southern California. His column is a regular feature of the BASE REUSE REPORT.

In 1991, the 485-acre Sacramento Army Depot was listed for closure and by April, 1994, virtually all its employees were gone. In early March, 1995, the Army officially transferred 367 acres to the City of Sacramento with a major computer manufacturer, Packard Bell Electronics, already in place with plans to add 3,000 employees — the same number as worked at the Army Depot before it closed.

It took just two months in the fall of 1994, after Packard Bell indicated to the city that it was looking for a site in Sacramento, for the city to conclude an interim lease from the Army for buildings on a major portion of the closed facility. The city was then able to put together a package of economic inducements for Packard Bell, with the help of prompt state legislation, and negotiate a sublease that allowed Packard Bell to start using the facility. (See *summary of the economic aspects*, BASE REUSE REPORT, Jan., 1995, p. 5.)

The Army Depot success story is not a typical reuse story; on the other hand, it is not unique. Other military facilities readily convertible to complementary civilian uses such as aviation facilities have been the subject of inter-

im leases. The Sacramento Army Depot was a single use, relatively small facility, unencumbered with air fields, military installations, housing or other elements that have complicated base conversions elsewhere. Toxic clean-up was ahead of schedule and was in areas that would not interfere with the use of buildings by Packard Bell. The Army was extremely responsive in negotiating an interim lease within the statutory 60-day period.

The Army Depot success story is not a typical reuse story; on the other hand, it is not unique.

This example illustrates the use of interim leasing to speed up the base conversion process.

The basic authority for interim leasing is found in Section 2667 of Title 10 of the United States Code. Section 2667(f) authorizes the Secretary of the Military Department responsible for a closed base to lease property to any individual or entity if the Secretary determines such a lease would facilitate State or local economic adjustment efforts. In 1994, Section 2667(f)(2) was added to permit interim leases for less than fair market value. The statute

prescribes certain provisions, including termination rights, that must be contained in an interim lease.

Interim leases have been used by the military to assist job-creating conversions of military facilities since the 1960s. An interim lease is a relatively uncomplicated document. In its basic terms, it shifts possession, use and the responsibility for operation, maintenance and security to a local authority while retaining military control over virtually all aspects of the use and improvement of the property. Except for completion of environmental remediation, all costs are shifted to the local authority. The local authority's subleases or use agreements with persons or companies that will occupy and use the facilities are more in the nature of commercial real estate subleases and use agreements, but subject to the overriding rights of the military during the period of the interim lease.

Issues that must be dealt with in an interim lease include the following:

Toxic Clean-up. An Environmental Baseline Survey (EBS) must be prepared by the military and a Finding of Suitability to Lease (FOSL) must be issued. In some instances, an interim lease will serve as a master lease of a larger facility with take-downs permitted as FOSLs are issued for parts of the facility.

Environmental Liability. Of major concern to local authorities, these provisions are the subject of negotiation. Local authorities will be responsible for environmental hazards created during their possession and use of the facility. The military may, or may not, choose to negotiate in the interim lease an environmental indemnification for toxic clean-up for which the military is responsible which is satisfactory to the local authority — in which case the local authority may proceed by relying on the EBS (which will be an exhibit to the interim lease) and the military's continuing responsibility under the



LEGAL ISSUES

Comprehensive Environmental Response Comparison and Liability Act of 1980, as amended (CERCLA).

Rent. Rent will either be established as fair market rent but with adjustments or credits for improvements made or for costs of operation and maintenance, or established based on rent received from tenants reusing the facility, with similar adjustments.

Military Controls. The interim lease will retain control and approval rights by the military over all aspects of the use and operation of the facility: approval of use, subtenants, changes in structures, improvements, removal of property, virtually all aspects of the reuse, operation and maintenance of the facility. In practice, these controls, while seeming to be highly restrictive, can be exercised in a prompt and flexible manner to accommodate users and tenants of the facility.

Termination. On relatively short notice (30 days is common) the interim lease can be terminated and the local authority can be required to vacate and turn back the facility, removing all improvements and personal property added during the interim use period. This provision is required to assure the military's continuing jurisdiction and control over the facility, to facilitate ultimate disposition of the facility and to negate any implication that the military has made a commitment to any interim use as a permanent reuse for the ultimate disposition of the facility. While this may appear to be a harsh provision, in practice local authorities and their

subtenants are able to evaluate the risks associated with an interim use involving substantial economic commitments.

Utilities and Infrastructures. The military may interim lease existing utilities and infrastructure or it may agree to provide them to the facility at cost, but it will not guarantee their adequacy or availability.

Fire Protection, Security. This responsibility will be assumed by the local authority under the interim lease.

Code Requirements. The local authority will want a provision that does not require the facility to be brought up to code standards. The military will want a provision that negates any responsibility for the condition of the facility and that will place on the local authority the obligation to comply with whatever code requirements are applicable.

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BRAC '95

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The Army's closure and realignment list, presented on Feb. 28 to the 1995 Defense Base Closure and Realignment Commission, was substantially larger than its proposals in 1993, when one facility was ordered shuttered; in 1991, when four were targeted, and in 1988, when seven were selected.

The Army's 1995 recommendations were also larger than the proposals presented by its fellow armed services. The Navy proposed closing 10 of its major facilities, although there were none of the breath-taking moves that characterized its 1993 list, and realigning four others. The Air Force, whose big year for closures was in 1991, when 13 installations were tapped, came in with nine recommendations this year. But the service still opened itself to criticism that it had proposed too little change in the category of bases, fixed-wing aircraft repair facilities, that need substantial shrinkage.

The entire list of recommendations — 33 major closures, 26 major realignments, the elimination or downsizing of 61 smaller bases, and changes to 27 other bases tapped in previous base closure rounds — was heralded by Secretary of Defense William Perry as saving the country \$1.8 billion a year by the year 2000. Added to totals from prior base closing rounds, the yearly savings will come to about \$6 billion by the turn of the century, according to Perry.

The defense chief said his proposals would begin to equalize military infrastructure with the reduced number of combat units expected by 1996, and would allow the Pentagon to train its forces and purchase weapons and other equipment with money it would otherwise spend on overhead and civilian workers.

"Closing excess bases produces important savings over the long term, savings that we have already earmarked for maintaining readiness and modernizing our forces," he told



BRAC DEVELOPMENTS

the base closing commission at a March 1 hearing, the panel's first. "Put simply, we will not have adequate funding for our highest priorities — readiness and modernization — if we do not continue to close bases that we no longer need."

But Perry acknowledged that his recommended closures for the 1995 round still left too much of a gap

Some regarded the Pentagon's depot recommendation essentially to be a punt of a politically painful decision to the commission.

between the force structure envisioned by the so-called "Bottom-up Review" that was conducted by his predecessor, Les Aspin, and the military's collection of bases across the country.

For that reason, he signaled he was likely to ask Congress for one more base closing round, probably in 1998 or 1999, to rid the military of the excess capacity remaining after the 1995 base closing deliberations. He said 1997 was too soon. "We need time to absorb current closures. If we close too much, too soon, we will jeopardize readiness in the near term," he said, adding that the world situation by the late 1990s may require a reassessment of the country's force structure and, perhaps, its infrastructure as well.

Perry said he changed none of the closure recommendations made to him

by any of the services — what they proposed, he accepted. In the case of the Army, Perry was presented with a list that included some fairly significant installations.

The one that caught the eye of many was Fort McClellan in Alabama, which the service had wanted to shut down in the 1991 and 1993 rounds only to be denied by the base closing commission. The panel expressed concerns then about how the Army would conduct "live-agent" chemical weapons training and how the destruction of existing U.S. stocks of chemical agents would continue at the nearby Anniston Army Depot without support from Fort McClellan.

This time, the Army said it would move its Chemical Defense Training Facility to Fort Leonard Wood in Missouri and that it would use its "best available assets" to continue supporting the chemical weapons work at the Anniston depot. If the proposal wins commission approval, 6,100 military and 2,450 civilian jobs would be lost in the area.

The Army also moved to reduce excess capacity at its weapons and materiel storage facilities by proposing to close the Seneca Depot in New York and the Savanna Depot in Illinois, and to shrink the Sierra Depot in northeastern California. It also went after excess capacity in its repair bases by recommending the Red River Depot in the northeastern corner of Texas for elimination — a move that will improve Anniston's mood since the Army repair depot there is to get Red River's light combat vehicle maintenance workload. In addition, the Letterkenny repair depot in Pennsylvania was proposed for significant shrinkage, which would eliminate a few more than 2,000 jobs.

Other significant Army closure recommendations included: Fitzsimons Medical Center in Colorado, which would eliminate the jobs of 1,600 civilians; Bayonne Military Ocean



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Terminal in New Jersey, 1,270 civilian jobs, and Fort Ritchie in Maryland, where 1,330 civilians work. The service also proposed significant downsizing at the Dugway Proving Ground in Utah.

What was not on the Army's list was also of note, since neither Fort Riley in Kansas nor Fort Carson in Colorado were proposed for closure. Some said there was politics at work — to wit: President Clinton wanting not to upset Senate Republican Leader Robert Dole of Kansas any more than necessary. But there probably were other, military-related considerations, say analysts. They note that while the active-duty infantry units at both bases are due to be reduced, the one category of bases that the nation should not be too quick to shut down are so-called "maneuver" facilities that can be used for large-scale training and mobilization needs.

The same cannot be said for Air Force repair facilities, whose absence from that service's base closure list was quite surprising to many. For years, defense officials acknowledged that the Navy and Air Force operated too many fixed-wing aircraft maintenance centers, 11 in all. But little was done to get rid of the excess capacity until the 1993 round when the Navy proposed and the commission accepted the elimination of three of its six depots. The Air Force that year wanted to close McClellan Air Force Base in Sacramento, but then-Secretary of Defense Aspin pulled it off the list he submitted to the commission. The panel nonetheless considered it and

three of the four other Air Force logistic centers, but ultimately ordered the closure of none of them amid promises from the Pentagon that it would develop a plan by 1995 whereby more Navy airplanes would be serviced at Air Force depots.

Efforts to draft a "cross-servicing" plan began, but the talks collapsed last fall and Perry's closure recommendations make no move toward cross-servicing of fixed-wing repair depots. Instead of closing one or two of its depots, the Air Force now wants to keep but shrink all five of them — Kelly Air Force Base in San Antonio, Tex.; Tinker Air Force Base in Oklahoma City; Hill Air Force Base in Ogden, Utah; Robins Air Force Base in Warner-Robins, Ga., and McClellan.

Air Force base closure officials made it clear at a press briefing that they initially preferred to close either

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BRAC DEVELOPMENTS

Kelly or both Kelly and McClellan. But, they said, Secretary of the Air Force Sheila Widnall ordered alternatives when she was presented with a cost estimate of \$1.1 billion to shutter both depots. What ultimately won her approval and that of Perry — to the great delight of not-so-surprised congressional supporters of the five depots — was the downsizing concept.

Air Force officials defended their shrinkage plan by contending it costs less, about \$183 million, than it would to close either Kelly or McClellan, estimated to be in the \$550 million-\$650 million range. Shutting down both depots would chew up most of the Air Force's closure budgets for the next five years, they contended.

However, downsizing all five depots would save fewer dollars each year. Shutting down two of the facilities would result in about \$161 million in annual savings, much more than the \$89 million a year saved from downsizing all five installations. Air Force officials sweetened their shrinkage plan by noting that \$146 million in annual savings would result from actions they plan that are not related to the base closing process, such as the elimination of jobs and equipment now used to maintain the F-111 fighter/bomber, which the Air Force has indicated will be retired next year.

Some regarded the Pentagon's depot recommendation essentially to be a punt of a politically painful decision to the commission, which is less subject to political pressure. It was clear the proposal was not going over well at the commission's first hearing on March 1, when chairman Alan Dixon voiced skepticism about it and closely questioned Joshua Gottbaum, the assistant secretary of defense for economic security, and Robert Bayer, the deputy assistant secretary of defense for installations. Dixon was supplied with many of his questions on depots by commission staffers, which indicated

they weren't bowled over by the Air Force plan either.

Most analysts, as well as many advocates for the depots, expect the commission to place at least one Air Force logistic center on their list for consideration. Whether the panel ultimately decides to close one or two of the depots or go along with the shrinkage plan is another question. Perry's argument that the Air Force's closure budget cannot handle the expense of completely closing one or more of the depots may be difficult to counter. But Dixon made it clear that the Pentagon's budget protestations may not limit the commission's latitude when deciding whether to close or realign installations not on the Pentagon's list.

"That's the old talk about money, which I respect, and I understand what they are saying," he told reporters during a break in the commission's March 1 hearing. "But we might make a different decision than them. We might say that closing a base is cost-effective and if we do that, that's what we'll do."

The Air Force did propose cross-servicing in the military laboratory category by recommending the closure of its Rome Laboratory in Rome, N.Y., which employs more than 1,000 workers, and relocating some of its workload to the Army's Fort Monmouth in New Jersey.

In one of the Air Force's more significant realignment proposals, Onizuka Air Force Base near San Jose would be shrunk, costing 1,200 workers their jobs. The runway-less facility composed primarily of office buildings is responsible for control of military satellites.

The Navy recommended the closure of 10 bases, but none of them equaled

the psychological impact of the service's 1993 proposals. This year, the largest closure recommendation in terms of employment impact was the Long Beach shipyard, where nearly 3,800 workers overhaul and modernize vessels. Its inclusion on the Navy list was not unexpected given that the service wanted to close the base in 1993 only to see the commission, worried about the economic impact of that year's list on California as a whole, narrowly vote to retain it. But the base has become increasingly unnecessary because the Navy apparently wants to focus its West Coast activities in San Diego and in the Puget Sound, Wash., area, and because the shipyard cannot handle nuclear-powered vessels.

The Navy also went after three technical centers, arguing that its reduced force structure dictated less need for such activities. So on its closure list are surface warfare centers in White Oak, Md., and in Louisville, Ky., and air warfare centers in Warminster, Penn., and Lakehurst, N.J. And the Navy proposed eliminating air stations in South Weymouth, Mass., and Meridian, Miss., as well as a shipyard in Guam and an airfield in Adak, Alaska.

The Defense Logistic Agency, which is run by the defense department as opposed to any of the three armed services, also proposed the closure of two significant distribution depots, in Ogden, Utah, and in Memphis, Tenn. Each employs 1,100 to 1,200 civilian workers. ☐

Contact:

Alan Dixon, chairman of the Defense Base Closure and Realignment Commission, and Wade Nelson, commission director of public affairs, (703) 696-0504.

Herbert A. Sample is a reporter in the Washington Bureau of The Sacramento Bee.



BRR INTERVIEW

Judy Ann Miller

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need to be at, and you determine the closures. At DoD, they have not completed the roles and missions. They are basically doing their base closures on the bottom-up review. But in the meantime, it's a moving target. The threats [to U.S. security] have changed... If you buy into the fact that the threat has not been substantially reduced, then you're required to analyze that threat and determine how you're going to combat that threat. And that determines then, your roles and missions, your force structure, then your base closures.

BRR: *Is it realistic to insist on no further base closures for California?*

Miller: It is realistic if you buy into the concerns that we have. First, that the economic situation in California is exacerbated by the fact that we have had floods, fires, riots, earthquakes, all of which are having a negative rever-

beration still within our economy. So we've had extenuating circumstances... We're hoping that when the President came out to McClellan [AFB in Sacramento] and landed in the middle of the flood and went out to homes of people who had been totally flooded out, who were also employees of McClellan, that the word was getting out that there are extenuating circumstances here that have to be taken into consideration. You don't want to kick somebody when they're down. And that's where the balance comes in, that when I use the word political, the political process is not necessarily all negative. It's hopefully that you're bringing a human element into this.

I believe that the DoD has for many, many years fueled this economy and has been the mainstay of generations

of revenue... We have suddenly decided for whatever reason, that we need not spend our money in defense anymore. And I think that's legitimate if you buy into [the belief] that the threat has been reduced and you would want to reduce your armies.

But, the question then comes: what then fuels the economy?

BRR: *Do you feel you've had some success in halting further closures?*

Miller: I think you have to look at the list. The success that we have had is not attributable to any one thing. It's a collective effort, which I am a part of. You never know who has the exact impact that really makes the difference. We used to say this in Washington all the time: that you could get a lot done if you didn't care who got the credit. I really don't care who gets the credit...

We will be making the case for California. So it's not over until it's over. ☐

Sigrid Bathen is the editor of the BASE REUSE REPORT

Interim leasing

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Environmental Documentation.

Local reuse, even under an interim lease, will be subject to compliance by the local authority of any applicable State or local environmental analysis. Wherever possible, the local authority should seek to combine the local environmental analysis with the NEPA analysis conducted for the military.

Local Authority as Sublessor.

Terms of all subleases, including rent, will be subject to military approval. As a sublessor and landlord, the local authority must take care in negotiating subleases and use agreements with tenants and users so as not to create greater obligations on its part than the rights it has under the interim lease. In order to induce substantial economic

commitments by tenants and lenders pursuant to a sublease, it may be necessary to negotiate special provisions for economic concessions, buy-backs, and liquidation payments in the event the exercise of the military's interim lease controls or termination rights interfere with the subtenants use of the facility. Since the interim lease does not constitute a commitment by the military for the ultimate disposition and reuse of the facility, these risk factors must be evaluated and considered in negotiating subleases.

In conclusion, interim leasing and subleasing for interim uses can be easy or complex, depending on the nature of the military facility and the tenants that are available, and the extent and nature of the environmental remediation required. It can be, for the appropriate military facilities, a "win-win"

situation for both the military and the community — as in the case of Sacramento's Army Depot. ☐

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NEWS BRIEFS

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expansion in Texas, the state has been hard hit by closures. The firm has long and strong ties to Texas dating back to the administration of **Lyndon Johnson**, for whom the firm's principal shareholders, **Harry McPherson** and **Lloyd Hand**, both worked, as counsel to the president and chief of protocol, respectively.

The firm is also reportedly attempting to woo former Texas Gov. **Ann Richards** to join the firm. Her close ally, **Jane Hickie**, former director of Texas' state-federal office in Washington, D.C., joined the firm earlier this year. Other political heavyweights recently tapped by the firm include former Hawaii Gov. **John Waihee**, who opened the firm's Honolulu office and former Senate Majority Leader **George Mitchell**, who joined the firm Jan. 3.

Long Beach, Calif.,

WORKERS AT NAVAL SHIPYARD FEEL 'BETRAYED AND INSULTED'

"We don't deserve this kind of slap in the face," **Richard Jones**, spokesman for a labor union representing most of the **Long Beach Naval Shipyard's** 3,100 civilian workers, told the *Sacramento Bee* in a March 5 story. The only major California base targeted for closure by the Department of Defense, the base is reportedly the only "profitable" shipyard and its workers feel "betrayed and insulted."

In a story by *Bee* Washington reporter **Herbert A. Sample**, who covers base closure issues for the *Sacramento paper* (see 'BRAC '95,' p. 1, and 'Tough Decisions,' p. 11), Jones said workers feel they have become a "lean and mean producing machine," and have "done everything the Navy has asked of us."

"It's completely heartbreaking," said Jones, spokesman for the **Federal Employees Metal Trades Council**. Long Beach Mayor **Beverly O'Neill**, who also opposes the base's closure, estimates the

closure will cost the regional economy \$757 million annually.

According to the *Bee*, the Navy's decision came after "years of lobbying by private shipyards in San Diego," where the Pentagon plans to shift work previously done in Long Beach.

Editor's Note: Questions have been raised by closure commission members about the wisdom of excluding all of the Air Force maintenance-and-repair depots from the closure list. One of those depots — **McClellan AFB** in Sacramento, which narrowly avoided closure in 1993 after a massive state and local campaign to keep it open — was the subject of saturation coverage by the *Bee*, which serves a community where two major bases have been closed in recent years. At this point, the intense community and state lobbying to keep **McClellan** open — as well as heavy media coverage — may have helped avert closure this year. Or maybe not. ☐

Compiled and written by *Sigrid Bathen, Christopher Hart and Herbert A. Sample*

CLARIFICATION

In the January, 1995, issue of THE BASE REUSE REPORT, in a story about the economic impact of base closures on surrounding communities, it was erroneously reported that the City of Moreno Valley in Riverside County, adjacent to March Air Force Base, was forced to "scramble for high-interest refinancing" on a \$13 million debt related to a regional mall project. The city says it has not refinanced the debt, but is currently reviewing low-interest refinancing options. Further, city officials say the Moreno Valley Mall at Towngate has been successful since it opened its doors in October, 1992, and the mall is providing significant revenue to the city through tax revenues generated.

Calendar of Events

Mar. 28-29: Electronics Industries Association Research & Development, Budget Conference Washington, D.C. (202)457-4944

March 29: Base Closure and Realignment Commission Regional Meeting — Guam (703) 696-0504

March 30: Base Closure and Realignment Commission Regional Meeting — Grand Forks, ND (703) 696-0504

March 31: Base Closure and Realignment Commission Regional Meeting — Great Falls, MT (703) 696-0504

Apr. 2-4: National Association of Development Organizations, (Defense Conversion, 4/3), (202)624-7086

April 4: Base Closure and Realignment Commission Regional Meeting — Birmingham, AL (703) 696-0504

Apr. 6-7: Transitioning Utility Services at Base Closure Sites, Calif. Governor's Office, San Fran. (916)322-3170

April 12: Base Closure and Realignment Commission Regional Meeting — Chicago, IL (703) 696-0504

April 19: Base Closure and Realignment Commission Regional Meeting — Dallas, TX (703) 836-7973

April 20: Base Closure and Realignment Commission Regional Meeting — Albuquerque, NM (703) 696-0504

April 20-21: NAID Regional Seminar on Military Base Reuse Grant Proposals — Denver, CO (703) 836-7973

Apr. 23-26: National Council for Urban Economic Development annual conference, (session on base reuse), Dallas (202)223-4735

April 24: Base Closure and Realignment Commission Regional Meeting — Delta Junction, AK (703) 696-0504

Apr. 24-25: Heavy Metal Innovative Technology Contracting, conference on soil remediation, Washington, D.C. (202)662-9710

Apr. 28: International City/County Management Association, Base Reuse Consortium, Washington, D.C. (202)962-3645

April 28-29: Base Closure and Realignment Commission Regional Meeting — San Francisco, CA (703) 696-0504

May 3-4: California Community College Economic Development Network (ED>Net) Conference, Irvine, CA (209) 297-6000

May 4: Base Closure and Realignment Commission Regional Meeting — Baltimore, MD (703) 696-0504

May 5: Base Closure and Realignment Commission Regional Meeting — New York, NY (703) 696-0504

May 11-12: NAID Regional Seminar on Military Base Reuse Grant Proposals — Philadelphia, PA (703) 836-7973

June 4-7: National Business Incubations Association National Conference, Scottsdale, AZ (614) 593-431

June 8-9: NAID Regional Seminar on Military Base Reuse Grant Proposals — Sacramento, CA (703) 836-7973

June 12-13: National Council for Urban Economic Development Conference on Base Reuse, Washington D.C. (202) 223-4735

July 13-14: Association of Federal Technology Transfer Executives, Third Annual Summer Meeting, Washington D.C., (304) 243-2535

July 13-14: NAID Regional Seminar on Military Base Reuse Grant Proposals — Dallas, TX (703) 836-7973

August 18-19: NAID Regional Seminar on Military Base Reuse Grant Proposals — Chicago, IL (703) 836-7973

August 20-22: National Association of Installation Developers (NAID) 1995 Conference, Chicago, IL (703) 836-7973

September 21-22: NAID Regional Seminar on Military Base Reuse Grant Proposals — Monterey, CA (703) 836-7973

October 19-20: NAID Regional Seminar on Military Base Reuse Grant Proposals — Jacksonville, FL (703) 836-7973