



Base Redevelopment and Realignment “Implementing BRAC”

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Final Rule - 32 CFR Parts 174 and 175

- “Revitalizing Base Closure Communities and Addressing Impacts of Realignment”
 - Published Feb 28, 2006, in the Federal Register
 - Replaces and cancels DoD Directive 4166.66 and DoD Instruction 4165.67
 - Provides rules for disposal of property and addresses impacts of realignment at gaining bases
 - Contains amendments to address changes in law
 - Amends DoD policy
 - Addresses environmental requirements not previously addressed
 - Authorizes Publication of DoD 4165.66-M, Base Redevelopment and Realignment Manual (BRRM)

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DoD1

OUSD(AT&L), 4/10/2006



Base Redevelopment and Realignment Manual (BRRM)

- New Manual – Issued March 1, 2006
 - Supersedes “Base Reuse Implementation Manual” (BRIM)
 - Incorporates BRAC law amendments
 - Provides a common set of guidelines for BRAC
 - Supplements guidance for carrying out laws and regulations for closing bases and revitalizing communities
 - Identifies common-sense approaches and general practices
 - Addresses Personnel Management issues
 - Addresses BRAC actions that cause growth



BRAC Implementation Policy

- Secretary of Defense Rumsfeld:
 - Act expeditiously, whether closing or realigning
 - Utilize all appropriate means to transfer property
 - Rely on and leverage market forces
 - Collaborate effectively
 - Speak with one voice
 - Work with communities to address growth



Keys to Success

- Themes:
 - Consultation
 - Cooperation
 - Characteristics:
 - Work cooperatively
 - Consider community needs
 - Be innovative
 - Delegate
 - Exercise common sense
 - Apply growth management principles
- Military Department
Office of Economic Adjustment
Local Redevelopment Authority



Disposal Process Overview

- **Phase One: Redevelopment & Disposal Planning**
 - Community redevelopment planning
 - Environmental impact analysis
 - Installation summary report of assets & disposal options
 - Surplus property determinations (real and personal)
- **Phase Two: Surplus Property Disposal Decisions**
 - Applications for property (such as PBC, EDC, etc.)
 - Disposal Record of Decision (ROD)
- **Phase Three: Property Conveyance**
 - Parcel-by-parcel decision implementation
 - Continuing environmental cleanup, as needed



Process Overview: Phase 1 Redevelopment & Disposal Planning

Sample activities: Nov 9, 2005 to May 9, 2006

- **Military Department**
 - Relocate active mission elements (Mission drawdown)
 - Inventory assets
 - Screen for DoD and Federal use
 - Determine property to be retained
 - Identify & resolve jurisdictional issues
 - Consult with LRA and Federal agencies
 - Identify real property that is surplus to Federal needs
 - Initiate NEPA analysis
- **Local Reuse Authority**
 - Seek recognition as an LRA
 - Initiate communications
 - Conduct outreach focusing on community needs, including homeless
 - Homeless accommodation submission
 - Conduct market research
 - Identify interests in acquiring available real and personal property
 - Develop a comprehensive land-use plan ICW DoD
 - Prepare comprehensive redevelopment plan



Process Overview: Phase 2 Surplus Property Disposal Decisions

Sample activities: May 9, 2006 to May, 2008

- **Military Department**
 - Conduct NEPA Analysis
 - Deference to redevelopment plan, while retaining responsibility and authority for final property disposal decisions
 - Resolve conflicting property interests
 - Final decisions on disposal
 - Decisions on specific property conveyances (public benefic, economic development, etc.)
- **Local Reuse Authority**
 - Redevelopment planning
 - Application to Dept. of Housing & Urban Development (HUD)
- **Department of Housing and Urban Development (HUD)**
 - Review of LRA application – homeless accommodation
- **Other Federal Agencies**
 - Review of Public Benefit Conveyance (PBC) applications



Process Overview: Phase 3 Property Conveyance

Sample Activities: May 2008 to Sep 15, 2011

- **Military Department**
 - Conveyance of installation property (property disposal)
 - Parcel-by-parcel decisions on responsibilities for remaining remediation
- **Typical Conveyances**
 - Public benefit conveyance (PBC)
 - Homeless assistance conveyances
 - Negotiated sale
 - Advertised public sale
 - Environmental responsibilities sale
 - Economic development conveyance
 - Depository institution facility
 - Conservation
 - Exchange for Military Construction
 - Early transfer, privatization of response or corrective action



Working with Communities

- Mutual goals: rapid disposal and redevelopment
- Local Redevelopment Authority (LRA)
 - Established by State or local government
 - Single entity responsible for preparing redevelopment plan
 - Outreach to homeless and other interested parties, and redevelopment plan preparation
- Office of Economic Adjustment (OEA)
 - Coordinates provision of available Federal resources
 - President's Economic Adjustment Committee (EAC): OEA personnel serve as staff of the EAC
- Base Transition Coordinator (BTC)
 - Appointed by military, assists in coordinating property and environmental actions



Redevelopment Plan

Local Redevelopment Authority

- Addresses numerous factors, including:
 - Sustainable redevelopment, supported by a coordinated management plan
 - Overall redevelopment of installation in a comprehensive & coordinated manner
 - Proposed land uses, including development controls
 - Possible future property recipients or tenants
 - Public involvement and comments throughout process
 - Current and projected market demand for different potential land uses
 - Balance between homeless-assistance needs and community & economic redevelopment needs of the community
 - Sources and uses of available funding or revenue
 - Personal property necessary to support redevelopment
 - Takes account of past land uses and current property conditions including environmental conditions
- Complete redevelopment plan no later than 270 days after outreach process completed
- Used by Military Department to conduct property disposal NEPA analysis



Property Disposal

The “Tool Kit”

“Tool Kit” of Conveyance Authorities:

- Public benefit conveyance (PBC)
- Homeless assistance conveyance
- Negotiated sale
- Advertised public sale
- Environmental remediation conveyance
- Economic development conveyance (EDC)
- Conservation Conveyance
- Disposal to Depository Institutions
- Exchanges for Military Construction
- Early Transfer Authority

Who decides?

- The Military Department, considering:
 - the disposal method that best serves the public interest,
 - provides highest and best use,
 - giving deference to the approved redevelopment plan of the Local Reuse Authority



Property Disposal DoD & Federal Interests (Federal Screening)

- Sequence
 - Military Department issues Notices of Availability
 - Agencies must express initial interest within 30 days
 - Formal requests must be submitted within 60 days
 - Fed-to-Fed transfer determinations made within 6 months of decisions becoming final
- Conditions for Fed-to-Fed transfer
 - Fair market value paid
 - Transfers are in “as is” environmental condition



Property Disposal Interests in Surplus Property

- Publicizing Availability of Property
 - LRA established and recognized
 - Military Department provides information on surplus real property to HUD, to LRA, in the *Federal Register*, and in a local newspaper
- Soliciting Notices of Interest
 - LRA receives notices of interest from interested parties
 - Information on property provided, including opportunity to inspect property
 - LRA holds public hearing(s) on proposed land use plan and base redevelopment
- Local Timeframe
 - Process begins no later than (NLT) completion of Federal screening
 - Within 30 days of Military published Determination of Surplus, LRA publishes its notice for expressions of interest in a local newspaper
 - Deadline for expressing interest no earlier than 3 months, and NLT 6 months after publication of the LRA notice for expressions of interest



Property Disposal Homeless Assistance

- Outreach to representatives of the homeless
 - LRA responsibility -- HUD can provide updated list of representatives
 - Representative invited to participate in redevelopment planning process
 - Information provided on property, site visits scheduled
- Notices of Interest from Representatives of Homeless
 - Requirements specified in 32 CFR 176.20
- Redevelopment Plan & Accommodating Homeless Assistance Needs
 - LRA Redevelopment Plan completed within 270 days after deadline for notices of interest
 - LRA Application (redevelopment plan and homeless assistance submission) submitted to HUD and to Military Department
- Review of Homeless Assistance Application
 - Details specified in 32 CFR 176.35
- Absent approved LRA plan – HUD identifies property



Property Disposal Public Benefit Conveyances (PBCs)

- Conveyances for specific public purpose
- PBC screening completed prior to submission of redevelopment plan to Military Department and HUD
- Sponsored PBCs
 - Sponsoring Federal agency with regulations and criteria
 - Uses: education, public health, park or recreation, port facility, etc
 - Sponsoring Federal agency approves application and submits request to Military Department for transfer on applicant's behalf
 - Military assigns property to sponsoring agency for transfer
- Approved PBCs
 - Non-federal correctional facilities, law enforcement, emergency management response, wildlife conservation, historic preservation, airport facilities, and power transmission lines
 - Military transfers directly to PBC recipient



Property Disposal Economic Development Conveyances (EDCs)

- To generate jobs on the installation
- Only to an LRA
- Application must show:
 - Proposed uses will generate sufficient jobs to justify EDC
 - Proposed land uses are realistically achievable
- Military required to seek to obtain fair market value
 - On case-by-case basis, EDCs may be granted without consideration
- For no-cost EDCs:
 - Investments must go to allowable uses and directly benefit economic redevelopment and long-term job growth
 - LRA must submit annual certified financial statement
 - Military may recoup proceeds not used for economic development within 7 years (minimum)
- Military may convey using EDC with requirement for subsequent no-cost lease of one or more portions of the property to a Federal agency



Property Disposal Considerations

- Property Disposal Planning “summary report”
 - Military may develop considering assets, market conditions and potential disposal options
 - Helps to identify highest and best use of property
- Appraisals
 - Required for EDCs, sales or conveyances to depository institution
 - Military appraisal for EDC “fair market value” will be shared with LRA
- Environmental Covenant Deferral
 - “Early transfer” enables conveyance before environmental remediation is complete
- National Historic Preservation Act
 - Must allow Advisory Council on Historic Preservation to comment



Property Disposal Considerations (*continued*)

- Native Americans Grave Protection & Repatriation Act
 - Requirement to protect, inventory, and repatriate Native American cultural items
- Executive Order 13007, “Indian Sacred Sites”
 - Where practicable and appropriate, must ensure reasonable notice of proposed actions that may restrict future access or ceremonial use of sacred sites
- Options to Buy and Purchase Agreements: Conveyance agreements shall not include options to buy
- Leasing of BRAC Property
 - Goal is prompt disposal of surplus property
 - Military will not lease BRAC property if leasing might delay disposal



Personal Property

- Personal property:
 - All property except land and fixed-in-place buildings (including fixtures), naval vessels, and records of the Federal government.*
- Disposed of in consultation with LRA, considering military needs and redevelopment needs
 - Needs of military the primary consideration for disposition of personal property
 - Personal property normally follows path of real property
 - Opportunity for LRA walk-through
- Format and detail of inventory will be provided in accordance with military standard record keeping



Personal Property

- Inventory of all DoD property
 - Within 6 months of approval of closure or realignment
 - Physical inspection and count to determine condition and quantity available to the LRA for reuse planning
 - Excludes: non-DoD tenants and transient property; property on property retained by DoD, and NAF-owned property
 - Installation personal property records should be provided to LRA in available formats – possibly in summary or simplified format (if existing format not easily usable)

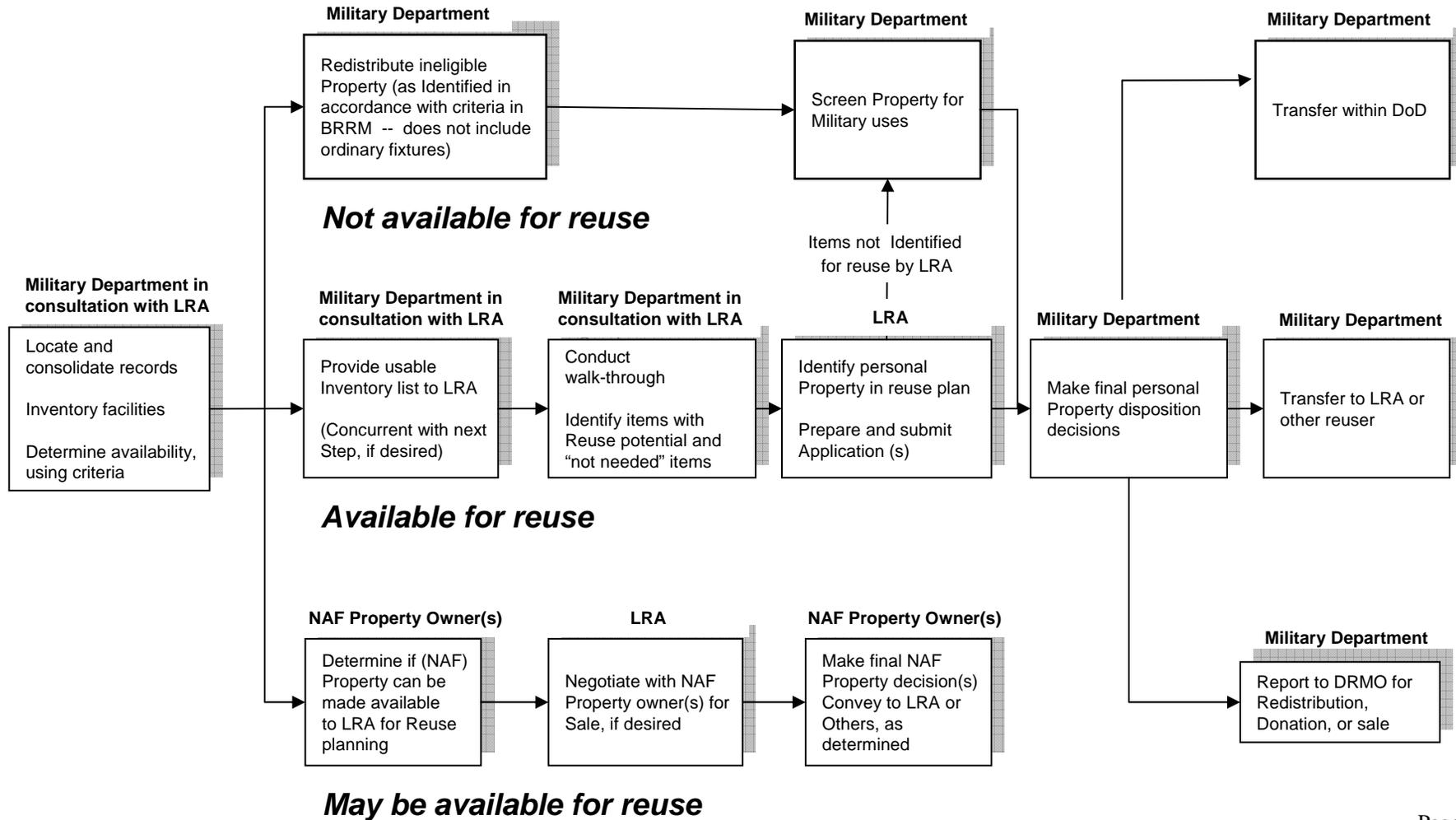


Personal Property General Practice Flow Chart

Inventory Property

Identify and Reconcile Needs

Dispose of Property





Maintenance

- Military will protect & maintain assets to preserve and enhance the value of the property
- Initial maintenance levels
 - Determined on a facility-by-facility basis by the military, in consultation with the LRA
 - May be adjusted over time as circumstances warrant (LRA will be notified)
 - Will not be reduced until one of the following events occur:
 - one week after receipt of the redevelopment plan,
 - the date the LRA informs the Military that it will not submit a plan,
 - 24 months after approval of closure, or
 - 90 before closure or realignment
- Military relinquishes responsibility when possession and control is transferred by deed or lease



Utilities

- Community best served by transfer early in the closure process
- Operation of utility systems by Military at closed base will normally be at minimum level to sustain caretaker operations
- Military may agree to provide increased services to support reuse prior to property conveyance only if fully reimbursed and if there is no impact on operational readiness
- All utility systems transferred in an “as is” condition
- Privatized utilities and housing determined by their contracts



Services

- Military will arrange for common services that are necessary to support initial maintenance levels of government facilities
- Examples of common services
 - Road maintenance (including snow and ice removal)
 - Physical security
 - Utility services (electricity, water & sewage, telecommunications, gas)
 - Fire and emergency services
- Users of common services, including LRA tenants, will pay for services provided by the Military at rates established to fully recapture the costs of providing them
- After expiration of the initial maintenance period, and in consultation with the LRA, the Military may elect to discontinue performance of any common services not required to support its residual military mission or protection and maintenance activities



Environmental Actions

- Key Objectives:
 - Protect human health and the environment
 - Expeditiously transfer BRAC property to new owners
 - Make wise public policy and business decisions
 - Maximize use of all tools to expedite
- Comply with NEPA
- Environmental condition of property report
- Protect natural and cultural resources
- Cleanup of hazardous substances and petroleum products



Environmental Actions Comply with NEPA

- Purpose: to make informed decisions
 - NEPA applied to property disposal and relocation of functions at receiving installations
 - Does not apply to Commission decision to close or realign the base, the need to transfer functions to the selected receiving base, or the alternative military installations to those recommended or selected
- Process:
 - A formal environmental impact analysis (EA or EIS) conducted according to regulations of the host Military Department
 - An Environmental Assessment (EA) leads to a Finding of No Significant Impact (FONSI), or the need to prepare an Environmental Impact Statement (EIS)
 - Must consider a range of reasonable disposal alternatives
 - Substantial deference given to LRA redevelopment plan
 - Public involvement / comment part of process



Environmental Actions

Environmental Condition of Property (ECP)

- Military will assess, determine, and document the environmental condition of all transferable property in an ECP report. Primary purposes:
 - Provide information for disposal decisions
 - Provide environmental condition information to the public
 - Assist in community planning for reuse
 - Provide information for prospective buyers
 - Assist prospective new owners in meeting EPA’s “All Appropriate Inquiry” requirements
 - Provide information on completed remedial and corrective actions
 - Assist in determining responsibilities, asset valuation, and liabilities
- ECP scope and level of effort dependent upon:
 - Current property use
 - Known contamination
 - Known or suspect munitions and explosives
 - Current remedial or corrective action
 - Availability of existing information
 - Protected species or cultural assets



Environmental Actions

Natural and Cultural Resources

- As part of NEPA analysis, Military will analyze impacts on natural and cultural resources
- A number of guiding requirements:
 - Endangered Species Act
 - Coastal Zone Management Act
 - National Historic Preservation Act
 - Executive Order 11988 “Floodplains”
 - Executive Order 11990 “Wetlands”



Environmental Actions Cleanup

- **Determining Responsibilities**
 - DOD must ensure appropriate response/corrective action
 - Early decisions on whether DoD or new owner in coordination with regulatory agencies and local government
 - Remedy based on current or historic use helps speed cleanup & redevelopment -- as does reuse planning that incorporates special environmental conditions (e.g. land fills, ranges, etc.)
- **Obligations for restoration of property being transferred**
 - Must comply with CERCLA 120 requirements
 - CERCLA or RCRA should have same cleanup results
- **Munitions hazards**
 - Where present, DoD shall take appropriate measures to address hazards before transfer



Environmental Actions

Scenarios (7) for Response Action/Transfer

- Uncontaminated property
 - DOD requests identification of uncontaminated property from regulators
- No remedial action required (investigations/no-action decision document completed)
 - No further action required
- Remedy completed by DoD
 - No further action required
- Remedy in place by DoD
 - Property transferred with response action complete, but remedy in place
- Early transfer, DoD completes response or corrective action
 - DoD completes response or corrective action after transfer
- Early transfer, privatized response or correction action
 - New owner completes after transfer (regulator concurrence)
- Early transfer, privatized response or corrective selection & action
 - New owner completes after transfer (regulator concurrence)



Environmental Actions

Transfer/Lease and Coordination

- Finding of Suitability to Transfer/Lease (FOST/FOSL)
 - Environmentally suitable for transfer or lease
 - Completed prior to transfer or lease of property
 - Ensures all applicable statutory and regulatory requirements satisfied
 - Summarizes how requirements and notifications of CERCLA 120(h) have been met
 - Contains description of an long-term remedies and responsibilities for maintenance and reporting
 - Forwarded to regulators for review and comment
- Coordination with Regulatory Agencies
 - Existing regulatory procedures and relationships at BRAC bases should be maintained until transfer
 - Existing permits and cleanup agreements shall be maintained and responsibilities fulfilled

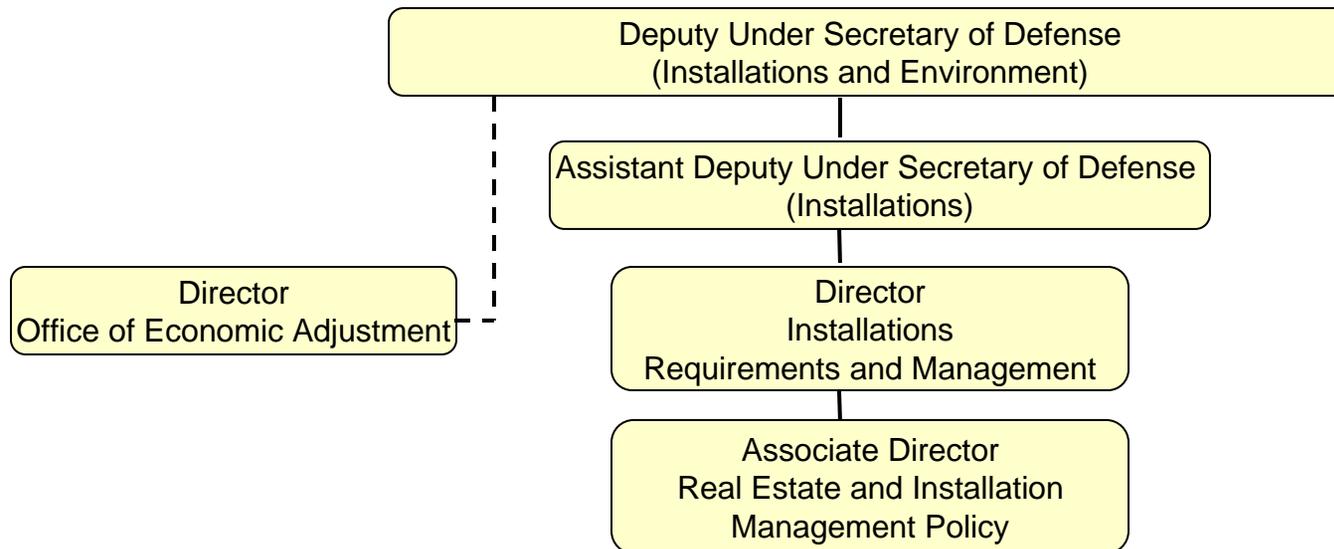


Growth from BRAC

- BRAC actions cause growth at some bases
- Issues/impacts to consider & plan for:
 - Housing
 - Schools, Medical, and other Support Facilities
 - Utility systems
 - New construction and facilities
 - Business and workforce development
 - Community planning (master plans, zoning, etc.)
 - Quality of life
 - Security
- Planning assistance
 - OEA assistance available
- NEPA requirements (on “how” to implement)



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