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Air Force Base Conversion Agency  
***BRAC 95 Base Conversion Process***  
***Workshop***

**Integrating the Process**



*Air Force Base Conversion Agency*

## Integrating the Process [Block 11]

### OBJECTIVE

- **Provide attendees with information on the interrelationships among the topics covered in the prior instruction sessions and the integration of these topics into a single, coherent base closure and reuse process**

### OUTCOME

- **Attendees will be informed of the interaction of the various processes that occur simultaneously during base closure and the general timeline for major milestones that will occur during the BRAC 95 process**

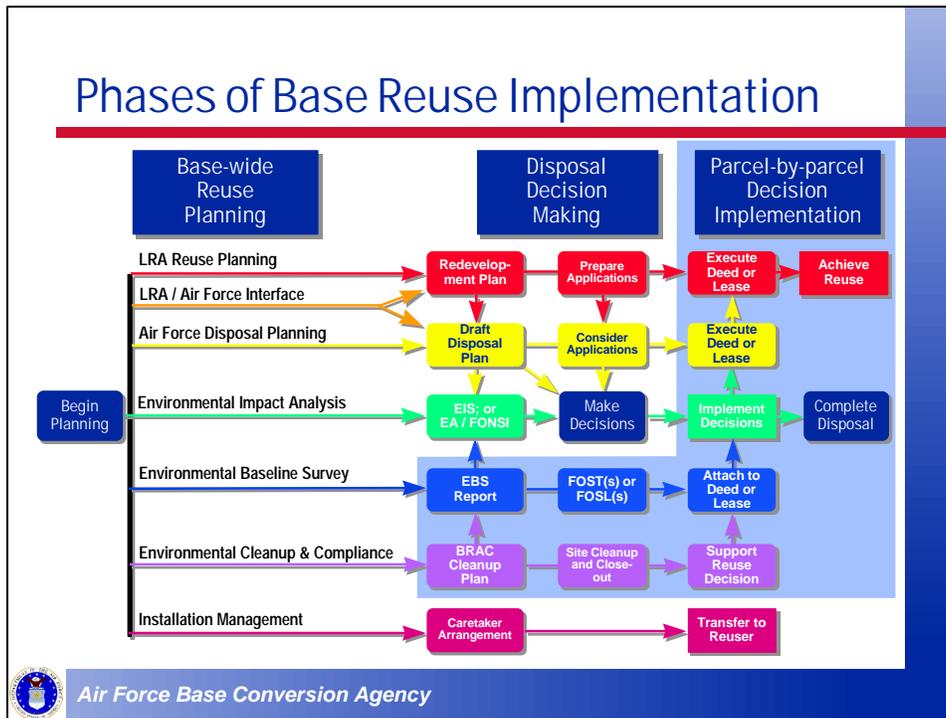


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### Quiz—Integrating the Process

1. Which elements of a redevelopment plan might have the greatest impact on the strategies that will be developed by the BRAC Cleanup Team? Why?
2. Which reuse process milestones are mandated by law? By DoD regulation?
3. What single factor is most likely to delay property conveyances (by deed) at a BRAC installation?
4. Which factor(s) will most likely delay timely reuse of BRAC installation property?
5. Under which circumstances should the LRA consider preparing a business plan?
6. What impacts might certain environmental remedies have on future land use?
7. Where should an LRA indicate its interest in personal property at the installation?
8. Who is responsible for newly discovered environmental cleanup requirements after conveyance of property by deed? A CERCLA deed covenant and indemnification of the transferee are required for what types of property?
9. Who resolves competing interests in BRAC installation property? When?
10. What are the end goals of the base reuse process? Are they the same from each player's point of view? Think about this question from the perspective of your function in the process.

# Phases of Base Reuse Implementation



## Phases of the Base Conversion Process

To achieve the optimum reuse potential of every closing or realigning base, it is essential that both Air Force implementors and the LRA understand the basic elements of the entire process. Each action taken in the process should be conducted with the whole process in mind. The base reuse process is affected by a myriad of Federal real property and environmental laws and regulations, along with volumes of implementing guidance. Some of these laws (e.g., The Defense Authorization Amendments and Base Closure and Realignment Act of 1988 and the Defense Base Closure and Realignment Act of 1990) were specifically enacted to govern certain parts of this process. The remainder, however, were enacted to address more routine Government property transactions or highly specific problems such as environmental cleanup. Collectively, they have a great effect on the process.

**Phase One:** The first phase, base-wide reuse planning consists of the many activities that occur while the LRA prepares its redevelopment plan and before the Air Force, in its role as the Federal property disposal agent, makes decisions on how the base will be conveyed to end users. These activities include the LRA's redevelopment planning process and the Air Force's required environmental impact analysis activities, natural and cultural resources determinations and consultations, identification of uncontaminated property, and many environmental cleanup- and compliance-related activities.

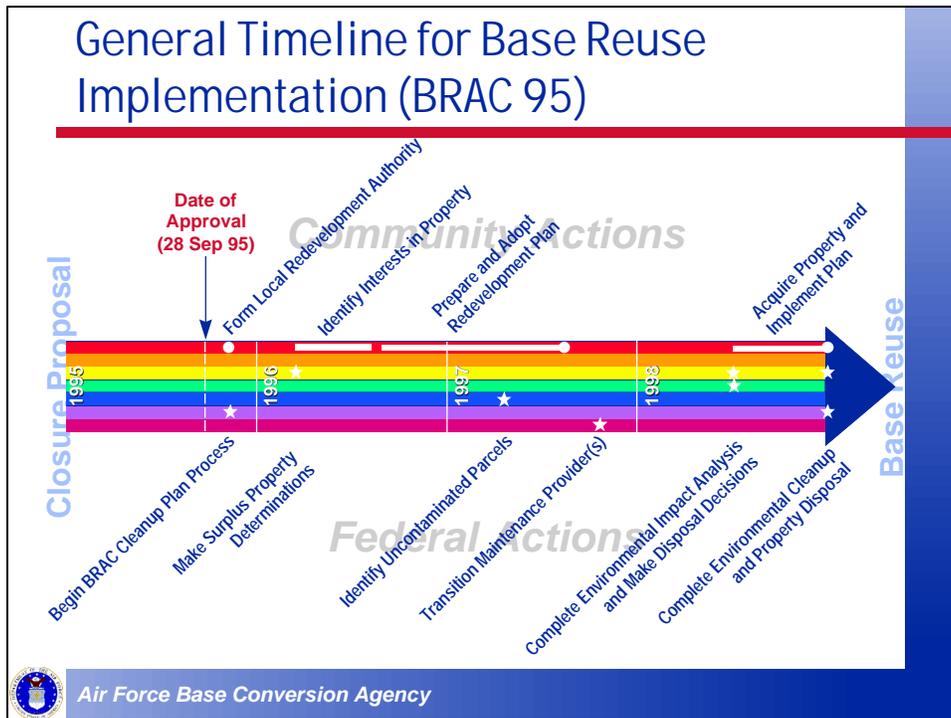
**Phase Two:** The second phase includes activities associated with the Air Force's disposal and reuse decision making. This phase may include the issuance of one or more Disposal Record(s) of Decision (RODs), or similar decision documents. It also includes the approval of applications submitted by the LRA or others for property under various public purpose conveyance authorities (e.g., public airport, economic development, and other public purpose conveyances).

**Phase Three:** After final disposal decisions have been issued by the Air Force, the last phase, decision implementation occurs for each disposal parcel. This phase lasts until the property has been conveyed and includes environmental activities that must be performed prior to deed transfer.

For this complex undertaking to be successfully implemented, teamwork is critical. Individuals from the Air Force, the on-site AFBCA Site Manager, the DoD Base Transition Coordinator, the DoD Office of Economic Adjustment (OEA) Project Manager, the Local Redevelopment Authority (LRA), local and State government, and other Federal, State and local reuse planning and implementation organizations will all play key roles. A comprehensive list of available organizations, including individuals to contact, can be found in the Appendix of the *Community Guide to Base Reuse*, published by OEA and the Office of the Assistant Secretary of Defense for Economic Security (OASD(ES)).

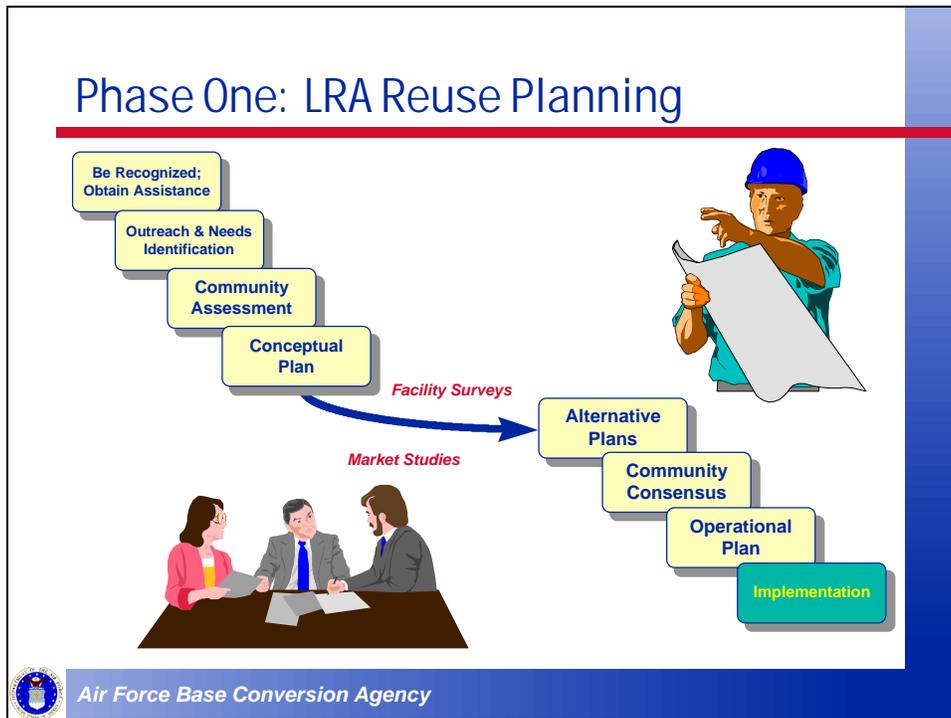
Source: DoD Base Reuse Implementation Manual, Chapter 2

## General Timeline for Base Reuse Implementation (BRAC 95)



Community Actions	Federal Actions
<b>Form Local Redevelopment Authority</b>	<b>Begin BRAC Cleanup Plan Process</b>
<b>Identify Interests in Property</b>	<b>Make Surplus Property Determinations</b>
<b>Prepare and Adopt Redevelopment Plan</b>	<b>Identify Uncontaminated Parcels</b>
<b>Acquire Property and Implement Plan</b>	<b>Transition Maintenance Provider(s)</b>
	<b>Complete Environmental Impact Analysis and Make Disposal Decisions</b>
	<b>Complete Environmental Cleanup and Property Disposal</b>

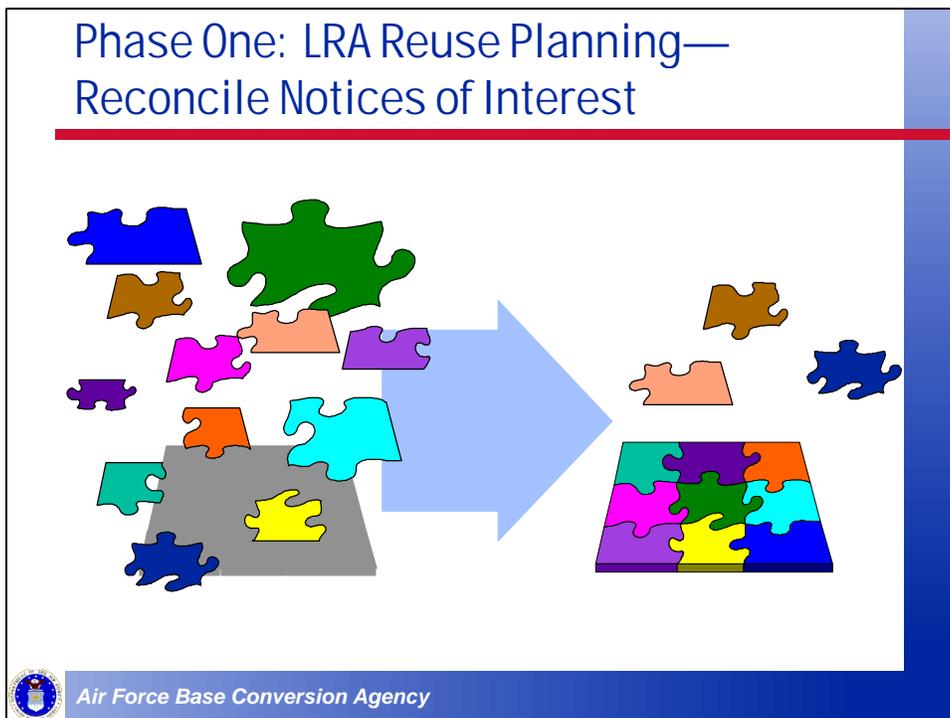
## Phase One: LRA Reuse Planning



- **Goals.** The first step is to determine the community goals that will guide the planning process. Defined by the LRA, these goals serve as the foundation of the overall recovery strategy. This strategy helps gain private-sector confidence and promotes renewed business investment. Often, the primary goal is job creation. Other examples are making redevelopment economically feasible, expanding the tax base, diversifying the local economy, maintaining a level of environmental quality, meeting affordable housing needs, or creating a redevelopment theme.
- **Objectives.** In setting the community's goals, these are but a few of the objectives that may be identified: civilian job replacement; public use of portions of the site; highest and best use of land and facilities; phased development to meet short-term goals but not preclude longer-term goals; expanded site access (roads, rail and water); quality appearance; compatibility with existing and planned off-site development; image change from military to civilian; and minimal public cost.
- **Identification of Needs.** Through its outreach efforts, the LRA solicits and considers the needs of State and local entities, including both public and private-sector interests (e.g., affected tribal governments, park boards, hospitals, development consortia, universities, and governmental units), as well as homeless providers. The needs of Federal agencies, as identified by the Air Force prior to the surplus determination, should also be recognized and provided for.
- **Local Strengths, Weaknesses, Opportunities, and Threats.** Considerable baseline data need to be developed to evaluate feasible reuse alternatives for the base and surrounding area. This analysis may lead the LRA beyond its original needs. Such an analysis may identify a new competitive element of the property, a new marketing approach to the installation's unique buildings, or other major assets.
- **Beyond the Known.** Potential public and private uses should be explored with imagination as far as economic feasibility permits. Types of uses include aviation, commerce, industry, education, health, recreation, incarceration, housing, and public administration. Facility surveys and market analysis will reveal which uses are possible. The LRA's responsibility is to follow through on opportunities that offer potential.
- **Consensus on a Concept.** The LRA should take into consideration the initial identified needs and the goals and objectives of the community. Often, this consensus serves as the basis for preliminary LRA consultations with the Air Force and other interested property users.
- **Civilian Reuse.** A range of economically and environmentally feasible land-use alternatives should be developed and evaluated. Commonly, this includes market studies and facility surveys to gauge an alternative's feasibility. If one of the major objectives is to minimize public costs, a balance of public benefit (no-cost) acquisition and private sector redevelopment is a wise pursuit. Public or nonprofit uses of portions of the base for aviation, education, recreation, wildlife conservation, seaports, and health purposes (including homeless use) generally involve no cost. However, there will be public costs to redevelop and operate the facilities for public uses, with little or no tax revenues generated. Also, public benefit uses have "strings attached." They must continue to be used for these public purposes, constraining long-range development flexibility.
- **Balanced Plan.** An LRA must specifically consider the needs of the homeless as well as local community and economic development requirements. While the needs of the homeless may be addressed off-base as well as on, an LRA will need to document all homeless interests and the process leading up to their accommodation. The final redevelopment plan must demonstrate how it has balanced community and economic development needs with the needs of the homeless.
- **Blueprint for Implementation.** Upon consensus on a redevelopment configuration, specific guidance is needed for implementing the plan. What will be the structure of any follow-on entity tasked with putting the installation into civilian use? Are there subsidies required for the effort and what will be the source? How will various uses be integrated and supported through delivery of public services? What are the schedules for site improvements? How will sources of funding be secured to finance economic development on the site? This is often termed the "action" component of the plan and becomes the basis for implementing the plan. When completed, the plan should represent that reuse configuration with the greatest comparative advantage for the community, maximizing benefits while minimizing costs.
- **Site-Specific Work.** Once the final redevelopment configuration is supported as the proposed action for the Air Force's NEPA analysis and incorporated into the Air Force's overall disposal plan for the facility, the LRA then can focus on the details of site layout, parcelization, phased redevelopment, design controls, and property management considerations. Local comprehensive plans and zoning must also be updated and adapted to reflect the redevelopment plan. It is imperative that these actions occur as much in advance of the property's disposal as possible, particularly for those portions of the base that will be purchased by the private sector.

Source: Office of Economic Adjustment, Community Guide to Base Reuse, 1995

## Phase One: LRA Reuse Planning— Reconcile Notices of Interest



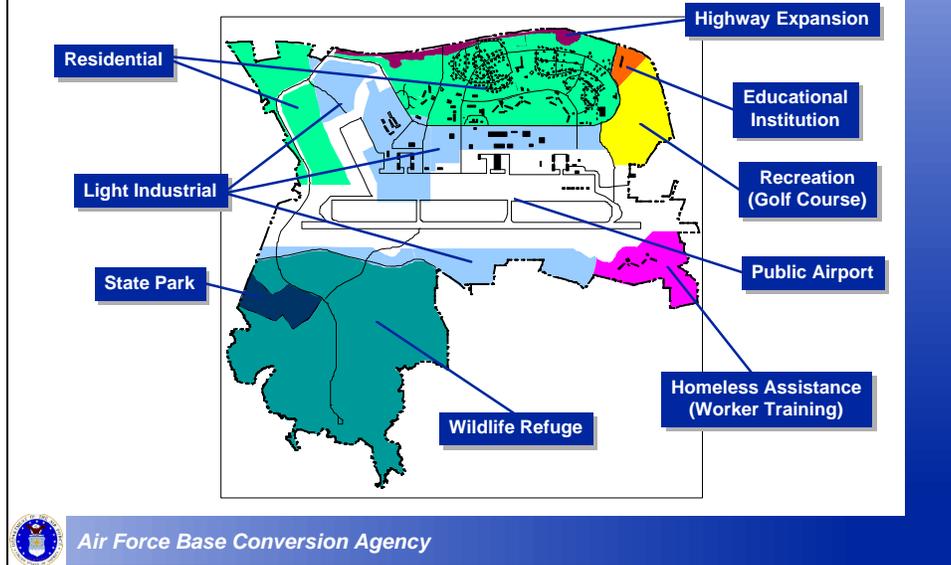
One of the LRA's major tasks is the reconciliation of the various interests in property that are received or identified during the redevelopment planning process. In the ideal situation (shown above), an LRA will be faced with many more interests than can be accommodated with the available base property. In such a case the LRA has the luxury of selecting those interests and land uses that are most compatible with its redevelopment concept.

In reconciling multiple (and potentially conflicting) property interests into a single, unified plan for an installation, the LRA will likely be required to negotiate with the interested parties to:

- Scale back some interests (or satisfy them with alternate property) so that other interests can be better accommodated;
- Encourage some parties to acquire additional property so that all or most of the installation property is accounted for; and/or
- Exclude some parties from the plan because there is insufficient property to meet their needs.

Under less ideal circumstances, the LRA will be faced with few or small interests that do not account for the majority of the available property, and the LRA may need to consider acquiring property itself with the goal of serving as a long-term developer.

## Phase One: LRA Reuse Planning—Prepare Redevelopment Plan, Including Land Use

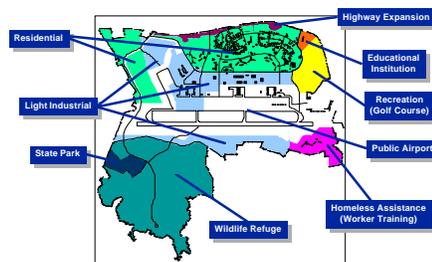


Redevelopment plans are commonly summarized most succinctly as a map of proposed land uses. This notional redevelopment plan combines a broad variety of public, private, commercial, and recreational land uses to achieve a balanced reuse program.

At this point during redevelopment planning, property recipients and conveyance methods may also be identified. For example, the State park, national wildlife refuge, highway expansion, and public airport land uses generally can only be managed by certain agencies (i.e., State Department of Parks and Recreation, Department of Interior, State Department of Transportation, local airport authority) that should have already been identified. Other land uses (e.g., light industry) can be achieved through various conveyance methods and the users may not be specifically identified until the implementation phase of redevelopment.

See the property conveyance methods map to compare these proposed land uses with the conveyance methods for individual parcels.

## Phase One: Identify Conveyance Methods Compatible With Land-use Plan

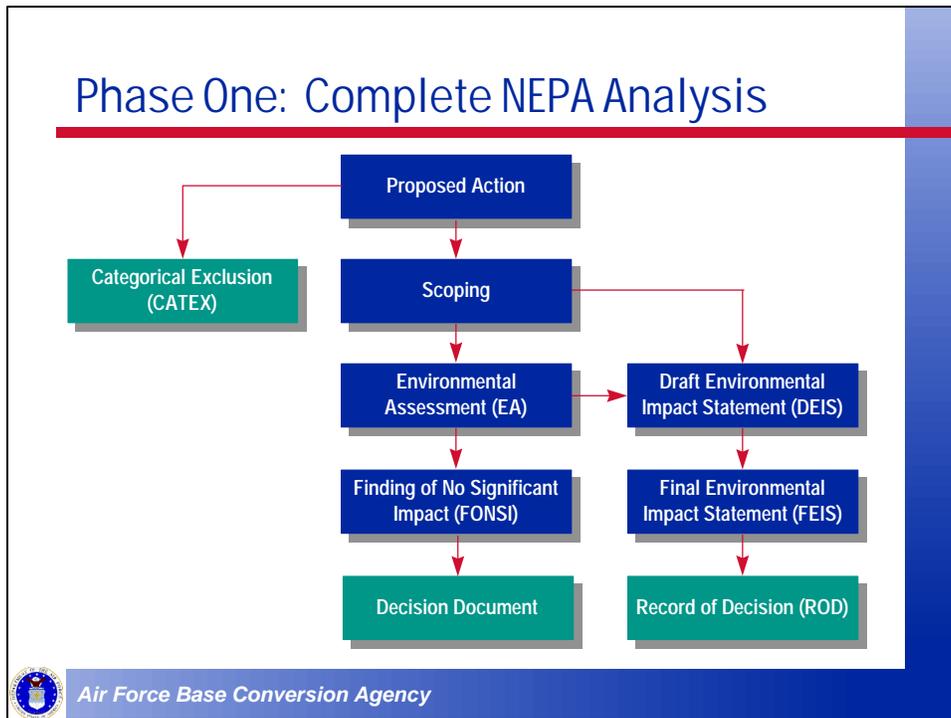


- **Within Federal Government**
- **Outside Federal Government**
  - **Approved or sponsored public-purpose conveyances**
  - **Homeless assistance conveyances**
  - **Sales (negotiated and public bid)**
  - **Depository institution facilities**
  - **Economic Development Conveyances**
  - **Conveyance for cost of environmental remediation**
  - **Conveyance for construction or provision of military family housing**

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Reference: Base Reuse Implementation Manual, *Appendix A and other appendices*

## Phase One: Complete NEPA Analysis



### **Actions requiring NEPA compliance in base conversion process:**

- Lease actions (interim and other)
- Disposal actions

### **Scoping:**

- Begins with publication of formal Notice of Intent to conduct EIAP in *Federal Register*
- Determines if action requires only an Environmental Assessment (many leases and some disposal actions)
- Determines if action will require a full EIS (required for many disposal actions)

### **Environmental Assessment:**

- Results in either a Finding of No Significant Impact (FONSI) (most leases), or
- Determination that a full EIS is necessary

### **Environmental Impact Statement:**

- Draft EIS completed after Scoping, data gathering and impacts analysis
  - DoD policy to use the adopted redevelopment plan as the proposed action
  - Requires 45-day public comment period and public hearing
  - Provided to EPA, Congressional delegations, and other interested parties
  - Other Federal agencies may join as cooperating agencies
- Final EIS includes comments, and is distributed and made available to public
  - Must be completed 12 months after DoD receives redevelopment plan

### **Record of Decision:**

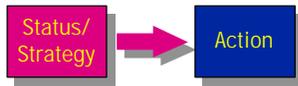
- Cannot be issued by the Secretary of the Air Force until 30 days after final EIS is published; no action can be taken until after ROD is issued
- Identifies decisions made as a result of EIS analysis
- Forms basis for property conveyances
- Other agencies may be required to issue separate ROD(s)

*Reference: DoD Guidance on Accelerating the NEPA Analysis Process for Base Disposal Decisions*

## Phase One: Prepare and Implement "Reuse Roadmap" Version of the BCP

### ■ A tool used by BCT to:

- > Agree on future land use (as identified in redevelopment plan) in order to focus cleanup efforts
- > Acknowledge reuse priorities
- > Agree on environmental risk
- > Reconcile reuse priorities with environmental risk
- > Develop comprehensive strategies and action plan for completion of all environmental activities
- > Agree on projects and schedules



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This version of the BRAC Cleanup Plan should summarize the following information:

### **Status**

- Status of all cleanup and other environmental issues addressed to date
- Status of community involvement activities
- Status of redevelopment planning efforts, including whether redevelopment plan has been submitted, whether disposal parcels have been proposed and whether transfer priorities have been established
- Identification of all environmental concerns (sorted by disposal parcel)

### **Strategy**

- Strategy for close-out of all contaminated sites (and impact on disposal)
- Strategy for close-out of all closure-related compliance issues (and impact on disposal) and transition of mission-related compliance programs, as applicable
- Strategy for transfer of any environmental permits, air credits, etc. (and impact on disposal)
- Strategy for completion of any required natural/cultural resources activities, if applicable (and impact on disposal)
- Strategy for resolving any other environmental concerns constraining property transfer (and impact on disposal)

### **Schedules/Projects**

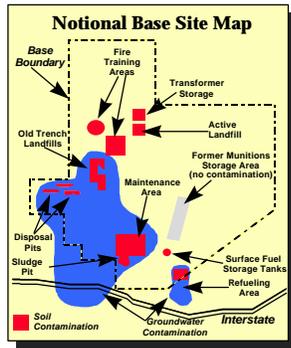
- Projects and schedule(s) for completion of all environmental activities related to disposal (as agreed to by the BCT and based on strategies)

Reference: BRAC Cleanup Plan Guidebook

## Phase One: Conduct EBS–Support CERFA Identifications, Leases, and FOSTs

### ■ Survey Activities Include:

- Records Search and Review, including Chain-of-title documents
- Aerial Photography Analysis
- Interviews
- Visual Inspections
- Contamination Source Identification
- Ongoing Response Actions
- Adjacent Facility Records Search and Review
- Visual/Physical Inspection of Adjacent Property



### ■ EBS Report Documents Findings



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### Environmental Baseline Surveys

- Refers to both a process (survey components are shown above) and a report (EBS Report)
- Establish the environmental baseline at the time of property transactions
- Establish the baseline against which future environmental liability claims will be measured
- Required by DoD CERFA, FOST and FOSL policies
- Used to support uncontaminated property identification under CERFA, and all lease and deed transactions
- “CERFA EBS,” or “base-wide EBS” consists of at least those activities identified above; subsequent (also termed “site-specific” or “parcel-specific”) EBSs may require additional activities such as environmental sampling, where appropriate
- Earliest workable draft documents should be provided to regulators
- EBSs may require supplemental survey activities as necessary
- The EBS is based on existing environmental information related to storage, release, treatment or disposal of hazardous substances or petroleum products on the installation to determine or discover the presence or likely presence of a release or threatened release
- An EBS is also useful at the end of a lease (to help prepare lease close-out environmental condition reports, e.g., whether environmental conditions have changed during the term of the lease)

See Also: *Appendix B, BRAC Cleanup Plan Guidebook, Department of Defense*

## Phases Two and Three: Make and Implement Disposal Decisions



- **EIS and Record of Decision or EA/FONSI and NEPA decision document**
- **Environmental Baseline Survey and Finding of Suitability to Transfer**
- **Deed Instrument (with CERCLA covenant and notifications, as applicable)**



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Final property transfers to non-Federal entities can only be accomplished if key processes and their accompanying documents are completed

### **NEPA Documentation**

- EIS and ROD or EA/FONSI/Decision Document
- Should be based on Redevelopment Plan, whenever possible, and must also consider a variety of other documents, including land-use plans, EBS, natural and cultural resources surveys and determinations

### **Environmental Baseline Survey/Finding of Suitability to Transfer**

- EBS is based on available environmental information, including environmental cleanup studies and data, environmental cleanup decisions (e.g., CERCLA ROD), environmental compliance reports, underground storage tank records
- CERFA or base-wide EBS may require updating or additional information
- EBS must support conclusion that parcel meets definition of environmental condition of property categories 1-4
- Parcels that include property falling into categories 5-7 are not eligible for deed transfer to non-Federal entities
- FOST must be supported by FOST EBS (can be parcel-specific)
- FOST must follow 6-Step FOST process outlined in Fast Track to FOST guidance

### **Deed Instrument**

- Must contain applicable CERCLA covenant (may require letter from EPA stating that all necessary remedial actions have been taken)
- Can include land-use restrictions (based on environmental cleanup decisions) and other conveyance method-specific restrictions and reverter clauses
- Can include mitigation measures that must be adopted by recipient

## Phase One: Prepare Homeless Assistance Application

- **LRA applies to HUD for certification of homeless assistance elements of redevelopment plan**
- **LRA's application to HUD must contain:**
  - **Redevelopment plan and summary of public comments**
  - **Information about homelessness in vicinity**
  - **Description of proposed activities**
  - **Homeless expressions of interest and how addressed**
  - **Impact of plan on community**
  - **Copies of proposed agreements with homeless providers**
  - **Description of property to be used**
  - **LRA's assessment of balance of needs for homeless and economic development**
  - **Summary of LRA homeless outreach**



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### **DBCRA 90 § 2905(b)(7)(G):**

(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and to the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall include in an application under clause (i) the following:

(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

*[Additional application requirements are elaborated in 24 CFR Part 586 (interim).]*

*References: DBCRA 90 § 2905(b)(7); 32 CFR § 91.7(a); 32 CFR Part 92; 24 CFR Part 586; Base Reuse Implementation Manual, Chapter 3 and Appendices B and C*

## Phases One & Two: Apply for Public-Purpose Conveyances

- **Notices sent to Federal sponsoring/approving agencies**
- **Agencies solicit requests**
- **Eligible public/non-profit requesters apply to Federal agencies**
- **Federal agencies review applications and:**
  - **Recommend suitability of proposed use; or**
  - **Recommend conveyance**
- **Air Force has final disposal authority**



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Under the FPMRs (41 CFR Part 101-47), when the Air Force issues its notice of availability of property, an informational notice is sent to Federal agencies that sponsor or approve public-purpose conveyances. These agencies may recommend to the Air Force that the highest and best use of a property is for a specific public benefit purpose.

After a determination of surplus has been made, notices of the surplus determination will be sent to the regional offices of the Federal sponsoring and approving agencies; the Air Force will notify eligible public agencies of the surplus determination and the Federal sponsoring and approving agencies will give notice to additional interested public bodies and/or eligible nonprofit institutions.

Public agencies and nonprofit institutions will notify the Air Force (and LRA, as appropriate) if there is a desire to acquire the property under a public-purpose conveyance. If a response is received, the Air Force, in consultation with the appropriate sponsoring or approving agency, will determine a reasonable time for submitting a formal application. The requesting agency or institution will be informed of the time and information required for an application.

Applications are submitted to the sponsoring/approving agency and the Air Force. The sponsoring/approving agency reviews the application and, if the application is approved,

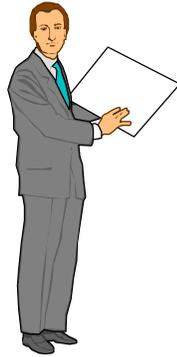
- an approving agency will recommend to the Air Force that the property is suitable and desirable for the proposed public use;
- a sponsoring agency will recommend assignment of the property to the sponsoring agency for subsequent transfer to the applicant.

In either case of an approved application, the Air Force retains authority to make the final disposal decision; the sponsoring/approving agency's role is advisory. However, a public-purpose conveyance cannot be made without a positive recommendation from the appropriate sponsoring/approving agency.

[Additional information about public-purpose conveyances is contained in Block 7.]

References: Federal Property and Administrative Services Act, § 203 (40 U.S.C. 484); 41 CFR § 101-47.308; Base Reuse Implementation Manual, Chapter 3

## Phases One and Two: Apply for EDC, if Applicable



- **Include adopted redevelopment plan**
- **Parcel size and intended uses**
- **Impact of closure on community and financial conditions**
- **Job creation strategy**
- **Market analysis and business plan**
- **Statement of why conveyance is needed and why other disposal authorities cannot be used**
- **Justification for discount, if appropriate**
- **Statement of authority to acquire property**



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References: DBCRA 90 § 2905(b)(4); 32 CFR § 91.7(e) & (f); Base Reuse Implementation Manual, Chapter 7

## Phase Three: Complete FOST Process For Each Parcel



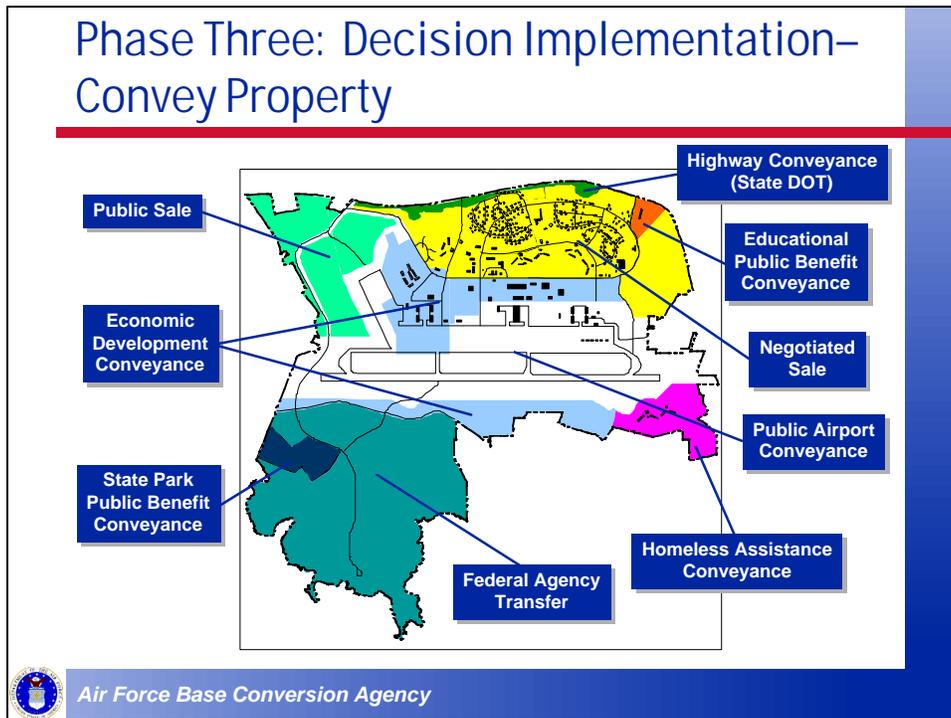
- 1 **Notify regulators of intent to initiate**
- 2 **Conduct VSI; prepare working draft FOST/EBS**
- 3 **Notify regulators/public of intent to sign FOST**
- 4 **Address comments; prepare draft final FOST/EBS**
- 5 **Forward to regulators (minimum 3 working days)**
- 6 **Final AFBCA coordination**
- 7 **Transfer property**
- 8 **Notify public**
- 9 **Retain EBS/FOST and comments**
- 10 **Make EBS/FOST available to regulators and public**



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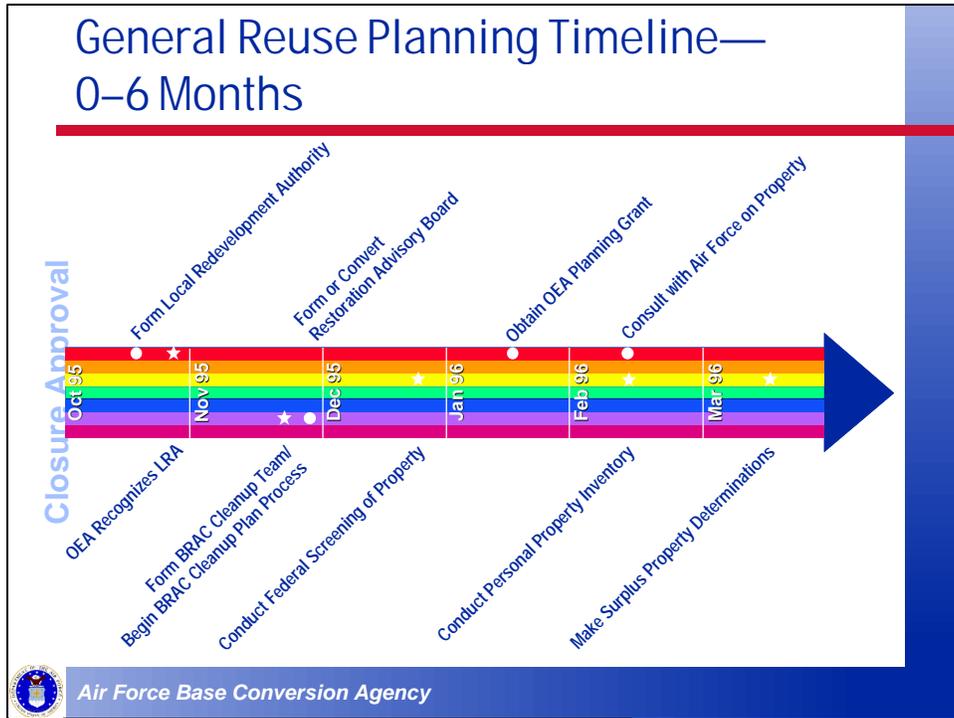
*Source: Air Force Base Conversion Agency Procedures for Processing Findings of Suitability to Lease and Findings of Suitability to Transfer (FOSL/FOST) and Supporting Documents, June 8, 1995*

## Phase Three: Decision Implementation– Convey Property



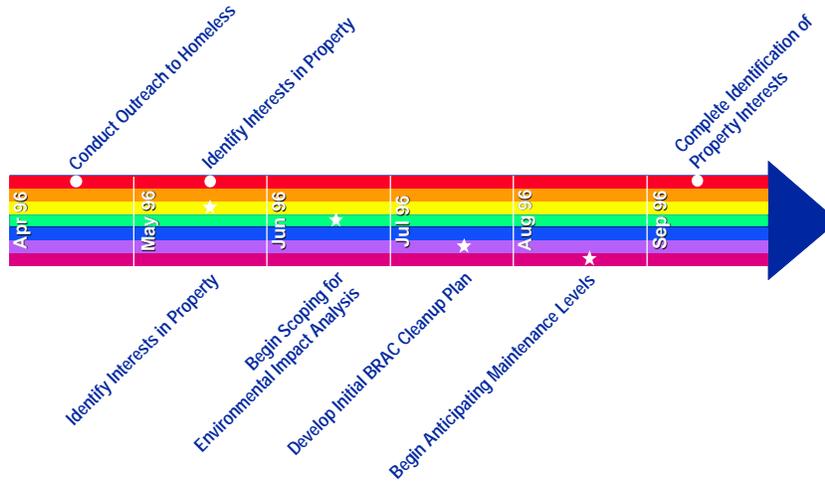
The above figure emphasizes a notional LRA's proposed conveyance methods for achieving reuse (compare this map to the example land use map earlier in this block). Where appropriate, public-purpose conveyances are used; the community college will acquire a facility through an educational public benefit conveyance. In addition, the LRA proposes to acquire a large segment of the developed area of the base by an Economic Development Conveyance, for light industrial uses. On the other hand, in the undeveloped area of the installation, the LRA will achieve light industrial and residential land uses through zoning and public sale, because the LRA does not want to assume development responsibilities for that area. The developed residential area and golf course will be conveyed by negotiated sale to the local government for low-income housing and recreation, respectively, and a homeless assistance conveyance will be used to satisfy a local need for worker training.

Comparison of this map with land use map shows that a broad variety of land uses and conveyance methods can and should be used to achieve reuse of an installation. A particular land use can be achieved through multiple conveyance methods and, conversely, a single conveyance method can be used to obtain multiple land uses. Effective redevelopment planning depends on selecting a combination of land uses and conveyance methods that is appropriate to the local economic environment.



See also: *Chapter 2 and Appendix A, Base Reuse Implementation Manual*

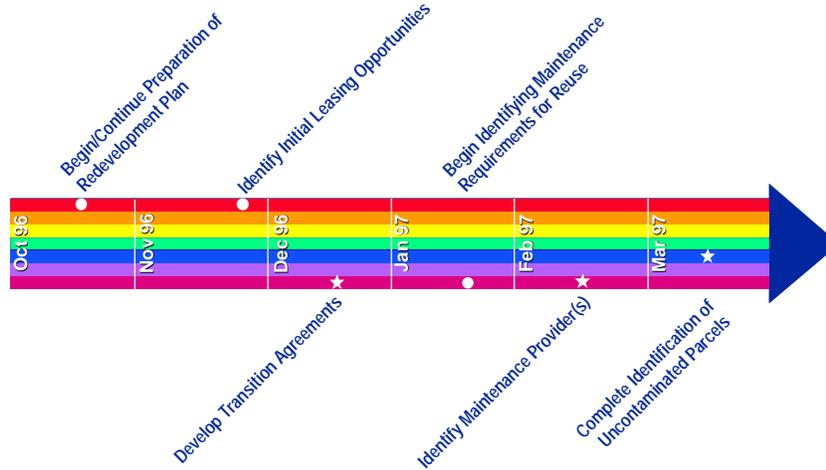
## General Reuse Planning Timeline— 6–12 Months



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See also: *Chapter 2 and Appendix A, Base Reuse Implementation Manual*

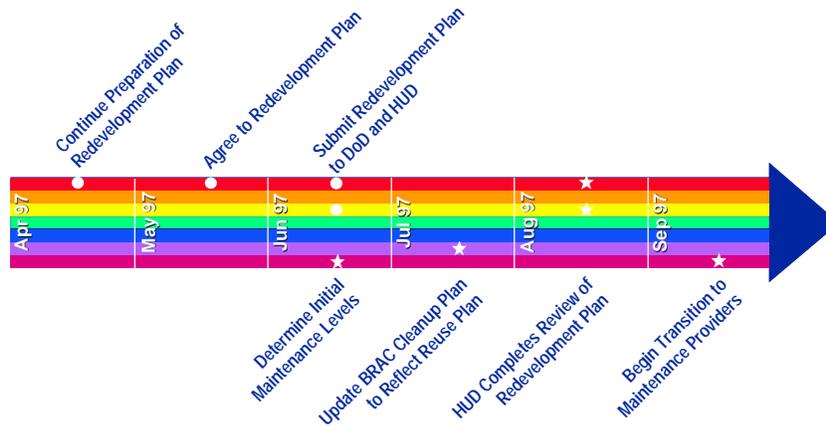
## General Reuse Planning Timeline— 12–18 Months



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See also: *Chapter 2 and Appendix A, Base Reuse Implementation Manual*

## General Reuse Planning Timeline— 18–24 Months



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See also: *Chapter 2 and Appendix A, Base Reuse Implementation Manual*

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