

## STATE, CITY DROP SUITS OVER OCEANA CLOSURE

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RICHMOND, Va. - The state and the city of Virginia Beach have dropped federal lawsuits against the Defense Department aimed at keeping the Navy's East Coast master jet base at Oceana Naval Air Station, officials said Wednesday.

The lawsuits filed in November challenged a 2005 federal Base Closure and Realignment Commission order to move the jets from Oceana to the former Cecil Field Naval Air Station in Florida unless encroachment issues were addressed. They also challenged a later ruling by the Defense Department inspector general's office that the state and city hadn't done enough to take over property around the base.

Both parties remain committed to making sure Oceana doesn't close, Gov. Timothy M. Kaine said in a statement but "no longer believe these lawsuits have to be litigated to secure the base."

The inspector general's office said in January that Florida had failed to meet the requirements to get the jets, making the legal action no longer necessary, Attorney General Bob McDonnell said. He added the ruling "ensures that the base will remain in Virginia Beach."

The suits, filed in U.S. District Court in Washington, D.C., never were served on the federal government.

The first lawsuit argued that neither BRAC nor the president has the authority to move a military function to a location that is not an existing military installation. Cecil Field was closed in 1999 through the BRAC process.

The suit sought a permanent injunction prohibiting removal of the more than 200 Navy fighter jets, plus pilots and support personnel.

The second lawsuit claimed the inspector general's office erred in determining that the state and cities of Virginia Beach and Chesapeake failed to comply with the BRAC order.

BRAC gave six specific requirements for Oceana to keep its jets. Key among those was the requirement that \$15 million a year be spent on condemning and purchasing property around the base.

In May, the inspector general's office said that Virginia Beach had failed to comply because it refused to condemn and buy property, including about 3,400 homes and businesses, in the zone where the risk of a jet crash is highest.

State and city officials said they instead took steps to stop or roll back development around Oceana. They argued that a program of simply condemning homes and businesses at a rate of \$15 million a year would not keep pace with new development and would not work to curb encroachment.

Oceana wasn't included in the original round of base closures and realignments in 2005 but was added two months later. That August, the commission voted to recommend that the base move to Cecil Field.