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by

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**On the Hunt for Willing Sellers:
The U.S. Army's Land Acquisition Process**

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The U.S. Army's Land Acquisition Process**

by

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Abstract

On the Hunt for Willing Sellers: The U.S. Army's Land Acquisition Process

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To maintain high levels of proficiency and readiness the U.S. Army trains its soldiers on military bases across the country. However, the Army currently possesses an insufficient amount of land with which to train on, necessitating an expansion of current bases. This paper explores the Army's land acquisition policies, using as case studies the ongoing expansions at Fort Carson in Colorado and Fort Polk in Louisiana. Fort Carson, which announced expansion plans in 2006, faced strong opposition and the project has ground to a halt. In early 2009 Fort Polk announced a 100,000-acre expansion. They have utilized a broad public outreach program and promised on numerous occasions not to use eminent domain to acquire privately-held land. As a result, the Polk expansion has proceeded much more smoothly. Using lessons learned from the pair of case studies, this paper then presents a list of best practices the Army can use for future land acquisition projects.

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Chapter 1: Introduction

THE ARMY AS LANDHOLDER

The United States Army is one of largest landholders in the country, owning or leasing more than 14.3 million acres¹ – an area more than three times the size of New Jersey. Increased training needs related to the Global War on Terror, as well as Base Realignment and Closure (BRAC) activities, have forced the Army to acquire additional land to expand their training capacity. The Army has predicted that it will have a 4.5-million-acre training land shortfall by 2013.² Traditionally, the Army has used eminent domain for land acquisition, but public outcry and the Army’s focus on community outreach have made this more difficult. For instance, recent expansion plans at Fort Carson have come to a halt because of opposition to the use of eminent domain and a lackluster public outreach effort. A new paradigm is emerging that promotes public involvement and eschews the taking of private property. While this may be more acceptable to the general public, the Army has unique land use requirements that may be ill-served by this new approach to land acquisition. This report will explain the steps in the Army’s land acquisition process and then use two case studies to show how this process has played out in recent years.

The two case studies, of Forts Carson and Polk, were chosen because they are the most recent examples of large-scale land acquisition by the Army. In order to address their training land shortage, the Army approved 100,000-acre expansions at Fort Carson, near Colorado Springs, and at Fort Polk, near Alexandria, Louisiana. Preliminary land-use planning began at Fort Carson in 2005, but little public outreach or notification was done at the time.³ When classified documents regarding the expansion were leaked, opposition brought the process to a standstill. As a result, the focus shifted to Fort Polk, where an effort is being made to incorporate public participation and avoid eminent

¹ Department of Defense, *Base Structure Report: Fiscal Year 2009 Baseline*, pg. 18.

² Department of the Army, *Department of the Army Response to the National Defense Authorization Act 2008; Section 2829: Report of Utilization and Potential Expansion of Army Operational Ranges*.

domain entirely. Fort Polk is moving quickly through the land acquisition process and has faced little opposition to the project.

Using lessons learned from these case studies, this report will formulate a set of best practices that the Army can use in future land acquisition projects. These best practices will address three main topics: whether eminent domain should be used, what level of public involvement is appropriate, and at what point in the process Congress and the surrounding residents should be notified. This report concludes with recommendations on how these best practices can be incorporated into the Army's standard operating procedures.

METHODOLOGY

The author will examine publically-available documents from the Army including real property inventories, training regulations, long-term plans, Department of Defense Directives, Environmental Impact Statements, press releases, and Army Major Land Acquisition Proposals (AMLAPs). Federal and State legislatures have also been involved in the two base expansions, and this report will make use of Congressional testimony before the Senate Armed Services Committees, legislation, reports to Congress, and statements made by notable congressmen. Because an understanding of public sentiment is essential to determining best practices for public outreach, contemporary media sources, both local and national, will be used. Likewise, press releases, reports, and websites produced by opposition groups will be explored. The Government Accountability Office has looked in depth at the Army's land acquisition process, and this professional report will make use of GAO reports 09-171 and 09-32.

ARGUMENT AND OUTLINE

The ultimate purpose of this paper is to establish a set of recommendations that the military can use for future expansion activities. Chapter Two begins with an overview of the Army's current land holdings, their need to acquire additional land, and the steps in the land acquisition process. Chapter Two also details the Army's unique land use

³ Government Accountability Office, *Army's Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively*, pg. 9.

requirements: specifically, their need for large, contiguous parcels to accommodate live-fire weapons ranges and vehicular maneuvering. This added layer of complexity makes eminent domain a more attractive option for military planners, since they can target the specific areas they need and force holdouts to move. The legal mechanism of eminent domain is discussed, as is case law relevant to the Army's land acquisition process.

Chapters Three and Four look at the attempted expansions of Fort Carson and Fort Polk, respectively. In 2004 Fort Carson began planning to expand the Piñon Canyon Maneuver Site (PCMS), a 236,000-acre training facility in southeastern Colorado. The terrain at Piñon Canyon is similar to that found in Afghanistan,⁴ and the added acreage would allow for multiple brigades to train simultaneously. However, classified preliminary planning documents were leaked to the public, resulting in strong opposition to the use of eminent domain from the surrounding community. The fight to expand the PCMS has continued for years, and Congressional action, court decisions, and citizen activism have all hindered the Army's attempts to acquire additional training land in Colorado.

Fort Polk, in central Louisiana, announced in early 2009 their intention to purchase 100,000 acres for additional training facilities. Unlike Fort Carson, Fort Polk has instituted a strong public engagement program. They have also repeatedly stated that they will not use eminent domain and will only purchase land from "willing sellers." As a result, there has been no organized opposition to the expansion plan at Fort Polk. However, it remains to be seen if the new "willing sellers" approach can successfully meet the Army's unique land use requirements detailed in Chapter Two.

Chapter Five synthesizes the lessons learned from the case studies into a set of best practices that the Army can use in future land acquisition projects. It begins by contrasting the goals and objectives of private landowners with those of military planners, which will highlight the core motivations of each side. Given their divergent interests and the Army's unique land use requirements, a promise to 'never use eminent domain' will likely be counterproductive in the long-run. While condemnation should be used sparingly and only as a last resort, the Army's training regimen makes eminent

⁴ Fort Carson, *Operation Plan 05-18: Piñon Vision*, pg. 20.

domain a vital tool since private inholdings will reduce the usability of military bases.⁵ Additionally, this report concludes that public involvement and outreach should be an integral part of the planning process. The goals of stakeholder involvement are threefold: improve planning decisions by utilizing local knowledge, minimize opposition to the project, and better inform the public of the Army's need for additional training lands. Outreach to local and national political officials is also important. The Army depends on Congress to fund land acquisitions, and Congressional opposition can delay or kill an expansion project. Lastly, Chapter Five addresses the proper timing of public notification.

This report strives to outline practices that will improve decision-making by highlighting the best way for military planners to navigate the Army's land acquisition process. The list of best practices is designed for use by base commanders and their staff, and will be most useful in the planning stages of a project, before land is purchased.

⁵ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pg. 2-20.

Chapter 2: The Army and Land Acquisition

The Department of Defense (DoD) is one of the largest landholders in the United States. According to their 2009 Real Property Inventory, the DoD manages 28.5 million acres worldwide, with 97% of that land located within the U.S. The Pentagon owns two-thirds of the land, with the remainder being leased from private landowners or other federal agencies. Of the four branches of the armed services, the Army is the largest landholder, responsible for managing 14.3 million acres (approximately 50% of the DoD's total acreage).⁶ Because the Army's land holdings are so large and widely distributed, they play an important role in affecting land use patterns and shaping the built environment.

The Army's land is split between 2,004 sites in the U.S. and another 322 in overseas territories or foreign countries.⁷ The total area managed by the Army is three times larger than the state of New Jersey and includes more than 146,000 buildings. These areas and buildings serve a variety of purposes: storage, housing, instruction, planning and operations, maintenance, etc. However, on most installations the two activities that utilize the most acreage are weapons qualifications and training for vehicular maneuvers.⁸

The Army has established standards that dictate the training requirements for soldiers and the amount of land that training requires.⁹ By using these standardized formulas the Army can determine the total acreage it will need to meet its doctrinal training requirements. Overall, the Army has predicted that it will have a 4.5-million-acre training land shortfall by 2013. In order to overcome this deficit the Army has sought to expand some of its existing installations, such as Fort Carson, through the use of eminent domain. However, public opposition to the Fort Carson expansion has led to changes in the way the Army has undertaken subsequent land acquisition projects.

⁶ Department of Defense, *Base Structure Report: Fiscal Year 2009 Baseline*, pg. 18.

⁷ *Ibid.*, pg. 22.

⁸ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pgs. 1-2 to 1-5.

⁹ For example, see *TC 25-1: Training Land* and *TC 25-8 Training Ranges*.

THE LAND ACQUISITION PROCESS

When the Army wishes to purchase land the process is more complicated than that of a private citizen purchasing the same piece of property. Not only does the Army have its own regulations regarding real property acquisition, but it must also follow Department of Defense instructions, Executive Orders, and laws passed by the Legislative branch (most importantly, the National Environmental Policy Act). In 1989, following a critical GAO report that identified the need for a coherent and well-planned land acquisition strategy, the DoD imposed a moratorium on the acquisition of new real property.¹⁰ Under this policy, any land acquisition involving more than 1,000 acres or costing more than \$1.0 million requires the prior approval of the Office of the Secretary of Defense (OSD).

Requiring OSD approval has limited the Army's discretion in deciding which properties it wishes to acquire. Under the moratorium base commanders and their planning staff are forbidden to make any "public announcement, request for proposals, notice of intent to perform environmental analysis, request for legislation or budget line item, press release, or other official notice" until the OSD had granted a Waiver.¹¹ According to the OSD, the purpose of this 'gag order' is to prevent land speculation in the area targeted for acquisition and to ensure the public does not mistake a conceptual acquisition for an approved acquisition.¹² The effect of this policy has been to limit public involvement and outreach at the initial planning stages of a base expansion.

If an Army base wishes to expand, it first must complete a *Land Use Requirements Study* (LURS).¹³ The purpose of a LURS is to document that a bona fide training acreage shortfall exists, and that the property in question will solve (or at least mitigate) that shortage. Once the LURS is approved the base completes an Army Major

¹⁰ Government Accountability Office, *Army's Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively*, pgs. 1-2.

¹¹ DoD Instruction 4165.71, § 6-1.

¹² Government Accountability Office, *Army's Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively*, pg. 32.

¹³ U.S. Army, *Army Regulation 210-21: Army Ranges and Training Land Program*, pg. 13.

Land Acquisition Proposal (AMLAP), which serves as an official request for a Moratorium Waiver.¹⁴ The AMLAP contains the information found in the LURS, as well as an Analysis of Alternatives that clearly demonstrates why the purchase of those specific parcels is the best way to address the training acreage shortfall. AMLAPs involve an extensive amount of research, environmental study, land use planning, and hypothetical unit restationing. However, the OSD policy prohibits formal stakeholder notification during this process, making it difficult (arguably, impossible) to have a collaborative planning process with local residents. By the time the public is informed of the project many of the key decisions have already been made.

If the Army installation receives a Moratorium Waiver they will begin their NEPA-compliance phase, which is required for any “major federal action significantly affecting the quality of the human environment”¹⁵ (in this case we have a federal agency spending federal dollars). The NEPA-mandated environmental studies can take anywhere from months to years, during which time a minimum level of public notification and participation is required. Concurrent with NEPA, the Army Corps of Engineers undertakes a Real Estate Planning Report, which appraises the land in question and estimates the cost for purchase (both willingly and/or through condemnation).¹⁶

Once the NEPA process is finished with the issuance of a Record of Decision, the funds used to purchase (or lease) land are appropriated by Congress. By rule, the Army Corps of Engineers negotiates all real estate transactions on behalf of the Army, and once the land is acquired the Army can begin training on it.¹⁷

¹⁴ U.S. Army, *Army Regulation 350-19: The Army Sustainable Range Program*, pg. 20.

¹⁵ Specifically, the Environmental Impact Study must address:

“(i) the environmental impact of the proposed action,
(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
(iii) alternatives to the proposed action,
(iv) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and
(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.”

Source: 42 U.S.C. § 4332.

¹⁶ Fort Carson, “Land Acquisition Process”, <<http://www.carson.army.mil/mpd/docs/Land%20Acquisition%20Proces.pdf>>.

¹⁷ US Army, *Army Regulation 405-10: Acquisition of Real Property and Interests Therein*; 32 CFR 552.37.

EMINENT DOMAIN

In order to perform the duties required of it, the federal government has the power of eminent domain, which allows it to take privately owned property in the furtherance of a government function. However, the *takings clause* of the Fifth Amendment to the Constitution puts two limitations on this power – the taking must be for a “public use”, and “just compensation” must be given to the property owner. ‘Public use’ has been broadly interpreted to allow the use of eminent domain whenever it would serve a conceivable public purpose,¹⁸ and ‘just compensation’ requires the payment of fair market value.¹⁹

Although the Constitution was signed 1787, the power of eminent domain was not used by the federal government until the late 1800s.²⁰ In 1875 the Supreme Court established the legality of eminent domain in *Kohl v. United States*, with Justice Strong ruling that:

Such an authority is essential to [the nation’s] independent existence and perpetuity. These cannot be preserved if the obstinacy of a private person, or if any other authority, can prevent the acquisition of the means or instruments by which alone governmental functions can be performed.²¹

Although the Constitution does not expressly grant the right of eminent domain, the Fifth Amendment contains a provision that private property shall not be taken for public use without just compensation. According to Justice Strong, that in itself is an implied assertion that eminent domain is constitutional. In fact, the *Kohl* decision uses ‘forts’ and ‘military posts’ – the subject of this professional report – as examples of instances where the federal government would legitimately need to use condemnation.²² Since then, the federal government has used its eminent domain powers on a number of occasions to acquire land for military purposes, especially during times of war. Courts have held that

¹⁸ *Kelo v. New London*, 545 U.S. 469, pg. 469 (2005).

¹⁹ *Olson v. United States*, 292 U.S. 246, pg. 255 (1934).

²⁰ *Kelo v. New London*, 545 U.S. 469, pg. 475 (2005).

²¹ *Kohl v. United States*, 91 U.S. 367, pg. 371 (1875).

²² *Ibid*, pgs. 371 and 373, respectively.

the use of condemnation to establish or expand a military base constitutes a “public use.”²³

The power to use condemnation is specifically delegated to the Secretary of the Army in Title 10 of the US Code.²⁴ The Army relies upon *Army Regulation 405-10: Acquisition of Real Property and Interests Therein*, a 51-page regulation, when making decisions about land acquisition. According to *AR 405-10*, eminent domain can only be used once all other alternatives have been exhausted, although exceptions exist for times of war or eminent hostilities.²⁵ The regulation also outlines the procedural steps the Army Corps of Engineers must follow during condemnation proceedings.

TRAINING LAND REQUIREMENTS

In order to ensure that its soldiers are prepared for the battlefield environment, the Army requires an extensive training regimen, especially before overseas deployment. These training events aim to realistically simulate the types of situations a soldier might encounter in combat. This requires large amounts of space inaccessible to the public; hence, the use of training centers like Fort Carson and Fort Polk. The two types of training exercise that require the most acreage – vehicular maneuver and weapons live-fire – are described below.²⁶

Maneuver

Large amounts of maneuver space are needed to allow vehicular units (i.e. Abrams Tanks, Bradley Fighting Vehicles, Humvees, and Strykers) to practice engagement, movement, and retreat. The Army has established doctrinal standards for

²³ *Southern Pacific Land Company v. United States*, 367 F.2d 161 (9th Cir. 1966).

In fact, the district court decision held that the choice of which parcels to condemn “is solely within the province of the Assistant Secretary of the Navy by delegation from Congress and is not subject to judicial review.”

²⁴ “The Secretary of a military department may have proceedings brought in the name of the United States, in a court of proper jurisdiction, to acquire by condemnation any interest in land, including temporary use, needed for...the site, construction, or operation of fortifications, coast defenses, or military training camp...”

Source: *10 U.S.C. § 2663: Land Acquisition Authorities*.

²⁵ US Army, *Army Regulation 405-10: Acquisition of Real Property and Interests Therein*; 32 CFR 552.37.

exactly how much acreage is needed to train a unit of a given size and configuration. These standards are published in *Training Circular 25-1: Training Land*, which is publically available and unclassified. For example, Figure 2.1 shows the units that train at Fort Carson and the maneuver acreage they require. Most important are the center two columns, which show the maneuver acreage required by different units. For a three-week long heavy-brigade training exercise (approximately 4,000 people and 1,000 vehicles), almost 200,000 acres are required. This is an area almost five times the size of Washington D.C.²⁷

TABLE 1-1
 Summary of Maneuver Training Requirements by Unit Type
PCMS Transformation EIS, PCMS, Colorado

Maneuver Unit Type	Number of Assigned Units	Size of Training Area Required		Training Rotation Duration (weeks)	Frequency of Training Required (number per year)
		miles	km		
HBCT	1	30 x 10	48 x 16	3	1
Battalion	3	30 x 5.0	48 x 8	3	1
Company	11	10 x 3.7	16 x 6	1	5
Platoon	35	3.7 x 2.5	6 x 4	1	5
IBCT	1	12 x 7.5	19 x 12	3	1
Battalion	3	24 x 7.5	38 x 12	3	1
Company	8	10 x 3.7	16 x 6	1	5
Platoon	26	3.7 x 2.5	6 x 4 km	1	5

Source: U.S. Army Forces Command (FORSCOM), 2006

Figure 2.1: Fort Carson/PCMS Maneuver Land Requirements
 Note: 1 square mile = 640 acres
 Source: Fort Carson, *Transformation Environmental Impact Statement*, pg. 31

To determine the acreage required to adequately support the training needs of an Army installation, military planners use the Army Range and Training Land Requirements Model (ARRM). ARRM is a software program that uses various inputs to

²⁶ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pgs. 1-2 to 1-5.

compute the total acreage needed to train its resident units and any visiting soldiers. These inputs include:

- Facility Users
 - Size of unit
 - Type of unit
 - Length of time they need to complete maneuver training
- Unusable Land
 - Already developed/built-up
 - “Irregular post outlines and noncontiguous parcels that prevent maneuver”
 - Large bodies of water
- Environmental Restraints
 - Endangered species sites
 - Cultural resource sites
 - Off-limit wetlands²⁸

When all the relevant factors are taken into account, the model will determine that the installation has enough acreage to satisfy its needs, or, more likely, that the installation has a *maneuver acreage shortfall*, given that the Army has already determined that it will have a 4.5 million-acre shortfall by 2013. Through this process Fort Carson and Fort Polk calculated a 1,142,838-acre shortfall and 581,201-acre shortfall, respectively.²⁹ Figures 2.2 and 2.3 show the current size of Fort Carson and Fort Polk, and the size needed to mitigate their maneuver acreage shortfalls.

²⁷ CIA World Factbook, “Area – Comparative”, <<https://www.cia.gov/library/publications/the-world-factbook/fields/2023.html>>.

²⁸ U.S. Army, *Training Circular 25-1: Training Land*, pg. 33.

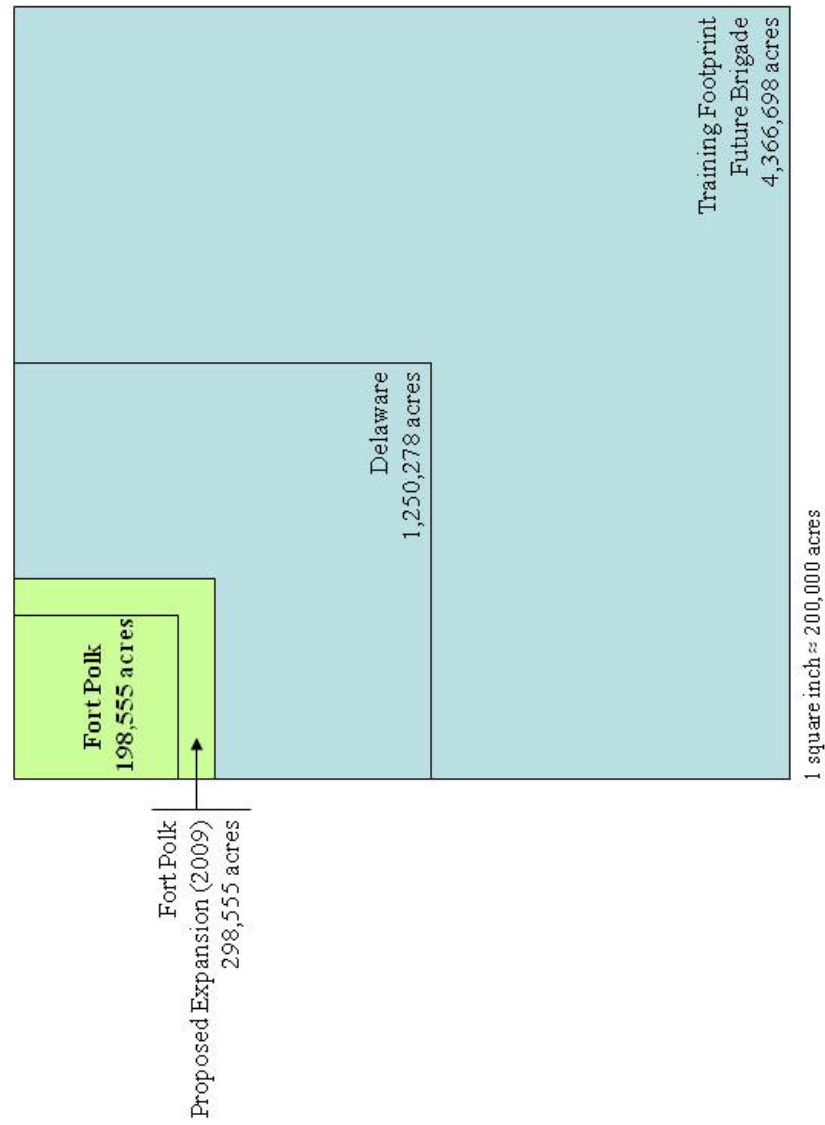
²⁹ For example, Fort Carson calculated the acreage requirements for all units that would be utilizing Carson/PCMS. This figure is initially given in units of km²/days – if an infantry platoon needs to train on a 5 square kilometer area over 3 days to meet its annual training requirement that would equal 15 km²/days. This figure is then converted to acres to determine the surplus/shortfall:

“a. Using doctrinal training analysis, Ft Carson/PCMS has a shortfall of 409,939 km²/days. When calculating sufficient acreage for sustainable land management, the shortfall increases to 1,119,232 km²/days...

b. The km²/day analysis provides a total throughput requirement that Fort Carson can convert to a land size necessary to meet that requirement using a 242-day training calendar. Dividing 1,1418,586 km²/days by 242 days gives a total training area requirement of 5,862 km². Ft Carson has 1,237 km² available for maneuver, giving a total shortfall of 4,625 km². Multiplying this number by 247.1 acres/km yields a **total shortfall of 1,142,838 acres.**” (emphasis in original).

Source: Fort Carson, *Land Use Requirements Study (2005)*, pg. 22.

Size Comparison Chart – Fort Polk

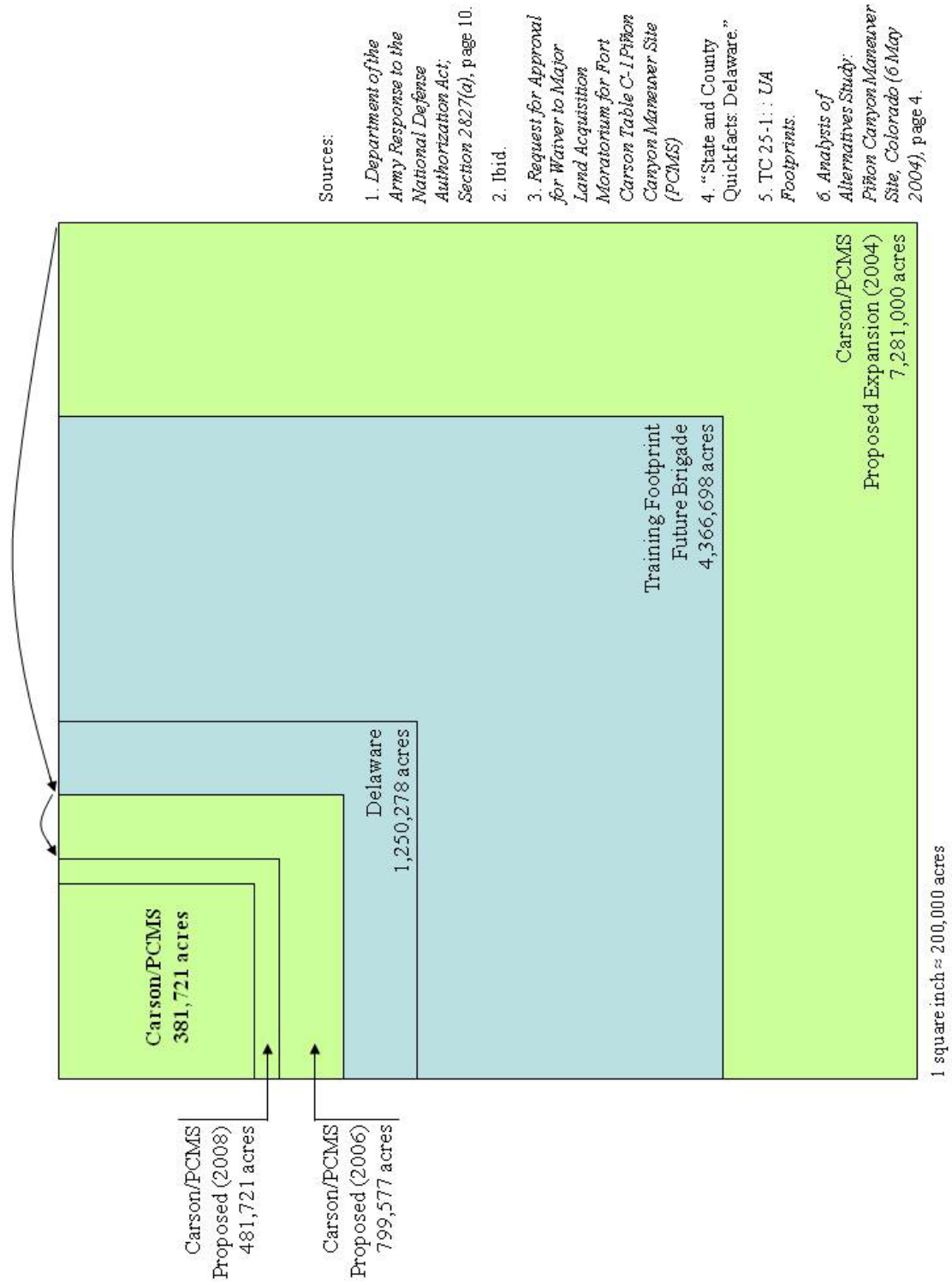


Sources:

1. *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease) Draft Environmental Impact Statement*, page ES-1.
2. *Ibid.*
3. "State and County Quickfacts: Delaware."
4. *TC25-1: "Table C-1: UA Footprints"*

Figures 2.2 and 2.3 demonstrate the relative sizes of the land acquisition projects at Fort Carson and Fort Polk. To facilitate comparison, all measurements have been converted to acres and are displayed as squares. The state of Delaware has been included to give the reader a better understanding of the scale involved in Army maneuver training.

Size Comparison Chart – Fort Carson/PCMS



Sources:

1. *Department of the Army Response to the National Defense Authorization Act, Section 2827(a)*, page 10.
2. *Ibid.*
3. *Request for Approval for Waiver to Major Land Acquisition Memorandum for Fort Carson Table C-1 Píñon Canyon Maneuver Site (PCMS)*
4. "State and County Quickfacts: Delaware."
5. *TC 25-1: UA Footprints.*
6. *Analysis of Alternatives Study: Píñon Canyon Maneuver Site, Colorado (6 May 2004)*, page 4.

The purpose of this paper is not to assess the necessity of the acreage requirements in *TC 25-1* or *ARRM*, but to discuss how the Army should go about acquiring that land given their objectives.

Live-Fire Ranges & SDZs

Another key component of Army training is weapons qualifications. Soldiers are tested on live-fire ranges to ensure familiarization with the weapon and improve accuracy. However, because real bullets are being fired there is a sizeable area downrange which has to be treated as a no-man's-land, or in Army parlance, a Surface Danger Zone (SDZ). The SDZ represents the area which is unsafe because of ricocheting bullets. The exact shape, size, and configuration of the SDZ is dependent on weapon caliber, bullet type, angle of fire, and the downrange terrain.³⁰ *Army Regulation 385-63: Range Safety* contains the tables and equations used to determine the SDZ shape, and many are thousands of acres in size. The Army must have large, contiguous parcels in specific shapes to accommodate the SDZs and ensure that a wayward bullet does not pose a danger to the general public. The use of SDZs thus creates a unique requirement: large, irregularly shaped parcels that contain **absolutely no** privately-owned land.³¹

For an example of a basic SDZ, refer to Figures 2.4 and 2.5, which show a generic .50 caliber SDZ that has been placed over central Austin and Lower Manhattan to demonstrate its size. In addition, Figure 2.6 shows the current SDZ configuration for Fort Polk. The entire detached northern segment of the base – 33,000 acres in size – is almost entirely covered by SDZs. The southern portion contains another 45,000 acres of SDZs. In both cases, this is only possible because the Army owns large, contiguous parcels with no checker-boarding of private and military lands. There is some checker-boarding at Polk at the southernmost-area of the base (labeled 'Limited Use'), and as a result it would be very difficult to fit an SDZ in the Limited Use portion (the .50 cal SDZ from Figure 2.4 would certainly not fit).

³⁰ U.S. Army, *Training Circular 25-8: Training Ranges and Department of the Army Pamphlet 385:63: Range Safety*.

³¹ U.S. Army, *Army Regulation 210-21: Army Ranges and Training Land Program*, pg. 17.



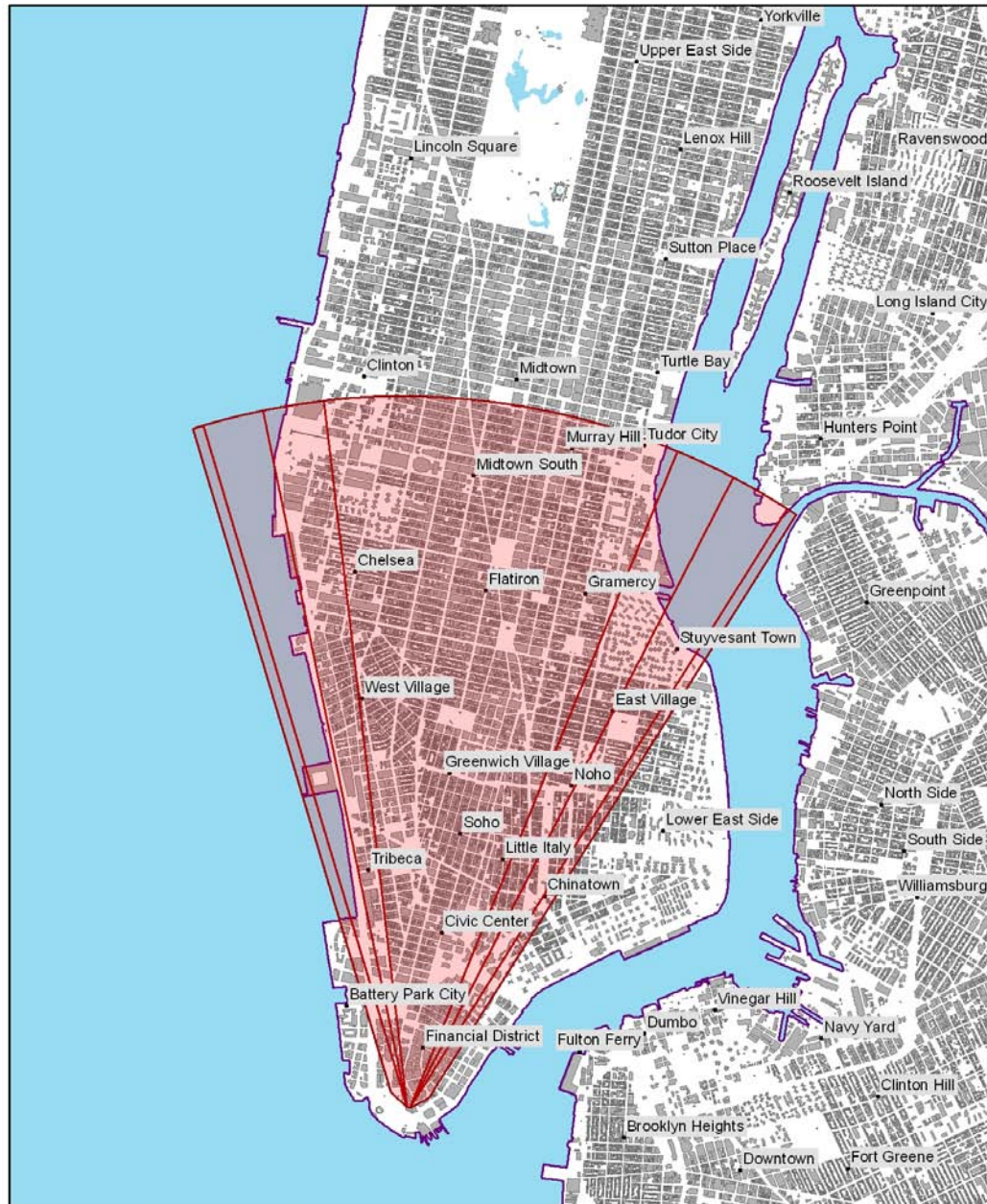
1:50,000

0 0.5 1 2 3 Miles

Figure 2.4: .50 Caliber SDZ Overlaid on Austin, Texas

With a firing line on the Congress Avenue Bridge, the resulting SDZ covers most of downtown, the entire University of Texas campus, and reaches to 51st Street.

Imagery Source: Texas Natural Resources Information System (TNRIS)



1:50,000

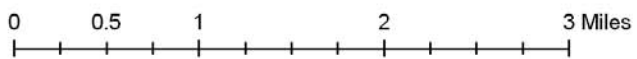


Figure 2.5: .50 Caliber SDZ Overlaid on Lower Manhattan
 Imagery Source: NYS GIS Clearinghouse

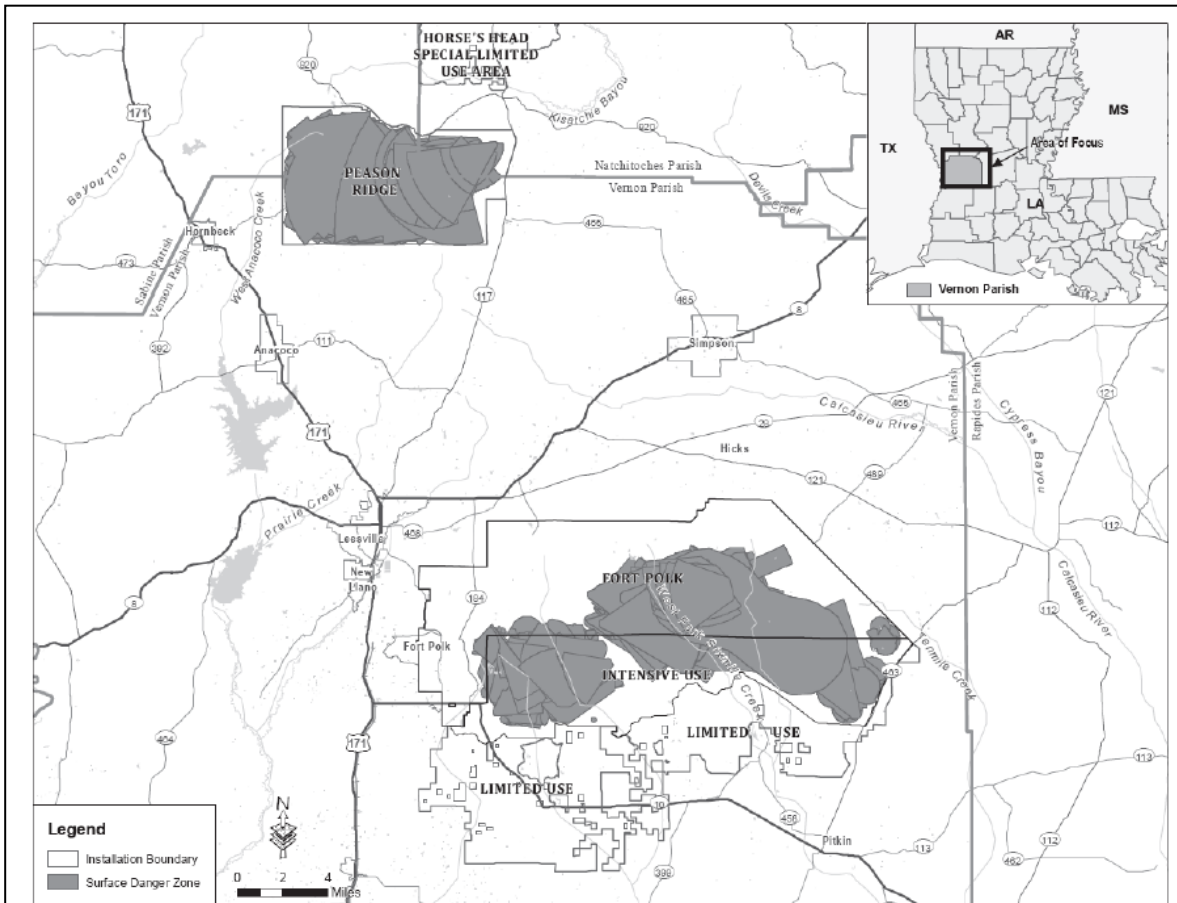


Figure 2.6: Fort Polk Composite SDZ

Note: SDZs cover the entire northern segment. The private inholdings in the ‘Limited Use’ area prevent the placement of SDZs and restrict Army usage.

Source: Fort Polk, *JRTC & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pgs. 1-6 and 2-20.

As the three maps demonstrate, not only does the Army need significant amounts of land to meet its training standards, it also needs land in very specific sizes and shapes. This makes military land-use planning more challenging, and since ‘checker-boarding’ is a potential problem, it makes eminent domain a more attractive option when it comes to property acquisition.

CONCLUSION

The Army has a complex land acquisition process that ensures land is not acquired unless a need has been documented and validated. By 2013 the Army will need to acquire 4.5 million acres to be able to train to standards. Such large amounts of space are needed to accommodate vehicular maneuver training and Surface Danger Zones for live-fire ranges. These training activities create a unique land use requirement for large, contiguous parcels. Private inholdings limit the usability of this land, so the Army has exercised the power of eminent domain to condemn and acquire privately-held real property.

Chapter 3: Fort Carson

Located on the southern edge of Colorado Springs, Fort Carson is one of the Army's premier training sites. The base was created in early 1942 after the bombing of Pearl Harbor.³² Originally 60,048 acres, it has since grown to over 146,000 acres and houses 25,000 soldiers and a further 15,000 family members. In addition to the base proper, Fort Carson operates a 236,000-acre supplementary training facility 100 miles to the southeast called the Piñon Canyon Maneuver Site (PCMS). The PCMS is primarily used for large-scale maneuver exercises and some live-fire training. Figure 3.1 shows the location of Fort Carson, the PCMS, and the areas targeted for acquisition. Taken together, Carson and the PCMS compromise the second largest Army training center in the nation behind Fort Irwin.

HISTORY

During the late 1970s the Army determined that a 129,000-acre training land shortfall existed at Fort Carson and decided to expand the base to the south and east. However, the plan met with "strong opposition" in nearby Pueblo.³³ A 1974 Army report that examined the expansion plan found:

It is likely that the controversy surrounding the proposal to expand Ft. Carson will continue in some part of the region...In a national context, the likelihood seems high that public attitudes toward land acquisition for military training purposes will be negative.³⁴

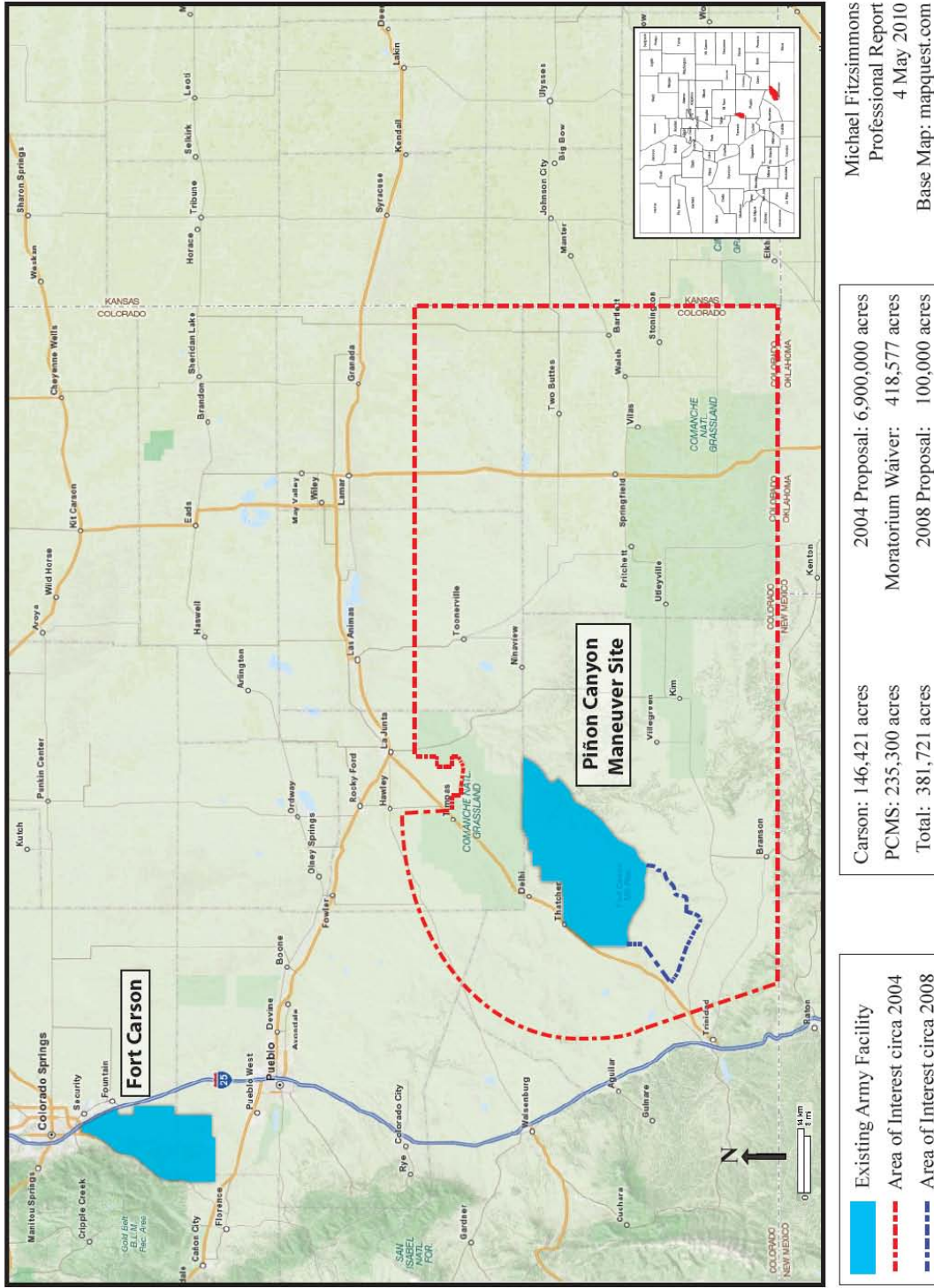
Because of the difficulty of expanding Fort Carson proper, the Army instead decided to purchase land off-site in the sparsely inhabited Piñon Canyon area. The land acquisition was completed in 1983, with half of the acreage being purchased through eminent domain. The total cost was \$25 million, with an additional \$2 million spent on relocating 11 landowners. Newspaper articles from the early 1980s describe a community "sharply

³² Global Security, "Ft. Carson", <<http://www.globalsecurity.org/military/facility/fort-carson.htm>>.

³³ "Ft. Carson Land Plot Charged by Legislator", Colorado Springs Gazette Telegraph.

³⁴ "Impact Statement Finally Released", Colorado Springs Gazette Telegraph.

Fort Carson/PCMS Location



Michael Fitzsimmons
Professional Report
4 May 2010
Base Map: mapquest.com

Figure 3.1: Fort Carson/PCMS Location

divided over the issue of possible Army expansion,”³⁵ with many upset over the Army’s threats of condemnation if they refused to sell.³⁶ Resentment towards the 1983 expansion undoubtedly fueled opposition to the current PCMS plans, with some opponents claiming that “statements made by the Army from 70s (*sic*) and 80s and the current statements by the Army are 'spookily' familiar.”³⁷

EXPANSION PLANS

A series of recent events have put added pressure on the training capabilities of Fort Carson/PCMS. The wars in Afghanistan and Iraq have increased the size of the military: the ‘Grow The Army’ initiative will add 74,200 soldiers to the Army, 4,877 of whom will be stationed at Fort Carson.³⁸ The terrain in southeastern Colorado is similar to that of Afghanistan,³⁹ increasing the importance of the PCMS relative to other training sites. Many Army installations around the country have become surrounded by dense urban development, limiting expansion prospects.⁴⁰ However, the Army identified Fort Carson as one of the few installations that have the potential for large-scale land acquisition.⁴¹ Lastly, the most recent round of Base Realignment and Closures (BRAC) has resulted in thousands of troops being restationed to Fort Carson. As a result of these factors, in 2004 the Army began exploring the possibility of expanding Piñon Canyon.

Analysis of Alternatives (Draft)

As explained in Chapter 2, the DoD requires that any land use planning done prior to the issuance of a Moratorium Waiver not be shared with the public. However, in the

³⁵ “Divided Over Issue of Fort Expansion”, La Junta Tribute Democrat.

³⁶ “Engineers Meet with Piñon Canyon Folks”, La Junta Tribute Democrat.

³⁷ PCEOC, “70s and 80s Articles and Official Letters Promises, Promises”, <<http://www.pinon-canyon.com/>>.

³⁸ In total, “the Soldier and Government Civilian population at Fort Carson will be **28,533** by fiscal year 2013. This represents an increase of **13,414** from fiscal year 2003 of which **4,877 Active Soldiers** is the result of the Grow the Army plan.”

Source: U.S. Army, “Grow The Army”, <<http://www.army.mil/growthearmy/>>. Emphasis in original.

³⁹ Specifically, “(t)he terrain described below runs the gamut from complex canyon country with great similarity to Afghanistan to high scrub desert and grasslands reminiscent of much of the Middle East.” Source: Fort Carson, *Operation Plan 05-18: Piñon Vision*, pg. 20.

⁴⁰ John Elwood, “Too Close for Comfort: Encroachment on Military Lands”, pgs. 74-89.

⁴¹ Fort Carson, “Frequently Asked Questions”, <<http://www.carson.army.mil/pcms/faqs.html>>.

case of Fort Carson some planning documents were inadvertently leaked to the public, complicating the process. The first leaked document, an *Analysis of Alternatives* study dated 6 May 2004, shows the nascent expansion plans for the PCMS. The study proposed a 6.9 million-acre expansion, consisting of 5.9 million acres of private land and 1 million acres owned by the U.S. Forest Service. However, there is no explanation as to why ‘6.9 million acres’ was chosen. At most, the report claims that “(t)raining area requirements for the proposed...future force has not been finalized, but is predicted to be approximately 5.5 million acres.”⁴² The inability to precisely justify to amount of training land acreage needed would be a recurring problem for Fort Carson.

The *Analysis of Alternatives* explored three options: transporting troops to alternative training sites (rejected as too expensive), purchasing a large number of non-contiguous parcels (rejected as impractical), and purchase of the 6.9 million acres in eight stages (preferred). The study never uses the term ‘eminent domain’ and does not address the issue of how the land would be purchased. It does mention, however, “population displacement due to land acquisition” as a potential impact.⁴³ The *Analysis* includes a table (reproduced below in Figure 3.2) that lists the acreage and population that would be displaced during each stage of acquisition. According to the table, if the 6.9 million-acre expansion were fully completed, it would displace 17,263 people. However, “since many Colorado ranchers had been down this road before, they mobilized immediately” when the document was leaked.⁴⁴ As word of the project spread, opposition grew.

The Army has since disavowed the *2004 Analysis*, saying that it was only a hypothetical plan created by the planning staff at Fort Carson. Army Headquarters never signed off on the 2004 plan, and the document was not meant to be seen by the public. Although Fort Carson has since reduced the scope of the proposed expansion, some opponents continue to cite the seven million acre figure, arguing that the current expansion plan is merely the first stage of a much larger land acquisition process. Former

⁴² Fort Carson, *Analysis of Alternatives Study: Piñon Canyon Maneuver Site (6 May 2004)*, pg. 8.

⁴³ *Ibid.*, pg. 15.

⁴⁴ Garrison, Trey. “Not 1 More Acre!: Ranchers in Colorado’s Piñon Canyon Fight A Massive Army Land Grab.” *Reason Magazine*, March 2009.

Congresswoman Marilyn Musgrave, whose district would have been a part of the proposed expansion, voiced those concerns:

‘First 400,000 acres, then 100,000—they just want to wear everyone down,’ Musgrave says. ‘It’s all part of one colossal land grab in Colorado.’ She has little doubt the Army’s long-term goal is to acquire the full 7 million acres. ‘And it’s always hanging over everyone,’ she says.⁴⁵

Phase #	County	Private Land (estimate)	Public Land (estimate)	Total Acres by Phase	Displaced Population (estimate)
1A	Las Animas	79592		79592	150
1B	Las Animas	35492		35492	67
2A	Las Animas	131067		131067	247
2B	Las Animas	29484	179145	310036	55
	Otero	101407			934
3A	Las Animas	54908		54908	109
3B	Las Animas	198304		198304	374
4	Las Animas	420000		501337	792
	Otero	81337			749
5	Baca	1637120	667161	5603592	4517
	Bent	566240			1931
	Las Animas	1578947	163150		2748
	Otero	368174			2641
	Prowers	622800			1949
Totals		5904872	1009456	6914328	17263

Figure 3.2: Effects of the Seven Million Acre Expansion
 Source: Fort Carson, *Analysis of Alternatives Study: Piñon Canyon Maneuver Site* (6 May 2004), pg. 14.

Land Use Requirements Study

A year later, the Army completed the final version of the *Analysis of Alternatives* and accompanying *Land Use Requirements Study (LURS)*. These documents examine the training needs for each unit stationed at Fort Carson and then combine them to determine

the total acreage requirements for Carson/PCMS. To determine the necessary acreage the *LURS* used the Army standards established in *TC 25-1: Training Lands* and calculated “a shortfall of 1,142,838 acres at PCMS to meet the increased doctrinal maneuver and live-fire training needs.”⁴⁶ Although the draft *Analysis of Alternatives* from 2004 identified a need for 6.9 million acres, that figure was removed from the final version, along with the map of the eight acquisition stages and the table showing the population that would be displaced. While the final *Analysis of Alternatives* only proposed an expansion 16% the size of that in the draft report, it reached the same conclusion: acquiring land contiguous to the PCMS is the only way to meet the Army’s training land requirements.⁴⁷

Piñon Vision

Also detrimental to Fort Carson’s cause was the leak of the *Piñon Vision* in early 2006. The document was Fort Carson’s operational plan for land acquisition. Although classified ‘For Official Use Only’, a website opposed to the expansion has been hosting the document on their servers.⁴⁸ The *Vision* uses the 1,142,838-acre shortfall established in the *LURS* and identifies specific parcels to target for acquisition. This internal document is also the first time eminent domain is discussed. Fort Carson planners argued that while it was a “highly desirable goal to obtain the willing cooperation of civilian land owners,” the Army was ready to “obtain land involuntarily through condemnation.”⁴⁹ The *Vision* also presents a breakdown of the acquisition costs, and “condemnation” and “relocation costs” are both taken into account.⁵⁰ Like the *Analysis of Alternatives* draft from 2004, the *Vision* calculates how many people would need to be displaced to accommodate the expansion. In this case, acquiring 1.1 million acres would displace 793 landowners (significantly less than the 17,263 displaced persons calculated in the 2004 iteration).⁵¹ At this point in the process (early 2006) it is clear that Fort Carson was

⁴⁵ Ibid.

⁴⁶ Fort Carson, *Piñon Canyon Maneuver Site: Land Use Requirements Study*, pg. iv.

⁴⁷ Fort Carson, *Analysis of Alternatives Study: Piñon Canyon Maneuver Site (12 April 2005)*, pg. 19.

⁴⁸ Piñon Canyon Expansion Opposition Coalition, “Documents and Brochures”, <http://www.pinoncanyon.com/index.php?option=com_content&view=article&id=74&Itemid=80#>.

⁴⁹ Fort Carson, *Operation Plan 05-18: Piñon Vision*, pg. 24.

⁵⁰ Ibid., pg. 37.

⁵¹ Ibid., pg. 42.

planning to use eminent domain if it became necessary, though they were treating it as a last resort.

The *Vision* is a frank and direct analysis of the Army's land use goals at PCMS. Since it was never intended for public release, there is no sugar-coating or white-washing of the conclusions. In addition to the discussion of condemnation, the report acknowledges that "whatever we acquire must have contiguous access to a parcel the Army currently owns or has access to"⁵² – a recognition of the problem of 'checker-boarding' that can occur if some residents choose not to sell.

Moratorium Waiver

In 2006 Fort Carson submitted an Army Major Land Acquisition Proposal (AMLAP) to the Department of Defense, thus formally requesting a Moratorium Waiver. In their Moratorium Waiver application the Army stated that "(n)o other installation in CONUS [the continental United States] currently has a realistic possibility to acquire as much land as can be potentially acquired around PCMS."⁵³ Fort Carson received the Waiver in February of 2007, meaning that the DoD had validated the need for expansion and signed off on the land acquisition. Even though the *LURS* calculated a training acreage shortfall of over a million acres, in the AMLAP Fort Carson claimed they only needed 418,577 acres. There is no explanation for the discrepancy. Nevertheless, with a Moratorium Waiver in-hand they could now proceed with a 418,577-acre PCMS expansion.

In the AMLAP the Army again makes it clear that it is willing to use eminent domain if it becomes necessary. "Should the Army take on a project of such importance as the PCMS expansion, it is the Army's view that the use of eminent domain, if required, is an appropriate exercise of authority and that condemnation is an important acquisition tool that should be made available to the Army to ensure that the project is carried out in the most effective manner possible."⁵⁴ However, strong public opposition

⁵² Ibid., pg 4.

⁵³ Fort Carson, *Request for Approval for Waiver to Major Land Acquisition Moratorium for Fort Carson Piñon Canyon Maneuver Site (PCMS) and Army Major Land Acquisition Proposal for PCMS*, pg. 9.

⁵⁴ Ibid., pg. 6.

to the PCMS project would eventually cause Fort Carson to disavow the use of eminent domain in an attempt to salvage the project.

OPPOSITION

The Piñon Canyon expansion has faced public opposition from the moment the plans became public knowledge. In fact, the opposition to this project has shown a high level of sophistication, ranging from litigation and lobbying to websites and press releases. Moreover, their efforts have received favorable coverage in a number of national news outlets like the *Washington Post*,⁵⁵ *New York Times*,⁵⁶ and *Wall Street Journal*.⁵⁷

PCEOC

The primary opposition group to the PCMS expansion is the Piñon Canyon Expansion Opposition Coalition (PCEOC). Formed in 2006 by local cattle ranchers, the PCEOC has made strong use of internet-based tools to promote their cause. For example, they had the foresight to purchase the domain name *www.pinoncanyon.com* and use the site as their home page. Visitors can access historical documents from when the PCMS was created in the early 1980s, all of the Army's planning documents from 2004-onward, reports and presentations produced by the PCEOC, and an online store to purchase bumpers stickers and the like.

The PCEOC also maintains an e-mail list and publishes a quarterly electronic newsletter with a "What You Can Do To Help" section. Their legislative outreach program is likewise impressive: the site contains links for contacting relevant federal and state officials⁵⁸ and has a variety of sample and form letters for expressing opposition to the project. The Coalition has also publically endorsed/opposed candidates running for

⁵⁵ Slevin, Peter. "Colorado Ranchers Angry Over Army Site Expansion." *The Washington Post*. 4 November 2007.

⁵⁶ Frosch, Dan. "Ranchers and Army Are At Odds in Old West." *The New York Times*. 9 April 2007.

⁵⁷ Simon, Stephanie. "Ranchers Attempt to Hold Off Army's Expansion in Colorado." *The Wall Street Journal*. 24 June 2009.

⁵⁸ Including contact information for the President, members of all relevant congressional committees and subcommittees, Colorado's entire congressional delegation, the Governor, and members of the Colorado legislature.

office based on their PCMS position. In addition to their primary websites, PCEOC maintains a regularly updated blog,⁵⁹ Twitter account,⁶⁰ and Facebook page.⁶¹ This technological sophistication is in stark contrast to the Army's online outreach efforts, which primarily consist of a three-question "FAQ" document in the backwaters of the Fort Carson webpage.⁶² Where the Army failed to adequately reach out to the public, opposition groups filled the information void. However, according to the Government Accountability Office,

Affected landowners and community groups at times relied on rumors and leaked documents as their only available source of information, but these sources did not necessarily provide a clear, complete, or accurate explanation of the Army's need for and approach to acquiring additional land or of the Army's plans to also use other strategies to meet critical training needs.⁶³

Although a number of the PCOEC's members are ranch owners who would be the target of condemnation proceedings, the anti-expansion efforts have focused on more than just the issue of eminent domain. For example, opponents have argued that the destruction of hundreds of thousands of acres of prime farmland poses a risk to national security.⁶⁴ The historical importance of the area had also been emphasized by opposition groups. For example, The National Trust for Historic Preservation labeled Piñon Canyon one of "America's Most Endangered Historic Places" because the PCMS expansion "threatens to close off a scenic and culturally rich landscape from public access, damage valuable historic sites and harm the regional agricultural and tourism economy."⁶⁵ By framing the expansion as an issue of national importance and not just of parochial land-owners, opposition groups have successfully garnered support from people living outside of southeastern Colorado who are not directly affected by the project.

⁵⁹ PCEOC, "PCEOC ----- Piñon Canyon Expansion Opposition Coalition", <<http://pceoc.blogspot.com/>>.

⁶⁰ PCEOC, "PCEOC", <<http://twitter.com/PCEOC>>.

⁶¹ PCEOC, "Piñon Canyon Expansion Opposition Coalition", <<http://www.facebook.com/pages/Piñon-Canyon-Expansion-Opposition-Coalition/288653051961?v=wall>>.

⁶² Fort Carson, "Frequently Asked Questions", <<http://www.carson.army.mil/pcms/faqs.html>>.

⁶³ Government Accountability Office, *Army's Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively* (GAO Report 09-32), pg. 33.

⁶⁴ Piñon Canyon Expansion Opposition Coalition, "Agriculture", <http://www.Piñoncanyon.com/index.php?option=com_content&view=article&id=50&Itemid=55>.

⁶⁵ National Trust for Historic Preservation, "America's 11 Most Endangered Historic Places", <<http://www.preservationnation.org/travel-and-sites/sites/western-region/Piñon-canyon.html>>.

Not 1 More Acre!

Another prominent group opposing the PCMS expansion is Not 1 More Acre!. While the PCEOC has focused on raising public opposition against the Army's land acquisition, Not 1 More Acre! has been waging their portion of the battle in the court system. The group has been responsible for a number of Freedom of Information Act requests and challenges to Fort Carson's NEPA documentation. These efforts bore fruit in the fall of 2009 when federal District Court Judge Richard P. Mathis voided an Environmental Impact Statement (EIS) that Fort Carson had prepared for the PCMS. The EIS did not examine land acquisition, but rather was prepared in response to the increase in troops stationed at Carson (discussed earlier in "Expansion Plans"). Judge Mathis held that the EIS's Record of Decision was 'arbitrary and capricious' because it failed to consider a wide enough range of alternatives and that the Army's plan to mitigate the environmental impacts of increased training was infeasible. The decision also chided the Army for not considering the effects of land acquisition, since "it is apparent that the Army's purposes will not be accomplished without expansion of the PCMS."⁶⁶ Moreover, Mathis noted that "a major flaw of the EIS is that it contains only vague descriptions of the anticipated increase in use"⁶⁷ and that the Army failed to adequately explain its intentions for the PCMS and why the current acreage is insufficient. The opinion was delivered September 8, 2009. The Army appealed the decision a month later on November 9.⁶⁸

The National Environmental Policy Act requires that an EIS go through multiple rounds of public comment,⁶⁹ and the *PCMS Increased Utilization EIS* contains copies of these comments, offering a view from the residents' perspective. In total, 5,000 public comments were received during the EIS process. The following, an excerpt from one of the letters, is representative of the response to the EIS:

Lastly, given the state of the economy for the middle working class, I'm sure that you have a few willing sellers. They are far out-weighted by the opposition, however. Just because the authoritarian Supreme Court has ruled that Eminent

⁶⁶ Not 1 More Acre!, et al v. United States Department of the Army, et al., pg. 17.

⁶⁷ Ibid., pg 13.

⁶⁸ The Associated Press, "Army Appeals Judge's Ruling on Colo. Training Site", 9 November 2009.

⁶⁹ U.S. Army, *Army Regulation 200-1: Environmental Protection and Enhancement*; 32 CFR 651.47-53.

Domain allows you to acquire property at *minimal cost after condemnation*, does not make it ethical, moral, justifiable or even honorable. These are characteristics the United States Army should continue to uphold, rather than destroying an entire American community.⁷⁰

The comment section - hundreds of pages in length - is one manifestation of the public opposition to the PCMS expansion. Add in mistrust over leaked documents and lingering memories of when condemnation was used to create PCMS in the 1980s, and the Army's plans were in serious jeopardy.

Congressional Hurdles

As the conflict over the expansion escalated, state and federal elected officials began to take notice. The Colorado legislature responded by passing HB 09-1317 in June of 2008. This bill required the Colorado Attorney General to oppose the acquisition of any state lands that would be used to expand the PCMS and prevents the sale or lease of state land that might expand the PCMS. HB 09-1317 presents procedural hurdles for the Army and is an example of strong opposition from the state most affected.

Opponents of the expansion also took the fight to Capitol Hill. Funds for any Army land acquisition must be appropriated by Congress, so opposition at the federal level is problematic for an expansion project. Even if a military base were to show a vital need for land, prepare exquisite planning documents, and garner widespread community support, if money is not appropriated for the project it is as good as dead. For Fort Carson the first setback came in the *2007 National Defense Authorization Act*. Section 2827 of the bill required the Army to submit to the defense committees of Congress a report on the status of the PCMS expansion, specifically addressing "whether the acquisition of additional land at the Piñon Canyon Maneuver Site can be carried out solely...with willing sellers of the privately held land."⁷¹ The Army complied by submitting a 24-page report that justifies the acreage needed for the expansion, and argued that "it is highly

⁷⁰ U.S. Army Corps of Engineers, *Piñon Canyon Maneuver Site Transformation Environmental Impact Statement (Final)*, pg. 430.

⁷¹ Pub. L. 109-364, § 2827 (a)(3)(E).

unlikely that expansion of the PCMS to meet the training requirements outlined in this report could be conducted solely through transactions with willing sellers.”⁷²

Congress received the Army’s report in early 2007, and that summer it placed a land acquisition moratorium on the PCMS. Specifically, the federal budget for the following year ensured “(n)one of the funds appropriated or otherwise made available in this Act may be used for any action that is related to or promotes the expansion of the boundaries or size of the Piñon Canyon Maneuver Site, Colorado.”⁷³ The 2009⁷⁴ and 2010⁷⁵ budgets contained an identical rule, meaning that expansion of any kind is off the table until at least fiscal year 2011 (although there is no reason to assume the funding ban won’t be placed in future appropriations bills).

In addition to imposing and reimposing the expansion ban, Congress also required the Army to submit another report that further detailed the need to expand PCMS and the impacts it would have on the surrounding communities.⁷⁶ That report, which constitutes the Army’s most up-to-date plans for the Piñon Canyon Maneuver Site, is discussed below in the “Current Status” section.

Community Survey

In response to the outcry over the PCMS expansion, in September of 2007 Fort Carson hired a firm to explore public attitudes toward the Army’s land acquisition in southeastern Colorado. The firm, Booz Allen Hamilton, completed community interviews with key stakeholders, community roundtable discussions with PCMS-area residents, and a community survey of public opinion.⁷⁷ Their final report, titled *Ft. Carson and Piñon Canyon Maneuver Site Community Research*, shows a population that is fiercely opposed to the use of eminent domain and hostile toward the expansion plans. Of the 95% of survey respondents who knew of the PCMS project, three-quarters were opposed (even though only 6% lived in the 418,577 acres targeted for acquisition). Residents in the

⁷² *National Defense Authorization Act Section 2827 (a) – Report on Piñon Canyon Maneuver Site*, pg. 23.

⁷³ Pub. L. 110-161, Div. I, Title III, § 409.

⁷⁴ Pub. L. 110-329, Div. E, Title I, § 127.

⁷⁵ Pub. L. 111-117, Div. E, Title I, § 127.

⁷⁶ Pub. L. 110-181, § 2831.

⁷⁷ Fort Carson, *Community Research Report*, pg. I.

surrounding counties viewed Fort Carson as a bad neighbor with little interest in the community, and nearly everyone interviewed felt the Army had done a poor job of communicating the need for expansion and the process that it would entail.⁷⁸

Booz Allen Hamilton reported that, across the board, all stakeholders were opposed to the use of eminent domain and that the primary concern among residents was a violation of their property rights. Survey respondents were asked how they would feel if eminent domain were taken off the table; as would be expected, a ‘willing sellers approach’ resulted in more public support:

Residents respond more favorably toward expansion when they know that the Army would not force land owners off their properties in order to expand PCMS, with 45% saying that knowing this information makes them more favorably inclined toward expansion.⁷⁹

One of the most valuable portions of the report is the summaries of the roundtable discussions held in the four towns closest to Piñon Canyon. At all four meetings participants were overwhelmingly opposed to the expansion and the use of eminent domain in particular, with some saying it was “one step from away from robbery.”⁸⁰ There was also skepticism toward a willing-sellers approach. Residents argued that it would depress property values for non-sellers, make their homes inaccessible, and that eventually condemnation would be used on hold-outs “since the expansion would be impossible if they ended up ‘checker boarding’.”⁸¹

Based on the results of the phone survey and the community roundtables, Booz Allen Hamilton recommended a two-prong approach:

...the best way to increase support for expanding the Piñon Canyon Maneuver Site would be to reassure residents that they will not be forcibly evicted from their properties, while at the same time holding out the possibility that additional above-market-price compensation would be possible if properties were willingly sold.⁸²

The report was released in July of 2008, and their suggestion to forgo eminent domain became official policy for the PCMS expansion. A month later Assistant Secretary of the

⁷⁸ Ibid., pg. 16.

⁷⁹ Ibid., pg. II.

⁸⁰ Ibid., pg. 104.

⁸¹ Ibid., pgs. 101-134.

Army Keith Eastin met with the Las Animas County Board of Commissioners and said unequivocally that “we are interested in buying from willing sellers only....We believe willing sellers are out there, and we will buy it from them.”⁸³ In addition, Fort Carson’s Piñon Canyon webpage now says that land will only be purchased from willing sellers.⁸⁴

CURRENT STATUS

As mentioned previously, the Army was again required by Congress to answer a series of questions about their expansion plans in Colorado. Their 315-page response, delivered in mid-2008, is the most current statement of their Army’s goals for PCMS. Because of public and Congressional opposition Fort Carson announced that it would only be seeking 100,000 acres directly to the south of the Piñon Canyon Site, deeming the rest of the land they were authorized to purchase to be “infeasible” because it contains “a greater number of land owners.”⁸⁵ Additionally, the Army announced in writing that working with ‘willing sellers’ would be the official policy at Fort Carson, though unlike at Fort Polk, there is not an explicit promise *not* to use eminent domain.

In addition to requiring Fort Carson to answer specific questions about their expansion, Congress also requested that the Government Accountability Office (GAO) audit Carson’s response. The GAO’s analysis, released in early 2009, was critical of the expansion and found that Fort Carson had failed to explain why it decided to only seek 100,000 acres even though it had determined an initial shortfall of over 415,000 acres (and prior to that, a shortfall of over a million). After receiving the GAO’s report, the

⁸² Ibid., pg. 34.

⁸³ “Las Animas County Commissioners Eastin pt2”, (0:45-0:58).

The Commissioners, after reviewing the names of the landowners in the proposed expansion area, disagreed with the Army’s assessment of the landowner’s intentions. Likewise, a press release from the Piñon Canyon Expansion Opposition Coalition stated that landowners representing 40,000 acres of the targeted 100,000 acres attended and “(o)ne by one they rose to declare the acreage they owned and represented and that none of them were for sale.”

Source: Piñon Canyon Expansion Opposition Coalition, “*The Assistant Secretary of the Army, Keith Eastin along with General Graham...*”.

⁸⁴ Fort Carson, “Frequently Asked Questions”, <<http://www.carson.army.mil/pcms/faqs.html>>.

The exact phrasing of the Army’s position: “If the expansion of PCMS moves forward eminent domain and condemnation will not be used to buy land. The Army will only acquire land through negotiated direct purchases rather than condemnation.”

⁸⁵ Fort Carson, *National Defense Authorization Act Section 2831(a) Report on the Piñon Canyon Maneuver Site, Colorado*, pgs. 4 and 23.

Army responded that “Area A (100,000 acres) provides the greatest training benefit, at the lowest cost, the lowest acreage footprint, and with the fewest number of affected landowners and communities.”⁸⁶

The acquisition of 100,000 acres south of the current PCMS site remains the Army’s stated goal, but the project is on hold, beset by uncertainty and stringent Congressional restrictions. Because expanding Piñon Canyon looked doubtful, Assistant Secretary Eastin told the local County Commissioners that “if we don’t get the 100,000 acres we’re going to go someplace else...We have opportunities to purchase land at Fort Polk in Louisiana, which we will pursue next.”⁸⁷

CONCLUSION

We can learn many lessons from the Army’s recent experience at Fort Carson. The forced condemnation of private property can be a messy affair. If eminent domain remains on the table the Army should expect strong opposition. As documented in the *Community Survey*, an anemic public outreach program further strained relations between Fort Carson and residents of southeastern Colorado. These residents have been successful in mobilizing opposition, appealing to Congress to halt Fort Carson’s land acquisition process, and in forcing the Army to reduce the numbers of acres targeted for acquisition.

The prospects for land acquisition at the PCMS are dim. Although the Army claims that it plans on expanding the PCMS in the future, funds that were meant to be spent on that acquisition have been redirected to Fort Polk in central Louisiana.⁸⁸ Working with willing sellers remains the official policy, but at this point none have come forward, leaving the project in a state of limbo and refocusing national attention on Louisiana.

⁸⁶ Government Accountability Office, *Additional Information Is Needed to Better Explain the Proposed 100,000-Acres expansion of the Piñon Canyon Maneuver Site (GAO Report 09-171)*, pg. 40.

⁸⁷ “Las Animas County Commissioners Eastin pt2”, (3:05-5:15).

⁸⁸ Riley, Michael. “Army Calls for Retreat on Piñon Expansion.” Denver Post. 14 May 2009.

Chapter 4: Fort Polk

Fort Polk, like Fort Carson, has also undertaken a major expansion in the last two years. Fort Polk is located in central Louisiana, approximately 25 miles west of Alexandria and 20 miles east of the Texas border. The base was first opened in March of 1941 in support of World War II operations⁸⁹ and it has grown ever since. Although the base is 198,555 acres in total, only 100,430 acres are owned by the Army – the remaining 98,125 are leased from the U.S. Forest Service. Figure 4.1 shows the location of Fort Polk, the area targeted for expansion, and areas deemed off-limits for acquisition. Just under 10,000 soldiers are currently stationed at Polk, making it smaller than Fort Carson both in size and population. However, in addition to serving its resident units, Polk also offers training for other units through its Joint Readiness Training Center (JRTC) program, increasing the total amount of training acreage that is needed. Currently, “Fort Polk has less than half of the land doctrinally required to meet its maneuver and live-fire training mandates.”⁹⁰

EXPANSION PLANS

In order to remedy the training land shortfall at Fort Polk, the base has undertaken a 100,000-acre expansion. Because of the Department of Defense moratorium on major land acquisitions, any land purchase over 1,000 acres or \$1 million requires authorization from Office of the Secretary of Defense (OSD).⁹¹ Using the Army Range Requirements Model, Fort Polk determined they had a shortfall of 581,201 acres; however, when issuing the Moratorium Waiver the OSD limited their expansion to only 100,000 acres.⁹²

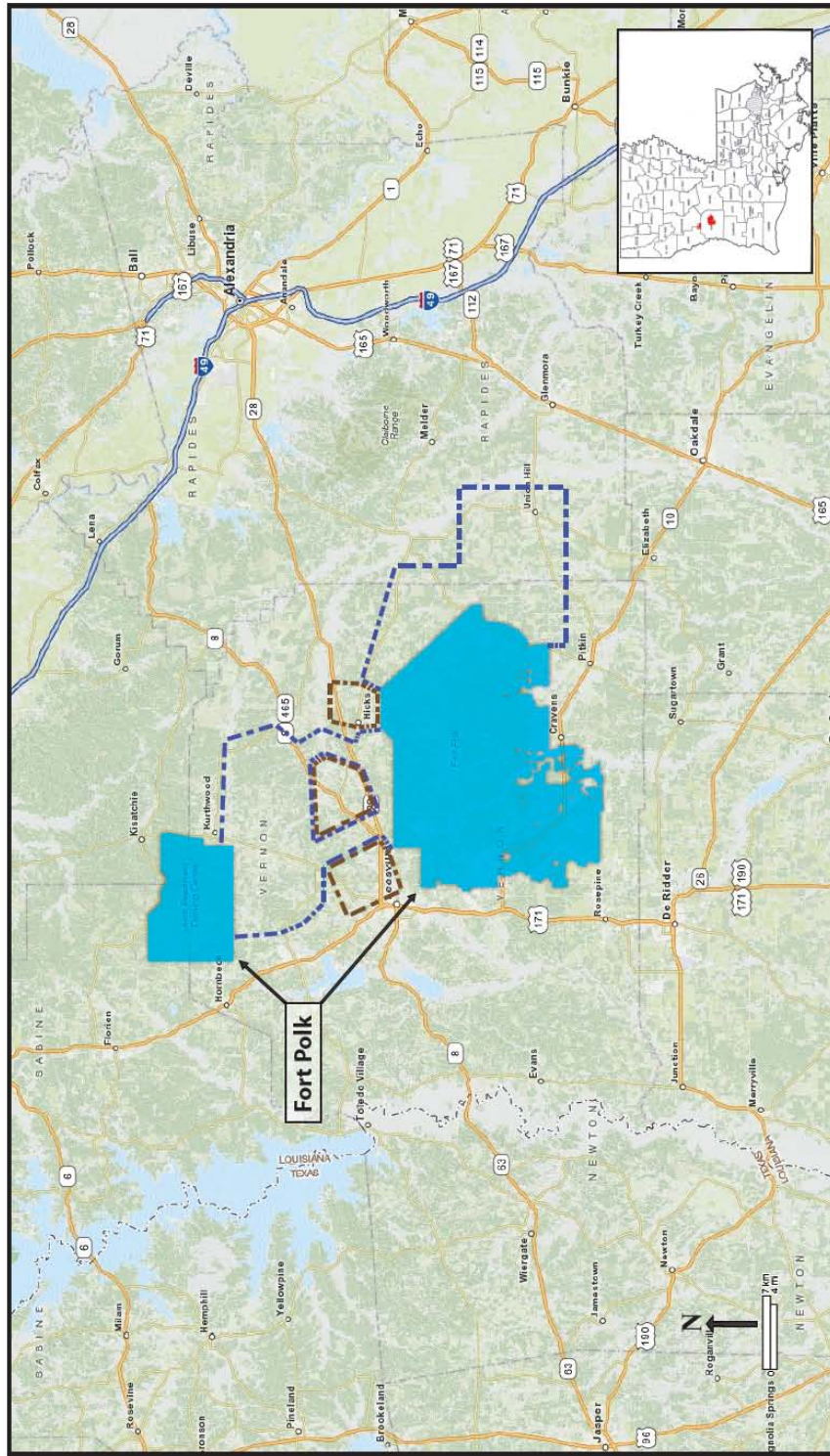
⁸⁹ GlobalSecurity.org, “Fort Polk – Joint Readiness Training Center (JRTC), <<http://www.globalsecurity.org/military/facility/fort-polk.htm>>.

⁹⁰ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pg. ES-2.

⁹¹ DoD Instruction 4165.71, § 6-1.

⁹² Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pg. 1-2.

Fort Polk Location



Michael Fitzsimmons
Professional Report
4 May 2010
Base Map: mapquest.com

Fort Polk (Current): 198,555 acres
Moratorium Waiver: 100,000 acres
Area of Interest: 154,400 acres

Existing Army Facility
Area of Interest - Draft EIS
Built-Up Areas Not Under Consideration

Figure 4.1: Fort Polk Location

After receiving their Waiver, Fort Polk organized two informal meetings with nearby residents to introduce the project and answer questions. In April of 2009 the Army issued a formal Notice of Intent to prepare an Environmental Impact Statement, the first step in the EIS process (a step Fort Carson has yet to reach even though they began a half-decade earlier).⁹³ The following month, three public ‘scoping’ meetings were held in nearby towns and residents were invited to comment on the proposal and help develop alternative courses of action.

After the scoping process was completed in late May of 2009, Fort Polk produced a Draft Environmental Statement (DEIS) that was released that October. It explains the purpose of the proposed 100,000 acre expansion and the effect it will have on the environment and surrounding communities. The DEIS begins by stating the need for the additional acreage and the types of activities that would occur there:

Access to additional training acreage would help offset existing training land shortfalls, would reduce the need for training work-arounds, and would enable the installation units to accommodate range live-fire and maneuver training simultaneously...This would provide Fort Polk and the Army with the ability to better maintain the training readiness of Fort Polk units and those training at the JRTC.⁹⁴

The Polk EIS examined three expansion areas, though there is significant overlap in each. The majority of land under consideration is commercially owned and used for timber production. Only 1% is classified as Urban/Developed, and another 10-12% is private farmland.⁹⁵ As a result, the entire 100,000 acre expansion could hypothetically be completed without displacing any residents at all. Table 4.1 presents a breakdown of the three alternatives, and the Army has identified Alternative 3 as their preferred

<p>Alternative 1: Area of interest: 121,000 acres Dwelling units: 1,460</p> <p>Alternative 2: Area of interest: 128,400 acres Dwelling units: 1,775</p> <p>Alternative 3: Area of interest: 154,400 acres Dwelling units: 2,085</p> <hr/> <p>Table 4.1: Effects of the Fort Polk Expansion</p>

⁹³ Recall the Fort Carson’s previously described EIS related to troop restationing, not to land acquisition.

⁹⁴ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pg. ES-2.

⁹⁵ *Ibid*, pg. 3-15.

alternative. Paradoxically, the population density in the Fort Polk expansion area is much larger than in the PCMS expansion area, but at Fort Polk those residences are closer together and occupy very little acreage.

Fort Polk plans to use the acquired land for both maneuver space and for live-fire training when “compliant with safety regulations and SDZ analysis.”⁹⁶ As a result, a certain amount of contiguous land will be needed to accommodate the SDZ(s). However, determining the environmental effects of this 100,000-acre expansion proved difficult because the eventual shape and size of affected area is entirely dependent on who is willing to sell their land. Hypothetically, if Polk were to use condemnation their planning staff could determine ahead of time the future boundary of the base and the exact siting of future facilities, thus allowing for a less generalized and more useful Environment Impact Statement.

PUBLIC OUTREACH

Planning for the Fort Polk expansion was occurring at the same time Fort Carson was facing increased opposition and scrutiny. Many of the decisions made by the Fort Polk planning staff appear to be responses to the problems faced by their counterparts in Colorado. Two of the major problems identified at Fort Carson were the lackluster public outreach program and the proposed use of eminent domain. In response, Fort Polk declared that condemnation was off the table and instituted a vigorous public participation program.

In January of 2009 officials at Fort Polk issued a press release announcing that the base was seeking to expand by 100,000 acres, thus increasing the size of the installation by over 50%. The impetus for the press release was the approval of the Moratorium Waiver by the OSD. From the first moment the public was informed of the expansion plans in the press release, the Army was already addressing the issue of eminent domain: “The program will focus on purchasing land from willing sellers, with emphasis on

⁹⁶ Ibid., pg. 2-16.

buying from commercial land owners first. Eminent domain will not be used.”⁹⁷ Brigadier General James C. Yarbrough, the commanding general at Fort Polk, is quoted in the press release as saying “we are not going to force anyone off their land or out of their home.” A number of local media outlets carried the press release, and some included additional information about public outreach meetings and ways residents could learn more.⁹⁸

This should be contrasted with the unfortunate way the Fort Carson expansion plans were released to the public – through a leaked copy of a land use analysis that did not reflect the Army’s eventual acquisition program for the PCMS. The staff at Fort Polk have taken every opportunity to inform the public and include them in the decision-making process. For example, the initial press release includes a phone number which nearby residents can call and have their questions answered. Fort Polk also has an online presence and a webpage dedicated solely to the expansion. The site acts a clearinghouse for documents related to the land acquisition and was designed to correct “many confusing and unfounded rumors concerning the Army’s plans to purchase viable training land.”⁹⁹ The first rumor addressed, of course, is eminent domain: “We want to reassure the community that Fort Polk will NOT take anyone’s land. We will only purchase land from WILLING SELLERS and we will not use eminent domain to force owners to sell or move” (emphasis in original).¹⁰⁰

The *JRTC & Fort Polk Land Acquisition Program* website contains a number of other useful documents, some addressed to the surrounding community and some related to the Environmental Impact Statement. This represents a much more robust public outreach program than at Fort Carson, and in this case allows the Army to reinforce their key refrain:

⁹⁷ Fort Polk Public Affairs Office, “Department of Defense approves expansion of Fort Polk training areas”, < http://www.jrtc-polk.army.mil/LandPurchase/Files_and_Forms/Releases/0109_03_Land_Purchase_Program.pdf>.

⁹⁸ For example, see the Leesville Daily Leader, 16 January 2009; Beauregard Daily News, 15 January 2009.

⁹⁹ Fort Polk, “Welcome to the JRTC & Fort Polk Land Purchase Program site”, <<http://www.jrtc-polk.army.mil/LandPurchase/index.html>>.

¹⁰⁰ Ibid.

- *Area of Interest Maps*: “Eminent domain will not be used. Focus on commercial property and WILLING SELLERS.”¹⁰¹
- *Information Flyer*: “Our program is different than many other government projects because we will be purchasing from *willing sellers* only, and not using eminent domain to force owners to sell.”¹⁰²
- *Brigadier General Yarborough (to media)*: “If someone doesn’t want to sell, the Army will have to rework its plan.”¹⁰³

The Fort Polk staff have also hosted a number of public meetings. Two were held following the receipt of the Moratorium Waiver, and even though NEPA only requires one public scoping meeting, Fort Polk organized three, each in a different nearby city. In order to manage this effort the Army hired an outreach coordinator whose only job is to promote and facilitate the Polk expansion.¹⁰⁴

COMMUNITY RESPONSE

Unlike at Fort Carson, public response to the land acquisition around Polk has been much less vocal. There have been no organized opposition groups, no national attention, and no interference from state legislators or Congress. One of the best sources that can be used to glean the public’s mood is the comments received at the EIS scoping meetings. The three public meetings saw 146 attendees, 30 of whom returned comment cards. These were all included in the Draft EIS, along with additional comments received during the month-long scoping period. According to the DEIS, “the majority of respondents expressed concerns about impacts to property values and socioeconomic

¹⁰¹ For example: Fort Polk, “Polk Land Purchase Program (Alternative 1), <<http://www.jrtc-polk.army.mil/LandPurchase/Maps/Alternative1.pdf>>. Emphasis in original.

¹⁰² Fort Polk, “Information Flyer”, <http://www.jrtc-polk.army.mil/LandPurchase/Files_and_Forms/Flyers/Polk_Land_Purchase%20Flyer_03_09.pdf>. Emphasis in original.

¹⁰³ AmericanPress.com, “Fort Polk leader: Deal or no deal”, <http://www.jrtc-polk.army.mil/LandPurchase/Files_and_Forms/News_Articles/Deal_or_No_Deal_American_Press.pdf>.

¹⁰⁴ Walker, Susan. Personal Interview. Telephone: 6 July, 2009.

resources. Comments also indicated responders who were willing or unwilling to sell their land.”¹⁰⁵

As would be expected, a number of respondents were opposed to the expansion. One of the most frequent concerns regarded diminution of local property values; for instance Larry Smith, who lives just outside the proposed expansion area, worried that “if it (Polk) gets closer to us, we will never be able to sell to anyone but the Army. It appears that we will be forced to sell.”¹⁰⁶ Some residents were also concerned about the practical effects of being a hold-out: “If you decided not to sell your property, and all the land is sold around your property, how close will the Army maneuver around your property?”¹⁰⁷

While a majority of those who left comments were opposed to the land acquisition, some of the comments were offers to sell some or all of their land. Carla Moore, for example, stated that she wanted “to do my part to help our armed services. My husband and I have 40 acres...(and) are willing to sell and do our part to help Ft. Polk grow.”¹⁰⁸ James and Jennifer Estes offered to sell for a different reason: “We would like to be considered for property purchase. We are concerned about our property values going down...Who is going to want to purchase our place after this expansion?”¹⁰⁹ Overall, the variety of responses in central Louisiana is different than what the Army encountered in southeastern Colorado, where residents near the PCMS were seemingly united in opposition to the project.

CONCLUSION

When compared to Fort Carson, the expansion of Fort Polk has been a model of efficiency and swiftness. Although residents in the area targeted for acquisition are understandably leery of the expansion, by promising to only buy from willing sellers Polk has managed to avoid the virulent (and successful) opposition that arose to block the

¹⁰⁵ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pg. B-3.

¹⁰⁶ Ibid, pg. E-1. Emphasis in original.

¹⁰⁷ Ibid, pg. E-19.

¹⁰⁸ Ibid, pg. E-13.

¹⁰⁹ Ibid, pg. E-3.

PCMS. This may also be a result of a public outreach program that has been much more proactive and extensive than Fort Carson's.

In May of 2010 Fort Polk will issue a Record of Decision (ROD) announcing that Alternative 3 has been selected for implementation, bringing an official end to the EIS process. Once the ROD is issued the Army Corps of Engineers will immediately begin negotiating with willing sellers and moving forward with land acquisition.¹¹⁰ Those interested in the topic should continue to pay close attention to events in Central Louisiana to see what repercussions, good and bad, result from the strong public outreach and the decision not to use condemnation.

¹¹⁰ "Assessment Gives Green Light to Fort Polk's 100,000-Acre Expansion", Town Talk, 24 March 2010.

Chapter 5: Best Practices

Using lessons learned from the case studies of Fort Carson and Fort Polk, as well as other sources like GAO reports and Army regulations, this chapter assembles a set of ‘best practices’ to assist Army base commanders and their planning staff in future Army land acquisitions. The best practices are divided into three broad topics: acquiring land, the timing of notification, and public/congressional outreach. This chapter also recommends ways the best practices can be incorporated into Army standard operating procedure.

ACQUIRING LAND

An examination of the planning documents from Fort Carson and Fort Polk yield a number of basic land acquisition principles that are widely accepted and utilized by Army planners. However, the two military bases took different approaches to the use of eminent domain. After the problems faced by Fort Carson a decision was made at Fort Polk to only buy from willing sellers, and this policy seems to have reduced some of the public opposition to base expansions. Nevertheless, in the long-run it may prove problematic because of fundamental differences between the public’s interests and the Army’s interests.

Existing Best Practices

Existing Army land acquisition policies, codified in *Army Regulation 405-10: Acquisition of Real Property and Interests Therein*, already contain some guidance that can be considered ‘best practices’. For example, section 1-5 allows for purchase or condemnation only if all other land acquisition methods have been explored and found to be unsuitable.¹¹¹ Most of the existing land acquisition best practices are not codified but

¹¹¹ Specifically, the Army must explore these options, in this order:

- (1) Donation or long-term nominal rental lease.
- (2) Acquisition of excess lands from the other military departments by transfer.
- (3) Recapture of use.
- (4) Withdrawal from the public domain
- (5) Exercise of existing authorities for the exchange of Government-owned real property for non-government-owned real property that is adaptable to the military need.

arise from the Army's unique training requirements. For example, the ideal site for a military base is inexpensive land that is sparsely inhabited (or, better yet, uninhabited).¹¹² Moreover, a few large parcels are more useful than numerous small parcels, as that would increase the time and effort needed to procure each of them. In order to allow for uninterrupted training activities and SDZ placement, acquired land should be contiguous to existing military bases. Fort Carson rejected the possibility of non-contiguous parcel acquisition because they would be unable to use certain weapon systems, could not train in realistic scenarios, and faced higher management costs.¹¹³ It is also important to prevent 'inholdings' of private landholdings that are surrounded by Army-owned property, since they cause land to "lose its usefulness for military training."¹¹⁴

Conflicting Interests

The Army and private landowners have different goals and objectives. When these interests align an Army land acquisition can benefit both sides. More often than not these interests are incompatible, creating a conflict between the Army and nearby residents. Discerning the public's interests is difficult because there are as many individual interests as there are residents. Fortunately, NEPA allows the public to express their support or opposition to a project. A sampling of comments from EISs at Fort Polk and Fort Carson provide a glimpse into the minds of those directly affected by the Army's land acquisition process:

- "I do not wish to sell as I am too old to relocate [even] if I had land elsewhere, so I protest the land take over."¹¹⁵
- "Land and building our home cost a lot, and we probably wouldn't get enough for both."¹¹⁶

(6) Acquisition of excess lands from Federal agencies by transfer.

(7) Acquisition by purchase, lease, or condemnation.

Source: U.S. Army, *Army Regulation 405-10*; 32 CFR 552.34 (b).

¹¹² Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pg. 2-20.

¹¹³ Fort Carson, *Analysis of Alternatives Study: Piñon Canyon Maneuver Site (12 April 2005)*, pg. 14.

¹¹⁴ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, pg. 2-20.

¹¹⁵ *Ibid.*, pg. B-E-20, comment from William West.

¹¹⁶ *Ibid.*, pg. B-E-2, comment from Anonymous.

- “My concern is about the schools....assume many of the students are relocated to a different area and therefore have to attend another school.”¹¹⁷
- “What is this going to do to the value of my home?”¹¹⁸
- “We have an elderly grandmother age 91 who has been on this property since age 17 and it would be a real shame to ask her to leave her homeplace.”¹¹⁹
- “I want to do my part to help the armed services...we are willing to sell and do our part to help Ft. Polk grow.”¹²⁰
- “If church elders decide to sell the church/cemetery would my mother and family be allowed to be buried in the cemetery? And allowed visitation rights?”¹²¹
- “We do not want you to destroy the archeological sites that are millions of years old or the homesteads that are hundreds of years old.”¹²²
- “Our family lost acreage in the original expansion, and I know the way the Army deals, and it’s not fair.”¹²³
- “They want to take my peace project from me and use the land to train our sons and daughters to send them to participate in more unethical and immoral wars...”¹²⁴
- “I have lived and worked on this place my entire life. It is my dream, and my children’s dreams to keep this land in our family for many generations to come.”¹²⁵
- “You send more troops to Colorado Springs than the water can support and send them down to the arid land Piñon Canyon and every time there is a drought the people of Trinidad etc. are supposed to cut back so the Army can use the water.”¹²⁶

Affected landowners near Fort Polk and the PCMS expressed a wide variety of motivations for supporting or opposing the project. Many of the residents were angry over being forced to move and worried about the level of compensation they would

¹¹⁷ Ibid., pg. B-E-7, comment from Anonymous.

¹¹⁸ Ibid., pg.B-E-1, comment from Larry Smith.

¹¹⁹ Ibid., pg. B-E-6, comment from Tonya Maddox.

¹²⁰ Ibid., pg. B-E-13, comment from Ceila and Ron Moore.

¹²¹ Ibid., pg. B-E-17, comment from Otis and Faye West.

¹²² Fort Carson, *Piñon Canyon Maneuver Site Transformation Environmental Impact Statement (Final)*, pg. H-54, comment from Gloria Ahern.

¹²³ Ibid., pg. H-55, comment from Anonymous.

¹²⁴ Ibid., pg. H-55, comment from Kerry Appel.

¹²⁵ Ibid., pg. H-61, comment from Brett and Nancy Balenseifen.

¹²⁶ Ibid., pg. H-67, comment from Amy Blanca.

receive. Some landowners, of course, were more than willing to sell. A handful of attendees at Fort Polk's EIS scoping meeting said they would like to sell,¹²⁷ though the residents around PCMS seem less eager.¹²⁸ Even when eminent domain was taken off the table landowners expressed a fear that their property values would decline as the base expanded.¹²⁹ They felt that if all their neighbors' property had been sold and converted into military training lands, the last holdouts would find it difficult to sell on the private market and would face increasing pressure to make a deal with the Army. Thus, even if eminent domain is not used, they worried a non-willing seller might feel a *de facto* requirement to sell before their home's value begins a downward spiral.

Unlike the public at large, the Army's goals and interests are easier to discern. The Army's core objective is to train soldiers to be successful on the battlefield. According to the Army, because of the nature of its training regimen its interests are best served by acquiring large, contiguous land areas that are far from urbanized locations.¹³⁰ Because the Army is dependent on Congress for funding, it is also in their best interests to ensure Congressmen are supportive of the project. Thus, public opposition is not only problematic because landowners can file lawsuits to slow the process, but they might also try to enlist the aid of their Representative or Senator.

Condemnation

Because of Fort Carson/PCMS, there has been a trend towards only working with willing sellers and promising to never use eminent domain. The *Community Survey* from Fort Carson and the success at Fort Polk show that this policy will likely reduce some of the opposition to base expansions. From the Army's point of view this decrease in opposition comes with a number of costs. The Army (and by extension, taxpayers) may have to pay more in land prices if holdouts try to drive a hard bargain (as opposed to

¹²⁷ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, Appendix C. See for example, comment from Carla Moore or Gardner Vaughn.

¹²⁸ Fort Carson, *Community Research Report*, pgs. 44-45.

¹²⁹ Fort Polk, *Joint Readiness Training Center & Fort Polk Land Acquisition Program (including purchase and lease): Draft Environmental Impact Statement*, Appendix E. See for example, comment from Larry Smith or Mr. and Mrs. Estes.

¹³⁰ *Ibid.*, pg. 2-20.

simply being given ‘fair market value’ in condemnation proceedings). Moreover, the time it takes to acquire all the targeted land will likely increase. If an agreement cannot be reached, the Army may have to wait years before the owner decides to move or dies, and even then the heirs might not be willing sellers. It is conceivable that some property in the area of interest may never be sold to the Army, necessitating a change in the planned land use of the expansion.

Although eminent domain should be a last resort measure when it comes to land acquisition, in the long-run a promise to never use eminent domain may do more harm than good. Such a promise unnecessarily ties the hands of military planners and could hinder the usability of the remainder of the base. The Army places a high value on contiguity of land, and buying only from willing sellers could have the opposite effect by creating a checker-board pattern of private and military landholdings. The Army has expressed concern that these “inholdings could be of such magnitude and distribution that the...[expansion] would lose its usefulness for military training.”¹³¹ On some rare occasions condemnation is both appropriate and necessary, and taking it off the table is a near-sighted decision that will reduce opposition at the planning stages but will make eventual operation of the facility more difficult.

Moreover, a promise “never to use eminent domain” does not prevent the Army from changing its mind in the future. Base commanders and Army leadership frequently change due to turnover, promotion, deployment, and/or Presidential appointment, and the promises made by one decision-maker may not be honored by his or her successor. For example, in 2008 Army leaders decided that eminent domain would not be used at Fort Carson. However, in 2009 the newly appointed Secretary of the Army seemed to walk back on that promise. When asked about using eminent domain at PCMS during his confirmation hearings, Secretary McHugh said:

Well, again, under the rubric of not wanting to make a promise I cannot keep, I will tell you ... I have a healthy distrust for the process of eminent domain. We always want to try to work toward willing sellers.... I would certainly stand ready

¹³¹ Ibid., pg. 2-20.

to work with you to try to search for that willing seller, that cooperative agreement because that is always the best way to go.¹³²

To prevent (not reasonable) public indignation if promises are broken, and to make moot the question of enforceability of these ‘promises,’ it is in the best long-term interests of the Army to never explicitly say that condemnation won’t be used. Rather, they should say that it is a “last resort”, a “rare occurrence”, or something that “we will try to avoid at all costs”. A decision to take eminent domain off the table is both bad policy and a rule that successive decision-makers might not be willing to abide by.

Increased Compensation and Friendly Condemnation

In their EIS comments many residents near Piñon Canyon and Fort Polk worried that the ‘just compensation’ offered by the Army would be insufficient. While just compensation might accurately reflect the fair market value of the property, it does not cover ancillary costs like attorney’s fees or moving expenses.¹³³ Nor does it cover intangible costs like the loss of community, the damage to local businesses, or the attachment to land that had been owned for generations.¹³⁴ Though it is not legally obligated to do so, the Army might face less opposition and find more willing sellers if it offers to purchase property at prices above and beyond the fair market value required by the Fifth Amendment. Some states have taken this approach in regulating the use of eminent domain at the state and local level. For example, Michigan requires that when an individual’s principal residence is taken, compensation be given at 125% of that property’s fair market value,¹³⁵ Indiana requires 125% compensation for agricultural land and 150% for residential land,¹³⁶ and Kansas requires a payment of 200% when property is taken for economic development.¹³⁷ This idea may even prove less expensive for the

¹³² Senate Armed Services Committee, “Transcripts: Hearing To Consider the Nominations of the Honorable John M. McHugh to be the Secretary of the Army; Dr. Joseph W. Westphal to be the Under Secretary of the Army; and Juan M. Garcia III to be Assistant Secretary of the Navy for Manpower and Reserve Affairs”, 30 July 2009, pgs. 34-35.

¹³³ Wyman, Katrina Miriam. “The Measure of Just Compensation”. 41 U.S. Davis L. Rev. 239 (2007).

¹³⁴ Ibid.

¹³⁵ Michigan Constitution, Art. X, §2.

¹³⁶ Indiana Code 32-24-4.5 §8(2)

¹³⁷ Kansas Statutes 26-501b (f).

Army in the long-run if the added community buy-in prevents legal challenges or Congressional lobbying. Fort Carson's *Community Research Report* asked residents if they would view the expansion more favorably if "it were possible for land owners who willingly sold their properties...to receive additional compensation above the market price for their land." Thirty-two percent of respondents said this would make them more supportive of the PCMS expansion.¹³⁸

Military planners can also make use of 'friendly condemnation', in which a land-owner willingly undergoes condemnation (instead of simply selling the property) because of the tax benefits associated with condemnation.¹³⁹ Additionally, owners are entitled to Relocation Assistance – a one-time cash payment – if friendly condemnation is used.¹⁴⁰ Congress ordered the Army to look into the use of friendly condemnation at Piñon Canyon, and the Army responded that they were "supportive" of the idea.¹⁴¹ Unfortunately, the term 'friendly condemnation' might present confusion because the Army has also promised "not to use eminent domain" (Polk) and that "condemnation will not be used to buy land" (Carson). Friendly condemnation is consistent with the 'willing sellers' premise and is more beneficial to property owners than outright purchase, but the semantics of the phrase are problematic. In future projects it might be helpful to create a euphemism that emphasizes the mutually beneficial aspects of the process. For example, willing sellers might be eligible for an 'Acquisition Partnership' or a 'Windfall Purchase'.

TIMING OF NOTIFICATION

In early 2009 the Government Accountability Office, at the request of Congress, explored the Army's regulations concerning public notification. The GAO report

¹³⁸ Fort Carson, *Community Research Report*, pg. 45.

¹³⁹ Specifically, owners of condemned land may defer capital gains taxes for up to three years. If they buy a replacement property within that time frame, they are not required to pay the capital gains tax if the replacement property is of equal or greater in value than the fair market value they were paid for the condemned property.

Source: 26 U.S.C. § 1033: *Involuntary Conversions*

¹⁴⁰ For more information, see the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

¹⁴¹ Fort Carson, "National Defense Authorization Act Section 2831(a) Report on the Piñon Canyon Maneuver Site, Colorado", pg. 34.

criticized the Army for having conflicting policy guidance. The Department of Defense disallows any official public announcement of a major land acquisition until the Moratorium Waiver has been granted, yet the Army's own long-range plan emphasizes early public engagement and the inclusion of nearby residents in the decision-making process.¹⁴² With a lack of clear guidance, base commanders have taken it upon themselves to decide the proper timing and level of public notification. GAO auditors found that when base commanders ignored the DoD directive and followed the Army's rules, as was done earlier this decade at Fort Irwin and in three separate acquisitions in Hawaii, they tended to have more public buy-in and less opposition.¹⁴³ Fort Carson, however, ignored the Army's long-range plan and followed the DoD directive to delay public notification. As a result, landowners reported feeling ignored, left out, and ill-informed,¹⁴⁴ and this series of escalating communication problems helped bring the project to a standstill.¹⁴⁵

The stated purpose of the DoD guidance is to prevent land speculation that might increase the price the Army would have to pay for land.¹⁴⁶ However, even if DoD rules were followed to the letter, land speculation would still likely occur in the months (or even years) between when a Waiver is issued and the NEPA process is completed. Given the experience at Fort Polk, the strategy of early notification and participation is likely the better option, as it will establish a baseline of mutual trust and prevent the appearance of a secretive, underhanded land grab. Additionally, base commanders will benefit from being the first voice residents hear from, as opposed to having landowners learn of the expansion from media reports or opposition groups, as occurred when PCMS planning documents were leaked. The planning process might also benefit if landowners familiar with the site added their local knowledge and expertise to the discussion.

¹⁴² Government Accountability Office, *Army's Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively*, pg. 5.

¹⁴³ *Ibid.*, pgs. 26-30.

¹⁴⁴ Fort Carson, *Community Research Report*, pgs. 27-30, 48.

¹⁴⁵ Government Accountability Office, *Army's Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively*, pg. 33.

¹⁴⁶ *Ibid.*, pg. 32.

PUBLIC OUTREACH

The problems faced during the PCMS expansion demonstrate the importance of public outreach. According to the Army's *Community Research Report* "fifty-three percent of residents say they did not receive enough information about the proposed expansion," and more respondents viewed opposition groups as a reliable source of information than the Army itself.¹⁴⁷ Figure 6.1 (following page) shows which organizations are viewed as credible sources of information; the top five (totaling 70%) are opposed to the expansion.¹⁴⁸ There is no website dedicated solely to the PCMS expansion, and the Piñon Canyon portion of the Fort Carson website is sparse.¹⁴⁹ Groups like the PCEOC have filled the information void – their website contains all the information provided on the PCMS site along with a wealth of other resources (historical news articles, biological surveys, information on the history/culture/geography/ecology of the area, pictures, personal stories, maps, statements of opposition, etc.).¹⁵⁰ As described in Chapter 3, the PCEOC's online outreach efforts span a number of platforms and have been more successful than Fort Carson's. Because of their outreach efforts, the PCEOC has been able to frame the argument by focusing attention on the (outdated and largely irrelevant) *Analysis of Alternative Draft* and pushing the notion of a '7 million

¹⁴⁷ Fort Carson, *Community Research Report*, pg. 5.

¹⁴⁸ Fort Carson, *Community Research Report*, pg. 47.

Note: The PCEOC counts the County Commissioners from Bent County, Las Animas County, Otero County, and Prowers County as among its supporters.

Source: PCEOC, "Those Who Share Our Concerns", <http://www.Piñoncanyon.com/index.php?option=com_content&view=article&id=62&Itemid=67>.

The Colorado Cattlemen's Association has announced their opposition on their website: "The Cattlemen's Association provided testimony to support the efforts of keeping the Piñon Canyon lands for agriculture, schools, and private ranches."

Source: Colorado Cattlemen's Association, "News", <<http://www.coloradocattle.org/news.aspx?NewsID=159>>.

The author has categorized "Local Media" as 'oppositional' based on a subjective assessment of local newspaper articles from the *Pueblo Chieftain*, *Trinidad Chronicle-News*, and *La Junta Tribute Democrat*.

Colorado has had more than two senators since the PCMS expansion was announced. Senator Ken Salazar was responsible for the PCMS funding ban in the Senate; he has since become Secretary of the Interior. Currently, "Colorado Sens. Mark Udall and Michael Bennet both said they supported extending the funding ban through 2010."

Source: Roper, Peter. "Piñon Canyon Ban Stays in 2010 Budget Bill." *The Pueblo Chieftain*, 10 December 2009.

¹⁴⁹ Fort Carson, "Pinon Canyon Maneuver Site." <<http://www.carson.army.mil/pcms/>>.

acre land grab'. The GAO also identified the proliferation of rumors as a major problem with the PCMS expansion.¹⁵¹ A strong public outreach program can help prevent this from occurring on future Army projects.¹⁵²

15. Now I'm going to read you a list of organizations and individuals, and I'd like you to tell me which one on the list you have the most confidence in as a source for providing accurate information about activities and growth at Fort Carson?

Local county commissioners	17%
Colorado Cattlemen's Association	16%
The Media	16%
Groups opposing expansion of Piñon Canyon Maneuver Site	13%
U.S. senators	8%
Fort Carson Commanding General	6%
U.S. representatives	5%
Others	5%
Local mayors	3%
Chamber of Commerce	3%
Local land owners / people affected by the expansion	1%
Don't know / Refused	7%

Figure 6.1: Sources of Public Outreach at PCMS
Source: Fort Carson, *Community Research Report*, pg. 47.

¹⁵⁰ Piñon Canyon Expansion Opposition Coalition. "Piñon Canyon Expansion Opposition Coalition.." <<http://www.pinoncanyon.com/>>.

¹⁵¹ Government Accountability Office, *Army's Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively*, pg. 33.

¹⁵² According to the Army, they felt the OSD gag rule prevented them from even correcting misconceptions that arose from some of the leaked documents, since setting the record straight would still count as a "release of public information prior to the Moratorium Waiver." Source: Fort Carson, *Request for Approval for Waiver to Major Land Acquisition Moratorium for Fort Carson Piñon Canyon Maneuver Site (PCMS) and Army Major Land Acquisition Proposal for PCMS*, pgs. 5-6.

Public Affairs Officer

One of the recommendations from the *Community Research Report* was the appointment of “a liaison officer who could speak to the communities, work with local government officials and the chambers of commerce, and be able to answer questions from the public.”¹⁵³ Most major Army bases have a Public Affairs Officer (PAO) on staff, so the infrastructure for a successful public outreach program is already in place. During land acquisitions the PAO should take an active role in explaining to the public the Army’s need for expansion and its unique land use requirements. The PAO should also work with local media to ensure accurate reporting and promote any upcoming public meetings. Fort Polk has used press releases to both inform the public and frame the debate; in fact, some local news articles simply reprinted the press releases verbatim.¹⁵⁴ To be successful the PAO and the base’s planning staff should be collaborating closely, with the planners providing the relevant information and the PAO distributing it to the public and/or media outlets.

Outreach Methods

Fort Polk has made an effort to include a variety of outreach methods in their participation program. According to their website,

Fort Polk is committed to ensuring that the land acquisition program is a transparent process, and, therefore, will provide a variety of informal venues for public input and dialogue that may include public discussions, town hall meetings, roundtables, press releases, news articles, newsletters, and web information. Additional communication vehicles will be developed to address needs that arise from public feedback.¹⁵⁵

Brigadier General Yarbrough, the base commander and highest ranking officer at Fort Polk, has met with local reporters and held public information meetings above and beyond what is required by NEPA. For example, prior to the NEPA-mandated scoping meetings the General held two public information sessions to explain the need for the

¹⁵³ Fort Carson, *Community Research Report*, pg. 23.

¹⁵⁴ For example, “Yarbrough Announces Land Purchase Program That Could Double Base Size”, Leesville Daily Leader, 16 January 2009.

expansion and to answer the public's questions.¹⁵⁶ This can be contrasted with Fort Carson, where a majority of residents reported they had not received enough information about the PCMS expansion.¹⁵⁷ Future acquisition programs should utilize a wide-ranging participation plan that offers many different venues for the public to learn about and comment on the land acquisition.

An online presence is an excellent way to supplement a public outreach program. A website allows for frequent updates, can host a large amount of information, and reaches interested parties who are unable to attend the public meetings. Fort Polk's website is the best example: it is user-friendly, well-designed, updated regularly, and contains useful information. The Fort Irwin land expansion's website from 2001-2006 is also a good example of an information-wealthy resource.¹⁵⁸ Future Army land acquisition projects should strive to match or exceed the quality of Fort Polk's online presence.¹⁵⁹ Off-line public outreach efforts remain important, since not all Americans have access to the Internet (especially so in rural areas, which also happen to be the ideal site for Army training centers). In the case of the PCMS, 26% of residents did not have access to the Internet, and only 37% used it "as source of information for local issues."¹⁶⁰

Congressional Outreach

Fort Carson demonstrated that maintaining Congressional support is key for any DoD land acquisition. The money used for land purchases is appropriated by Congress, and Congressional authorization is needed for any acquisition.¹⁶¹ As a result, Congress can scuttle an entire multi-million dollar project. Base commanders should keep Capitol Hill well informed of their intentions and invite them to participate in each stage of the planning process. It is important to approach the Congressional delegation early, so that

¹⁵⁵ Fort Polk, "FAQs", <http://www.jrtc-polk.army.mil/LandPurchase/Files_and_Forms/FAQs/Questions%20A's_Ft_Polk_Land_Expansion_DEISrev-2.pdf>.

¹⁵⁶ AmericanPress.com, "Fort Polk leader: Deal or no deal", 25 March 2009.

¹⁵⁷ Fort Carson, *Community Research Report*, pg. 48.

¹⁵⁸ For example, see "Documents", <<http://www.fortirwinlandexpansion.com/Documents.htm>>.

¹⁵⁹ None of the Army's websites, however, match the quality, depth, or professionalism of the PCEOC's website.

¹⁶⁰ Fort Carson, *Community Research Report*, pg. 49.

¹⁶¹ 10 U.S.C. § 2676: *Acquisition: limitation*.

they first become aware of the expansion from its proponents and not angry constituents. During a successful land purchase in Hawaii the Army “included a Congressional delegation and stakeholders early in the planning process and secured their support” before the Moratorium Waiver request was even submitted.¹⁶²

Especially important are the Congressmen whose districts are directly affected by the expansion, as the rest of the chamber may defer to their judgment. For example, Democrat John Salazar, who represents the PCMS area in Colorado’s Third District, sits on the House subcommittee responsible for DoD land purchases. He opposes the expansion and has been partly responsible for the multi-year funding moratorium.¹⁶³ The nearby Fourth District would also be affected by an expanded PCMS, and Representative Betsy Markey has opposed the project and supports the funding ban.¹⁶⁴ Both of the state’s current Senators support the funding ban,¹⁶⁵ and ex-Senator Ken Salazar, a PCMS-opponent, is now the Secretary of the Interior. All told, a large portion of the Colorado delegation, containing members of both political parties, has actively tried to bring an end to the PCMS expansion.

Although they are unable to directly stop a land purchase by the federal government, state and local political officials also need to be kept in the loop. According to the *Community Research Report* completed by Fort Carson, ‘Local County Commissioners’ were the group most trusted to provide accurate information (‘Local

¹⁶² Government Accountability Office, *Army’s Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively*, pg. 9.

¹⁶³ Roper, Peter. “Funding Ban Marks 4 Years of Battle.” *The Pueblo Chieftain*. 12 December 2009.

¹⁶⁴ Rep. Markey’s opposition is centered on the use of eminent domain. Her official position:

“Today I learned of an alarming development in the Army’s proposed expansion around Piñon Canyon, which threatens to violate private property rights in Southeast Colorado. I remain staunchly opposed to this proposed expansion.

I stand with landowners in Southeast Colorado, the overwhelming majority of whom want nothing to do with the Army’s expansion, and who are rightfully worried about what would happen to the value of their lands if the Army moved in. I’m extremely concerned about those landowners who would be literally caught in the middle or on adjacent lands and pressured to sell or have their land condemned.

I will continue to fight this expansion as long as it threatens land that citizens of Southeast Colorado do not wish to sell.”

Source: Markey, Betsy. “Markey Position on Piñon Canyon Expansion.” <<http://betsymarkey.house.gov/News/DocumentSingle.aspx?DocumentID=114442>>.

¹⁶⁵ Roper, Peter. “Piñon Canyon Ban Stays in 2010 Budget Bill.” *The Pueblo Chieftain*, 10 December 2009.

Mayors' also made the list, at ninth place).¹⁶⁶ A frequent concern for these elected officials is the loss of property and sales tax revenues that the prior residents generated. One way the Army, which is not subject to local taxes, can mitigate this problem is through a payment-in-lieu-of-taxes (PILT) agreement. PILTs, used by many federal agencies, reimburse state and local governments for lost revenue and are permitted under Chapter 69, Title 31 of the U.S. Code. Last year the federal government gave over \$380 million to local jurisdictions under the PILT program,¹⁶⁷ some of which was for lands that are now military installations.¹⁶⁸

IMPLEMENTING BEST PRACTICES

The above best practices are aimed at military planners who help undertake land acquisition projects. However, there are numerous ways Army Headquarters can institutionalize these best practices to ensure that future plans incorporate lessons learned from past projects. One of the first actions the Army should take is to comply with the GAO's recommendation to update their 2004 Range and Training Land Strategy (RTLS). The RTLS contains the Army's strategy for reducing their 4.5 million-acre shortfall and a list of military bases that are best suited for future expansion. However, the GAO chided the Army for not updating this long-range plan on a regular basis to take into account changes in land price, escalation/de-escalation of overseas operations, modification of maneuver/range training requirements, and reductions of the acreage shortfall due to successful land purchases. Updates to the RTLS should include a set of best practices for land acquisition, and these could be continually refined in successive RTLS iterations. The Army's guidance document for land acquisition, *AR 405-10* could be similarly updated to include these best practices, thus requiring all base commanders and military planners to incorporate them into future land acquisition plans. *AR 405-10* was last revised in 1980, so it does not address many of the now-commonplace Internet-based public outreach methods.

¹⁶⁶ Fort Carson, *Community Research Report*, pg. 47.

¹⁶⁷ Department of the Interior, "Secretary Salazar Announces \$381.6 Million in 2009 PILT Payments to Local Governments with Federal Lands", 11 June 2009.

¹⁶⁸ Department of the Interior, "Payment in Lieu of Taxes (PILT): Program Summary", <<http://www.doi.gov/pilt/summary.html>>.

Likewise, compliance with best practices could be required in order to receive a Moratorium Waiver. As was discussed in Chapter 2, any land purchase of over \$1 million or 1,000 acres requires approval from the Office of the Secretary of Defense (OSD). The OSD could require that any Army Major Land Acquisition Proposal (AMLAP) comply with a list of best practices, as opposed to giving the base commander leeway in deciding how to proceed with acquisition. For example, the OSD could require a Congressional outreach plan, a dedicated source of funding for a PAO and a website, and further OSD approval for the condemnation of any property that had been owned by the same family for more than 50 years.

If the Army was unwilling to make these internal changes to its standard operating procedures, Congress could impose them as strings attached to earmarked funding. The relevant Congressional subcommittees could also simply refuse to fund land purchases until the proponent agencies had met certain requirements, in essence formalizing the PCMS funding ban. Even if these best practices are never institutionalized or codified, it would still be in the best interests of base commanders to consider and utilize them when planning for a land acquisition.

CONCLUSION

The United States Army will continue to require and acquire new landholdings in the upcoming decades. Public opposition to the expansion at Piñon Canyon has caused a reevaluation of the methods the Army uses, and it can learn from the problems faced by Fort Carson. First, the Army should use eminent domain only when absolutely necessary, though a promise to only buy from willing sellers is counterproductive and may tie the hands of military planners. Second, landowners in the affected areas should be informed early in the process that their property is under consideration for acquisition. Third, military bases should have a vigorous outreach program to ensure that information is easily accessible by the public. Stakeholders should be involved at every stage in the planning process, not just when required by NEPA. This will prevent the spread of misconceptions and allow the Army to better frame the issues at hand. Fourth, the Army should make every effort to involve the relevant Congressional delegations and local

political leaders in the planning process. There are a numerous ways these suggestions could be implemented into standard Army operations, either partly or in whole.

Fort Polk has taken an innovative approach and is already utilizing some of these best practices. Unfortunately, their expansion will not be completed by the time this report is finalized. Once their land acquisition is complete (or, once it has failed), these best practices should be modified to incorporate any lessons learned from Fort Polk's experiences.

Acronyms

AMLAP:	Army Major Land Acquisition Proposal
DEIS:	Draft Environmental Impact Statement
DoD:	Department of Defense
EIS:	Environmental Impact Statement
FAQ:	Frequently Asked Questions
GAO:	Government Accountability Office
JRTC:	Joint Readiness Training Center
LURS:	Land Use Requirements Study
NEPA:	National Environmental Policy Act
OSD:	Office of the Secretary of Defense
PAO:	Public Affairs Office
PCEOC:	Piñon Canyon Expansion Opposition Coalition
PCMS:	Piñon Canyon Maneuver Site
PILT:	Payment In-Lieu of Taxes
RTLS:	Range and Training Land Strategy
SDZ:	Surface Danger Zone

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