

Problems with the F-35A Basing Selection Process/Decision for Burlington, Vermont

The process by which the United States Air Force selected the Vermont Air National Guard Station — co-located with the Burlington International Airport located in South Burlington, Vermont — involved an extensive analysis as required by the National Environmental Policy Act (NEPA). It also involved highly inappropriate, unethical, and possibly prohibited, activities on the part of the Vermont Air National Guard (VTANG) and Vermont's Senator Patrick Leahy including:

- interference in the process through manipulation of facts and data, such as, (intentional?) scoring errors designed to misrepresent facts on the ground,
- orchestration of public comments,
- inappropriate attempts by military personnel to intimidate members of the public, and
- withholding crucial information that directly affects public safety.

Overview

We begin this document with background information on the basing decision process, followed by a brief description of how we found information that confirmed the above-mentioned behavior. Specifically, we mention the various ways in which U.S. Senator Patrick Leahy (VT) influenced the basing decision while simultaneously telling the public he had no control over the Air Force's decision. We cover the various ways in which the Vermont Air National Guard (VTANG) inappropriately (and possibly illegally) interfered in the NEPA process. We raise safety concerns about basing a nuclear bomber and possibly storing nuclear weapons at the Burlington International Airport; cite Air Force statements regarding the safety hazards of the F-35A's composite material and stealth coating; and cite the Air Force's reluctance to base the F-35A's in Vermont.

Although much of the information presented here will be new to the public, some issues had been brought to the attention of the media, community, and military in the past. These are mentioned here again because we have found evidence in government documents of the basing process that substantiates our previously-made claims and concerns.

Though lengthy, we are hopeful that making public this compilation of the various problems with the basing decision process, will lead our elected officials to demand an investigation into a flawed process.

Background

In the 2007-2008 timeframe, the United States Air Force started its scoping process to look for the initial bases (both active duty Air Force and Air National Guard) to house their new fifth-generation fighter-bomber, the Joint Strike Fighter F-35A. The Air Force decided to select one active duty Air Force base and one Air National Guard base. By 2009, they had narrowed down the list to six bases: three active duty bases, and three Air Guard bases. The three Air Guard bases were McEntire Joint National Guard Base in South Carolina, Jacksonville Air Guard Station in Florida, and Burlington Air Guard Station in Burlington, Vermont. The active duty Air Force bases were Hill, Mountain Home, and Shaw.

By law, under the National Environmental Policy Act (NEPA), all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions that significantly affect the environment. These statements, called Environmental Impact Statements (EIS), provide the public with information, and give the public the opportunity to question and comment on the proposal. Because it was determined that the basing of the F-35A will cause significant environmental impacts, the Air Force prepared the F-35A Operational EIS. It evaluated the effect of the basing — in

particular the noise from the F-35A — on environmental areas, land use, housing values, ability to get federal housing loans, insurance, subsidies, program assistance, health impacts on human beings (especially children) and wildlife, economic impact on minority and low-income communities, and more.

The F-35A Draft EIS was published in March 2012. Because of errors made in this initial draft, the Air Force issued a Revised Draft EIS in May 2013. They issued the Final EIS in September 2013. In December 2013, the Air Force issued its official Record of Decision (ROD) selecting Hill Air Force Base from among the three active duty bases, and Burlington Air Guard Station from among the three Air Guard bases being considered.

In 2012, local individuals and the Stop the F35 coalition filed suit against the Air Force claiming it had violated NEPA rules in a number of areas. After years of litigation and appeals, the plaintiffs ultimately lost the lawsuit. But as part of the legal proceedings, the federal judge in the case requested the Air Force provide the entire administrative record (AR) which contains all of the documentation that occurred during the basing process from 2008 to 2013. Most of the basing processes were documented through letters, emails, notes on public hearings and meetings, etc. The Air Force released over 8,000 files consisting of over 68,000 pages. Of these, hundreds of files were withheld — redacted or marked “Privileged”— and the public has no way to know what is contained in these files.

In late March 2018, a group of volunteers (11 women) started reading the available ARs. They found hundreds of files which showed highly questionable actions during the basing process. Three key areas of concern were:

- Air Force officials had decided on at least four occasions to select another Air Guard base (McEntire) over Burlington;
- The basing process had been hijacked by some members of the Vermont Air National Guard in conjunction with Senator Patrick Leahy; and
- Several dangerous aspects of the basing had been hidden from the public.

Despite some serious improprieties on the part of a few individuals, the researchers were heartened to find that there were many ethical, conscientious, and hard-working military and civilian Air Force employees. By reading thousands of their emails, the researchers got to know the people involved in the basing process. It became clear that many (if not most) of the Air Force officials were trying to do their job to the best of their ability, even as they encountered interference from the political and military entities involved -- interference that was described by at least one Air Force official as attempts to 'game' the system. A few of the government employees even stuck their necks out to confront these types of unethical behaviors.

Should this account ever get back to the action officers and officials in Air Combat Command and at Headquarters Air Force, we would like to let them know that we appreciate all of their efforts to be true to the NEPA process and thank them for their efforts to let the facts —not politics— determine the basing decision. Unfortunately for them and for the more than 6,600 people in the Burlington, Vermont area who will be directly and negatively impacted by the F-35A basing, politics prevailed. The reason for this was interference by members of the VTANG and Senator Patrick Leahy.

Air Force Basing Decisions

Researchers found over 60 references from Air Force officials expressing doubt, concern, and opposition to selecting Burlington as a base for the F-35A. Comments from mid-to-senior level officials in multiple Air Force organizations indicated that Burlington should not be selected. Rather, they stated that

McEntire Joint National Guard Base in South Carolina was the best choice — both environmentally and operationally. On at least four occasions (February 2013, April 2013, August 2013, and November 2013), Air Force officials recommended against selecting Burlington. In March 2013, they drafted justification for selecting McEntire JNGB in the official Record of Decision (ROD).

Throughout 2013, Air Force officials recommended a number of actions designed to avoid basing the F-35A in Burlington, such as delaying making a decision to select any Air Guard base (because of problems with Burlington); temporarily bypassing Burlington; and selecting another Air Guard base—McEntire Air Guard base.

Scoring Problems: One of the key reasons that Burlington was included in the top three Air Guard bases had to do with the score it received during an enterprise wide (national) scoping (search) effort. Sometime during 2007-2008, the Air Force created a Joint Strike Fighter Basing Criteria scoring sheet to “Address current and future questions from congressional members following release of the Joint Strike Fighter (JSF) basing criteria...” Some of the scores awarded to Burlington on this scoring sheet were incorrect. There was incorrect information in three areas: Encroachment, Weather, and Cost:

1. “Encroachment” means the number of buildings which are in the crash and noise areas. The scoring sheet indicated there were no incompatible developments in either area. But, in reality, homes and business populate these areas.
2. Another error had to do with the score given to Burlington on its weather.
3. Finally, the cost of living was misrepresented on the score sheet.

These falsely-elevated scores resulted in Burlington being ranked higher than the other two Air Guard bases. The VTANG provided the data for these scores.

The Air Force discovered these errors over time. As they collected information on each of the three Air Guard bases, they reached the conclusion that McEntire Air Guard base was the best base for the F-35A from both an environmental and operational perspective. This was “Due to the overwhelming evidence provided by the EIS documentation...” They also stated, “that there is no operational benefit of Burlington ANG base over McEntire ANG base, and that Burlington scored higher than McEntire overall due to incorrect scoring (Burlington was scored higher than it should have been and McEntire was scored lower than it should have been regarding encroachment and development) during the initial enterprise wide look.”

Attachment 1 contains over 60 citations from the AR showing Air Force officials expressing reservations about selecting Burlington. It also provides more detailed information on the above-mentioned instances.

U. S. Senator Patrick Leahy

“Do you know of any improprieties that Senator Leahy had his hands in that would have affected basing decisions in Vermont’s favor?” (AR #58254) This is a question that VTANG included in a list of questions that they hoped they did NOT get asked. The information listed below is probably why.

Researchers found over 50 references to instances of direct engagement and interference by Senator Patrick Leahy and his staff. The Senator called and wrote to senior Air Force officials:

1. to get them to change noise models;

2. to claim the Air Force had misrepresented HUD and FAA guidance regarding houses in the noise zone being unable to qualify for federal loans, insurance, subsidies, assistance;
3. to alter the manner in which the Air Force counted public comments; and
4. to direct the Chief of Staff of the Air Force to select Vermont for F-35A basing.

Senator Leahy did all of this while telling the public he was not involved in the basing process.

- In letters he sent to constituents in June 2012, he said that he “felt strongly that none of our state’s Congressional delegation should put our fingers on the scale.”
- In a prepared comment on December 12, 2012, he stated, “The final basing decision for the F-35A will be made not by Congress, but by the United States Air Force.”
- In a press report on April 16, 2013, a spokesman for Vermont Senator Patrick Leahy said, “the senator has made no attempt to influence the process of locating the U.S. Air Force’s next-generation fighter jet at a Vermont National Guard base.”
- In a press report on May 31, 2013, “Leahy and his office have said the senator has made no attempts to influence the process.”

Efforts to change noise models: Senator Leahy and his staff made numerous contacts with the Air Force to get them to change the model they were using to assess the noise of the F-35A. After months of calls and meetings and emails, in November 2010 Senator Leahy wrote a letter to the then-Secretary of the Air Force, Michael Donley, saying, “I urge you to delay the EIS until the Air Force incorporates the latest flight profile data for the F-35A which is known as ‘Karnes 3’”. On 29 December 2010, the then EIS F-35A basing project manager, sent out an email saying she had “been instructed by SAF/IEI to take a ‘pause’ in our F-35A Operational Basing environmental analysis. This pause will allow senior leadership to decide whether or not to continue using the Karnes II flight profiles in our analysis, or make revisions to the EIS, based on soon to be released updated flight profiles, which will be called Karnes III.” The discussions VTANG had for switching to Karnes 3 focused not on it’s accuracy as much as the fact that it showed a lower noise level for Burlington. The EIS release was delayed by a year in order to switch to the Karnes 3 noise model.

Efforts to change HUD/FAA/VA guidelines: In the “Economic Impacts” section of the EIS, the Air Force reported on HUD, FAA, and VA guidelines. These agencies advise homeowners in an area in which the average noise level is 65 decibels to provide written disclosure to all prospective buyers or lessees of their property. HUD and the VA also note that properties in these noise areas may not be eligible for federally guaranteed loans, program assistance, subsidies, or insurance. Senator Leahy expressed concern that the “AF may be misinterpreting FAA and HUD guidance/regs wrt [with regard to] noise contours and....needlessly limiting or negatively misstating impact.” The Air Force commented in emails that they did not “mis-interpret FAA and HUD guidance....”

Efforts to change public comments: In June 2013, the Air Force erroneously reported that the majority of the public comments received were in support of the basing. When alerted to the mistake (by Burlington citizens) the Air Force issued a correction. The correct numbers were that of the over 1,100 individual comments received, 73% were in opposition to the basing, 25% expressed general support, and 2% were of no opinion. In response, Senator Leahy had his staff call the Air Force “hoping that the article was wrong... and that there were more supportive comments vs opposing comments.”

In the face of the public response, which, according to the Air Force’s tally was overwhelmingly opposed to the basing, “the Senator’s office felt the Air Force should have characterized some of the public

comments differently, which would reflect more community support...”. The Air Force had previously explained how it counted comments. Petitions, regardless of the number of signatures on the petition, are counted as “1” comment. This was standard practice, and was not unique to the Burlington comments. In addition to individual letters, emails, and petitions, the Air Force also received thousands of pre-printed, pre-addressed and pre-stamped post cards stating support for the basing. The postcards were sent to residents by VTANG surrogate organizations.

However, the Air Force project manager stated that “[the] reason [which was printed on the] postcard was factually inaccurate” and that “it is impossible to determine if each [sender] knew [the error] whether the people who submitted the postcards would still support the beddown.”

Therefore, the Air Force decided they could not be counted or reported. However, after Senator Leahy’s intervention, the Air Force reported the postcards which contained erroneous information.

Efforts to get the Air Force to select Burlington: On 30 August 2013, Air Force officials were about “to split the Ops 1 and Ops 3 RoDs.” “Ops 1” refers to the active duty Air Force bases, and “Ops 3” refers to the Air Guard bases. Splitting the Record of Decisions (RoDs) meant that the Air Force was going to select an active duty Air Force Base, and delay making a decision on an Air Guard base. On 3 September 2013, Leahy phoned General Mark Welsh, then the Air Force Chief of Staff (the four-star general in charge of the Air Force), to tell him he didn’t want them to split the decision, he didn’t want any delay in selecting the Air Guard base, and he wanted Burlington selected.

Attachment 2 contains more than 50 citations showing Leahy’s involvement in the basing process and basing decisions. It provides more detail on the above-mentioned instances.

Vermont Air National Guard (VTANG)

Researchers found more than 20 references showing VTANG members attempted to change or manipulate data so as to benefit Burlington’s chances of being selected. They also found more than 30 references from Air Force officials in which they commented on the VTANG’s interference.

VTANG officers worked directly with government contractors to change noise modeling parameters and flight profiles in order to benefit Burlington. This is out of the norm. It is not standard procedure for an installation under consideration for a basing to work with the government contractors who are developing the criteria and methodologies. VTANG officers asked and tasked contractors to alter the way the noise of the F-35A would be modeled so that it would appear to be less loud at Burlington. They also lobbied Air Force staff officers to adopt their plans for how to fly the F-35A. They worked closely with Senator Patrick Leahy’s staff to have the Senator intervene to get the Air Force to adopt the noise models and flying procedures that would benefit Burlington.

VTANG specifically wanted the Air Force to scrap the existing noise model called “Karnes 2” that had been used for other bases, and to adopt a new noise model called “Karnes 3.” VTANG thought this noise model would show a lower F-35A noise level. Despite senior Air Force officials’ objections to changing noise models, Senator Leahy directly intervened and told the Air Force to use the noise model preferred by VTANG. The switch to the Karnes 3 noise model delayed the EIS by a year. NOTE: the conversations within the ARs show that Senator Leahy and VTANG were not interested in the accuracy of the model, but rather they pushed for Karnes 3 because it made Burlington look like a better candidate. Karnes 3 was never intended to be used in this NEPA process.

VTANG also tried to get the Air Force to incorporate the ideas they had for how they would fly the F-35A. However, Air Force officials repeatedly commented that VTANG was suggesting ways to fly the F-35A that flight engineers had tried in simulators and found not to work. For example, VTANG claimed

they would not need to use after burners (AB) for take offs (the use of ABs increases the noise produced by the aircraft). The Air Force contractor involved in the basing told the Air Force that “Burlington AGS belief that they will not need to take off in AB at all would not reflect reality.” Air Force officials agreed, and added that even were it possible, taking off in after burner is a “training requirement.” Another asked, “are we willing to not train like we fight just to fit aircraft in place when there are ‘reasonable alternatives’ for that location?” Air Force personnel accused the VTANG of “trying to game things out there” and “grasping at straws.” The VTANG’s claims that they would not have to use after burners, contrast sharply with the fact that other bases flying the F-35A are currently taking off in after burner 60% of the time.

Attachment 3 contains over 50 citations showing VTANG’s interference in the basing process and Air Force comments on their interference. It also provides more detail on the above-mentioned instances.

Other VTANG actions seemed to violate military regulations, which prohibit military members from engaging in political activities. There were over 20 examples in which VTANG members appeared to violate DoD Directive 1344.10 and Air Force Instruction 51-902. Among other prohibitions, military members are not to advocate for any political cause while in uniform, or while representing a military organization. In April 2018, two retired military officers sent a letter to the Department of Defense Inspector General calling his attention to this behavior.

Attachment 4 contains over 20 citations and examples of VTANG members engaging in prohibited political activities.

Hidden Dangers: Nuclear Weapons

The F-35A is designed to carry nuclear weapons, specifically the B61-12, which is currently in testing. The Director of the F-35A program stated that “the F-35A is slated to be armed with the B61 nuclear bomb as early as 2020, but could carry the weapon sooner.” In the ARs, the Air Force clearly stated that, “The F-35A would train for and deploy ALL types of ordnance it is capable of carrying.” Although the specifics surrounding nuclear weapons are classified, the ARs did contain a few references indicating that nuclear weapons would be stored at Burlington. In a PowerPoint briefing giving a list of characteristics to be evaluated in selecting one base over another, the Air Force said it would be a “plus” if the base could pool a “broad spectrum of nuclear expertise.” Another “plus” for the base would be its “ability to hire civilian nuclear expertise from the local area.” (AR #41816). In AR file #61611, an Executive Weapon System Review meeting showed a block of time devoted to a classified discussion of “Nuclear C2” (command and control). A paper written by VTANG included the statement that they **hoped they would NOT be asked** “Where are you planning on storing the Nuclear Weapons that are part of the F35 arsenal?” (AR #58254)

Other Dangers

The researchers also found emails showing there were serious safety risks from the F-35A because of the quality and quantity of the military grade composite materials in its fuselage, as well as its stealth coating. The F-35A fuselage contains over 40% military grade composite materials. (The F-16 contains 2% composite materials and has no stealth coating.) Both materials can cause harm to those doing routine maintenance of the aircraft. In addition, there are risks to firefighters and the general public in the event of a crash and resulting fire. The chemical fumes and particles released from burning composites and the stealth coating have been shown to be toxic and lethal.

In response to a question regarding the dangers from military grade composite materials, as well as the Low Observable (LO) material coating [stealth coating], the Air Force Director of Occupational Health

Policy, Lt Col Victor Caravello, stated “Obviously, composites and LO materials bring new risks and we are still trying to get a grasp of the health hazards associated with the maintenance of F-35As....With our request to better understand the health risks with the F-35A, we are finding the data is classified and requires us to be ‘read-in’ to learn more. I don’t know if it would cover crash data.” (AR #64280)

In another email discussion of the ability of local fire fighters to fight composite fires, the official reported that there is “a new device, a ‘pyrolance,’ for specifically responding to incidents involving composite materials. All units are capable of deploying the pyrolance, but the tactics/techniques/procedures for employing it are not full established or universal.” He further stated, “it’s unlikely that mutual aid partners [meaning the civilian fire departments] are fully trained on responding to incidents with composite materials.” (AR #64485)

Closing

The records show that there was considerable interference in and manipulation of the F-35A basing process. Both McEntire and Jacksonville scored higher in both environmental and operational categories than did Burlington. The EIS analysis found that basing the F-35A at McEntire Joint National Guard Base or Jacksonville Air Guard Station would *reduce* the environmental impact from the F-16s and F-15s it would replace. At McEntire, only 91 households and 245 people would live in the F-35A noise zone. At Jacksonville, only 45 households and 170 people would live in the F-35A noise zone. At Burlington, 2,963 households and 6,663 people will live in the F-35A noise zone.

NEPA is a robust process; and in this case, the facts gathered throughout the basing process almost led to an environmentally sound decision. Even VTANG’s interference and manipulation of the noise model and flight profiles could not persuade the Air Force to select Burlington. The Air Force was prepared to select another Air Guard Station based on the data. It took Vermont’s senior Senator’s political clout to override the Air Force decision.

The careful work of dedicated individuals has uncovered a wealth of evidence that further confirms the beliefs of many Vermonters and members of the Air Force: the F-35A is the wrong choice for the greater Burlington community. From the outset there were problems with the basing process on a fundamental level. An inaccurate score card elevated Burlington to a higher position than it ever should have been. Some members of VTANG inappropriately hounded contractors and Air Force officials during the NEPA process which led the Air Force to alter noise metrics and flight profiles. With the Senator’s help, VTANG got the Air Force to change noise models which benefitted Burlington.

Taken together, the actions uncovered and described here reveal a concerted effort on the part of the Vermont Air National Guard and Senator Patrick Leahy to manipulate an established evaluation process, which is intended – for the safety of both the military and the public — to be rooted in accuracy and truthfulness about the impacts of a proposed basing. Senator Leahy went against the wishes of his constituents and intervened several times throughout the basing process. This undoubtedly *did* influence the Air Force’s final decision.

The evidence is now clear: had it not been for VTANG’s intense involvement in the F-35A basing process, which includes altering methodologies and criteria and withholding information, combined with the overt interference and political pressure exerted by Senator Patrick Leahy, the Air Force would not have selected Burlington, Vermont as an F-35A base.

Attachments

1. List of citations from Air Force officials expressing concern about basing the F-35A in Burlington.
2. List of citations showing Senator Leahy and his staffs' direct involvement and interference in the basing process and in the basing decision.
3. List of citations showing VTANG's interference in the basing process, and a list of citations showing Air Force comments on VTANG's interference.
4. List of examples and citations showing VTANG engagement in political actions.
5. Glossary of some military jargon, technical terms, and a list of some of the individuals mentioned in the citations, including VTANG personnel, Leahy's staffers, and key Air Force officials.