

State of Connecticut

RICHARD BLUMENTHAL
ATTORNEY GENERAL



Hartford

September 4, 2008

Stephen H. Devoto
Acting Secretary
Westfield Residents Association, Inc.
Post Office Box 373
Middletown, CT 06457

Dear Mr. Devoto:

Thank you for your letter of August 29, 2008, informing me of the points raised by the U.S. Army Corps of Engineers at a public meeting August 27, 2008 and expressing your opposition to the proposed Military Training Facility in Middletown.

You note that the Corps has proposed an extremely aggressive timeline for assessing sites in Middletown and, once again, the Corps seems focused largely on the Boardman Lane site. Additionally, you point out that Corps representatives continue to insist that their legal counsel has interpreted the relevant language in BRAC to mean that the facility must be located in Middletown but that the Corps refuses to release this opinion. Finally, you note that Governor Rell's removal of the 250th Engineering detachment should permit a smaller site to be used than the Boardman Lane site and that the Army continues to insist that state and local law does not bind them.

As you are aware, I have opposed the Corps' selection of the Boardman Lane site as premature and I have challenged the Corps' siting procedures as illegal under federal law. I have sought documents from the Army under the Freedom of Information Act but have not received the counsel's opinion. I am now seeking this legal opinion directly from the Army's Judge Advocate General's office. If necessary, I will take appropriate legal action.

I agree that the deletion of the 250th Engineers unit should permit a wider selection of sites in Middletown and I further agree that the language of BRAC clearly permits sites outside Middletown if no suitable site is available.

I recognize that a new training facility is needed. The Boardman Lane site does not appear to be a suitable site and the Corps' selection process does not meet the terms of federal law. While the Corps has claimed that state law does not bind its actions, the Clean Water Act is a federal law administered by the State of Connecticut which does bind the Corps.

Mr. Stephen H. Devoto
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Please continue to keep me informed of new developments that come to your attention. I assure you that I will continue to fight this project using all legal means at my disposal.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Richard Blumenthal', written in a cursive style.

RICHARD BLUMENTHAL

RB/pas