

**USS FORREST SHERMAN DD-931  
Foundation, Inc.**

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[www.ussforrestsherman.org](http://www.ussforrestsherman.org)*

April 27, 2010

CAPT C.R. Pietras, USN  
Program Manager  
Navy Inactive Ships Program, PMS 333  
Naval Sea System Command  
1333 Issac Hull Avenue  
Washington Navy Yard, DC 20376

Dear Capt Pietras,

I am in receipt of your letter dated April 23, 2010. You are wrong in your assumption that Section 1015 does not provide a five year period for the Foundation to obtain a proper berth for the SHERMAN. You weren't there for the negotiations over this language. I was. They were conducted by Congressman Bartlett's office, Capt Larry Jones, and me. It was Capt Jones who suggested the five year period, and the Foundation agreed. It became law. You are violating it with you present position.

We don't need your advice on the ship donation process. We've been around it longer than you have, and are fully aware of the procedures. It is not our wish to get involved in a legal action with the Navy, but if you insist on continuing your illegal action you will leave us no other choice.

Sincerely yours,



Kurt Wagemann  
President

Cc: The Hon. Roscoe Bartlett  
The Hon Ray Mabus



## DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEM COMMAND  
1333 ISAAC HULL AVENUE  
WASHINGTON NAVY YARD DC 20376

IN REPLY REFER TO

4770

Ser 333/097

23 April 2010

Mr. Kurt Wagemann, President  
USS FORREST SHERMAN DD-931 Foundation, Inc.  
720 Reedy Circle  
Bel Air, MD 21014

Dear Mr. Wagemann:

The purpose of this letter is to respond to your letter of April 19, 2010 asserting that the Navy's decision to remove ex-FORREST SHERMAN (DD 931) from donation hold violates Public Law 109-163, Section 1015. Your letter also claims that the purpose of Section 1015 was to give the Foundation five years to locate a suitable location and berth for the ship. This presumption is incorrect.

Repeating the Navy's position in our April 14, 2010 letter, scrapping the ship does not conflict with Section 1015. This Section is permissive authority that indicates the Navy may transfer the ship, subject to the submission of a donation application that is satisfactory to the Navy. It neither requires the donation of the ship nor prevents the Navy from disposing of the ship.

The Navy's longstanding policy and guidance regarding ship donation clearly articulates that transferring the ship concludes with the execution of a ship donation transfer contract. This requires the potential donee to submit a satisfactory ship donation application that meets the Navy's minimum requirements for donation and obtain a polychlorinated biphenyl (PCB) compliance agreement from the U.S. Environmental Protection Agency. Providing evidence of the availability of a permanent berthing location for display of the ship, which you have not done, is only one part of the ship donation application.

Sincerely,

A handwritten signature in purple ink, appearing to read "C. R. Pietras", with a long horizontal line extending to the right.

C. R. Pietras

CAPT USN

Program Manager

Navy Inactive Ships Program, PMS 333