STATE SUPPORT FOR MILITARY TESTING AND TRAINING

Overview of State Laws and Executive-Level Administrative Support
Introduction

• Previously reviewed all 50 states legislative and administrative efforts to support military testing and training and highlighted best practices

• Developed recent report titled, “Overview of WRP State Support for Military Testing and Training”
State Support of Military Testing and Training

- Many tools have been developed to equip the military and communities proactively to **work together** on these issues.
- Tools developed in partnership at the state and local level can be very **effective**.
- No one state has adopted all proactive approaches to support military sustainability. The best approaches are **multi-faceted** and consider both current and future military mission.
WRP State Support for Military Testing and Training

• Introduction on DoD encroachment
• Overview of State Laws and Executive-Level Administrative Support for AZ, CA, NV, NM and UT
• Highlights best practices in the following categories (no specific state mentioned)
  • State Military Committees
  • Enhanced Planning, Communication and Notification
  • Enhanced Disclosure of Military Operations
  • Funding
  • Enhanced Zoning Restrictions Around Military Airports
  • Studies and Miscellaneous
Military Mission Viability

- Military needs the ability to train like they fight, because they will fight as they trained.
- Incompatible development (encroachment) comes in many forms:
  - Issues that affect DoD’s ability to fulfill the mission on land and sea or in the air.
  - DoD’s 12 encroachment factors, that can impact a range’s ability to support Service mission areas:
    - Threatened & Endangered Species/Critical Habitat
    - Munitions Restrictions
    - Spectrum
    - Maritime Sustainability
    - Airspace
    - Air Quality
    - Noise Restrictions
    - Adjacent Land Use
    - Cultural Resources
    - Water Quality/Supply
    - Wetlands
    - Range Transients
Encroachment leads to Mission impact....

- Restructuring (moving an MTR or target, limiting ability to shoot, etc.)
- Self-imposed restrictions
- Inability to realistically test and train
- Delays
- Workarounds
- Increased costs
- Cancellations
- Rescheduling
State Military Committees

• Committee or Executive Branch Office formed to advise the legislature and/or Governor on such issues as recommendations for future legislative actions and reviewing rules and procedures to support the military mission

“Best Practices”:

• **Ongoing** process; not event driven
• **Proactively** assist with coordination between the state’s military and such entities as the Legislature, Governor, Congressional delegation, state and local leaders
• Meet regularly and **complete** action items
• Receive input/briefings from **military** members
• **Identify encroachment** on military installations along with potential State and community actions that can **minimize such impacts**
• **Recommend** executive, legislative and federal **actions** necessary to sustain and grow installations
Enhanced Land-Use Planning, Communication and Notification

• Provides guidance to assist State agencies and/or local jurisdictions on land use planning near military facilities; and helps the military better understand planning processes

• “Best Practices”:
  • **State Agencies** involved with land use planning to ensure compatible development with the state’s military installations
  • Planning entities to identify **military boundaries** within the communities’ general/comprehensive plans
  • State/community recommendations on **what information is helpful** to receive from the military when reviewing proposed land use changes
Enhanced Planning, Communication and Notification (continued “Best Practices”)

• Planning information sent to the military with **enough time for** them to **review and respond**
  
  • E.g. state provides at least 60 days notice in advance of the public hearing

• Planning entities to **review analysis** by the military on proposed land use changes prior to making decisions and make this information part of the public record

• **“Notification “zone”** that dictates the area for which the military will receive planning information
  
  • Other planning areas are also important. (e.g. special use airspace and land beneath a low-level flight path)

• Require **“compatible” land uses** in areas near military facilities
  
  • To avoid conflicts between the military and planning entities on what “compatible” means, the best state approach includes specific definition of “compatible” in each of the military’s noise contours
Enhanced Planning, Communication and Notification (continued “Best Practices”)

• Establish **noise attenuation standards** in areas around military facilities

• **Disclosure** to property owners of military operations
  • First page of public reports for both subdivided and un-subdivided lands. Disclosure is also provided through the title report and deed for all property within this area

• Provide cities, towns and counties with **planning tools**
  • E.g. transfer of densities so that more intense land uses can be located farther away from a military facility
Funding

• Money made available to support military mission sustainability. (This includes general appropriations, grants, and funds to acquire easements, land exchanges or bonding authority for infrastructure projects of benefit to the military done at the state level.)

• “Best Practices” for Allocation of Resources (Money):
  • Appropriations for long-term lease of state trust land to support range operations
  • Appropriations for easements in critical operating area of a military installation
  • Land exchange to assist in facilitating compatible land uses around military facilities
  • Providing tax credits for entities that assist in securing compatible land uses around military facilities (e.g. participation in an agricultural preserve)
Miscellaneous

“Best Practices” for Miscellaneous:

- **Meteorological (MET) towers** that are between 50 and 200 feet in height and located on or within one mile of certain agricultural lands are appropriately marked.

- **Renewable energy incentive districts** must be located in areas that are compatible with commercial and military airspace requirements.

- Additional requirements for **wind energy towers** regarding location and appearance.

- Coordination among state energy office and military installations on new **renewable energy projects and transmission corridors**.

- Communication, coordination and open lines of communication between **civilian and military airports**.
Detailed Information for each WRP State

- Governor’s Military Advisor
- Legislative Efforts
- Administrative efforts
  - Studies
  - Coordination Efforts/Working Groups
  - Executive Orders
  - Buffer efforts
- Map of state with military installations and ranges
Arizona (example)

1978
- Political subdivisions may adopt land use regulations to assure compatible land uses

1986
- Political subdivision land use plans must preserve military airports

1995
- Sound attenuation is required within contours
- Arizona Military Preservation Committee is established
- “Territory in the Vicinity of a Military Airport” defined

2000
- For the first time “compatible land use” is defined (linked to FAA studies)
- Attorney General enforcement
- Reports to other jurisdictions and Arizona Military Preservation Committee
Arizona (Continued)

2001

• Created “compatible land use” for the “High Noise and Accident Potential Zones”
• Cities, Counties, and School Facilities Board must notify military airports of development within the “box”
• Noise attenuation standards for the “box”
• Additional disclosure in public reports

2002

• Clarified definitions, chart uses, footnotes, noise attenuation
• Schools prohibited within High Noise and Accident Potential Zones
• Military Land Exchange Provision (Required voter approval for land exchange)

2003

• Coordination with Military & Civilian Airports (started as a bill, implemented administratively)
2004

• Military Installation Fund Established
• Ancillary military facilities added to same framework as military airports
• Enforcement Change
• Fair Market Value
• Prohibition of Natural Gas Facility within 9 miles of Luke
• Provides disclosure and notification of Military Training Routes (MTRs)
  • Maps created by State Land
  • Disclosure in public reports
  • Land under MTRs are to be recorded
  • Legislative findings that relate to MTRs

2005

• Additional notification to potential property owner
Arizona (Continued)

2006
- Military Restricted Airspace Disclosure
- Hazards Disclosure Report (Hazards include military airports, ancillary military facilities and military training routes)

2008
- Military Electronics Range Disclosure (Fort Huachuca)

2012
- Military Land Exchange – Proposition 119
Arizona (Continued)