



WRP

WESTERN REGIONAL PARTNERSHIP

WRP State Support for Military Testing and Training

OVERVIEW OF STATE LAWS AND EXECUTIVE-LEVEL ADMINISTRATIVE
EFFORTS SUPPORTING THE MILITARY MISSION AND BEST PRACTICES

www.wrpinfo.org

August 2015



ManTech
International Corporation

Western Regional Partnership (WRP)

The mission of the WRP is to provide *a proactive and collaborative framework for senior-policy level Federal, State and Tribal leadership to identify common goals and emerging issues in the states of Arizona, California, Nevada, New Mexico and Utah and to develop solutions that support WRP Partners and protect natural resources, while promoting sustainability, homeland security and military readiness.*

The Value of WRP

WRP develops solutions that support Partners and protect natural resources, while promoting sustainability, homeland security and military readiness. In the West, there are significant military assets, infrastructure systems such as energy, transportation and wildlife ecosystems. Leveraging of resources and linking of efforts help to avoid duplication of efforts and encourages sharing of best practices. WRP Partners benefit from interagency and cross-state collaboration and use of WRP tools such as the Web Mapping Application.

The Purpose of this Document

This document highlights WRP States' laws and executive-level administrative support of the military testing and training mission. It highlights state laws supporting military and aviation coordination as well as outlining DoD encroachment factors and best practices used by the states to address such issues. This document serves as a tool for policy makers to assist in supporting the military testing and training mission within their state in a proactive and collaborative fashion.

For More Information

For more information on WRP please see www.wrpinfo.org. To participate in a WRP Committee or to receive updates, please complete the information under "mailing list" on the website.

Table of Contents

Department of Defense Mission	1
Encroachment Issues for the Department of Defense	3
Summary of State Efforts in Support of Military Testing and Training	6
State Military Committees.....	6
Enhanced Planning, Communication and Notification.....	6
Enhanced Disclosure of Military Operations	8
Funding	8
Enhanced Zoning Restrictions around Military Airports	8
Studies.....	9
Miscellaneous	9
Detailed information on States' Support of Military Testing and Training.....	11
Arizona	12
Legislative	12
Administrative	20
California	24
Legislative	25
Administrative	27
Nevada	30
Legislative	31
Administrative	32
New Mexico.....	35
Legislative	35
Administrative	38
Utah.....	41
Legislative	41
Administrative	42

Department of Defense Mission

The mission of the Department of Defense (DoD) is to *"provide the military forces needed to deter war and to protect the security of our country."* The WRP region is very important to the military; it has extensive training ranges, premier testing facilities and unmatched military air space. For the services, it includes:

- About 40% of the Army's landholdings
- Over 33% of the Navy's landholdings
- 85% of the Marine Corps' airspace; 67% of the Marine Corps' Live Fire Ranges
- Four of the largest Air Force range complexes: Edwards Air Force Base (AFB); Nellis AFB/Creech/Nellis Test and Training Range (NTTR); Luke AFB/Barry M. Goldwater Range East; and Utah Test and Training Range (UTTR)

Military Assets in the WRP Region

To assist with coordination efforts, WRP has posted Military Asset Listing (MAL) summaries for the approximately 71 military assets (installations, ranges, etc.) in the WRP region. Of these:

- 19 are US Air Force
- 15 US Army
- 9 US Marine Corps
- 11 US Navy
- 17 National Guard

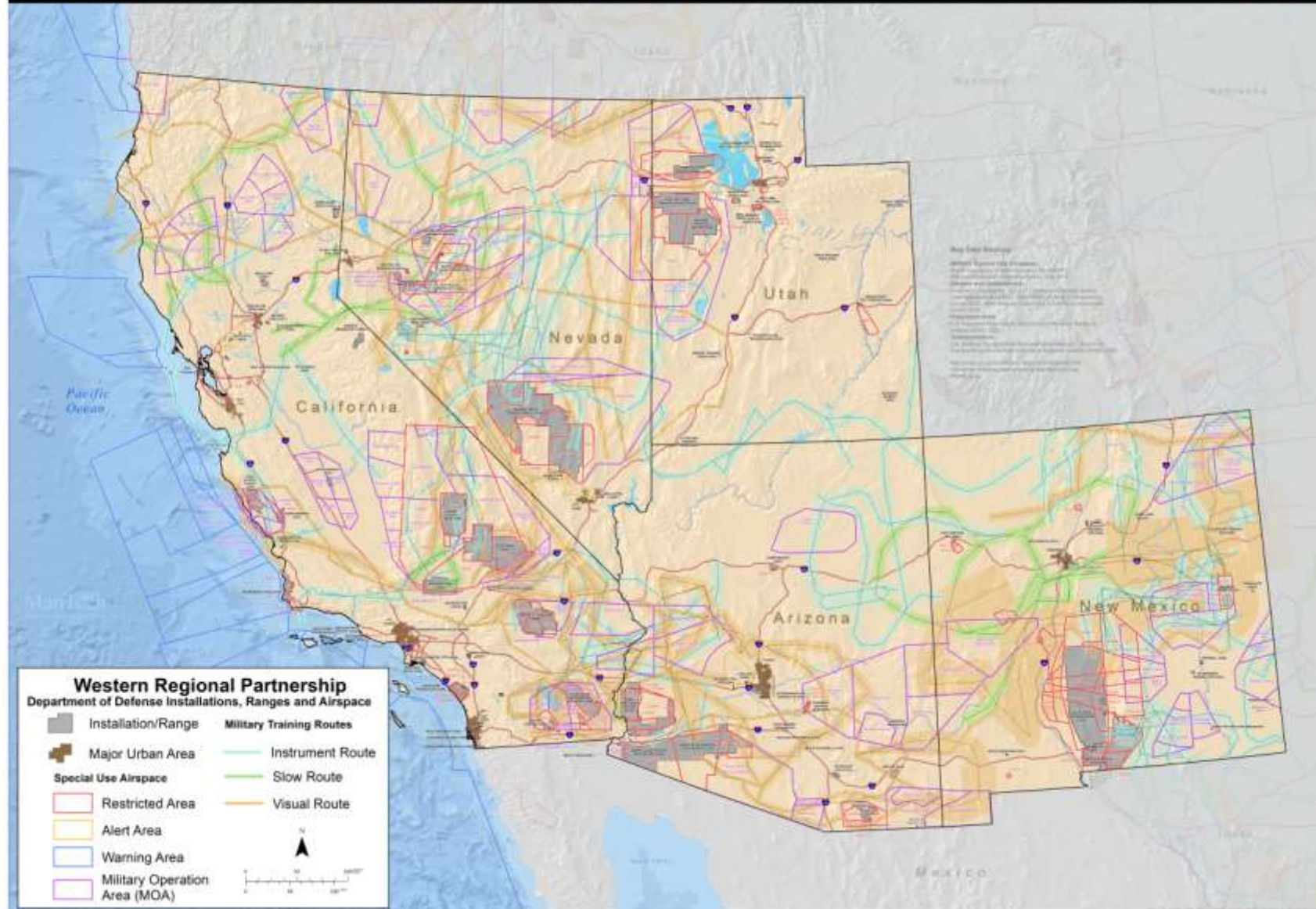
These assets are located in the following WRP States:

- Arizona: 17
- California: 29
- New Mexico: 10
- Nevada: 8
- Utah: 7

There are two audiences for MALs: the policy maker new to military issues and the military-savvy person who wants to have specific military information in a compiled, easily-referenced format. For information regarding specific military installations and ranges in the WRP area please see military summaries available through the WRP website:

<https://wrpinfo.org/Pages/MAL/MilitaryAssets.aspx>

Department of Defense Installations, Ranges and Airspace



Encroachment Issues for the Department of Defense

Military installations and ranges provide the platform for testing and training so that military members are best prepared for times of war.

Encroachment can impact DoD's use of land, sea, airspace, frequency spectrum and other resources; it is the cumulative impact of development that hampers DoD's ability to carry out its testing and training mission. Examples of such challenges in broad categories are listed below:

ENCROACHMENT

Factors and influences, whether external or internal to DoD that constrain or have the potential to inhibit the full access or operational use of the live training and test domain. Examples include, but are not limited to, endangered species and critical habitat, unexploded ordnance and munitions, radio frequency spectrum, maritime or airspace restrictions, air quality, airborne noise, urban growth, physical obstructions, and renewable energy projects

Land

- **Urban Development.** If not planned appropriately, housing and other sensitive development near a military installation's runway may necessitate a change in mission in order to not overfly concentrations of people.
- **Development of renewable energy and energy infrastructure.** Without collaborative planning, certain projects could impact military operations in a number of ways, including: causing radar interference to ground and airborne systems and creating thermal sources that may be detrimental to sensitive testing of weapons systems.
- **Vertical structures located in or beneath low altitude military airspace.** Development under a low-level flight path can impact the military's ability to train pilots or may restrict certain types of testing and training, such as terrain following.
- **Security Issues.** A tall building constructed close to a military installation could create a line of sight into an installation that infringes the installation's security. DoD continues to be concerned about foreign investment in proximity to military testing and training areas, potentially allowing for surveillance and collection and presenting national security and encroachment challenges. For more information please see GAO report 15-149: <http://gao.gov/products/GAO-15-149>
- **Range Transients.** Unannounced or unauthorized presence of individuals, livestock, aircraft, or watercraft transiting ranges.

Frequency Spectrum

- **Demand for frequency spectrum.** The testing and training mission depends heavily on access to portions of the electromagnetic spectrum for telemetering functions such as: navigation and voice communications (aircraft, convoy, etc.); testing and training support (discharging flares, aircraft weapons radar, aircraft and weapons-sensors, threat

simulators) and GPS. At the same time, there is an increase in both DoD's need and public demand for wireless technology and services.

Airspace

- **Airspace.** Airspace is a finite resource; increases in aviation operations and types of users along with changes in land use patterns can impact aviation missions. For more information please see WRP Airspace Sustainability Overview Report.

Regulatory/Legal

- **Threatened & Endangered Species/Critical Habitat.** It is estimated that nationally over 300 federally listed species are on lands managed by DoD exceeding the number on BLM-managed land. This can impact all phases of testing and training through constraints from regulatory requirements and/or Military Service guidance to manage at risk, threatened, or endangered species or associated habitat.
- **Munitions Restrictions.** Regulatory requirements and/or Military Service guidance on munitions use, munitions constituents, or residue to include range clearance. *(Note: Some constraints on munitions use may be attributable to other encroachment factors such as Noise, Air Quality, Water Quality, and Transients.)*
- **Maritime Sustainability.** Regulatory requirements and/or Military Service guidance to protect and sustain the maritime environment. This includes marine mammals and sonar issues.
- **Air Quality.** Regulatory requirements and/or Military Service guidance to maintain air quality. This includes any restrictions placed on prescribed burning.
- **Noise Restrictions.** Mitigation measures for unwanted sound generated from the operation of military weapons or weapon systems. These restrictions affect people, animals (domestic or wild), and structures on or in proximity to military test and training areas. Noise restrictions do not include occupational noise exposure or underwater sound.
- **Cultural Resources.** Legal or regulatory requirements or Military Service guidance to manage and maintain cultural resources.
- **Water Quality/Supply.** Legal or regulatory requirements or Military Service guidance to manage water quality and supply.
- **Wetlands.** Legal or regulatory requirements or Military Service guidance to manage wetlands.

Examples of Encroachment

			
<p><u>Land</u></p> <ul style="list-style-type: none"> • Population Growth • Development (Residential, Industrial and Commercial Development) • Urban Sprawl • Transportation, Energy and Transmission Infrastructure 	<p><u>Sea</u></p> <ul style="list-style-type: none"> • Commercial Fishing Grounds, Offshore mineral exploration and extraction in designated military maritime operations • Merchant Shipping Lanes and navigation systems transect and expand into areas designated for military maritime operations • Off-shore energy development 	<p><u>Airspace</u></p> <ul style="list-style-type: none"> • Redesign of airspace • Obstructions • Light Emissions • Government Regulations • Commercial flight corridors and navigation systems transect and expand into military special use airspace 	<p><u>Frequency Spectrum</u></p> <ul style="list-style-type: none"> • Increase in Commercial Bandwidth and Satellite Communications Access • Increase in military data requirements • Spectrum Reallocation

Encroachment may impact the military mission by causing:

- Inability to realistically test and train
- Increased Costs
- Delay, rescheduling or cancellation of a particular mission
- Workarounds
- Self-imposed restrictions

The military will continue to develop new weapons and new tactics in order to maintain combat readiness. It is critical that military men and women have realistic training environments. Statewide support of military installations has a profound effect on this nation's security.

Successful State Support of Military Testing and Training

Many tools have been developed to equip the military and communities to proactively work together on these issues. Tools developed in partnership at the state and local level can be very effective. For the states, military installations represent a sustainable benefit to their economies and their local communities, one that is typically consistent and unaffected by market forces and most economic cycles. In addition, the installations contribute to national security and military members tirelessly provide many volunteer hours each year in support of local communities.

Summary of State Efforts in Support of Military Testing and Training

This summary of State efforts to support military testing and training provides information on states' legislative and administrative actions by category. The document is divided into seven categories. Within each of the categories are the various "best practices" states have implemented. This information does not reference particular states.

The seven categories along with recommendations of "best practices" in each category are listed below.

1. State Military Committees

Committee, Commission 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" for State Military Committees:

- Each state's political climate is different; the entity to best create the committee in a given state will vary depending on that state's politics.
- Committees should:
 - Not be related to the BRAC process but instead focus on preserving the state's current and future military mission.
 - Meet regularly and complete action items.
 - Proactively assist with coordination between the state's military installations and ranges and such entities as the Legislature, Governor, Congressional delegation, and state and local leaders.
 - Focus on study areas such as one or more of the following:
 - Identifying existing and potential impacts of encroachment on military installations along with potential State and community actions that can minimize such impacts.
 - Recommending executive, legislative and federal actions necessary to sustain and grow installations.

2. Enhanced Planning, Communication and Notification

- *Creates or expands procedural requirements to provide planning and zoning information to military installations.*
- *Creates a specific mechanism for military installations to make comments on how the proposed development (or planning change) affects the military mission.*

"Best Practices" for Enhanced Planning Communication and Notification:

- Helpful statutes require those engaged in planning and developing projects to timely send information on their projects to military installations. Affected military installations must have sufficient time to respond to planning issues, taking into

account the military's chain-of-command and the time needed to provide a quality response. The best statutes require at least 60 days' notice to affected military installations in advance of any public hearing, meeting or other process concerning the project.

- An important factor in notification is determining the area that defines which military installations are affected and will therefore receive planning information. Although a larger notification zone would appear preferable, it is important that the zone not be so large that installations do not have the capacity to respond to such requests. The size of the zone varies depending on the individual military mission. The best notification zone contains the military installation, its noise contours and its major flight paths, approximately a five- to ten-mile zone in each direction.
- Notification needs to extend to areas beyond the immediate surroundings to other important areas. The best notification zones also include special use airspace and land beneath a low-level flight path.
- The entity required to notify military installations of planning projects is in most cases the city, town or county; the best notification also includes school boards.
- The best statutes direct all state agencies involved with land use planning to ensure compatible development with the state's military installations.
- Governing entities should identify military boundaries within their general/comprehensive plans.
- One state has required its Fish and Game Commission to adopt a master plan and confer with the United States Navy regarding its activities.
- One state requires a local agency to forward a copy of an application to install a small wind energy system within the restricted airspace to the governing authority of that airspace.
- It helps when states offer suggestions or recommendations of the kind of input they are seeking from the military in their review of proposed land use changes. This information has helped guide installations to provide information the community finds beneficial so that decisions are made with full information.
- The best laws also provide that notices are sent to a particular point or points of contact by some method at least as rapid as first-class mail to assist the installation's timely receipt.
- Some states require planning entities to review analysis by military installations on proposed land use changes before making decisions and include this information as part of the public record. The best of these presume the development is not "compatible" if the military installation does not provide comment.
- Establish noise attenuation standards in areas around military facilities.
- Cities, towns and counties need the right planning tools, including conservation tools that do not require funding, such as provisions allowing density transfer so more intense land uses can be located farther from a military facility.
- Requirement that applicants for certain electrical power facilities must inform the Department of Defense of any proposed project *"within 1,000 feet of a military*

installation, or [that] lie within special use airspace or beneath a low-level flight path" and include information from DoD regarding the potential impact in its application.

3. Enhanced Disclosure of Military Operations

Requirements that prospective property owners be notified in advance of their purchase that the land is near a military facility and/or may be affected by aspects of military activities (noise, etc.)

"Best Practices" for Enhanced Disclosure:

- Only one state has acted in this category. The important provisions adopted include development of a map of "territory in the vicinity" of military airports and their ancillary military facilities. The "territory" is a large area that includes the military's contours lines, arrival and departure corridors and major flight paths. Within these areas, disclosure of military facilities must be provided on the first page of public reports for both subdivided and un-subdivided lands. Disclosure is also provided through the title report and deeds for all property within this area.
- Disclosure is also provided in public reports for any lots, parcels, or fractional interests within subdivisions if they are located under a military training route, restricted airspace, military electronics range.

4. 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):

- The best state approach to allocation of resources includes:
 - 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).

5. Enhanced Zoning Restrictions around Military Airports

- *Established definitions of "compatible" and accompanying zoning restrictions or building standards.*
- *Gives land in the vicinity of any DoD installation (such as a military airfield) an elevated status as land of special concern or other such designation, creating*

additional procedural or other requirements applicable to the development and/or use of such land.

"Best Practices" for Enhanced Zoning Restrictions:

- Many states 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 facilities' contours. This approach also provides for a mechanism that allows military and community representatives to agree to a use that is not listed, enabling the community to include additional criteria that are not listed.

6. Studies

Statewide studies conducted to support military activities.

"Best Practices" for Studies:

- The best state studies help bridge efforts between military and community. For example, the best studies help communities better understand how to best plan around military facilities and describe and quantify the military's economic benefits. Studies should be collaborative land use planning efforts between military installations, affected land use planning authorities and regional governments. Several states have initiated a statewide or State-led Joint Land Use Study with support from the Department of Defense, Office of Economic Adjustment.

7. Miscellaneous

Military sustainability items that do not fit in any of the above categories.

"Best Practices" for Miscellaneous:

- Require that meteorological (MET) towers between 50 and 200 feet in height and located on or within one mile of certain agricultural lands are marked with alternating bands of aviation orange, spherical marker balls, and a light at the top.
- Provide that renewable energy incentive districts must be located in areas that are compatible with commercial and military airspace requirements.
- Provide for communication, coordination and open lines of communication between civilian and military airports.
- Provide additional requirements for wind energy towers regarding location and appearance.
- Request coordination among state energy office and military installations on new renewable energy projects and transmission corridors.
- State agencies that develop and implement energy and environmental policies are required to consider impacts on Department of Defense's energy security and military mission goals when developing or implementing policies. A Liaison will

coordinate inclusion of the DoD in the development of state energy and environmental policy.

Conclusion

Military missions greatly vary in each state as do state approaches to preserve military missions. 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.

Quick Overview of States' Support of Military Testing and Training by Category

Category	States				
	Arizona	California	Nevada	New Mexico	Utah
State military committees	X	X	X	X	X
Enhanced planning, communication and notification	X	X	X	X	
Enhanced disclosure of military operations	X				
Funding	X			X	X
Enhanced zoning restrictions	X				
Studies	X	X	X	X	X
Miscellaneous	X	X	X	X	

**DETAILED INFORMATION ON STATES' SUPPORT OF
MILITARY TESTING AND TRAINING**

Governor's Military Advisor: Joe Cuffari (602) 542-3391 ▪ www.governor.state.az.us
Arizona State Legislature ▪ www.azleg.state.az.us

Legislative

Land Use Planning Around Military Airports/Enhanced Zoning Restrictions

A series of laws dating back to 1978 provide statutory guidance on compatible land use planning around the state's five military airports by enforcing planning, zoning, and noise requirements. Cities, towns, counties and schools containing territory within the vicinity of a military airport must consult with, advise, and provide these military airports with the opportunity to comment on the use of land surrounding their installation. Arizona established procedures to ensure the military has a voice in local zoning issues by providing enhanced notification to the military so that the military could in turn provide technical information to the governing authorities, allowing the local jurisdictions to make better-informed planning decisions. These efforts bridge the communication gap between the military and local governments and enhance planning decisions. Arizona's laws have been recognized by the National Governor's Association Center for Best Practices.

- Established "high noise or accident potential zone" (generally the noise contours and the arrival/departure corridors) requirements around each military airport and their ancillary military facility
 - Cities, towns and counties shall adopt and enforce zoning regulations to *"assure development compatible with the high noise and accident potential generated by military airport and ancillary military facility operations that have or may have an adverse effect on public health and safety."* The Act mandates the incorporation of sound attenuation standards into all local building codes.
 - Defined "compatible" land use matrix (A.R.S. §28-8481 (J)) within high noise or accident potential Zones. (One military airport is to use their Joint Land Use Study in order to determine compatibility.)
 - Cities, towns and counties must send a copy of general/comprehensive plan or an element or major amendment of the general plan to the attorney general at least 60 days before notice of public hearing.
 - Cities, towns and counties must provide notice to the attorney general within three days of approval, adoption, or readoption of the general/comprehensive plan.
 - The attorney general has 25 days after receipt of the plan to determine if it is compatible with the land use matrix set forth in A.R.S. §28-8481 (J).
 - Governing body has thirty days after receipt of notice from attorney general to reconsider their actions. If actions are reaffirmed, the attorney general may institute a civil action.

- In order to facilitate development set forth in the compatibility land use matrix (A.R.S. §28-8481 (J)) a county may approve transfer of development rights and enter into an intergovernmental agreement with another political subdivision.
- Provides a “fair market value” of minimum one residential dwelling unit per acre for political subdivisions, state or an agency or instrument of the United States when purchasing land or development rights.
- Prohibits local jurisdictions from permitting or approving new divisions of land zoned for residential use if the division would result in a lot, parcel or fractional interest of four acres or less. A waiver may be granted.
- Applications for public reports must include a statement that the property is located in a high noise or accident potential zone. (This is in addition to a statement that the property is located in a territory in the vicinity.)
- Established “territory in the vicinity” (a larger area designed to capture major military operating areas) requirements for military airports and ancillary military facilities:
 - To the extent possible, the State Land Department is to prepare a map with legal description of the territory in the vicinity of ancillary military facility and the accompanying high noise or accident potential zone, accident potential zones ones and two. This information is to be sent to the appropriate county, made available to the public at the State Land Department and the Department of Real Estate.
 - Establishes sound attenuation requirements for new residential development; portions of buildings where the public is received; office areas in new buildings; schools; libraries and churches.
 - Cities, Towns and Counties must:
 - Include in the land use element of their general and comprehensive plans consideration of military airport or ancillary military facility operations;
 - Provide the military airport notice and opportunity to provide comments on general and comprehensive plans or amendments prior to adoption;
 - Identify the boundaries of any high noise or accident potential zone in their general and comprehensive plans;
 - Provide the military airport notice of public hearings for zoning changes. If the military airport provides comments concerning the compatibility of the proposed rezoning prior to the first hearing, the governing body must hold a public hearing and consider the comments before a final decision is made. (This insures that plans are not adopted on a consent agenda.)
 - The School Facilities Board must notify military airports of hearings regarding any applications for School Facilities Funding. Any comments or analysis

received from the military must be considered and analyzed prior to a final decision.

- Department of Real Estate and local government shall request and maintain map of military operations and military airport contact information and make available to the public.
- Disclosure regarding transfer or sale of land: For residential property, statement must be on first page of public report and include, if available, map of military operations.
- The Department of Real Estate shall execute and record a document with the appropriate county recorder for land with the following disclosure: *"this property is located within territory in the vicinity of a military airport or ancillary military facility and may be subject to increased noise and accident potential."*
- Authorizes a political subdivision to *"acquire, by exchange, purchase, lease, donation, devise or condemnation, land or interests in land for the continued operation of a military airport or ancillary military facility."*
- Cities, towns and counties must identify territory in the vicinity of a military airport or ancillary military facility and high noise or accident potential zones boundaries within their general/comprehensive plan. The legislature deems that compatibility with the continued operation of a military airport or ancillary military facility is a matter of statewide concern.

Statute information can be found on this website

<http://www.azleg.gov/ArizonaRevisedStatutes.asp> for the following:

A.R.S. § 9-461.05; 9-461.06; 9-462.04; 11-804; 11-805; 11-814; 11-817; 15-2002; 15-2041; 28-8461; 28-8481; 28-8482; 28-8483; 28-8484; 32-2113; 32-2181; 32-2183; 32-2195; 32-2195.03; 33-422; and 37-102.

Military Training Routes

Military training routes are defined in statute as low level routes used by Department of Defense aircraft and at speeds in excess of two hundred fifty knots indicated air speed. The definition is linked to the map created by the State Land Department and posted on the Department of Real Estate's website. The Real Estate Commissioner must execute and record in each county recorder's office a document disclosing the land under military training routes delineated by the State Land Department. This disclosure includes a legal description of the military training routes. Public Reports issued after December 31, 2004 must disclose if any lots, parcels, or fractional interests within the subdivision are under a military training route as delineated by the State Land Department.

A.R.S. §28-8461:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/28/08461.htm&Title=28&DocType=ARS>

A.R.S. §32-2114:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/32/02114.htm&Title=32&DocType=ARS>

A.R.S. §32-2183.05:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02183-05.htm&Title=32&DocType=ARS>

Military Electronics Range Disclosure (Fort Huachuca)

A city, town or county that contains any portion of a military electronics range (MER) as delineated in the military electronics range map prepared by the state Land Department is required to notify the military installation commander when certain land use applications are deemed complete. The base commander may submit comments regarding a proposed land use change. Additionally, land sellers must disclose whether the marketed land is located in a MER.

A.R.S. §9-500.28:

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/9/00500-28.htm&CiRestriction=%22military+electronics%22>

A.R.S. §11-818:

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/11/00818.htm&CiRestriction=%22military+electronics%22>

A.R.S. §32-2114.01:

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/32/02114-01.htm&CiRestriction=%22military+electronics%22>

A.R.S. §32-2115:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/32/02115.htm&Title=32&DocType=ARS>

A.R.S. §32-2183:

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/32/02183.htm&CiRestriction=%22military+electronics%22>

A.R.S. §32-2183.05.:

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/32/02183-05.htm&CiRestriction=%22military+electronics%22>

A.R.S. §33-422:

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/33/00422.htm&CiRestriction=%22military+electronics%22>

A.R.S. §37-102:

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/37/00102.htm&CiRestriction=%22military+electronics%22>

Military Restricted Airspace Disclosure

The State Land Department prepared a military restricted airspace map based on information contained in the "*most current Department of Transportation publication that is entitled Aeronautical Chart.*" The map is available to the public at the State Land Department and Real Estate Department in both print and electronic formats. The Real Estate Commissioner executes and records in the county recorder's office the land under

restricted airspace and provides a legal description of the restricted air space. Public reports provided to the buyer of property located under restricted air space must disclose this fact before the sale is final.

A.R.S. §32-2183.06:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02183-06.htm&Title=32&DocType=ARS>

Hazard Disclosure Report

A.R.S. §33-423 created a Hazard Disclosure Report for real property based on officially adopted and electronically posted or readily available governmental maps or information. The report may be distributed to buyers and sellers. Hazards specified in the report include military airports or ancillary military facilities, and military training routes.

A.R.S. §33-423:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/33/00423.htm&Title=33&DocType=ARS>

Military Preservation/State Trust Land Exchange

A.R.S. §37-604 allows the State Land Department to exchange state land for public land *"to improve the management of state lands for the purpose of sale or lease or conversion to public use of state lands or to assist in preserving and protecting military facilities in this state."* Exchanges may be made for land owned or administered by other state agencies, counties, municipalities or the United States or its agencies.

Arizona voters approved Proposition 119 (SCR 1001 and SB 1001, 2012) in the November 2012 election to amend the Constitution to permit government-to-government land exchanges to protect military facilities (or for proper management, protection or conservation to public use of lands). Proposition 119 requires various steps in order for a state trust land exchange to occur, providing added transparency on the state land exchange process and including voter approval for each state trust land exchange. Notice will be provided to the military of any potential state trust land exchange. "Military Facilities" are defined to include: military airports, ancillary military facilities, military training routes, high noise or accident potential zones and territory in the vicinity, military electronics ranges, military restricted airspace, the Barry M. Goldwater range, and military reservations or other real property owned by, leased to, designated for, reserved to or under the jurisdiction of an active unit of the uniformed services or any Reserve or National Guard component of the United States. For more information please see:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/const/10/12.htm>

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/37/00604.htm&Title=37&DocType=ARS>

Military Airport Land Exchange for Certain Private Lands

A.R.S. §37-1201 provides that it is the “policy of the legislature to promote the preservation of military airports in this state by facilitating the conservation of open space around military airports, and thereby to protect and enhance the irreplaceable economic benefit that military airports directly and indirectly contribute to the communities and citizens of this state.” A.R.S. §37-1221 - -1224 establishes the Military Airport Land Exchange Fund and provisions. Arizona State Land Department, subject to the availability of funds, is to establish the Military Airport Land Exchange section to facilitate exchanges within Arizona of federal land for private land in territory in the vicinity of a military airport (specifically defined areas). A private owner of land that is at least partly in such an area may apply for assistance in preparing a proposal to exchange that land for land owned by a federal agency if the private person’s land meets certain criteria. The sections define what a complete application shall include, and the process which the Department must follow if the application is to be accepted or rejected. The Department may accept and spend grants, gifts and contributions from individuals, businesses, cities, towns, counties, other political subdivisions of this state, other state agencies, federal agencies and any other sources to hire staff and support the operations of the section.

A.R.S. §37-1201, 1202, §37- 1221--1224 can be found through this link:

<http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=37>

Natural Gas Storage Facility Restriction

A.R.S. §49-1302 prohibits the location of a natural gas facility within nine miles of Luke Air Force Base. The law included a legislative findings section that states such activities “*are subject to state regulation as provided by 49 United States Code 60104c.*”

A.R.S. §49-1302:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/49/01302.htm&Title=49&DocType=ARS>

Arizona Military Affairs Commission (MAC)

A.R.S. § 26-261 establishes the Military Affairs Commission (MAC) with eighteen voting members with six-year terms and four non-voting members. MAC is staffed by AZ Department of Emergency and Military Affairs (DEMA). The MAC’s responsibilities include:

- Meet annually
- Meet regularly with Gov., President of the Senate, Speaker of the House to provide updates and recommendations
- Meet annually with legislative committees with jurisdiction over military issues
- Advise the Gov. and Legislature on matters affecting operational viability of Arizona military facilities
- Develop Military Installation Fund (MIF) criteria, review MIF applications and make annual MIF award recommendations to DEMA

- Coordinate among military, Congressional delegation, Gov., Legislature and state and local leaders
- Recommend executive, legislative and federal actions to sustain military operations and enhance the state's efforts to respond to BRAC and new missions
- Study military issues
- Sunsets on July 1, 2022

A.R.S. § 26-261:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/26/00261.htm&Title=26&DocType=ARS>

Military Installation Fund (MIF)

A.R.S. §26-262 establishes the military installation fund. The fund is to be administered by DEMA and they are to work with the MAC to adopt procedures to receive and evaluate applications. The fund received annual appropriations (from the general fund) of \$4.825 million, but beginning in 2008 the fund has been diverted to address the state budget shortfalls. In 2014, \$2.5 million was appropriated for MIF efforts.

Eighty percent of the fund is to be allocated for:

- Acquisition of private property; real estate and rights to support a military installation; Real estate, property rights and related infrastructure that is vital to the preservation or enhancement of a military installation
- Structural renovations or construction of building modifications or improvements that mitigate or attenuate impacts in High Noise or Accident Potential Zones
- Removal of structures or improvements that are necessary for acquisition of private property for the purpose of preserving a military installation
- Management of acquired property that is necessary to preserve and enhance military missions and military installations

The remaining 20% shall and up to an additional 20% of the 80% may be allocated to cities, towns and counties for the purpose of acquiring private land for military installation preservation and enhancement projects.

A.R.S. §26-262:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/26/00262.htm&Title=26&DocType=ARS>

Real Estate Disclosure Law

A.R.S. §§ 32-2113 and 32-2114 require the Department of Real Estate to execute and record a document, in each county recorder's office, containing the following disclosure: *"this property is located within territory in the vicinity of a military airport or ancillary military facility and may be subject to increased noise and accident potential."* Land under a military training route (as defined in § 28-8461) must also be disclosed.

A.R.S. § 32-2115 requires the Department of Real Estate to post on its website the following maps prepared by the State Land Department:

- (1) Military training route map.
- (2) Restricted air space map.
- (3) Military electronics range of a military installation.

A.R.S. § 28-8484 Military Airport Disclosure; Residential Property

Disclosure regarding transfer or sale of land: Statement must be on first page of public report and include, if available, map of military operations.

- A seller of residential real estate must provide a written disclosure prior to the transfer of title if the property is located in territory within the vicinity of a military airport or ancillary military facility as shown on a map prepared by the State Land Department, including training routes and restricted airspace.

A.R.S. § 32-2114.01 requires the Real Estate Commissioner to execute, in each county, a document that records military electronics ranges as delineated in the military electronics range map prepared by the State Land Department, applicable to land contained in a military electronics range and discloses that the land is contained in a military electronics range.

A.R.S. § 28-8483 authorizes the Real Estate Department and political subdivisions that have territory in the vicinity of a military airport to request, from each military airport in the state, a registry of information including maps of military flight operations and a list of contact persons at each military airport who are knowledgeable about the impacts of military flight operations at the military airport. The Real Estate Department and political subdivisions must maintain the registry of information provided by the military airport and make the registry available to the public on request.

A.R.S. § 32-2113:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02113.htm&Title=32&DocType=ARS>

A.R.S. § 32-2114:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02114.htm&Title=32&DocType=ARS>

A.R.S. § 28-8461:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/28/08461.htm&Title=28&DocType=ARS>

A.R.S. § 32-2115:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02115.htm&Title=32&DocType=ARS>

A.R.S. § 28-8484:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/28/08484.htm&Title=28&DocType=ARS>

A.R.S. § 32-2114.01:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02114-01.htm&Title=32&DocType=ARS>

A.R.S. § 28-8483:

<http://www.azleg.state.az.us/ars/28/08483.htm>

A.R.S. § 9-500.28:

<http://www.azleg.state.az.us/ars/9/00500-28.htm>

A.R.S. § 11-812:

<http://www.azleg.state.az.us/ars/11/00812.htm>

Renewable Energy Incentive Districts (Compatible with Military Mission)

A.R.S. § 9-499.14 and A.R.S. § 11-254.07 authorize cities, counties and towns to designate a renewable energy incentive district in areas that are compatible with commercial and military airspace requirements.

A.R.S. § 9-499.14:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/9/00499-14.htm&Title=9&DocType=ARS>

A.R.S. § 11-254.07:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/11/00254-07.htm&Title=11&DocType=ARS>

Agriculture Preservation District

A.R.S. §48-5701-§48-5710 sets provisions to form and operate Agriculture Preservation Districts within ten miles of the boundary of a military airport. The provisions include:

- Purpose, procedures and powers of the district
- The establishment and requirements for governing board membership.
- Mechanism to receive tax credits for participating in the district.
- Mechanism to designate value of the tax credit
- Appropriations (which was later reduced due to budget issues but funding remained for Department of Commerce to conduct a land use plan around Luke Air Force Base.)

A.R.S. §48-5701-§48-5710 can be found through this link:

<http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=48>

Administrative

Sustainment of Arizona's Military Installations

Executive Order 2014-02, regarding the Sustainment of Arizona's Military Installations, directs the Military Affairs Commission "to develop strategies and provide recommendations on issues impacting Arizona's military installations." The Commission is to:

- Engage with chambers of commerce, local military affairs committees and business leaders
- Recommend executive, legislative and federal actions
 - To sustain current military operations in the State
 - Enhance the State's preparedness for potential new missions
 - Provide additional value to the DoD
 - Prevent closure or downsizing of installations
- Determine continued viability of installations, training routes, restricted airspace, ranges or other areas under the jurisdiction of the active duty military or reserves
- Identify mission encroachment obstacles, such as urban growth, land use and airspace restrictions
- Identify links among the existing mission functions and critical objectives in the most recent Quadrennial Defense Review Report
- Determine possible State actions to assist installations in adopting new capacity or obtaining new or expanded missions
- Recommend State actions at the federal level to demonstrate support for existing installations
- Develop an independent estimate of economic and fiscal benefits of installations

For more information please see:

<http://azmemory.azlibrary.gov/cdm/singleitem/collection/execorders/id/733/rec/1>

Coordination of Military and Civilian Airports

Established procedures to allow for communication and open lines between civilian and military airports. The State Department of Transportation, Aeronautics Division requires airport sponsor to include a military representative on the Planning Advisory Committee (PAC). Arizona Military Airspace Group will include a member of the Arizona Airports Association, and vice versa.

Economic Study of Arizona's Principal Military Operations

A study titled "*Economic Impact of Arizona's Principal Military Operations*," was commissioned by the communities of Glendale, Avondale, Goodyear, Litchfield Park, Peoria, Phoenix, Surprise, Tucson, Wickenburg, and Yuma to document the economic impact of Arizona's active military facilities. It was completed by The Maguire Company in collaboration with ESI Corporation. Released in May 2002, the study concluded that the military industry's economic and fiscal impacts are substantial and represent a key component of the state's economy. A second Maguire Study, completed in 2008, updated the former study and concluded that the military industry provides substantial, stable employment, draws on the same private, non-governmental vendors and suppliers as many private commercial enterprises in the state, and serves as an important building block in the state's overall economy. A third Maguire Study has been commissioned and is expected to be completed in late 2015.

For more information please see:

- 2008 Economic Impact of Arizona's Principal Military Operations
http://www.glendaleaz.com/lukeafb/documents/military_econ_impact_exec_summary.pdf
- 2002 Economic Study of Arizona's Principal Military Operations
<http://www.azdema.gov/MIF%20Website%20Files/pdf/Maguire%20Study%20in%20Full.pdf>

Arizona Military Regional Compatibility Project

This planning effort began as a result of legislation enacted in 2001 (S.B. 1120) that appropriated funds to develop comprehensive land use plans in the noise and accident potential zones surrounding active military airports. The project gained support and funding from the United States Department of Defense, Office of Economic Adjustment. Planning efforts are complete for the area around Luke Air Force Base, Luke Auxiliary Field #1, Davis-Monthan Air Force Base, Barry M. Goldwater Gunnery Range/Gila Bend Auxiliary Field, Marine Corp Air Station, Yuma, and Fort Huachuca. For more information please see: Arizona Military Regional Compatibility Project website
<http://www.azdema.gov/MIF%20Website%20Files/compatibility.html>

Arizona Commanders' Summit (ACS)

Military Commanders in Arizona meet twice per year to develop a better understanding of each other's military mission and the problems they encounter. The development of a "One Voice" approach to address operational issues such as encroachment, community relations, airspace, and environmental concerns has proven effective. This interaction between Installation Commanders and their staffs has been instrumental in developing joint use of valuable air and ground training assets and airspace.

ACS Subcommittee on Sustainment Issues

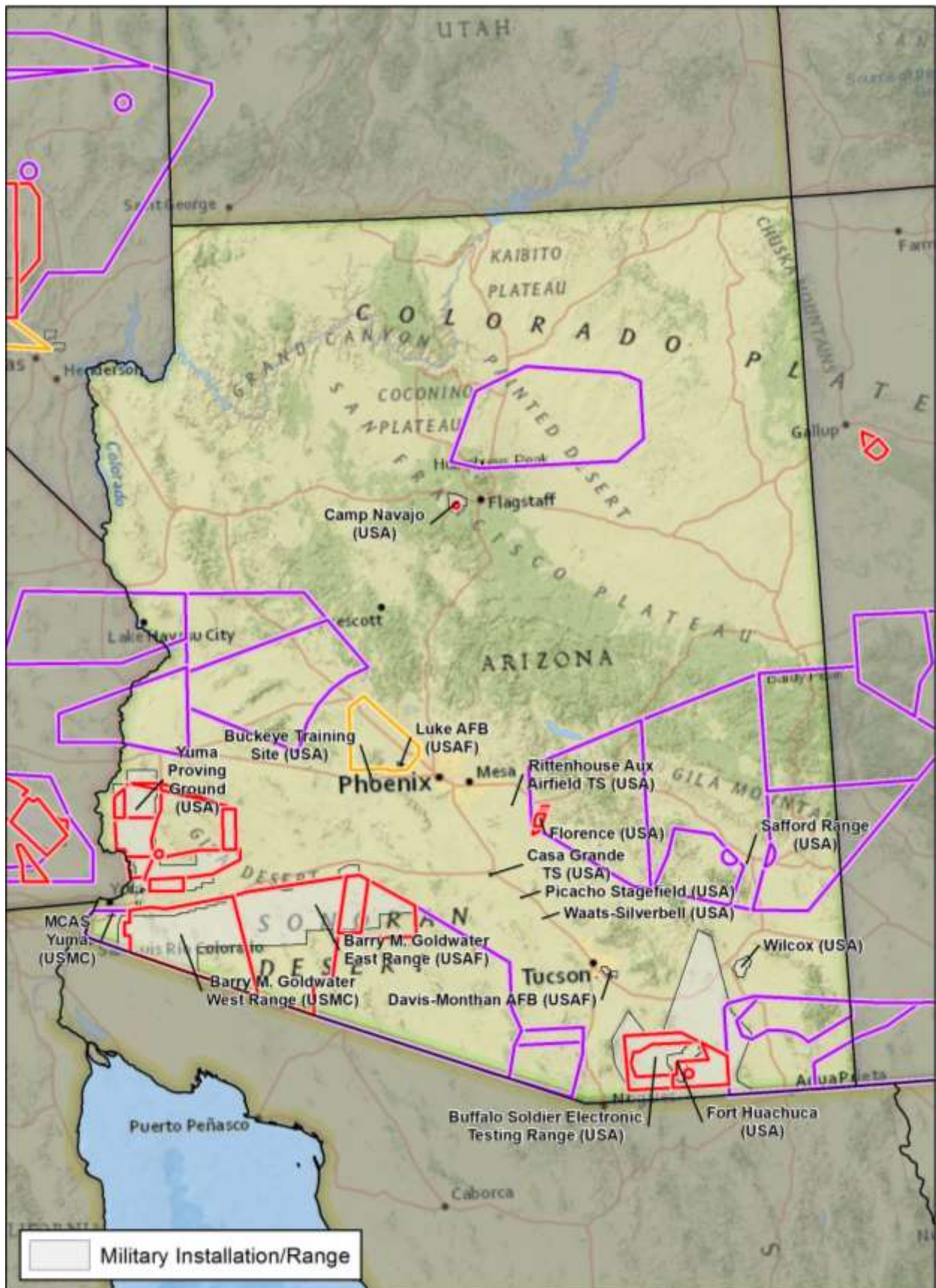
Working group that meets as needed with Arizona military sustainment professionals to address issues of common concern.

Arizona Military Airspace Working Group (AMAWG)

The Arizona Military Airspace Working Group (AMAWG) is an informal organization, the charter of which is to ensure efficient and safe utilization of Military Special Use Airspace permitting users to accomplish their assigned missions. The AMAWG is also committed to developing operational procedures that have a minimal impact on civilians and other aviation entities affected by military flight training. Procedures were established to allow for communication and open lines between civilian and military airports. The Arizona State Department of Transportation, Aeronautics Division, requires airport sponsors to include a military representative on the Planning Advisory Committee (PAC) for all Airport Master Plans. In a reciprocal manner, an AMAWG representative participates as a member of the Arizona Airports Association, and vice versa.

Barry M. Goldwater Range Executive Council (BEC)

Barry M. Goldwater Range (BMGR) Executive Council (BEC) was formed and the charter signed in 2001. This council brings state and federal agencies together in collaborative management to enhance the natural and cultural resources on the BMGR. While the BEC initially focused on range-only issues, the synergies experienced by the BEC participants resulted in practical contemplation and resolution of many other issues of common concern.



California

Deputy Cabinet Secretary/Senior Advisor/Advisor for Military Affairs: Wade Crowfoot
(916) 322-2318 ▪ <http://gov.ca.gov/home.php>

The California Legislature ▪ <http://www.leginfo.ca.gov/>

Legislative

Land Use Planning Around Military Installations

California Government Code §65302 requires cities and counties, when preparing the land use element of their comprehensive plans, to consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

CA Govt. Code §65302:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65300-65303.4>

Enhanced Planning Communication and Notification

California Public Resources Code §21098, relating to the California Environmental Quality Act (CEQA), requires that if the military notifies the lead agency regarding specific boundaries of a low-level flight path, military impact zone, or special use airspace, the lead agency shall provide notice to the military of projects within two miles of a military installation if the project is within those boundaries and if: (1) the project includes a general plan amendment; (2) the project is of statewide, regional, or area-wide significance; or (3) the project is required to be referred to the airport land use commission, or appropriately designated body.

CA Pub. Res. Code §21098:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=21001-22000&file=21080-21098>

California Government Code §65352 establishes that, prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to the branches of the United States Armed Forces that have provided the Office of Planning and Research with a California mailing address when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path, provided that the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

CA Govt. Code §65352:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65350-65362>

Under California Government Code §65940, state and local agencies shall require applicants to identify if a proposed project is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path or within special use airspace and within an urbanized area. After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path, the public agency shall provide a copy of the complete application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications. Upon receipt of a copy of the application, any branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.

CA Govt. Code §65940:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65940-65945.7>

Coordination with DoD regarding Energy Projects

California Government Code Section §65040.7 (added by SB 1409, Ch. 617, 2012) requires the California Office of Planning and Research (OPR) to identify which state agencies develop and implement energy and environmental policies that directly affect the Department of Defense's energy security and military mission goals. The identified agencies would in turn be required to consider those impacts when developing or implementing their policies. The OPR will serve as a liaison to coordinate inclusion of the DoD in the development of state energy and environmental policy.

CA Govt. Code §65040.7:

http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_1401-1450/sb_1409_bill_20120927_chaptered.html

California Public Resources Code Section §25519.5 (added by SBX1 2, Ch. 1, 2011) requires applicants to the Public Utilities Commission for certain electrical power facilities, who must already provide notice to various affected entities, to also inform the Department of Defense of any proposed project "*within 1,000 feet of a military installation, or [that] lie within special use airspace or beneath a low-level flight path.*" Additionally, if DoD provides the applicant with information regarding potential impacts on national security, including impacts on land, sea and airspace for conducting operations, training, research, development, testing and evaluations of weapons, sensors and tactics, the applicant must include DoD's information in its application or, if the information is received after the application is filed, forward the information to the Public Utilities Commission on receipt.

CA Govt. Code §25519.5:

http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sbx1_2_bill_20110412_chaptered.html

MET Tower Notification

Section 21417 of the Public Utilities Code requires that meteorological (MET) towers erected after January 1, 2013 that are between 50 and 200 feet in height and located on or within one mile of certain agricultural lands are marked with alternating bands of aviation orange, spherical marker balls, and a light at the top. The section sunsets January 1, 2018.

California Public Utilities Code § 21417: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=puc&group=21001-22000&file=21401-21417>

California Marine Life Protection Act

California Fish and Game Code §2850-2863 (A.B. 993 of 1999) requires the Fish and Game Commission to adopt a master plan regarding Marine Protected Areas, and is instructed to "*confer with the United States Navy regarding issues related to its activities.*" California Fish and Game Code §2850-2863:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fgc&group=02001-03000&file=2850-2863>

Real Estate Disclosure Requirements

The Department of Real Estate, under the Business and Professions Code and Government Code, requires the "*Disclosure of Former Ordnance Locations*" for residential real property. For purposes of this section, "*former federal or state ordnance locations*" means an area identified by an agency or instrumentality of the federal or state government as an area once used for military training purposes which may contain potentially explosive munitions.

Information on disclosure requirement: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1940-1954.1>

Administrative

Governor's Military Council

On March 28, 2013, Governor Brown established the 18- member Governor's Military Council. The Council will assist to protect and expand California installations and defense industry jobs. California is home to 29 military installations, which employ more than 236,000 Californians. In May 2015, the Council released the "Governor's Military Council Report" which outlines recommendations and the strategy for supporting the national security mission in California and improving the overall operating environment for military installations within the state.

For more information please see:

<http://gov.ca.gov/news.php?id=17973>

http://militarycouncil.ca.gov/docs/GMC_Published_copy.pdf

California Joint Land Use Studies

The California Joint Land Use Studies (JLUS) continue to be collaborative efforts among local communities, military installations, and other stakeholders, with financial support from the Department of Defense, Office of Economic Adjustment. Completed JLUS in California

include: NAF El Centro, Naval Base Ventura County, El Centro Beale AFB, R-2508 JLUS (includes Edwards Air Force Base, Fort Irwin, Naval Air Weapons Station China Lake, and the land beneath the Joint Service R-2508 Special Use Airspace Complex and associated military airspace), Camp Roberts Maneuver Training Center JLUS, Castle AFB, NAS Lemoore, March ARB, MCAS Miramar, Travis AFB and Vandenberg AFB.

For more information please see:

http://www.opr.ca.gov/s_jointlandusestudies.php, <http://www.nafelcentrojilus.com/>, <http://nbvcjlus.org/> and <http://www.oea.gov/> .

Governor's Advisor for Military Affairs

Executive Order S-16-06 established the office of the Governor's Advisor for Military Affairs within Office of Planning and Research (OPR), who works closely with the military on areas of mutual concern and priority including land use, energy and regulatory activities. OPR works to improve communication and encourage collaboration between local governments and the United States Military on land use planning and development issues in California.

For more information see: <http://militarycouncil.ca.gov/>

Strategic Coordination and Engagement Program

California Office of Planning and Research (OPR) established a Strategic Coordination and Engagement Program to work with local governments and the Military to support local land use decisions and decision making processes that balance local government land use needs with the military mission in California. The program will develop partnerships and provide local governments tools, staff support, mapping capability, and information to help them develop, adopt and implement policies and ordinances. The program will also support cities and counties in complying with requirements that they notify the military of potential land use conflicts, and help local governments develop policies to ensure the viability and sustainability of active military operations and avoid conflicts where on-going testing and training takes place away from military bases and installations. The program will create collaborative coalitions among the Military, the State, and local governments. OPR will work with the Military, local land use agencies and elected officials to incorporate provisions into city and county General Plans and enact ordinances to establish project review and permitting procedures that foster land uses compatible with military operations. The program will also seek to balance and integrate California's goals for renewable energy development and natural resources protection with the mission of the military in California and each local government's specific land use priorities.

For more information please see: http://opr.ca.gov/s_military.php

California Advisory Handbook for Community and Military Compatibility Planning

The *California Advisory Handbook for Community and Military Compatibility Planning*, published in 2006, provides "guidance to local governments, the military and developers on how to address land use activities near military installations and activities." For more information please see: http://opr.ca.gov/docs/Complete_Advisory_Handbook_2006.pdf

Community and Military Compatibility Planning, Supplement to the General Plan Guidelines (Military Supplement)

The purpose of this supplement to the General Plan guidelines is "to assist cities and counties in addressing military compatibility issues when developing, updating or significantly amending their general plans." This supplement was first published in 2009 and updated in 2013. For more information please see:

http://opr.ca.gov/docs/Military_GPG_Supplement.pdf

California Military Land Use Compatibility Analyst (CMLUCA)

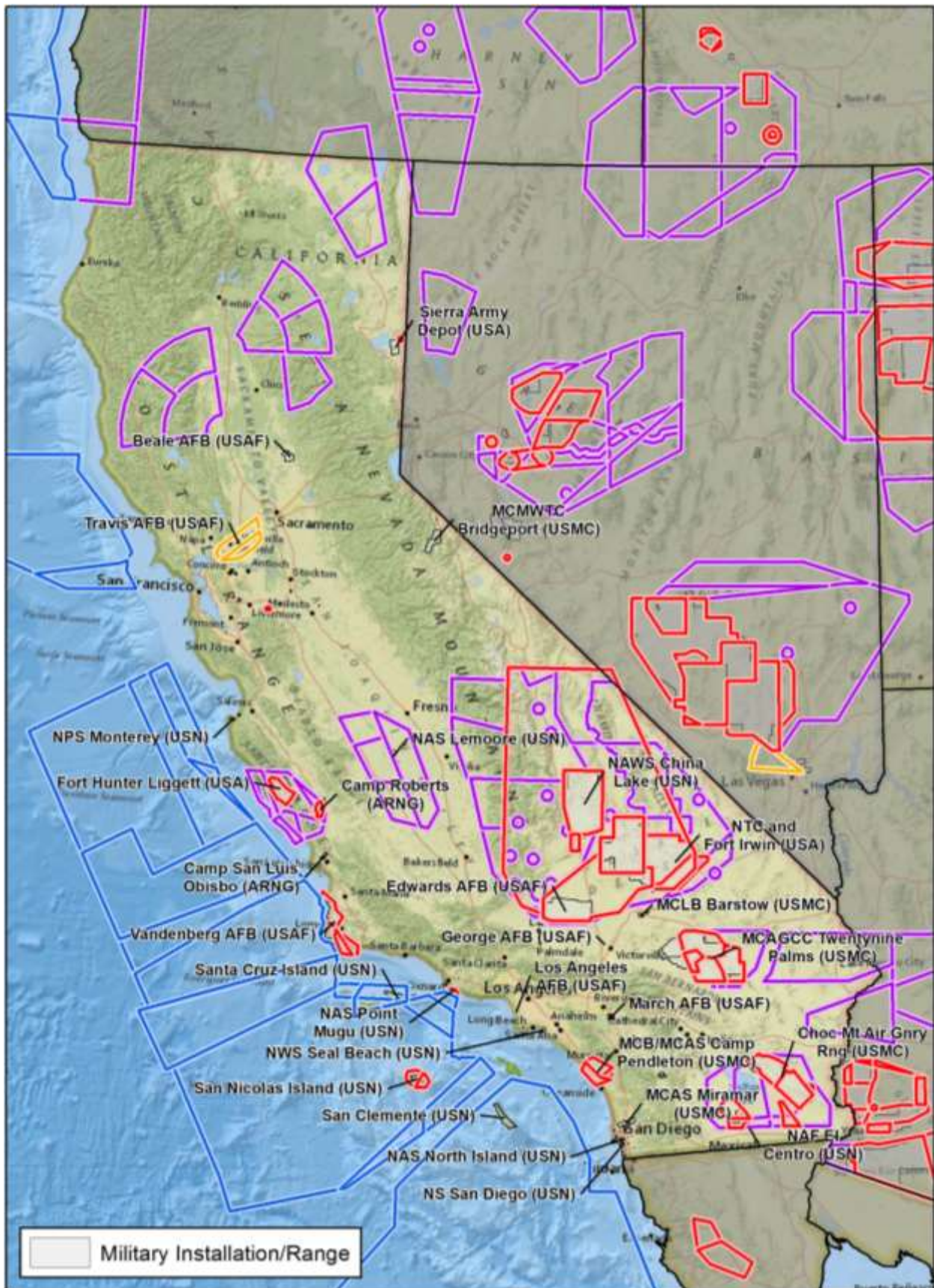
OPR developed the California Military Land Use Compatibility Analyst (CMLUCA), a mapping tool to assist local governments and developers in complying with legislation that requires the military to be notified of certain development applications and general plan actions. The tool helps identify whether proposed planning projects are located in the vicinity of military bases and military airspace. For more information please see:

<http://cmluca.gis.ca.gov/>

Community and Military Compatibility Planning, Supplement to the General Plan Guidelines

The Community and Military Compatibility Planning, Supplement to the General Plan Guidelines, is intended to "*assist cities and counties in addressing military compatibility issues when developing, updating or significantly amending their general plans*" as outlined in state law by including military in the planning and land use decision-making process.

For more information please see: http://opr.ca.gov/docs/Military_GPG_Supplement.pdf



Nevada

Governor's Military Advisor: Brigadier General William Burks, The Adjutant General (775) 887-7302 ▪ <http://gov.nv.gov/> The Nevada Legislature ▪ <http://www.leg.state.nv.us/>

Legislative

Land Use Planning Around Military Installations

For counties over 700,000 in population (currently only Clark County):

- NRS 278.02528 requires regional planning coalition ensure that the comprehensive regional policy plans includes information as applicable on the coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation.
- NRS 278.0274 provides that the contents of a coalition's regional plan must include land use and transportation information, including the coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation. For counties over 100,000 but less than 700,000 in population (currently only Washoe County):
- NRS 278.160 requires the master plan to address as applicable the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation, essentially identical to the requirement for the largest counties.

For all counties over 100,000 in population

- NRS 278.210 requires that the planning commission provide notice to the military commander of a military installation that is within 3,000 feet of a proposed area of master plan amendment.
- For most other city, county and regional planning commissions,
- NRS 278.250 requires zoning regulations to be adopted in accordance with the master plan for land use and be designed to foster the coordination and compatibility of land uses with any military installation in their political jurisdiction taking into account the location, purpose and stated mission of the military installation.
- NRS 278.260 requires the governing body shall provide notice of zoning regulation, restriction or boundary or an amendment thereto to the military commander of a military installation that is within 3,000 feet of the proposed area.
- NRS 278.315 requires that counties must provide at least ten days' notice to military commander of a military installation that is within 3,000 feet of the proposed application for the granting of a variance, special use permit, conditional use permit or special exception. The notice shall include information regarding the time, place, and purpose of hearing. In a county with a population in excess of 700,000 the application for the issuance of a special use permit for an establishment which serves

alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, at least 10 days before the hearing send a notice setting forth the time, place and purpose of the hearing to the commander of a military installation located within 3,000 feet of the property.

For more information please see:

<http://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-278.html>

Wind and Solar Zoning Restrictions

Nevada A.B. 122 of 2011 provides that, for zoning of wind energy, in addition to the currently reasonable restrictions relating to height, noise or safety, reasonable restrictions on the use of a system for obtaining wind energy may include restrictions relating to location and appearance. The bill also authorizes the imposition of reasonable restrictions relating to the appearance, height, location, noise or safety of a system for obtaining solar energy.

Nevada A.B. 122 of 2011:

http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB419_EN.pdf

Administrative

Governor's Military Council

Governor Sandoval established the Governor's Military Council through Executive Order 2013-14, charging it to "*identify opportunities and prioritize recommendations with respect to how best to retain and continue to build Nevada's current military force capabilities and infrastructure.*" The Council held its final meeting in April 2014, and in May 2014 provided its report and recommendations for Nevada's Military Communities. For more information please see:

[http://gov.nv.gov/News-and-Media/Executive-Orders/2013/EO_-2013-14-Establishing-The-Governor s-Military-Council/](http://gov.nv.gov/News-and-Media/Executive-Orders/2013/EO_-2013-14-Establishing-The-Governor-s-Military-Council/)

http://clearinghouse.nv.gov/public/JMAC/20140805/Presentation_govs-military-council.pdf

Joint Military Affairs Committee

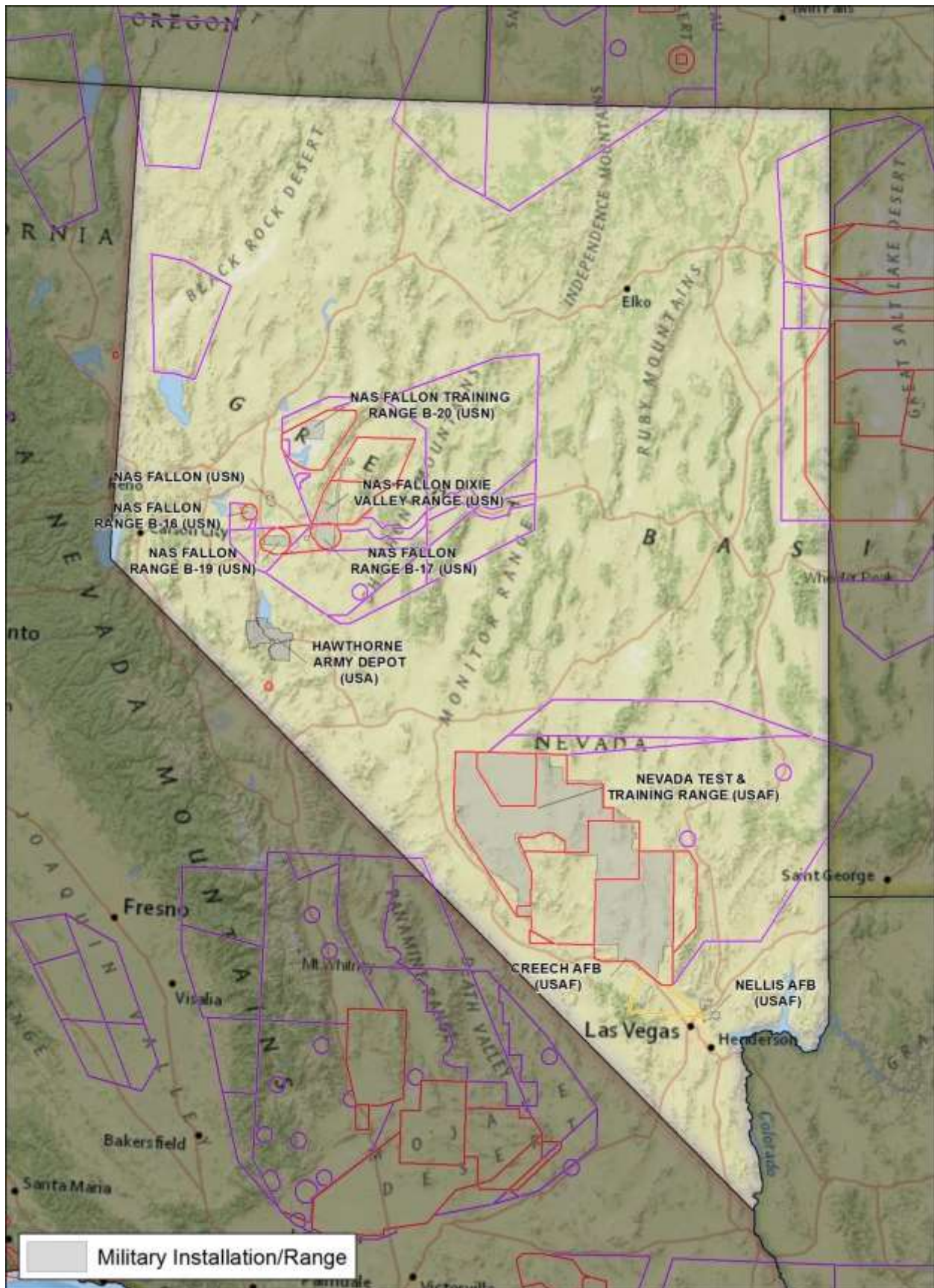
The Joint Military Affairs Committee meets on a semi-annual basis to address issues related to military bases. The Committee includes military installation commanders, the Nevada National Guard, the Office of the Governor and several relevant state agencies, including the Division of State Lands, the State Energy Office and the Division of Environmental Protection. For more information please see: <http://clearinghouse.nv.gov/jmac.htm>

Nevada Joint Land Use Studies

A Joint Land Use Study (JLUS) is a collaborative land use planning effort among military installations, affected land use planning authorities and regional governments. The JLUS Program is administered by the Department of Defense (DoD) Office of Economic Adjustment (OEA). Naval Air Station (NAS) Fallon is located in the County of Churchill and

approximately seven miles southeast of the City of Fallon. The JLUS study area encompasses the Fallon Range Training Complex (FRTC), a 377 square mile range that includes four bombing ranges: B16, B-17, B-19, and B-20. The NAS Fallon JLUS project is a joint effort by the cities of Fallon and Fernley, Churchill and Lyon Counties, and other interested parties, including the Fallon Paiute Shoshone Tribe and other agencies and organizations in Nevada. The Final Fallon JLUS was completed in May 2015. For more information please see: <http://www.fallonjlus.com/>

A JLUS was conducted at Floyd Edsall TC in the City of North Las Vegas. For more information please see: www.lands.nv.gov/docs/SLUPA/FloydEdsall_JLUS_2011.pdf



New Mexico

Governor's Military Advisor: Eric Kivi (505)827-0226 ▪ <http://www.governor.state.nm.us/>
The New Mexico Legislature ▪ <http://www.nmlegis.gov/lcs/>

Legislative

Office of Military Base Planning and Support

New Mexico Statutes Annotated §§ 9-15-48 through 9-15-51 creates the "office of military base planning and support" and the 12 member "military base planning commission." The act repeals July 1, 2022.

- The director of this office, who is appointed by the Governor, has the following duties:
 - Support the military base planning commission including identifying issues, preparation of information and providing for presentations
 - Inform the Governor and the Governor's Chief of Staff about issues impacting the military bases in the state, including infrastructure requirements, environmental needs, military force structure possibilities, tax implications, property considerations and issues requiring coordination and support from other state agencies
 - Liaison with community organizations
 - Communicate with New Mexico's congressional staff
- The duties of the military base planning commission include:
 - Obtain and evaluate information about the Federal government's considerations, plans, policies and initiatives relating to base realignment and closure plans and impacts on the state and local economy
 - Work with and provide assistance to established community organizations that support the long-term viability of local military bases
 - Ensure collaboration among community military support organizations and an understanding of the joint efforts between New Mexico's military bases
 - Assist New Mexico's congressional delegation on matters relating to the federal base realignment and closing plans
 - Advise the Governor on measures needed to ensure the continued longevity of New Mexico's military bases

For more information please see:

9-15-48, 9-15-49, 9-15-50, 9-15-51:

SB 369 (2015): <http://www.nmlegis.gov/lcs/legislation.aspx?chamber=S&legtype=B&legno=369&year=15>

SB 318 (2015): <http://www.nmlegis.gov/lcs/legislation.aspx?chamber=S&legtype=B&legno=318&year=15>

https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_9-15-48

https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_9-15-49

https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_9-15-50

https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_9-15-51

Infrastructure Appropriations

The 2004 Capital Outlay Projects (HB 293) appropriates \$600,000 to *"plan, design and construct improvements to the overpass and entrance"* to Cannon and Holloman Air Force Bases.

For more information please see:

<http://www.nmlegis.gov/lcs/legislation.aspx?chamber=H&legtype=B&legno=293&year=04>

Land Conservation Incentives Act

New Mexico Statutes Annotated Section. §§75-9-1 through 75-9-6, 7-2-18.10, 7-2A-8.9 (SB 581, 2003) provide for a tax credit up to \$100,000 against income tax liability for donating conservation easements.

- If the credit exceeds the tax liability amount in a year then the unused credit may be *"carried over for a maximum of twenty consecutive taxable years."*
- Permits one tax credit claim per taxpayer per year.
- Amount is *"equal to fifty percent of the fair market value of land or interest in land that is conveyed."*
- Qualified donations include:
 - Land conveyed as an unconditional donation in perpetuity to a *"public or private conservation agency eligible to hold the land and interests therein for conservation or preservation purposes"* for the purpose of:
 - open space,
 - natural resource or biodiversity conservation,
 - agricultural, watershed or historic preservation
 - *"conveyance in perpetuity of a fee interest in real property or less-than-fee interest in real property"* such as:
 - A conservation, preservation, agricultural preservation or watershed preservation restriction.

For more information please see:

<http://www.nmlegis.gov/lcs/legislation.aspx?chamber=S&legtype=B&legno=581&year=03>

Energy Coordination with the Military

In 2011 the New Mexico State Legislature passed Senate Joint Memorial (SJM) 8, which requests the New Mexico Renewable Energy Transmission Authority and the Energy, Minerals and Natural Resources Department collaborate with the White Sands Missile Range and other military installations when developing renewable energy programs and corridors

for transmission lines in New Mexico. New Mexico EMNRD collaborated with New Mexico RETA in developing a November 15, 2011 report titled, *"State Government Collaboration with New Mexico Military Installations on Renewable Energy and Transmission Development."* For more information please see:

<http://www.sos.state.nm.us/uploads/files/Bills2011/Memorials/SJM8.pdf> and <https://wrpinfo.org/FileDownload.aspx?fileID=547>

Memorial regarding the Sun Zia Transmission Project

In 2014, the New Mexico House of Representatives adopted HM 72, whereby the House requests that the U.S. Department of the Interior Bureau of Land Management assure the Department of Defense that the Sun Zia high power transmission line to be built in New Mexico near White Sands Missile Range will be located along existing transmission and utility corridors so as not to affect national security.

For more information please see:

<http://www.nmlegis.gov/Sessions/14%20Regular/final/HM072.pdf>

State Trust Land Exchange with Military

New Mexico Statutes Annotated Section §19-2-12 allows the state's Commissioner of Public Land to enter into agreements with the Secretary of the Department of Interior to exchange lands of equal value. If the state lands are within 25 miles of an existing military reservation or if the Secretary intends to withdraw the lands for military purposes, the owners of any leases issued by the state for the lands must consent or their rights must be purchased or acquired through eminent domain by the federal government.

New Mexico Statutes Annotated Section §19-2-12:

https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_19-2-12

New Mexico Gross Receipts Tax Deductions

New Mexico Statutes Annotated Section §7-9-94 exempts revenue derived from certain DoD-associated acquisition programs from state gross receipts and compensating taxes through June 2025. This has incentivized military acquisition and construction programs to be located in New Mexico.

New Mexico Statutes Annotated Section §7-9-94:

https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_7-9-94

New Mexico Gross Receipts Tax Deductions for Spaceport Operations

New Mexico Statutes Annotated Section §7-9-54.2 allows for the deduction of receipts from the provision of research, development, testing and evaluation services for the U.S. Air Force operationally responsive space program. This supported the beddown of the Operationally Responsive Space Office at Kirtland Air Force Base in 2007.

New Mexico Statutes Annotated Section §7-9-54.2:

https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_7-9-54-2

New Mexico Gross Receipts Tax Deductions

New Mexico Statutes Annotated Section 7-9-62.1 exempts from the tax on gross receipts revenue from the sale of, or maintaining, refurbishing, remodeling or otherwise modifying of, a military carrier over ten thousand pounds gross landing weight.

New Mexico Statutes Annotated Section 7-9-62.1:

https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_7-9-62-1

Administrative

New Mexico Joint Land Use Studies

A Joint Land Use Study (JLUS) is a collaborative land use planning effort among military installations, affected land use planning authorities and regional governments. The JLUS Program is administered by the Department of Defense (DoD) Office of Economic Adjustment (OEA).

The Cannon Air Force Base JLUS was completed in 2011. The MidRegion Council of Governments of New Mexico is executing a follow-on OEA grant regarding implementation of the JLUS. For more information please see:

<http://www.oea.gov/project-highlights/compatible-use/cannon-air-force-base,-new-mexico>

The Kirtland Air Force Base JLUS was completed in 2010.

For more information please see: <http://www.mrcog-nm.gov/land-and-water/kirtland-study>

The Southern New Mexico /El Paso Joint Land Use Study (JLUS) was completed in 2015 and addressed military sustainment issues at White Sands Missile Range, Fort Bliss and Holloman Air Force Base. For more information please see:

<http://www.snmejntlanduse.com/>

Melrose Air Force Range Expansion

During the 2006 New Mexico State Legislative Session, \$5 million was appropriated for expansion of Melrose Air Force Range (MAFR). In January 2012 State Land Commissioner Powell leased approximately 11,000 acres in Roosevelt County to the State of New Mexico for 74 years. In turn, Governor Martinez assigned the lease to the U.S. Air Force. Under the arrangement, a \$3 million gift of the land was turned over to the U.S. Air Force by the State of New Mexico which made the entire lease payment in advance to the State Land Office.

Cannon Air Force Base Land Buffer

The New Mexico Governor has directed the Office of Military Base Planning and Support to purchase land adjacent to Cannon Air Force Base on the west and south. The state appropriation for this effort is approximately \$1.6 million.

New Mexico Training Range Initiative

The New Mexico Base Planning Commission supported the New Mexico Training Range Initiative which expanded the boundaries of several Military Operating Areas in southeastern New Mexico, to allow more supersonic flights at medium altitudes. This was completed in 2007. For more information please see: <http://www.gpo.gov/fdsys/pkg/FR-2007-05-16/pdf/07-2393.pdf>

Economic Impact Assessment of New Mexico's Installations

In 2004, the Office of Military Base Planning and Support conducted an economic impact of all four New Mexico installations. Since this time, the installations have refined their economic impact methodology.

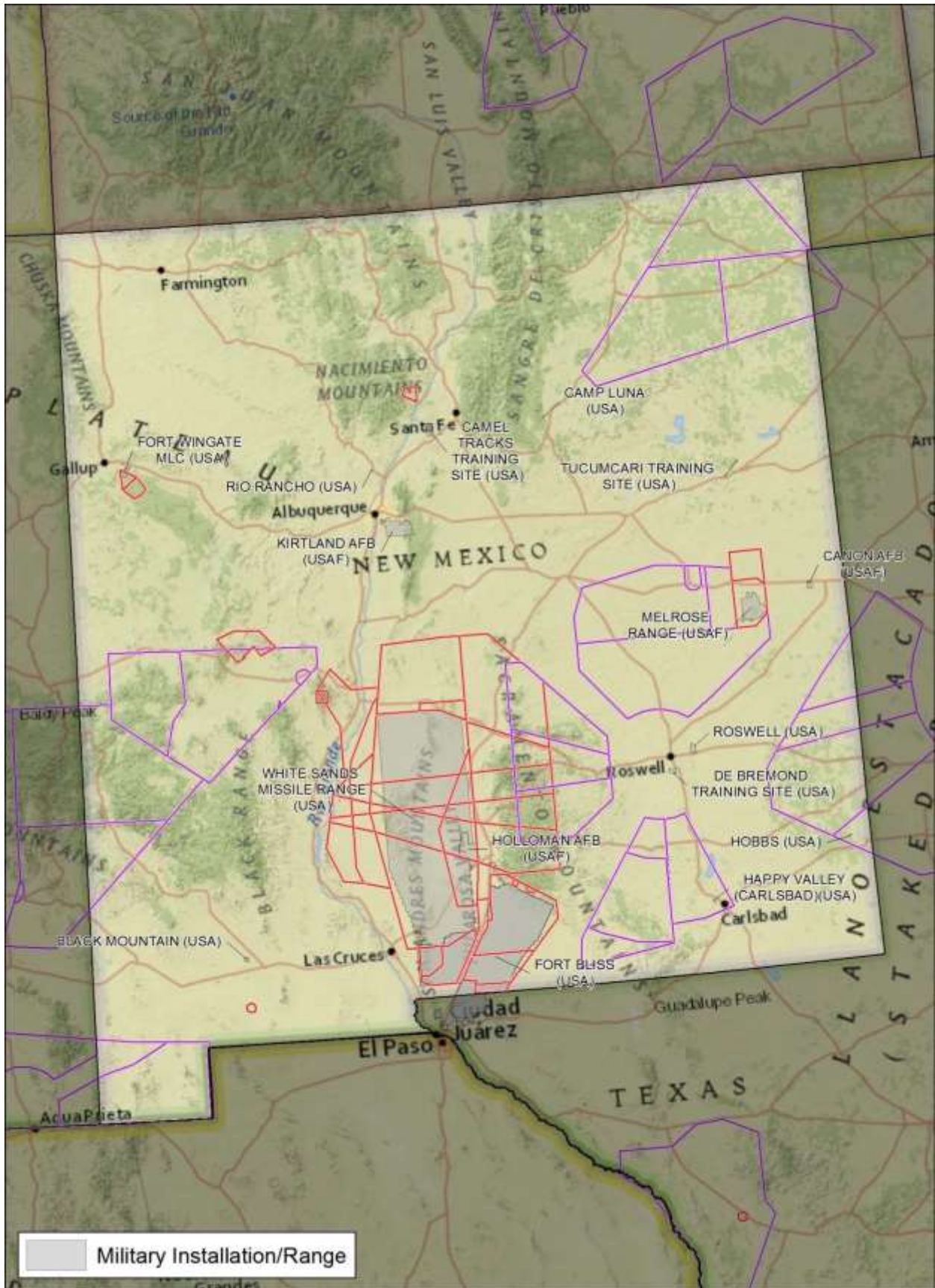
Executive Order on Land Use Planning and Military Installation Compatibility

Governor Bill Richardson issued Executive Order 2004-046, titled, "*Land Use Planning and Military Installation Compatibility*," on August 26, 2004. The Executive Order:

- Directs all state agencies "*involved with land use planning to ensure compatible development with New Mexico's military installations;*" and
- Recommends that all counties and municipalities that adopt land use plans ensure that development is compatible with military installations, and that they consider the impact of new growth on "military value" when addressing land use issues around military installations.

Executive Order 2004-046:

<http://nmdigital.contentdm.oclc.org/cdm/singleitem/collection/p267801coll5/id/2669/rec/17>



Utah

Governor's Military Advisor: Major General Jefferson S. Burton, The Adjutant General (801) 432-4406 and Colonel (ret.) Gary Harter (801) 326-2372 ▪ <http://www.utah.gov/governor/>
The Utah Legislature ▪ <http://www.le.state.ut.us/>

Legislative

Veterans' and Military Affairs Commission

Title 36, Chapter 28 "Veterans' and Military Affairs Commission" (2014, Ch. 150) provides for a legislative commission to address veterans' and military affairs issues. The commission will consist of not more than 23 members, and is required to:

- Study and make recommendations to the Legislature on policy issues related to servicemembers, veterans and their dependents, including
 - reintegration from military to civilian status
 - employment;
 - finances;
 - education;
 - health and mental health, including suicide prevention;
 - military affairs, including the impact of military bases; and
 - coordination of state and local government resources to assist active duty servicemembers, veterans, and their dependents
- Consider the role of the Utah National Guard with respect to the same issues.

The Commission sunsets July 1, 2019. For more information see:

http://le.utah.gov/xcode/Title36/Chapter28/36-28.html?v=C36-28_2014040320140513

Acquisition of Easements Near Hill AFB

Utah Code Title 63M, Chapter 6, entitled "*Military Base Easements Act*," (last amended by Chapter 382, 2008) requires the Governor's Office of Economic Development to ensure specific easements that are located in a critical operating area of Hill AFB are acquired by purchase or condemnation. The state is to acquire the easements "*restricting the use of those lands and the air space above them in order to assure the continued operation of Hill Air Force Base as an active military base*" and to protect the public. Additionally these specific lands identified for acquisition of easements may not be developed or receive authorization for development until the Governor's Office of Economic Development has authorized such development. The restricted land uses are identified in the amended, October 1982 Hill Air Force Base AICUZ Land Use Compatibility Guidelines Study. The laws stipulate that if "*Hill Air Force Base runways have not been used for seven years to accommodate the arrival and departure of airplanes then the easements may be sold back to the owner of the property of the land.*" SCR 3, 2004 informs that the state of Utah has "spent over \$12 million to secure and protect the air space around Hill Air Force Base and another \$2 million for an

emergency landing strip." For more information please see:

<http://www.le.state.ut.us/~2004/bills/sbillenr/scr003.pdf>
http://le.utah.gov/code/TITLE63M/htm/63M06_010100.htm
http://le.utah.gov/code/TITLE63M/htm/63M06_020100.htm
http://le.utah.gov/code/TITLE63M/htm/63M06_020200.htm
http://le.utah.gov/code/TITLE63M/htm/63M06_020300.htm

Military Installation Development Authority

Utah Code Title 63H, Chapter 1 (last amended by Chapter 377, 2015) establishes the "Military Installation Development Authority" (MIDA) as a Utah state authority with statewide jurisdiction. The MIDA's purpose is to facilitate the development of military land in one or more project areas. As an authority in Utah, it is also a public corporation and a political subdivision of the state. MIDA establishes project areas where they can facilitate the development of military land, enter into contracts, buy or acquire interest in real property on military land or outside military land for publicly owned infrastructure and improvements, enter lease agreements (as a lessor or lessee), collect regulatory fees and levy various taxes, receive property tax allocations, provide municipal services in a project area, and issue bonds according to relevant law. MIDA is governed by a seven member board. For more information please see:

http://le.utah.gov/code/TITLE63H/htm/63H01_020100.htm

Utah Code 10, Chapter 2 (last amended by Chapter 234, 2011) allows the MIDA to petition for annexation of a project area as if it was the sole private property owner if the area to be annexed is entirely contained within the boundaries of a military installation.

http://le.utah.gov/code/TITLE10/htm/10_02_040200.htm

Administrative

Economic, Demographic and Fiscal Impacts of Closing Hill Air Force Base

The Utah Defense Alliance sponsored an economic study prepared by the Bureau of Economic and Business Research, David Eccles School of Business at the University of Utah. This study, titled "*Economic, Demographic and Fiscal Impacts of Closing Hill Air Force Base*," demonstrates the economic contributions of Hill AFB.

<http://content.lib.utah.edu/cdm/ref/collection/ir-eua/id/2635>

Utah Joint Land Use Studies

A Joint Land Use Study (JLUS) is a collaborative land use planning effort among military installations, affected land use planning authorities and regional governments. The JLUS Program is administered by the Department of Defense (DoD) Office of Economic Adjustment (OEA). Two JLUS efforts have been completed: Hill AFB and for Camp Williams Training Site. Camp Williams is located 26 miles south of Salt Lake City and efforts are underway to implement recommendations of the JLUS. For more information please see:

<http://www.oea.gov/project-highlights/compatible-use/camp-williams-training-site,-utah>

Utah Defense Alliance

The mission of UDA is to: *"Strengthen and support all appropriate governmental and private enterprises in their accomplishments of national defense objectives and expand investment and employment opportunities in defense and aerospace related industries."* For more information please see: <http://www.utahdefensealliance.com/home>

