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13 August 2010

Honorable Leticia Van de Putte
Texas Senate
Texas State Capitol
P.O. Box 12068
Austin, TX 78711

Dear Senator Van de Putte,

I am writing to you as the Department of Defense (DOD), Regional Environmental Coordinator for Federal Region VI, which includes the State of Texas, I appreciate the opportunity to express the Department's support of your Committee's efforts to investigate incompatible land use near DOD installations.

The Department of Defense is very concerned about incompatible land uses near our installations because they can seriously degrade mission effectiveness. Even apparently minor incompatible land uses can create cumulative impacts that inhibit normal military training, testing, and operations. The incompatible land uses around bases that interferes with the bases' ability to perform their missions is often referred to as encroachment. Encroachment has emerged in recent years as a major issue for the DOD as ever expanding development continues near once remote and isolated military installations. The transformation of areas around military bases over the last 10-20 years has been truly dramatic.

It is important to understand that development can interfere with military functions in many ways other than just the size and location of buildings. For example, residential land use near installations may be impacted by aircraft noise. In addition, aircraft accidents are always possible, especially during landing and takeoff operations. Any structures located in areas near the end of runways are more likely to be impacted by aircraft accidents. Clearly, building a high rise at the end of a runway is the simplest, clearest example of incompatible land use, but there are many other forms. There are also a number of unintended and often unconsidered forms of "environmental encroachment" ranging from air pollution, water pollution, light pollution, radio/electro-magnetic interference, or the loss of habitat for endangered species. Also, local development of landfills or waste water treatment facilities near runways or low level flight paths attract birds and significantly increase Bird Aircraft Strike Hazards (BASH). BASH incidents pose significant threats to aircraft safety. These types of incompatible land use lead to the military modifying its activities to mitigate

potential impacts; these modifications reduce the effectiveness of training and can inhibit mission effectiveness. This is not to say that DOD is against development, but rather we are in favor of compatible development.

Today, the DOD focuses on community partnering and intergovernmental planning to achieve compatible land use and zoning to protect ever-evolving mission requirements. We are integrating these efforts with such programs as the Air Installations Compatible Use Zones (AICUZ) program and the Joint Land Use Study (JLUS) program. Concurrently, the DOD is also working with national organizations such as the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the Environmental Council of States, and many other state and local organizations to encourage state legislation and policy development to enhance long-term sustainability of our military installations.

Over the last few years, a large number of states have passed statutes designed to limit incompatible land use near military installations. The most successful states include a combination of the following provisions:

1. Zoning authority for unincorporated areas surrounding military installations;
2. Requirement that notice be provided to the base of major development or changes in land use controls near the installation;
3. Requirement that installation have an opportunity to comment on the major development or changes in land use controls;
4. Notice to purchasers of property that the land is located near a military installation; and
5. Enforceability mechanisms.

Several states such as Arizona, California, and Oklahoma realized that even these provisions might not be sufficient and have taken additional steps to protect installations from incompatible land uses. For example, California published the *California Advisory Handbook for Community and Military Compatibility Planning*¹ to assist communities by providing planning tools designed to prevent incompatible land uses near installations.

In an effort to assist your investigation, my office surveyed a number of installations in the state to identify incompatible land use trends. These efforts were distilled into a short point paper entitled *Texas Military Mission Sustainment Issues* that is located at attachment one. The primary factor that was identified in the survey is that bases that are border at least in part by unincorporated county land believe that some form of land use planning was needed in those lands to prevent incompatible land uses. Bases surrounded exclusively by incorporated lands believe that mandatory notice to purchasers of property that the land is located near a military installation is needed. Finally, it was clear from the surveys that wind turbines are an increasingly critical issues for installations in the state.

¹ The 258 page hand book was originally published in 2006 and can be found at <http://www.opr.ca.gov/index.php?a=military/military.htm> but was supplemented in 2009 at http://www.opr.ca.gov/planning/publications/Military_GPG_Supplement.pdf

The DOD understands that development is an important feature of any community, but we think that local communities need to be given the tools to assure that development occurs in a manner compatible with the needs of the community and the local installation. I welcome the opportunity to work with you and your committee on this and any future matter that may affect defense installations and agencies in the state of Texas.

If you have any questions, please feel free to contact me by telephone at (214) 767-4650, or e-mail at thomas.manning@brooks.af.mil. You may also contact my Regional Counsel, Major Michael Blackburn, at (214) 767-4650 x4672 or michael.blackburn@brooks.af.mil. I thank you for the opportunity to support your efforts to address incompatible land uses near military installations and would appreciate it if you would share this letter with other members of the Committee.

Sincerely,



THOMAS M. MANNING
Department of Defense
Regional Environmental Coordinator, Region VI

Attachments:

1. Texas Military Mission Sustainment Issues Paper
2. Questionnaire from Camp Bullis
3. Questionnaire from Dyess AFB
4. Questionnaire from Lackland AFB
5. Questionnaire from Laughlin AFB
6. Questionnaire from NAS Fort Worth JRB
7. Questionnaire from NAS Kingsville
8. Questionnaire from Randolph AFB
9. Questionnaire from Sheppard AFB