

Working With Local Governments: A Practical Guide for Installations



NACo National Association of Counties



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The National Association of Counties (NACo) is pleased to provide this updated primer, “Working with Local Government: A Practical Guide for Installations.” In partnership with NACo and the Department of Defense (DoD), the International City/County Management Association published the original primer in 2006.

The purpose of this primer is to provide information on the tools and techniques for local governments, military installations, and key stakeholders to work collaboratively in addressing the critical challenges affecting the military’s ability to train and local governments’ ability provide for growth and serve our communities.

The relationship between military installations and surrounding counties, cities, and towns has become strongly intertwined over the past several decades. Though once located in rural isolated areas, growth and development have crept closer and closer to the fence line of military installations. It is no longer possible for either local governments or military posts to afford the high cost associated with poor relations.

NACo is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation’s 3,068 counties. NACo advances issues with a unified voice before the Federal government, improves the public’s understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. Over the past several years, NACo has worked with DoD and other partners in putting together trainings on collaborative land use and inviting key decision makers and planners from military installations and surrounding counties and municipalities to participate.

All local planning documents are periodically updated to adequately address changes in the needs of local populations and the evolving functions of local government. This revised primer provides up-to-date information and access to critical resources.

NACo thanks DoD and other partners who provided assistance in the review and revision of this publication.

Thank you,

A handwritten signature in black ink that reads "Larry E. Naake". The signature is written in a cursive, flowing style.

Larry Naake, NACo
Executive Director

NACo would like to thank the following for their help in reviewing this primer: Jan Larkin, Office of the Deputy Under Secretary of Defense (Installations & Environment); David Snodgrass and Michael Weaver, U.S. Army Central Regional Environmental Office; Stephanie Millie, Stateside Associates; Paul Friday, U.S. Marine Corps; and Jackie Byers, NACo.

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FRAMING THE ISSUE

The Issue

Encroachment on U.S. military installations and ranges is a serious and growing problem for the Department of Defense (DoD). Encroachment, as defined by DoD, refers to external factors that inhibit the ability of the Military Services to use their ranges, airspace, and other operating areas to conduct effective training and testing.

The rapid pace of urban growth into rural areas around military installations and ranges presents two sets of encroachment problems. First, as residential and commercial development increases in areas near military bases, residents may be exposed to aircraft over-flights, dust, and noise from military activities. Second, the military's ability to conduct important military training exercises may be compromised due to incompatible land use adjacent to or near installations and ranges. For example:

- Night training can be compromised when light from nearby shopping centers interferes with a soldier's night vision
- Airborne training, such as parachute training, can be halted when housing developments are built near drop zones
- Usable testing and training areas can be segmented and diminished if development forces endangered species to migrate inside the military installation fence lines
- Energy projects, such as wind turbine and transmission line development, may interfere with military operations if project siting is not planned collaboratively with the military

Other issues that can lead to degradation of testing or training capabilities include:

- Competition for frequency spectrum
- Tall structures, such as cell phone towers or wind energy turbines in military use airspace
- New highways cutting through or adjacent to training areas

In 2002, the General Accountability Office reported that nearly 80 percent of the nation's military bases were witnessing growth around their fence lines at a rate higher than the national average.

The Implications

Today, our men and women in uniform are deployed around the globe. When our nation sends its military forces abroad, it does so under a solemn agreement with the American people: to train and prepare our military personnel for the challenges of war before placing them in harm's way.

Training provides our soldiers, sailors, airmen, and marines with the skills they need to successfully complete their mission and return home safely to their families. Experience has taught us that realistic training saves lives: military forces must train as they would fight, replicating the challenges, stress, discomfort, and physical and psychological conditions of actual combat. But such training also requires substantial resources, such as air, land, seaspace, and a frequency spectrum.

To protect our military forces, we must preserve the viability of our installations and ranges. This need is becoming increasingly important in light of the growing challenges posed to training and testing by the rise of urban growth and other encroachment activities that impact our previously isolated training and testing lands.

State and local governments have the responsibility for managing growth and development through their land use management authorities. Additionally, groups such as land trusts, the agriculture community, and conservation organizations can leverage their respective interests in conservation areas and partner with the military to establish compatible land use areas, or buffer zones, around DoD lands. Working collaboratively, the military, state and local governments, and other stakeholder groups can protect military training capabilities while conserving important natural resources and maintaining community well-being.

To date, various groups have taken action in response to the growing issue of encroachment. For example:

- State and local governments have formed military advisory boards to facilitate discussion and develop compatible land use policy for areas around military installations
- States have passed legislation to minimize incompatible development and promote compatible resource use around military installations
- Specific installations have engaged conservation non-governmental organizations (NGOs) such as land trusts, as well as state and local governments, to establish conservation areas surrounding military lands

The Need for Communication

Two-way communication between the military and stakeholder groups is crucial to successful compatible land use planning. State and local government officials have the authority to pass land use legislation and boost urban growth planning efforts; it is vital for military planners and commanders to participate in this planning process. Without adequate input from the military, state and local government officials will not have sufficient information to adequately assess the impacts of their growth management and land use decisions on military operations. By working together, the military, state, and local government planners can strike the appropriate balance of growth, environmental protection, and military operations.

This guide is designed to:

- Help DoD officials and military base commanders gain a better understanding of how state and local governments make land use decisions that may impact military operations
- Facilitate communications and potential collaboration among stakeholders on encroachment issues

The chart on the following page provides a summary and clarification of common misconceptions about what installation personnel can do to engage state and local governments in dialogue on issues.

INTRODUCTION

“Since becoming a civilian, and starting work with the city of Killeen, I’ve realized how great a working relationship we really had between the two entities and how much we both profited. After some reflection and some exchange with my new counterparts, I’m convinced that there is more that we could collectively be doing to improve both our capabilities. The more local governments and installations work together, the better, collectively, I think we’ll become.”

David Hall, former Army Garrison Commander, serving as Deputy City Manager, Killeen, Texas, 2002

The relationship between military installations and communities is a symbiotic one because the success of one is invariably linked to that of the other. Gone are the days when a military installation can retreat “back inside the fort and close the gates” when faced with a deteriorating relationship with a local government. Neither local governments nor installations can afford the costs associated with poor relations.

The Army, Navy, Air Force, and Marine Corps manage nearly 30 million acres of land on more than 425 major military installations.

Engaging State and Local Governments: The Facts

Common Concerns	True/False	What the Law Says	What This Means
"DoD personnel cannot provide information to state and local governments about legislation that would protect our military bases and ranges."	FALSE	<ul style="list-style-type: none"> • "No part of the money appropriation...shall be used directly or indirectly to... influence...a Member of Congress, a jurisdiction, or official of any government, to favor ...or oppose any law, policy or appropriation." [18 U.S.C. 1913] 	<p>IT IS OK TO:</p> <ul style="list-style-type: none"> • Share information about Administration positions • Share information necessary to the administration of laws for which a government agency is responsible • Provide pre-existing materials • Give speeches on Administration positions (as long as not exhorting the public to contact government officials in support of position) • Send letters from an agency to members of Congress • Make statements to the news media on Administration positions
"Providing information on the impacts from local development action near our installation is considered lobbying."	FALSE	<ul style="list-style-type: none"> • Applicable to lobbying at the state and local level AND with regard to regulations and policy, not just legislation and appropriations 	<p>IT IS NOT OK TO:</p> <ul style="list-style-type: none"> • Use appropriated funds to generate grassroots support, i.e., attempt to mobilize citizens or networks to call, write, email, or otherwise contact lawmakers in support of DoD initiatives
"Giving speeches on legislation is considered lobbying."	DEPENDS	<ul style="list-style-type: none"> • "No part of any appropriations contained in this Act shall be used for publicity or propaganda purposes..." [DoD FY05 Appropriations Act] 	<p>IT IS NOT OK TO:</p> <ul style="list-style-type: none"> • Use appropriated funds to generate grassroots support, i.e., attempt to mobilize citizens or networks to call, write, email, or otherwise contact lawmakers in support of DoD initiatives
"If state and local governments take the military's advice, the military may become liable for takings."	FALSE	<ul style="list-style-type: none"> • "Nor shall private property be taken for public use, without just compensation." [U.S. Constitution, Amendment 5] 	<p>IT IS OK TO:</p> <ul style="list-style-type: none"> • Testify or provide information to government agencies about impacts of actions on military operations • Make recommendations or otherwise be persuasive about actions • Prepare draft ordinance/legislation
"Testifying to a local land use planning authority makes the government liable for takings."	FALSE	<ul style="list-style-type: none"> • "The United States may use its position as a landowner to influence local zoning authorities without incurring liability for a taking." [Persyn v. United States, 32 Fed. Cl. 579, 585 (1995)] 	<p>IT IS NOT OK TO:</p> <ul style="list-style-type: none"> • Be part of a panel that <i>votes</i> on land use matters • Threaten, deceive or recommend others do what DoD cannot do
"Working with state and local governments to combat encroachment is DoD policy."	TRUE	<p>"I recommend you direct more active involvement at the installation and Regional Environmental Coordinator level in all aspects of state and local planning that could impact readiness."¹</p>	<p>IT IS OK TO:</p> <ul style="list-style-type: none"> • Participate, communicate, build relationships, and share information <p>IT IS NOT OK TO:</p> <ul style="list-style-type: none"> • Avoid all interactions with local planners and organizations about land use issues

¹ Reference Memo from Deputy Under Secretary of Defense (Installations & Environment) dated August 23, 2004, Subject: Working with State and Local Governments to Combat Encroachment

Until recently, relationships between local governments and installations focused on lawlessness, problems in the areas bordering the installation, and competition for services and resources. Today, issues that affect the military's ability to conduct training also impact the relationship between installations and their surrounding communities. These include:

- Encroachment
- Increased public scrutiny of installation operations
- Lack of a mutual regional vision to sustain installations
- Lost opportunities for sharing services and cost avoidance
- Perceived non-responsive or controversial management decisions

The majority of decisions made by installation management and local government leadership have serious and real consequences for their respective installations and local jurisdictions. Because local government and installation relationships are interconnected, leadership is responsible for making management decisions that minimize conflict and promote mutual understanding.

“Local governments and military installations can better utilize limited resources, in many cases, when they participate in jointly sponsored projects and programs to serve their citizens’ common needs.”

Developing Exemplary Civilian-Military Relations, ICMA MIS Report, Vol.20 No. 12, December 1988

LOCAL GOVERNMENT

What is Local Government?

Municipalities and counties are the logical point of contact between government and citizens. Local governments fund important services to residents, including quality drinking water, pothole repair, snow removal, recreation, and emergency medical care. Citizens depend on the effectiveness and quality of local governments to provide a safer and healthier quality of life.

Today's citizens demand that local governments provide quality resources and services in a responsive, cost effective, and professional manner; and local government processes are often influenced by elections and constituents' demands. Local government leaders must be aware of broad community issues, provide strong leadership and effective management, and foster a vision for what the community can become.

Local government growth management and development decisions can have a direct impact on a military installation. Understanding how local governments make these decisions is crucial for creating sustainable installations.

“Most cities want to have a good relationship with adjacent military installations. Cities are departmentalized in a manner not too dissimilar to base operations. City departments, like their base counterparts, deal primarily with technical issues. Unlike military bases, policy issues are handled by an elected body of the city council or county board. Often decisions at this level require public input and public discourse, and require time to resolve.”

Steven R. Jepsen, City Manager, Oceanside, California

Responsibilities and Services

Military installations share many similarities with local governments, especially in terms of management and operation. The installation provides basic necessities for the average soldier, sailor, airman, marine, and their families, while maintaining services and space for civilians and uniformed employees to work, live, and play. Similar to local government’s interaction with its citizenry, military installations have very close ties to their residents.

Military installations and municipalities often mirror one another in services they provide such as:

- Public safety
- Fire protection
- Waste collection
- Housing
- Hospitals and other health care amenities



Because the services offered by both military installations and local governments are similar, the heads of the installation's various departments should establish good working relationships and have open communication with their counterparts in local government. A two-way exchange of information will uncover important opportunities for sharing resources, saving costs, and improving the quality of life for all residents.

“Military installations and the surrounding communities need to work together to implement recommendations from their Joint Land Use Study that proposes approaches in which compatible land use goals can be achieved.”

Kevin A. Wolff
Bexar County, TX Commissioner/Precinct 3

Forms of Local Government

Understanding the political background, as well as the cultural, social, and economic situation of a neighboring jurisdiction, is crucial to creating good working relationships. By learning about the form of local government in a given community, installation leaders can better understand key leaders of local government.

The form of government adopted by a jurisdiction usually depends upon the role of the state government and the degree of home-rule powers it grants to cities in running their own affairs. Typical types of local governments at the city level include:

- Strong Mayor
- Weak Mayor
- Mayor-Council
- Council-Manager
- Commission

Typical types of local governments at the county level include:

- Board of Commission
- Commission-Administrator
- Commission-County Executive

Each of these has its own unique strengths and weaknesses. No matter what form it takes, the local government holds important land use decision-making powers that influence development near military installations.

In order to understand the decision making process in a community, the installation commander must understand the type of local government that exists outside the fence line.

“Without adequate input from the military, local government officials will not have sufficient information to assess the impacts of their growth management and land use decisions on military operations. A best practice is to institutionalize communication and collaboration among stakeholders that goes beyond the limited terms of military leaders and local decision makers.”

Pete Liakakis, Chairman
Chatham County Commission, Georgia

City Government

Strong Mayor. In many large cities, the mayor is elected to lead the city. The strong mayor has the authority to prepare and control administration of the budget, appoint and remove department heads, and direct the activities of city departments. The mayor may also have the power to appoint a chief administrative officer to assist in managing the local government.

Weak Mayor. This form of government is characterized by fragmented authority. The mayor has limited powers of appointment and a number of principal offices are filled by direct election or by the council. The mayor lacks authority to develop the budget and has little or no administrative control over operations.

Mayor-Council. The legislative body is elected either at-large, by ward or district, or by some combination of the two. For example, some members are at-large and others represent specific districts (see Figure 1).

The distinguishing characteristics of this form of city government are two-fold. First, the mayor is elected separately, and second, the Office of Mayor is designated as the formal head of the city government. Depending upon local laws, the powers of the mayor may vary greatly, from limited ceremonial duties to full-scale authority to appoint and remove department managers. The mayor may also have veto power over the city council.

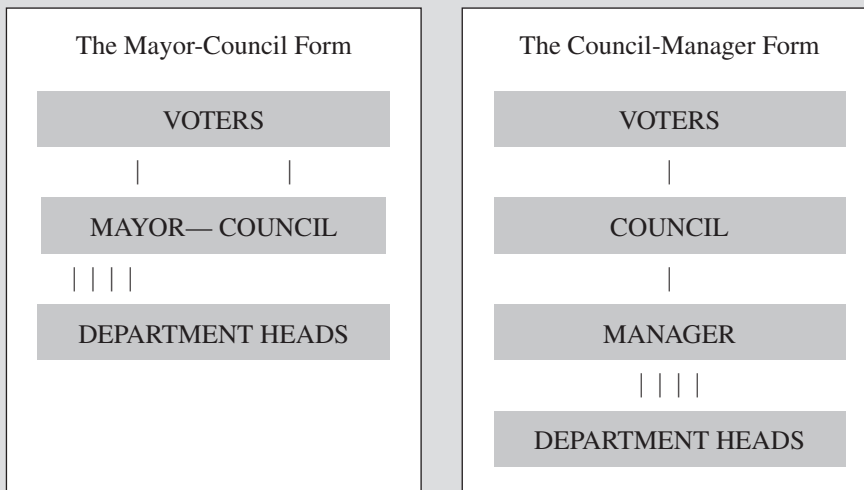
Council-Manager. Council-Manager government vests the policy-making authority in the elected council (see Figure 1). The administration of the community resides with a professional manager who is appointed and removed by the council. The council, which is usually small, not only serves as the legislative body, but also provides political leadership. In most council-manager communities, the mayor is directly elected. The mayor’s formal powers are usually restricted to presiding over council meetings and making appointments to boards and commissions. As part of the council, the mayor usually votes as a regular member and has either limited veto power or none at all. In many council-manager communities, the mayor’s role as a political leader is expanding.

“Ceremonial relationships are just that, ceremonial. The mayor playing golf with the base commander doesn’t mean you have a good working relationship. It may mean nothing.”

– Former County Commissioner and Military Officer

Commission. Municipalities with a commission form of government elect commissioners to serve collectively as the policy-making body, and to serve individually as heads of various administrative departments such as public works or public safety. The municipal reform movement has led to the near demise of this type of local government. Its weaknesses are obvious, since few elected leaders possess the necessary requirements to operate large portions of a municipal organization.

Figure 1. Differences between Mayor-Council and Council-Manager Forms of Government



Both sides should look for opportunities to incorporate the military goals into the city goals and for the military to be aware of the civilian environment in which it is working.

County Government

Board or Commission. Most counties function with the traditional board or commission form of government, which has a central governing body often referred to as a “board of commissioners” or “supervisors.” As a rule, the board or commission selects one of its members to serve as the presiding officer, whose authority is limited to presiding over commission meetings. Frequently, board members or committees oversee or head county departments responsible to the commission. No single administrator supervises county operations. The commission shares administrative and policy-making responsibilities with a number of independently elected officials such as the sheriff, county clerk, treasurer, tax collector, recorder, assessor, and others, according to the state. In addition, state or county law may establish numerous independent boards and authorities to administer various county-level programs, such as health, hospitals, housing, parks, and libraries.

“An effective working relationship must be tiered and institutionalized at multiple levels.”

– ICMA Board Member/City Manager

Board or Commission with an Elected Chair. In a variation of the board or commission form of government, some county commissions have a chair who is elected at large by the people. In this form, the chair may have additional authority, including voting on each matter before the board, preparing the county budget and signing all contracts, bonds, and other instruments requiring county consent in addition to presiding over all meetings.

Commission-Administrator. The Commission-Administrator form of government has become increasingly popular. The administrator may be called a county manager, chief administrative officer, administrative assistant, or some other title. The difference among these positions is the amount of power granted to the administrator. A **county manager** holds most of the same type of authority as a city manager and is appointed and removed by the board of commissioners. A **chief administrative officer** has some, but not all, of the powers of a city manager and is usually appointed and removed in the same way. The **administrative assistant** is similar to the chief administrative officer, but ordinarily does not appoint or supervise heads of departments. The number of independently elected county officials and appointed boards varies.

Commission-County Executive. This form of government has legislative and executive branches with the chief executive being elected by the voters. The commission operates as the legislative body in much the same way as the council in a Strong Mayor form of government. The executive prepares the budget, appoints department heads, and administers county operations, frequently with the assistance of an appointed professional administrator. Often, there are fewer independently elected officers under this form than under the two mentioned above.

Please see Appendix A: Working with Local Governments Checklist at the end of this guide for more information on how to collaborate with local governments.

Mechanisms Inside Local Governments

The typical community in the U.S. is served by many different official entities that do not necessarily have common boundaries. For example, school boundaries rarely coincide with city or county boundaries. A city may be located in two or more counties. A park district may serve several villages. The city police department may take the lead on law enforcement, but the 911 calls may be handled by the county sheriff’s department. And a planning authority may serve several counties and all of the local governments within those counties.

Planning and Zoning

In addition to establishing a relationship with the leaders of a local government, it is important for military installation managers to know the city planner and the planning and zoning laws of nearby communities. Planning is an official function

“The city’s plans are out there for the next 20 years. Everything is public. But I don’t know what the [base] is going to do tomorrow.”

– City Manager, adjacent to military base

of local government and it plays an important role in overall future development within a locale. A planner will most likely be the point person regarding the layout of the city or county and its effects on the military installation. When planners from overlapping or adjacent jurisdictions share information and jointly develop creative alternatives to current policies, potential conflict can be avoided and everyone can benefit. Likewise, a military installation manager and a city planner can establish a similar type of professional relationship.

Land Use Decision-Making Powers

The U.S. Constitution makes no reference to cities, counties, villages, or towns. Local governments are entities of the state in which they are located, and their authority is derived entirely from state law. Their powers may be enlarged, abridged, or completely withdrawn by the state legislature, except where home-rule provisions in state constitutions vest them with local sovereignty independent of the legislature. While states determine local government authorities, they often work cooperatively with local agencies in administering policy areas, including economic development, human services, land use, transportation, natural resources, and the environment.

The degree of power a local government possesses is further defined by state courts. Most states adhere to the so-called Dillon's Rule (see page 12) when construing the powers of local governments. A local government cannot perform any act, make any contract, or incur any obligation not authorized by law.

When dealing with the local government, especially in zoning and planning processes, it is important that military installation managers know a state's established laws governing the functions and activities of city and county governments. If an installation manager is dealing with two different municipalities, it is wise for him or her to understand the structure and functions of each individual municipality in relation to the state.

Office of Economic Adjustment (OEA) Guidebook

Encroachment from incompatible civilian development is a problem that can affect the operation and mission of military installations across the nation. In an effort to encourage compatible civilian development near military installations, the OEA has released a Practical Guide describing the roles of local, state, and Federal governments in conducting collaborative local land use planning and the various tools and methods that can be utilized by state and local governments to prevent encroachment. Working together, military installations and local decision-making bodies can enact policies and guidance that are beneficial to both parties.

To view the guidebook, please visit: www.oea.gov.

It is important for installation managers to know how state laws govern planning and zoning functions of local governments.

OEA is DoD's primary source for assisting communities adversely impacted by Defense program changes, including base closures or realignments, base expansions, and contract or program cancellations. OEA offers technical and financial assistance to adversely impacted communities and coordinates involvement of other federal agencies through the Defense Economic Adjustment Program and the President's Economic Adjustment Committee.

Dillon's Rule

Dillon's Rule (named for Judge John F. Dillon) states that local governments have only three types of powers:

- Those granted in express words
- Those necessarily or fairly implied in or incident to the powers expressly granted
- Those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable

The second part of the rule states that if there is a question as to whether or not a power has been conferred on a local government, then the power is deemed to ***not*** have been conferred.

Source: Clay Wirt. "Dillon's Rule." *Virginia Town & City*. August 1989, vol. 24 no. 8, pp 12-15.

Home Rule

Many states provide home rule as an optional method for organizing and empowering municipal governments. An increasing number of states have extended the home rule option to counties. Under the provisions of home rule, communities are usually given the authority to draft, adopt, and amend their own charters or governmental structures and to exercise local government powers within the limits imposed by the constitution and general laws of the state. These limits are usually much broader for home-rule governments.

The essence of home rule is recognition of the local authority to act without prior specific legislative authorization. That authority is reinforced by the limitation of state power to enact laws regarding matters falling within the home-rule grant. Although home-rule cities and counties ordinarily possess more authority over local affairs than do non-home-rule governments, they are still subject to considerable state control.

Economic and Community Development

Major participants in development are market players, government officials, and advocates of community and private interests. Market players include landowners, developers, builders, financiers, businesspeople, and others seeking to profit from development by (1) selling and buying land or (2) financing, building, and marketing houses and business facilities.

"Home Rule" authority gives local governments greater latitude in land use decisions. However, home rule cities and counties are still subject to considerable state control.



Community groups can assist installation management leaders in understanding community concerns and allow the installation direct access to key stakeholders.

Government officials include elected and appointed officials at the federal, state, regional, and local levels. These individuals frame laws, invest public funds, administer regulations, and make decisions on plans and projects while seeking to maintain their power bases and appointments.

Advocates for community and private interests include:

- Neighborhood representatives
- Environmental groups
- Economic development organizations
- Farmers' groups
- Taxpayers' coalitions
- Other associations promoting various social and political goals

All of these groups view development in light of their group's particular values and advocate for government development decisions that will support their aims. Some of the participants in land use and development can be more powerful than others and can dominate the direction of growth.

Development is controlled by rules that include constitutional provisions, laws, and regulations that govern planning, spending, taxing powers, and governmental decision-making procedures. While elected officials and the courts are the final arbiters of these rules, planners are the ones who must understand the legal, fiscal, and procedural checks and balances that shape rule-making and strategies.

Because the process and its outcomes are ultimately governed by the local democratic governmental system, angry speakers at a public hearing and telephone calls from constituents may carry more weight with elected officials than statistical analyses, impact assessments, and other supporting documentation for a proposed course of action. This is why it is important for military installation managers to educate the public and elected officials about the direct

Environmental advisory boards can be important allies in creating buffer zones.

benefits military installations afford municipalities, as well as issues concerning installations. Various groups, including community and business, are important allies in the battle to ward off encroachment.

Environmental Advisory Boards and Citizen Interest Groups

Many local governments have environmental advisory boards consisting of local citizens whose appointments usually last a few years. The boards advise the local government and can delve into subjects such as public health and safety, environmental protection and quality, waste management and recycling, and pollution control. If there is an environmental advisory board in the locality bordering the military installation, the military installation manager, his or her staff, and the board members should communicate with one another on a regular basis, especially when confronting encroachment issues. Military staff should request or be invited to present supporting materials to the board. The environmental advisory board needs to be aware of encroachment problems if they exist and could be an important ally in creating a buffer zone between the military installation and the community.



UNDERSTANDING THE COMMUNITY

Constituents and Groups

Community building is the art and science of proactively involving citizens in important issues surrounding the military installation. Community building requires a spirit of inclusiveness. Community members should feel they are part of the decision-making process, especially when they are impacted by an issue. The objective of community outreach is to give all stakeholders timely, accurate, and appropriate information about the issue, as well as an opportunity to have a voice in the process. Building a relationship with the community (including neighborhoods, businesses, schools, and other affected groups) helps secure the public's confidence and trust in the military, and can help avert confrontation should problems or issues arise. Through effective outreach efforts, military installation managers may find and create allies in the community.

A manager should not wait too long to speak with the community. He or she may discover that someone with a conflicting agenda has framed the issue first, thereby making it difficult for the manager to convey their message.

Military installation managers should encourage staff to seek out and make presentations to community groups such as the Chamber of Commerce, neighborhood boards and associations, civic groups such as Rotary Club and Kiwanis, and planning and zoning boards. Since important and active community groups vary from region to region, it is necessary to be proactive in searching out the active groups in a specific community. Military installation managers have an obligation to educate citizens on projects that may impact their lives before the project begins.

It is important to remember that local government managers are significant figures not only in their governments, but also in their cities or counties as a whole. People who fill the top manager or administrator positions in cities and counties are community leaders in three respects:

1. They help shape the agenda of the local government and propose policies for adoption by elected officials
2. As both individuals and representatives of their governments, they interact with people outside of government and contribute to the overall life of the community
3. They shape the orientation of their governmental organization to the needs of the citizens. They consider how the organization treats citizens and how it facilitates citizen participation in governmental affairs

“Although it is important to socialize and exchange pleasantries, the ability to discuss difficult problems and commit to solutions that require... time or money is an important part of... a good relationship. Establishing a network for communication, as opposed to a single channel, seems to facilitate good relations... Each area of similar functional responsibility presents an opportunity for increased communication.”

– Former Naval Officer and ICMA Fellow

For more information, please refer to the "Commander's Guide to Community Involvement," prepared by the Range Commander's Council Sustainability Group, available at: <http://www.denix.osd.mil/sri/Tools/Primers.cfm>

Military installation leaders need to have a firm understanding of how decisions made by local governments directly affect the installation's mission. The long-term sustainability of the military installation will depend largely on installation leaders' ability to effectively communicate and resolve conflict with local and regional entities.

State-Sponsored Regional Military Organizations

Certain states have developed organizations to strengthen relationships with military installations and handle specific issues such as encroachment. Most of these organizations exist as a result of Base Realignment and Closure (BRAC) and the economic impact that can result from the loss of a military installation. If a state does not have such an organization, local officials, and the installation commander can work together to encourage the state governor's office to create one.

Some states that have created such groups include:

Arizona

Arizona established the Military Affairs Commission in March 2004 to monitor development surrounding military installations. The commission is charged with making recommendations to the governor on executive, legislative, and federal actions necessary to sustain and expand Arizona's network of military installations, training and testing ranges, and associated airspace.

The Arizona Military Regional Compatibility Project 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 has grown now to include 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.

Arizona Military Regional Compatibility Project website:
<http://old.azcommerce.com/Military/Compat/>

California

The goal of the Governor's Advisory Council on Military Affairs is to "coordinate and communicate state and federal policy impacting California's relationship with the U.S. military, including personnel and their families." The Council consists of the Governor, the Adjutant General of the California National Guard and representatives from the U.S. Marines, Army, Navy, Air Force, and Coast Guard.

Press Release:

<http://gov.ca.gov/news.php?id=2470>

Connecticut

The General Assembly created the Office of Military Affairs (OMA) and its Executive Director position in 2007. The decision to establish OMA came less than two years after “Team Connecticut” presented a fact-based case that convinced the BRAC Commission to remove Sub Base from the Pentagon’s closure list, which it did. With that decision, “Team Connecticut” and the citizens of the state preserved a strategic asset of the Navy and an integral piece of Connecticut’s economy and culture.

The Office of Military Affairs’ mission is to:

- Coordinate efforts to prevent the closure or downsizing of the Naval Submarine Base in Groton
- Support Connecticut’s military families and enhance their quality of life
- Advocate for Connecticut’s defense industry, a major component of the state’s economy and an engine of innovation and quality production for our Armed Forces
- Encourage the retention of established defense missions and the relocation of new ones to the state
- Serve as liaison to the Connecticut congressional delegation on defense and military issues

OMA website:

<http://www.ct.gov/oma/site/default.asp>

Florida

Enterprise Florida, a statewide public-private partnership, created the Florida Defense Alliance in 1998 to position Florida, along with its military installations and their host communities, to successfully support and enhance DoD transformation initiatives. The alliance is comprised of designated representatives from each local base retention and re-use committee, local military installation commanders, state agency liaisons, and a number of individuals and groups with statewide perspectives and national experience.

Georgia

The state of Georgia’s Military Affairs Coordinating Committee is charged with improving installation residents’ quality of life and the mission value of the state’s thirteen military installations. The committee works to reduce encroachment, improve business practices, and help secure resources to improve infrastructure.

Indiana

Indiana Code §4-3-21 et seq. (H.B. 1022 of 2005) provides for the Military Base Council to study and report to the Governor and the Legislative Services Agency annually on various issues relating to military bases in Indiana. Specifically, the Council is tasked with:

- Identifying the public infrastructure and other community support necessary to improve mission efficiencies and for the development and expansion of military bases in Indiana
- Identifying existing and potential impacts of encroachment on military bases in Indiana
- Identifying potential state and local government actions that can minimize the impacts of encroachment on and enhance the long term potential of military bases
- Identifying opportunities for collaboration among the state, including the military department of the state, political subdivisions, military contractors, and academic institutions to enhance the economic potential of military bases and the economic benefits of military bases to the state
- Studying how governmental entities outside Indiana have addressed issues regarding encroachment and partnership formation

The Council is chaired by the Lieutenant Governor and its membership includes legislators whose districts contain all or part of a military base, representatives of several state agencies, and local government officials.

Indiana Code §4-3-21 et seq.:

<http://www.in.gov/legislative/ic/code/title4/ar3/ch21.html>

Military Base Planning Council:

<http://www.in.gov/oed/2435.htm>

Kansas

Executive Order established the Kansas Governor's Military Council. The goals of the Council are to:

- “Optimize the military presence in Kansas through removal of operational impediments, increasing operating efficiencies, and recruitment/acquisition of new missions and force structure
- Actively foster close, effective cooperation among the installations and public and private sectors throughout the state
- Aggressively pursue initiatives to enhance the quality of life for all military personnel, active and retired

- Promote Kansas as a desired location for all DoD retirees
- Assist in the transfer of technology between the military and the private sector to enhance the competitive posture of both in the national and global market
- Explore and develop outreach opportunities for individuals retiring from military service to use their talents and skills as members of the Kansas workforce
- Assist in the development, coordination and execution of strategy required by any future change in missions proposed by the DoD”

The Executive Order provides for the existence of the Council until May 1, 2009. Governor Mark Parkinson issued Executive Order 09-06 in July 2009 to continue the Council through February 28, 2011.

Executive Order 07-05:

<http://www.kslib.info/Documents/executive/EO%2009-06.pdf>

Louisiana

The Governor issued Executive Order 04-41, which re-established the Governor’s Military Advisory Board that was previously created under past administrations. The duties and objectives of the Board include:

- Providing a public forum for issues concerning the installations and/or units of the armed forces of the United States located within the state
- Formulating goals and objectives to enhance cooperation, coordination, communication, and understanding between the military, the Louisiana Congressional Delegation, the communities in the state interfacing with the military, and/or state and local government agencies
- Reviewing and/or disseminating information about proposed legislation related to and/or directly impacting the military communities within the state
- Proposing and/or sponsoring activities, legislation, initiatives, programs, or projects which increase, support, or enhance the military’s presence within the state or which enhance or improve the quality of life for military communities

The Louisiana Department of the Military provides support staff for the Board.

Executive Order 2009-4:

<http://www.gov.state.la.us/assets/docs/2009EOMilitaryAdvisoryBoard.pdf>

Mississippi

Governor Haley Barbour established the Mississippi Military Communities Council to “advise executive and legislative officials regarding the ongoing efforts by the U.S. Department of Defense to close, realign, restructure, streamline, or otherwise take actions that would impact military installations located within the State.” The Council is also tasked with advising executive and legislative officials regarding opportunities to “enhance, expand, add or otherwise improve missions, programs, facilities, operations on or affecting the military installations in the State.”

Missouri

State statute established the Missouri Military Preparedness and Enhancement Commission (MMPEC) in 2005. Its responsibilities and duties include making annual recommendations to the Governor and General Assembly for legislative and administrative actions intended to increase support for the military in Missouri and improve the lives of military families in Missouri. The Commission is bi-partisan and consists of nine members, five of whom are appointed by the Governor, two of whom are appointed by the House, two of whom are appointed by the Senate and two ex-officio members.

Missouri Military Preparedness and Enhancement Commission:

<http://www.mmpec.ded.mo.gov/index.html>

Annual Reports:

<http://www.mmpec.ded.mo.gov/reports.html>

Nevada

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.

Joint Military Affairs Committee:

<http://clearinghouse.nv.gov/jmac.htm>

New Mexico

New Mexico Statutes Annotated §9-15-48 and §9-15-51(S.B. 333 of 2004; S.B. 287; and H.B. 323 of 2003) provides for the Office of Military Base Planning and Support. The director of the Office is appointed by the Governor’s Homeland Security Adviser and 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 Homeland Security Advisor 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 Office was originally set to terminate July 1, 2009; however, legislation extended the Office and it will now continue to operate until July 1, 2016.

NMSA §9-15-48 and §9-15-51:

<http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>

New Mexico Statutes Annotated §9-15-49 through §9-15-51 provides for the 17-member Military Base Planning Commission. The duties of the Commission include:

- Evaluating information relating to base realignment and closure and the impacts on the state and local economy
- Collaborating with community organizations and New Mexico’s congressional delegation and efforts to support New Mexico’s military bases
- Advising the Governor on best methods to ensure the longevity of New Mexico’s military bases

The Commission was originally set to terminate July 1, 2009; however, it will now continue to operate until July 1, 2016.

NMSA §9-15-49 and NMSA §9-15-50, NMSA §9-15-51:

<http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>

North Carolina

The North Carolina Advisory Commission on Military Affairs was created in 2002. It advises the governor on strengthening the state’s relationship with the military and protecting the state’s existing military infrastructure, particularly with respect to urban and rural encroachment issues. The commission is made up of 30 members who serve two-year terms.

North Dakota

Governor John Hoeven created the Governor’s Military Task Force to examine the possibilities for future military-force structure expansion and missions in the state. The goals of the Task Force include:

- Enhancing economic development with federal military defense dollars to provide jobs
- Developing military contracting opportunities in North Dakota
- Establishing long range plans to include private, corporate and civilian sectors
- Identifying initiatives that will increase economic growth
- Coordinating missioning ties with active duty and reserve/guard components
- Identifying opportunities to attract seed money for new industries that have a tie to the military

Governor's Military Task Force:

http://governor.nd.gov/boards/boards-query.asp?Board_ID=139

Oklahoma

Oklahoma Statutes §74-5401 and §74-5402 (Oklahoma H.B. 1396 of 2003) created the Oklahoma Strategic Military Planning Commission to “analyze state policies affecting military facilities currently in use by the United States Department of Defense located within the state and by their related communities.” Specifically, the Commission is tasked with advising and recommending to the Governor and the Legislature state policies that would:

- Prevent the state's military facilities from being targeted for closing or downsizing
- Maximize the state's input into the federal base closing and realignment process
- Protect, to the greatest extent possible, the interests of the communities and residents of areas located within and adjacent to such military facilities in connection with such process
- Mitigate the effect of a reduction in military personnel housed or assigned to such facilities, reduction in military activity associated with such facilities, or other changes in either civilian or military activity which have the potential to reduce employment, business activity, personal income or other economic growth in the affected areas
- Encourage and facilitate the relocation of mission responsibilities and resources to state military facilities from military bases located outside of the state

South Carolina

Governor Mark Sanford issued Executive Order 2006-05, which reconstituted the South Carolina Military Base Task Force to “enhance the value of military installations, facilities, and personnel located in the state.” The Task Force

coordinates efforts among the public and the private sectors “to maintain the significant United States Department of Defense presence in the state” and advises the Governor on any issues and strategies related to military base closures, realignments, and mission changes.

Texas

The state of Texas created the office of the Texas Military Preparedness Commission to develop a proactive statewide strategy to assist defense-dependent communities in the prevention of future base closures and realignments, and to assist defense-dependent communities in preparing for the next generation of military in Texas. The commission is also charged with offering assistance to defense-related businesses.

Virginia

Virginia Code §2.2-2666.1 and §2.2-2666.2 reestablished the Virginia Military Advisory Council. The 25 member Council serves in an advisory role to the Governor, “on issues of mutual concern to the Commonwealth and the Armed Forces of the United States, including exclusive and concurrent jurisdiction over military installations, educational quality and the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth and such other issues as the Governor or the Council may determine to be appropriate subjects of joint consideration.” The Council is required to submit an annual report to the Governor and the General Assembly.

Virginia Code §2.2-2666.1:

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2666.1>

Virginia Code §2.2-2666.2:

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2666.2>

2008 Virginia Military Advisory Council Annual Report:

<http://leg2.state.va.us/dls/h&sdocs.nsf/46748ca520ac5b8685256ebe006b09ea/4d76e202f63ec1fa8525744900691112?OpenDocument>

Wisconsin

Wisconsin Act 26 of 2005 (A.B. 399 of 2005) created the Council on Military and State Relations to assist the Governor by working with the state’s military installations, commands and communities, state agencies, and economic development professionals to develop and implement strategies designed to enhance those military installations. The Council is tasked with:

- Advising and assisting the Governor on issues related to the location of military installations in the state

Legislation

Certain states across the United States have passed legislation to ward off encroachment around their military bases. The National Conference of State Legislatures (NCSL) produced the *State Policy Options* report that delves into which states have taken such action and provides specifics on the legislation. In addition, the National Governors Association's report, *State Strategies to Address Encroachment at Military Installations*, can be downloaded from their website (www.nga.org/cda/files/032403MILITARY.pdf), or refer to the NCSL Primer, *Working with State Legislators*. Finally, to view a map indicating which states are actively pursuing range sustainment legislation, visit www.legislativestatemap.org.

“Communities and bases that don't maintain good [working] relations... consume resources dealing with the resulting problems.”

– Former Naval Officer and ICMA Fellow

- Assisting and cooperating with state agencies to determine how those agencies can better serve military communities and military families
- Assisting the efforts of military families and their support groups regarding quality-of-life issues for service men and women, their spouses, and their dependents

The Council is attached to the Office of the Governor for administrative purposes.

Act 26 of 2005:

<http://www.legis.state.wi.us/2005/data/acts/05Act26.pdf>

Sustainability Partnerships

Because the urbanized world has encroached on military installations and wildlife habitats, environmental and military communities are forging new partnerships to create buffer zones that give the military a safe distance from residences and businesses during testing and training exercises, while also safeguarding important wildlife habitats. For an extensive look at partnerships being formed between the military and conservation groups such as The Nature Conservancy, Trust for Public Land, Land Trust Alliance, and American Farmland Trust, please refer to the Primer on “Working With Land Trusts” at <http://www.denix.osd.mil/sri/Tools/Primers.cfm>

FEDERAL FARMLAND PRESERVATION PROGRAMS

DoD and the U.S. Department of Agriculture (USDA) offer several programs to help mitigate the challenges posed by incompatible development and loss of habitat in areas adjacent to military installations.

DoD's **Readiness and Environmental Protection Initiative (REPI)** has been highly effective in protecting DoD bases and other testing and training areas through conservation agreements with local and state governments, as well as private sector stakeholders. REPI enables DoD to work with willing partners to protect valuable habitat and avoid land use conflicts near installations. It is overseen by the Office of the Secretary of Defense and implemented through the Military Services' programs.

The **Farm and Ranch Lands Protection Program (FRPP)** provides matching funds to local, tribal and state governments, and non-governmental organizations to help purchase development rights to keep productive farm and ranch land in agricultural uses. This is accomplished through easements.

The **Grasslands Reserve Program** is a voluntary conservation program that emphasizes support for working grazing operations, enhancement of plant and animal biodiversity, and protection of grasslands under threat of conversion to other uses. Participants voluntarily limit future development and cropping uses of the land, while retaining the right to conduct common grazing practices and operations.

The U.S. Forest Service's **Forest Legacy Program** supports state efforts to protect environmentally sensitive forest lands. The program focuses on the acquisition of partial interests in privately owned forest lands and helps states develop and implement their forest conservation plans. It encourages and supports acquisition of conservation easements.

The purpose of the **Healthy Forests Reserve Program (HFRP)** is to assist private landowners to restore, enhance, and protect forestland resources through easements, 30-year contracts, and 10-year cost-share agreements. The objectives of HFRP are to promote the recovery of species listed under the Endangered Species Act, improve plant and animal biodiversity, and enhance carbon sequestration.

The **Wetlands Reserve Program (WRP)** offers landowners the opportunity to restore, protect, and enhance wetlands on their property. USDA provides technical and financial support to help landowners with their wetland restoration efforts. The goal is to achieve the greatest wetland functions and values, along with optimum wildlife habitat, on every acre enrolled in the program.

More information on these programs, please go to the *Field Guide to the 2008 Farm Bill for Fish and Wildlife Conservation*: <http://www.nabci-us.org/fbprograms.html>, or contact Bob Barnes, Senior Policy Advisor at The Nature Conservancy at bbarnes@tnc.org.

CONCLUSION

The purpose of this Primer is to offer suggestions and solutions for installation management and local governments to work together. It is the responsibility of both parties to ensure that decisions being made are advantageous for both the installation and the community. By engaging with local government officials, both formally and informally, the result will be cohesive, mutually beneficial strategies and/or regulations that adequately represent what is best for the entire locality.

PROFESSIONAL RESOURCES

AFT—American Farmland Trust

1200 18th Street, NW, Suite 800 Washington, DC 20036
Tel: 202-331-7300
Fax: 202-659-8339
www.farmland.org

APA—American Planning Association

1776 Massachusetts Ave., NW, Suite 400
Washington, DC 20036
Tel: 202-872-0611
Fax: 202-872-0643
www.planning.org

CSG—Council of State Governments

Hall of States
444 N. Capitol Street, NW, Suite 401
Washington, DC 20001
Tel: 202-624-5460
Fax: 202-624-5452
www.csg.org

ECOS—Environmental Council of the States

444 N. Capitol Street, NW, Suite 443
Washington, DC 20002
Tel: 202-624-3660
Fax: 202-624-3666
www.ecos.org

**ICMA—International City/County
Management Association**
777 North Capitol Street, NE, Suite 500
Washington, DC 20002
Tel: 202-289-4262
Fax: 202-962-3500
www.icma.org

LTA—Land Trust Alliance
1660 L Street, NW, Suite 1100
Washington, DC 20036
Tel: 202-638-4725
Fax: 202-638-4730
www.lta.org

NACo—National Association of Counties
25 Massachusetts Ave., NW, Suite 500
Washington, DC 20001
Tel: 202-393-6226
Fax: 202-661-8871
www.naco.org

**NCSL—National Conference of
State Legislatures**
444 N. Capitol Street, NW, Suite 515
Washington, DC 20001
Tel: 202-624-5400
Fax: 202-737-1069
www.ncsl.org

NGA—National Governors Association
Hall of States
444 N. Capitol Street, Suite 267
Washington, DC 20001
Tel: 202-624-5300
Fax: 202-624-5313
www.nga.org

NLC—National League of Cities
1301 Pennsylvania Ave., NW, Suite 550
Washington, DC 20004
Tel: 202-626-3000
Fax: 202-626-3043
www.nlc.org

TCF—The Conservation Fund
1655 N. Fort Myer Drive, Suite 1300
Arlington, VA 22209
Tel: 703-525-6300
Fax: 703-525-4610
www.conservationfund.org

TNC—The Nature Conservancy
4245 N. Fairfax Drive, Suite 100
Arlington, VA 22203
Tel: 703-841-5300 or 800-628-6860
www.nature.org

TPL—The Trust for Public Land
116 New Montgomery Street, 4th Floor
San Francisco, CA 94105
Tel: 415-495-4014 or 800-714-5263
Fax: 415-495-4103
www.tpl.org

U.S. Conference of Mayors
1620 Eye Street, NW
Washington, DC 20006
Tel: 202-293-7330
Fax: 202-293-2352
www.usmayors.org

APPENDIX A: WORKING WITH LOCAL GOVERNMENTS CHECKLIST*

What is the local government structure?	<input type="checkbox"/> Strong Mayor <input type="checkbox"/> Weak Mayor <input type="checkbox"/> Mayor-Council <input type="checkbox"/> Council-Manager <input type="checkbox"/> Commission <input type="checkbox"/> Other: _____
Who are the key members of the local government and what is their contact information?	Mayor: _____ Council Members: _____ _____ Commissioner: _____ Other: _____
Who are the local planners?	<i>Set up a meeting with them to discuss the overall city/county plans.</i>
Who actually makes land use decisions?	
Who are the active community and neighborhood groups?	
Who are the key members of the local media outlets?	Television station contacts: _____ _____ Radio contacts: _____ _____ Newspaper contacts: _____ _____ Local Chamber of Commerce: _____ _____
Is there a local environmental advisory board? If so, who is the contact?	
Who should receive updated installation news?	<input type="checkbox"/> Community groups <input type="checkbox"/> Key members of the local government <input type="checkbox"/> Local media contacts <input type="checkbox"/> Other: _____

This primer is one of a series designed in cooperation with DoD's Sustainable Ranges Initiative. The primer series includes:

- ❖ Collaborative Land Use Planning: A Guide for Military Installations and Local Governments
- ❖ Commander's Guide to Community Involvement
- ❖ Outreach for Mission Sustainability: Working to Balance Military and Civilian Community Needs
- ❖ Partner's Guide to the Department of Defense's Readiness and Environmental Protection Initiative (REPI)
- ❖ Working to Preserve Farm, Forest and Ranch Lands: A Guide for Military Installations
- ❖ Working with Conservation Districts: A Guide for Military Installations
- ❖ Working with Land Trusts: A Guide for Military Installations and Land Trusts
- ❖ Working with Local Governments: A Practical Guide for Installations
- ❖ Working with Regional Councils: A Guide for Installations
- ❖ Working with State Legislators: A Guide for Military Installations and State Legislators

These primers are available online at <http://www.denix.osd.mil/sri/Tools/Primers.cfm>

To obtain hard copies or for more information, contact:

Sustainable Ranges Outreach Coordinator
Office of the Deputy Under Secretary of Defense
(Installations and Environment)
www.denix.osd.mil/SustainableRanges
(571) 969-6774

