

Mr. Chairman & Members of the House Government & Veterans Affairs

We urge a **DO PASS** for **SB 2398** as passed by the Senate to establish **Military Influence Zones** to protect our military installations **against encroachment** by **land, airspace, and electromagnetic spectrum** (EMS) developments.

**Land, airspace and electromagnetic spectrum encroachment** has a **negative** impact on military installations, *significantly affecting* national security interests, safety, and operational readiness for long-term mission viability. Some developments near a military installation may interfere with military radar, airspace, operations, or readiness which includes the introduction of **radar installations, telecommunications towers, wind farms, energy installations, drone airports, power lines, tall structures, light pollution, or Chinese spy facilities**. These developments may disrupt military weather and aircraft radar, flight paths, navigation, classified missions, and other military activities.

Current encroachment legislation **only deals with land encroachment**; but **airspace and electromagnetic spectrum encroachment** is just as crucial for military operations. The State needs to protect the Grand Forks AFB and other military installations against encroachment to ensure current and new missions are viable. The **Mayor's Base Retention Committee** hired the best national consultants we could find to bring the best practices, lesson learned, and state-of-art approaches to North Dakota military installations. (Ref. Airspace Encroachment Mitigation: Legislative & Regulatory Review at Grand Forks AFB by Donohoe & Associates and Matrix Design Group, Dec. 2024).

North Dakota lacks specific **state-level** legislation to protect military installations from encroachment and lacks a **coordinating entity (formal point of contact)** to act as a liaison and **clearinghouse** with developers, local government, military installations, and others to resolve potential conflicts. States play a key role in **harmonizing** civilian and military interests by enacting laws that encourage growth while protecting military installations from encroachment and incompatible land, air and EMS uses. For national security purposes the state needs to ensure that future development does not threaten the **sustainability of military installations** protecting existing and future military missions.

***When we accept a military installation, we have a duty to protect it.*** **Coordination and communication** are needed between military authorities and state, county, city, and township jurisdictions. That is critical to ensure certain developments align with military compatibility goals. The goal is to have a **clearinghouse function** to **harmonize** and **deconflict** development that would be detrimental to military installations. Local governments within a **Military Influence Zone (MIZ)** should notify military installations of proposed developments so conflicts can be resolved upfront.

North Dakota empowers local governments to create their own zoning regulations, including townships that may do planning and zoning functions through home rule charter. When they conduct planning and zoning, they do not have to coordinate with counties or cities...or the military installation. This decentralized approach allows flexibility... but can lead to gaps in military compatibility protections if local governments are unaware of or do not fully integrate federal guidelines into their planning processes. States like **Texas, Arizona, Florida, California, and Virginia** have implemented comprehensive legislative frameworks to protect military installations from encroachment, offering a model for North Dakota, thus **Military Influence Zones** and a **Military Compatibility Commission** in SB2398. (Ref. Airspace Encroachment Mitigation: Legislative & Regulatory Review at Grand Forks AFB by Donohoe & Associates and Matrix Design Group, Dec. 2024).

SB2398 allows **Military Influence Zones (MIZs)** to be established around military installations and allows military installations to **"opt in"** for consideration. No military installations are mentioned in SB

2398, but will likely include installations like **Grand Forks AFB, Minot AFB, Cavalier Space Station, and Camp Grafton South** to provide a formal mechanism for ensuring that certain developments within established zones are subject to military input, guidance, and coordination. Military installations **may opt in or opt out** of MIZs. Within the MIZ, local governments are asked to consult with military installations on development decisions like **radars, telecommunication towers, wind farms, drone airports, energy installations, tall structures, etc.** that fall within these MIZs. This ensures the military has a voice in development decisions that could impact safety, national security, military operations, or airspace management within the MIZ. This has no impact on regular developments such as housing, commercial entities, farms, etc. ***The language maybe could be more precise in the definition section of SB 2398 about what developments are included.***

SB2398 creates a **Military Compatibility Commission** at the state level to oversee and coordinate land, airspace, and EMS use decisions near military installations. **Cities, counties, and townships** are all given a voice on the Commission through their state associations. Each military installation that opts in also has a voice as does the Governor. The commission would serve as a **clearinghouse** to review development proposals that may impact military operations within designated Military Influence Zones (MIZs). This ensures military installations have their operational needs considered in local and regional planning, zoning, land use, and permitting processes upfront, not after the fact. Without this authority, local jurisdictions may lack the legal tools to enforce zoning restrictions, height limitations, and siting permits vital for maintaining nearby military installations' operational integrity. There is a primary duty to inform and communicate potential conflicts. If there is no resolution, how might they be deconflicted?

***Governor Armstrong is resisting establishing new commissions.*** We support that general premise. This **clearinghouse function** could be provided by a **newly funded staff member** in the **Commerce Department** (where new developments are most comfortable), a position with requisite engineering skills to work with civil engineers on military installations.

**A suggested amendment: Counter-Drone:** One of the biggest challenges facing all military installations is **counter-drone threats** and having a **perimeter defense** outside the fence line of the military installation to detect/track, identify, decide, and neutralize threats early. Adversary drones pose the most significant threat in the US homeland and these threats are changing how wars are fought. No approach to date has adequately addressed America's potential responses to the strategic risk of enemy drones. Research and testing on counter drone strategies is ongoing with Project **Unmanned Logistics, Traffic, Research and Autonomy (ULTRA)** project funded by the DoD that is ongoing at **Grand Sky and Grand Forks AFB**. Military bases have no authority outside the fenceline to defend themselves, only within the fenceline. A possible solution is to add a **2-mile perimeter** around the military installation fenceline within the MIZ where the county sheriff and base security are authorized to work together jointly for **counter-UAS** responses. This would be a **first in the nation solution**, put North Dakota on the map in another area of drones, as we seek solutions on effective counter-drone defense.

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