



DEPARTMENT OF DEFENSE
REGIONAL ENVIRONMENTAL COORDINATOR, REGION VIII REGIONAL
ENVIRONMENTAL AND ENERGY OFFICE- WESTERN US CUSTOM HOUSE
721 19TH STREET, ROOM 427
DENVER, CO 80202

Senator Diane Larson
Chair, Senate Judiciary Committee
North Dakota Legislature
Bismarck, North Dakota 58505

12 February 2021

Subject: North Dakota House Bill 1079 (HB 1079)

On behalf of the military Services in North Dakota, I am writing to inform you of our opposition to HB 1079 unless amended.

The Department of Defense (DOD) does not have the authority to grant a real property interest, such as a restrictive environmental covenant, on federally owned real property. Accordingly, we propose the following amendment:

Section 47-37-04, add new subsection 5.

"An environmental covenant is not required in the case of real property owned by the United States and under the administrative jurisdiction of the Department of Defense so long as the property remains under the administrative jurisdiction of the United States. The Department of Defense may issue cleanup decision documents, in consultation with the North Dakota Department of Environmental Quality, to achieve the substantive goals of an environmental covenant."

The DOD is dedicated to protecting public health and the environment and providing a safe environment for the men and women in uniform and their families. The DOD is committed to working with the State of North Dakota and its agencies on environmental restoration and related issues.

Thank you for your consideration of our concerns. If you have questions you can contact me at 303.844.0956 or at mark.a.mahoney.civ@mail.mil

A handwritten signature in blue ink, appearing to read "Mark Mahoney", is located below the text.

Sincerely, Mark Mahoney
Department of Defense
Regional Environmental Coordinator, Region 8