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This chapter provides an overview of planning and compatibility tools currently used, applied, or available in evaluating and addressing compatibility issues in the Fort Drum JLUS Study Area. Relative to compatibility planning, there are a number of existing plans and programs that are either designed to address compatibility directly or that indirectly address compatibility issues through the topics they cover.

This summary provides an overview of key plans and programs that impact compatibility planning organized by level of government. There are three types of planning tools evaluated relative to their applicability: permanent, semi-permanent, and conditional. Permanent planning tools include acquisition programs, either fee simple purchase of property or the purchase of development rights. Semi-permanent tools include regulations such as zoning or adopted legislation. Examples of conditional tools would include memorandums of understanding, intergovernmental agreements, and other policy documents such as comprehensive plans that can be periodically modified. This review is meant to provide an overview of applicable planning tools and determine how each may apply to compatibility as presented under the compatibility factors discussed in Chapter 5, Compatibility Assessment.



The overview of key plans and programs is organized by level of government in the following order:

- *Federal*
- *Fort Drum / New York National Guard*
- *State of New York*
- *JLUS Partner Community Planning Tools*
- *Jefferson County*
- *City of Watertown*
- *Towns of Champion and Wilna, and Villages of Carthage and West Carthage*
- *Town of LeRay*
- *Town of Philadelphia*
- *Town of Watertown*
- *Lewis County*
- *Town of Diana*
- *St. Lawrence County*
- *Tug Hill Commission*
- *Development Authority of the North Country*
- *Other Resources*

4.1. Federal

Federal tools authorize federal, state, and local entities to implement regulatory measures and policies to protect the multiple resources that are involved in land use and military compatibility planning. The intent of these regulatory measures and policies includes the protection of the quality of life and general welfare of the public and preservation of military training areas for military use. These tools assist land use decision makers and planners of all levels of government in making informed decisions that enable compatible land use development between military installations and the communities that exist around them. Federal programs and policies were evaluated in the Fort Drum JLUS to assist in determining where areas of improvement could enable better land use planning at the local level.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) establishes the rights of Native Americans to access sacred sites or sites of religious importance. A religious site may or may not contain physical remains, objects, or other elements that could identify it as an archaeological site. The AIRFA defines objects as specific items of use for religious practices that have spiritual or ritualistic importance. They may include sacred objects, non-sacred objects, and objects of cultural patrimony. It defines a religious site as any place or area including, but not limited to, any geophysical or geographical area or feature:

- Sacred to Native American religion;
- Where Native American practitioners are required by their religion to gather, harvest, or maintain natural substances or natural products for use during ceremonies, rituals, or for spiritual purposes; and/or
- Which is used by Native American religious practitioners for ceremonies, rituals, or other spiritual practices.

The AIRFA is important to the Fort Drum JLUS Study Area because of the Native American history in the area. There are Native American religious sites located within Fort Drum’s boundary. The Fort Drum Integrated Cultural Resources Management Plan for fiscal years 2011 to 2015 identifies that five Native American tribal governments have potential cultural affiliations to the land where Fort Drum is located. These three tribes are the Oneida Indian Nation, Sovereign Oneida Nation of Wisconsin, Onondaga Nation, St. Regis Mohawk Tribe, and Wyandotte of Kansas. Mission expansion at Fort Drum could encroach on Native American rights to access lands of significance.

Ammunition and Explosives Safety Standards 385-64

The Department of the Army Pamphlet 385-64 details the Army's safety criteria and standards for operations involving ammunition and explosives. The pamphlet includes mandatory procedures and guidance as well as preferred methods of accomplishing those procedures. Pertinent information in the pamphlet includes, but is not limited to, explosives safety training standards, explosives safety management programs, safety inspection procedures, and guidance for the creation of installation ammunition / explosive location maps. Fort Drum personnel utilize these standards when preparing for training to ensure safety management is a top priority.

Army Compatible Use Buffer Program

Title 10, Section 2684a of the United States Code authorizes the DOD to partner with non-federal governments and private organizations to establish buffer zones around critical active military assets. Within the Department of the Army, this is called the Army Compatible Use Buffer (ACUB) program. Through the ACUB program, Army installations can work with organization partners, such as land trusts, to acquire land or development rights to establish buffer zones that can help protect habitats, sensitive areas, and military training areas without acquiring any new land for Army ownership. The partner organization is the entity that acquires and manages the land or land rights. Fort Drum's ACUB is discussed in more detail in Section 4.3 New York Army National Guard / Fort Drum.

Army Regulation 200-1, Environmental Protection and Enhancement

This regulation implements federal, state, and local environmental laws and DOD policies for preserving, conserving, and restoring the environment. This regulation should be used in conjunction with 32 Code of Federal Regulation Part 651, which provides Army policy on NEPA requirements and supplemental program guidance.

This regulation defines Army Environmental Management System (EMS) framework and the five interconnected EMS areas which are: policy, planning and implementation, program management and operation, checking and corrective action, and management review.

As a steward for regional endangered species, Fort Drum has created a Bat Conservation Area within the Cantonment Area to assist in the preservation of both the Indiana Bat and Northern Long-Eared Bat.

Bird / Wildlife Aircraft Strike Hazard

A Bird / Wildlife Aircraft Strike Hazard (BASH) plan is designed to minimize wildlife and bird strike damage to military aircraft. A BASH plan is designed to manage bird habitats and activity, alert aircrew and operations personnel, and provide increased levels of flight safety, particularly during the critical take-off and landing phases of flight. The purposes of a BASH plan are to:

- Designate a Bird Hazard Warning Group (BHWG) and outline each members' responsibilities.
- Establish procedures to identify high hazard situations and establish aircraft and airfield operating procedures to avoid these situations.
- Ensure that all permanent and transient aircrews are aware of bird hazards and the procedures for avoidance.
- Develop guidelines to decrease the attractiveness of the airfield to birds and disperse their numbers on the airfield.

Fort Drum's BASH Plan was last updated in September 2015 and is incorporated into the Wheeler-Sack Army Airfield Standard Operations Procedures manual.

Clean Air Act

The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationary and mobile sources in order to control air pollution in the US. Under the CAA, the US Environmental Protection Agency (EPA) established limits on six criteria pollutants through the National Ambient Air Quality Standards (NAAQS). Standards are set to protect public health and public welfare. The CAA also gives EPA the authority to limit emissions of air pollutants coming from sources like chemical plants, utilities, and steel mills. Individual states may have stronger air pollution laws, but they may not have weaker pollution limits than those set by EPA. The Act requires each state to develop a State Implementation Plan that outlines how it will control air pollution under the CAA. In New York, authority to issue permits under the CAA has been delegated to the New York State Department of Environmental Conservation (NYSDEC).

Several existing activities at Fort Drum, such as the use of boilers, paint spraying, and petroleum storage, are subject to a Title V air permit issued and enforced by NYSDEC, which aids in reducing the impacts of military activities on the surrounding communities. Other types of development, such as industrial plants and certain utilities, would require CAA permits that would place restrictions on their air emissions into the regional environment, which would aid in limiting the impact of those activities on the community and on Fort Drum, and would assist in limiting compatibility problems between those land uses, other land uses, and military activities.

Clean Water Act

The Clean Water Act (CWA) governs and provides guidance for the management of water resources and controls and monitors water pollution in the US. The CWA establishes the goals of eliminating the release of toxic substances and other sources of water pollution to ensure that surface waters meet high quality standards. In so doing the CWA prevents the contamination of nearshore, underground, and surface water sources, including the Black River, Lake Bonaparte, and regional ground water.

In New York, administration of many CWA permitting regimes are delegated to, and implemented by, the NYSDEC and / or the US Army Corps of Engineers. If a proposed development project triggers the CWA, one or both of these agencies would be involved in reviewing potential impacts to, and ensuring appropriate protection of, the region's water resources.

National Pollutant Discharge Elimination System

Per the CWA, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge into US waters. Point sources are discrete conveyances such as pipes or man-made ditches. According to the NPDES, individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if they discharge directly to surface waters. The Black River's water quality and ecosystem directly benefit from the NPDES, since Fort Drum must comply with the standards and regulations laid out in the CWA.

Department of Defense Conservation Partnering Initiative

In 2003, Congress amended Title 10 U.S.C. §2684a and §2692a (P.L. 107-314), the National Defense Authorization Act, to give authority to the DOD to partner with other federal agencies, state and local governments, and conservation-based non-governmental organizations to set aside lands near military bases for conservation purposes and to prevent incompatible development from encroaching on and interfering

with military missions. This law provides an additional tool to support conservation and environmental stewardship on and off military installations. This program could be used to assist in protecting land around Fort Drum to serve as a buffer to minimize future encroachment.

Department of Defense Siting Clearinghouse

Section 358 of the 2011 National Defense Authorization Act pertains to studying the impacts of the development of new energy production facilities on military operations and readiness. For example, tall structures constructed for energy production facilities and transmission projects, such as wind turbines and solar power towers, as well as electrical transmission towers sited in or under designated low-altitude military training routes and special use airspace may present a serious collision hazard to military aircraft operations. Additionally, wind turbines located near military test and training ranges can impact airborne military radar capability.

The DOD Siting Clearinghouse serves to coordinate the DOD review of existing applications for energy projects. Several key elements of Section 358 include designation of a senior official and lead organization to conduct the review of energy project applications, a specific time frame for completion of a hazard assessment associated with an application (30 days), specific criteria for DOD objections to projects and a requirement to provide an annual status report to Congress. This legislation facilitates procedural certainty and a predictable process that promotes compatibility between energy independence and military capability.

The DOD Siting Clearinghouse conducts a formal review when required by Section 44718 of Title 49 in the US Code and for projects within military training routes or special use airspace. Developers must file a completed application with the Secretary of Transportation to begin the formal review. The DOD Siting Clearinghouse then submits the application to any DOD components that may be impacted by the development. The DOD components then must provide their comments and recommendations no later than 20 days after receiving the application. Within 30 days of receiving the application the DOD Siting Clearinghouse must evaluate all comments and recommendation to determine if the proposed project will either have no impact, an adverse impact but the impact is sufficiently attenuated, or an adverse impact that needs to be mitigated.

When a determination is made that the proposed development will have an adverse impact, the applicant must discuss the possibility of mitigation within five days of receiving the notification. If an agreement is reached that removes any adverse impact of the proposed project, the application is amended and resubmitted to the Secretary of Transportation. If an agreement to mitigate the impacts is not reached and the DOD Siting Clearinghouse determines that the proposed project would result in an unacceptable risk to national security, then that recommendation is submitted to the senior official. If the senior official also determines an unacceptable risk, that recommendation is submitted to the senior officer. If the senior officer determines an unacceptable risk, the senior officer must identify which of the three criteria in Section 211.3 of the US Code create the unacceptable risk to national security and convey that determination to the Secretary of Transportation.

During the Mission Compatibility Evaluation process, if a proposed project is determined to have potential adverse impacts to a military base or military readiness, the Department of Defense will establish a Mitigation Response Team (MRT) which is responsible for working with a project developer to identify potential impacts and reasonable mitigation options. This MRT process typically results in a binding Mitigation Agreement between the DOD and the developer, which memorializes the solutions developed through that consultation process.

The DOD Siting Clearinghouse also provides an informal review when requested. This is typically done by a developer to receive a preliminary determination before filing under the requirement of the US Code.

On December 12, 2017, the 2018 National Defense Authorization Act was signed into law, which among other things, included changes to the DOD Siting Clearinghouse, which will be transitioned to the Military Aviation and Installation Assurance Siting Clearinghouse. This new Clearinghouse must provide procedures for energy project developers to consult with affected military installations, facilitating better coordination and communication from the project initiation. Part of the enhanced coordination and communication requires the Clearinghouse to develop procedures for energy project developers to submit the project area and preliminary layout at least one year before the developer plans to begin construction if the proposed energy project is within any DOD operated surveillance radar or military training route. These procedures will help set a more clearly defined trigger for coordination and outreach between affected military installations and energy project developers. Also, the review period upon receiving an energy project application from the Secretary of Transportation is extended from 30 to 60 days, allowing more time for the Clearinghouse and affected military installations to assess the proposed development of any potential adverse impacts.

Department of Defense Minimum Antiterrorism Standards for Buildings (UFC 4-010-01)

The DOD published minimum security standards for use in facility and master planning through Unified Facilities Criteria (UFC) 4-010-01. The purpose of these standards is to provide appropriate, implementable, and enforceable measures to establish a level of protection against terrorist attacks based on the needed level of protection specific to each facility or installation. Security measures are required for four categories of DOD buildings:

- Inhabited buildings that are routinely occupied by 11 or more personnel at a population density of at least one person per 430 square feet of gross area.
- Primary gathering buildings, which are inhabited buildings routinely occupied by 50 or more personnel. All areas of such a facility that meet the population density requirement for an inhabited building must be treated as primary gathering.
- Billeting, in which 11 or more unaccompanied personnel are routinely housed.
- High-occupancy family housing, which has 13 or more units per building.

Required security measures, such as allowable standoff distances, vary for facilities contained within a controlled perimeter and those within an open installation. As defined by UFC 4-010-01, a controlled perimeter is a physical boundary that possesses sufficient means to channel vehicles to the access control point and where there is a demonstrated capability to search for and detect explosives. Although a controlled perimeter is typically in the form of an installation fence, natural features such as densely wooded terrain or other topographical features that assist in impeding or denying access to an area may qualify as an Antiterrorism / Force Protection measure. For example, Fort Drum's Main Cantonment Area and Wheeler-Sack Army Airfield are both enclosed by a fence, while most of Fort Drum's training area is not enclosed by a fence, but rather it is identified by signage or enclosed by dense forest terrain.

Department of Defense Partners in Flight Program

The DOD Partners in Flight (PIF) program employs habitat-based management strategies to maintain healthy landscapes and training lands. The PIF representatives assist natural resource managers in improving the monitoring, management, and education programs involving birds and bird habitat. The PIF published a Strategic Plan which identifies actions that support mission activities while protecting bird populations.

The PIF program not only helps to ensure mission-critical aviation activity at Fort Drum but also promotes the protection of important local bird species.

Department of Defense Readiness and Environmental Protection Integration

The DOD established the Readiness and Environment Protection Integration (REPI) program to implement the authority provided by the DOD Conservation Partnering Initiative. This initiative enables the DOD to work with state and local governments, nongovernmental organizations, and willing landowners to limit encroachment and incompatible land use by preserving undeveloped land. This land preservation could allow for buffers around the installation to be established to help further the installation mission.

REPI funds are used to support a variety of DOD partnerships that promote compatible land use. By relieving encroachment pressures, the military is able to test and train in a more effective and efficient manner. By preserving the land surrounding military installations, habitats for plant and animal species are conserved and protected. Fort Drum has engaged REPI funding in conjunction with its army Compatible Use Buffer Program to preserve lands from incompatible development around Fort Drum.

Department of Energy Office of Energy Efficiency and Renewable Energy

The US Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy is responsible for developing and delivering market-driven solutions for energy-saving homes, buildings, and manufacturing; sustainable transportation; and renewable electricity generation.

The DOE's Wind Program funds research and development in wind power technology and evaluates market barriers such as environmental impacts, project siting, permitting processes, and the potential effects on US airspace and waterways. The program also assesses domestic wind energy potential, serves as a technical information resource, assists in the development of wind plant siting and permitting guidelines, and helps to develop testing centers for wind energy equipment.

The DOE's Solar Power Program funds research for developing and delivering innovative solar power technology that can compete with other sources of energy. Much of the research supports photovoltaic (PV) and solar thermal technologies that can be used to convert the sunlight into energy.

Projects furthered by DOE work could affect Fort Drum. Wind and solar projects have the ability to produce height and glare issues respectively. This an encroachment concern since there are projects currently proposed within the Fort Drum JLUS Study Area.

Endangered Species Act

The Endangered Species Act (ESA) in 1973 established a program for the conservation of threatened and endangered plants and animals and their habitats. The US Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) are the lead implementing agencies of the ESA. The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NOAA Marine Fisheries Service (NMFS) are mainly marine wildlife. Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or

a significant portion of its range. “Threatened” means a species is likely to become endangered within the foreseeable future.

When a species is proposed for listing as endangered or threatened under the ESA, USFWS must consider whether there are areas of habitat believed to be essential to the species' conservation. Those areas may be proposed for designation as "critical habitat." The determination and designation of critical habitat is one of the most controversial and confusing aspects of the ESA. A critical habitat designation does not necessarily restrict further development; it is a reminder to federal agencies that they must make special efforts to protect the important characteristics of these areas.

The ESA requires federal agencies, in consultation with the USFWS and/or the NMFS, to ensure that actions they “authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species.” The Act also prohibits any action that results in a taking of any listed species of endangered plant, fish, or wildlife. The ESA provides a platform for the protection of critical habitat and species that may be at risk of extinction.

Only activities that involve a federal permit, license, or funding and are likely to destroy or adversely modify the area of critical habitat will trigger review under the ESA. If this is the case, USFWS will work with the federal agency and, where appropriate, private or other landowners to amend their project to allow it to proceed without adversely affecting the critical habitat.

In some cases, presence of a threatened or endangered species may cause reductions to a mission program. There are two federally listed bat species found at Fort Drum—the Indiana Bat (endangered) and Northern Long-Eared Bat (threatened). The ESA is important as it limits the activities Fort Drum can perform if the installation poses a risk to either bat species. Fort Drum established the Bat Conservation Area in the Cantonment Area offset habitats impacted by operations in the training area.

Federal Aviation Act

The Federal Aviation Act was passed in 1958 to provide methods for overseeing and regulating civilian and military use of airspace. The Act requires the Secretary of Transportation to make long-range plans that formulate policy for the orderly development and use of navigable air space. The intent is to serve the needs of both civilian aeronautics and national defense. Military planning strives to work alongside local, state, and federal aviation regulations and policies, but sometimes must supersede these due to national security interests. The Federal Aviation Administration (FAA) was created as a result of the Act and serves a variety of purposes, including the management of airspace over the US. The prime objectives of the FAA are to promote air safety and the efficient use of the navigable airspace.

Another important outcome of the Act is Title 14 Code of Federal Regulation Part 77, commonly referred to simply as Part 77, which provides the basis for evaluating if a proposed structure or object will result in a vertical obstruction or flight hazard to navigable airspace. Using a distance formula from this regulation, local jurisdictions can assess the height restrictions near airfields. Additional information on Part 77 can be found on the FAA website at <http://www.faa.gov/>. The FAA uses its Obstruction Evaluation / Airport Airspace Analysis tool to generate Determinations of Hazards / No Hazards for proposed structures or objects.

Part 77 establishes standards to determine obstructions within navigable airspace, typically within a certain distance from an airport or airfield. The law defines an obstruction to air navigation as an object of greater height than any of the following heights or surfaces in the following manner:

- A height of 499 feet AGL at the site of the object.
- A height that is 200 feet AGL or above the established airport elevation, whichever is higher, within three nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length. This height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 499 feet.
- A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, or a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required clearance.
- A height within an en route obstacle clearance area, including turn and termination areas, of a federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.
- The surface of a takeoff and landing area of an airport or any imaginary surface established under 77.19, DOD: 77.21, and heliports: 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.
- Except for traverse ways on or near an airport with an operative ground traffic control service furnished by an airport traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:
 - 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17-foot vertical distance.
 - 15 feet for any other public roadway.
 - 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - 23 feet for a railroad.
 - For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

When FAA identifies concerns, it may require avoidance or minimization, lighting, or other measures to ensure airspace safety for military and civilian purposes. If potential impacts to military operations are identified, the project must also undergo formal or informal review by the US Department of Defense Siting Clearinghouse, to evaluate the compatibility of the proposed project with military missions. 48 USC § 44718(f); 32 CFR Part 211 (Mission Compatibility Evaluation Process). The Part 77 review process by law requires that military interests be addressed if a proposed project may impact them.

The FAA has identified certain imaginary surfaces around runways to determine how structures and facilities are evaluated and whether they pose a vertical obstruction in relation to the airspace around a runway. The imaginary surfaces build upon one another and are designed to eliminate obstructions to air navigation and operations, either natural or man-made. The dimension or size of an imaginary surface depends on the

runway classification. According to Fort Drum, imaginary surfaces have not been modeled for Wheeler-Sack Army Airfield.

The Federal Aviation Act helps to protect areas critical to aviation activity at Fort Drum. Without regulations that dictate structure placement near approach and departure areas of an airfield, certain uses may encroach and inhibit the free use of navigable airspace.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 is a federal regulation that established a US national policy promoting the protection and enhancement of the environment. It requires federal agencies to analyze and consider the potential environmental impact of their actions. The purpose of NEPA is to promote informed decision-making by federal agencies by providing detailed information concerning significant environmental impacts to ecological and natural resources and the human environment, such as community character, public health and safety, and cultural resources.

All federal agencies, including the military, and projects receiving federal funding require NEPA compliance and documentation prior to receiving a permit, approval, or funding. For Fort Drum's purposes, NEPA requires that the military review the potential impact of proposed actions on the environment, including surrounding civilian communities, and measures to reduce, avoid or mitigate identified adverse environmental impacts. Not all federal actions require a full Environmental Impact Statement (EIS). In cases where an action may not cause a significant impact, the agency would be allowed to produce a less detailed Environmental Assessment (EA) and make a Finding of No Significant Impact (FONSI).

A NEPA document can serve as a valuable planning tool for local planning officials. An EA can assist in the determination of potential impacts that may result from changing military actions or operations and their effect on municipal policies, plans and programs, and the surrounding community. If the EA finds there will be no significant impacts, a Finding of No Significant Impact (FONSI) will be issued. If the EA finds the proposed changes to military actions and operations will create significant impacts, an EIS will be prepared to further detail and outline the impacts upon the environment to the public. An EIS will result in a Record of Decision (ROD) that explains the decision made based on the information presented in the EIS, describes the alternatives considered, and outlines mitigation and monitoring plans.

NEPA helps to ensure that projects receiving federal funding at Fort Drum do not have adverse effects on the local environment. However, this also limits what projects the installation may be able to implement. The purpose of NEPA is to identify significant environmental impacts and inform the public of the findings. In some cases, a statement of overriding concern may allow a potentially significant environmental impact to be allowed.

National Historic Preservation Act

Issues and related strategies have been developed based on guidance provided through the National Historic Preservation Act (NHPA) of 1966, which requires federal agencies to consider the effects of a proposed project on properties listed in, or eligible for listing in, the National Register of Historic Places. Since no specific action is being proposed as part of this planning process, the review of cultural resources is focused on the identification of existing resources and not potential effects that would result from a specific proposed action.

Fort Drum last completed an Integrated Cultural Resources Management Plan (ICRMP) in 2011 to establish compliance procedures to properly manage historical resources. More information about Fort Drum's ICRMP is discussed later in this chapter.

Noise Control Act of 1972

The Noise Control Act of 1972 acknowledged that noise not adequately controlled has the potential to endanger health and quality of life and stated that all Americans are entitled to an environment free from noise that can jeopardize their general health and quality of life. At the same time the Act was being developed, military installations were experiencing the impacts related to encroaching urban development adjacent to their boundaries and the resulting complaints regarding noise from military operations.

The Noise Control Act is important because encroaching development and increased population near military installations often creates compatibility concerns. As communities grow, it is important that the military installation, developers, and the affected communities work together to mitigate the issue of noise and develop ways to coexist.

Operational Noise Management Program

The Operational Noise Management Program provides a methodology for assessing impacts of noise generated by military operations on surrounding communities. This program was established by the Department of the Army to assist installations and surrounding communities develop guidelines for land use planning to mitigate noise and other hazards to the general public while protecting the public investment in the installation. This program encourages compatibility measures for both the US Army and surrounding communities through the development of an Operational Noise Management Plan (ONMP). The Operational Noise Management Handbook, completed in November 2005, provides guidance for the development of an ONMP.

Noise assessment is the cornerstone of the ONMP. Noise levels are classified by zone, based on average and peak noise emission levels that can be used to develop land use plans and to protect the public. The three noise zones for addressing noise sensitive land uses consistent with federal law are:

Zone I – Noise that occurs in this area is compatible with most noise-sensitive land uses, such as housing, schools, and medical facilities.

Zone II – Noise occurring in this area is generally incompatible with noise-sensitive land uses.

Zone III – Noise occurring in this area is incompatible with noise-sensitive land uses.

In addition to these three zones, the ONMP includes a fourth zone known as the Land Use Planning Zone (LUPZ). The LUPZ is a subdivision of Zone I that acts as a buffer to Zone II—allowing for greater noise impacts than Zone I, but less noise impacts than Zone II. Noise-sensitive land uses are still generally acceptable within this area.

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) is a federal law that ensures the quality of drinking water in the United States. The SDWA authorizes the Environmental Protection Agency to set national health-based drinking water standards to protect against both naturally-occurring and man-made water contaminants. The SDWA applies to every public water system in the US.

A reliable and clean water source is necessary for any population center to function and grow. A decrease in the quality of the drinking water in the Study Area may decrease the amount of people that can reside in the region. If a reliable and clean water source is not available to Fort Drum, it may impact mission activities.

The Sikes Act

The Sikes Act requires the DOD to develop and implement Integrated Natural Resources Management Plans (INRMPs) for military installations across the United States. INRMPs are prepared in cooperation with the USFWS and state fish and wildlife agencies to ensure proper consideration of fish, wildlife, and habitat needs. The Sikes Act requires INRMPs to be reviewed at least every five years with the USFWS and state fish and wildlife agencies. Army Regulation 200-1, "Environmental Protection and Enhancement," and policy memoranda guide the implementation process of the Sikes Act.

Findings from an INRMP could impact operations at an installation by identifying areas where the military needs to better manage the natural resources on the property. Although this enhances the environment for wildlife, depending on the management action required, this could render the area unusable for certain activities such as weapons firing. More information about Fort Drum's INRMP is discussed later in this chapter.

Sustainable Range Program

Encroachment towards Army training and firing ranges has become a major concern in recent years. Pressure from urbanization, environmental protection, competition for airspace and electromagnetic frequencies, and reduced public perception of national security needs have limited mission capabilities and operations at multiple installations nationwide. Furthermore, open ranges are increasingly becoming "islands" of biodiversity amidst urban development. These concerns, in addition to public nuisances such as smoke, noise, and lack of accessibility have led to apprehension of the nature and use of military ranges.

The Sustainable Range Program (SRP) is the Army's overall approach to improving the design, operation, use, and management of its ranges to ensure the long-term sustainability of these facilities. The SRP's core programs are the Range and Training Land Program and the Integrated Training Area Management Program, which focus on the optimal use and capability of the Army's ranges and training land. In order to ensure the accessibility and availability of Army ranges and training land, the SRP core programs are integrated with the facilities management, environmental management, munitions management, and safety program functions supporting the optimal use and capability.

Telecommunications Act of 1996 and the Federal Communications Commission

The Telecommunications Act of 1996 was the first comprehensive update to a federal telecommunication law in over 60 years and was in large part intended to open up the marketplace to greater competition. Changes in the means through which information is produced, accessed, stored, and shared made the federal government response imperative. The increasing use and development of personal mobile phones, satellite transmission, high speed fiber optics, and other related factors are often pushing demand beyond the system capacity.

New telecommunication tower siting requires compliance with the Federal Communications Commission's (FCC) environmental review standards and procedures, including NEPA and ESA compliance, NHPA compliance, adherence to any applicable FAA requirements and structure registration with the FCC. The actual approval of physical installations is subject to state and local permits and approvals; however, state and local authority is limited by FCC law. For instance, states and local jurisdictions cannot base their decisions on any purported environmental effects of radio frequency transmissions.

4.2. Fort Drum / New York Army National Guard

The Fort Drum / New York Army National Guard (NYARNG) plans and programs provide guidance for land uses and development activities specific to Fort Drum. These tools govern land use decisions that occur inside the fence line or within the boundary of the Fort Drum operational footprint in relation to the military missions.

These tools provide guidance and establish measures for standard operating procedures during certain events, such as weapons firing. There are various installation tools that are instrumental in assisting and guiding land use decisions as they relate to the military mission.

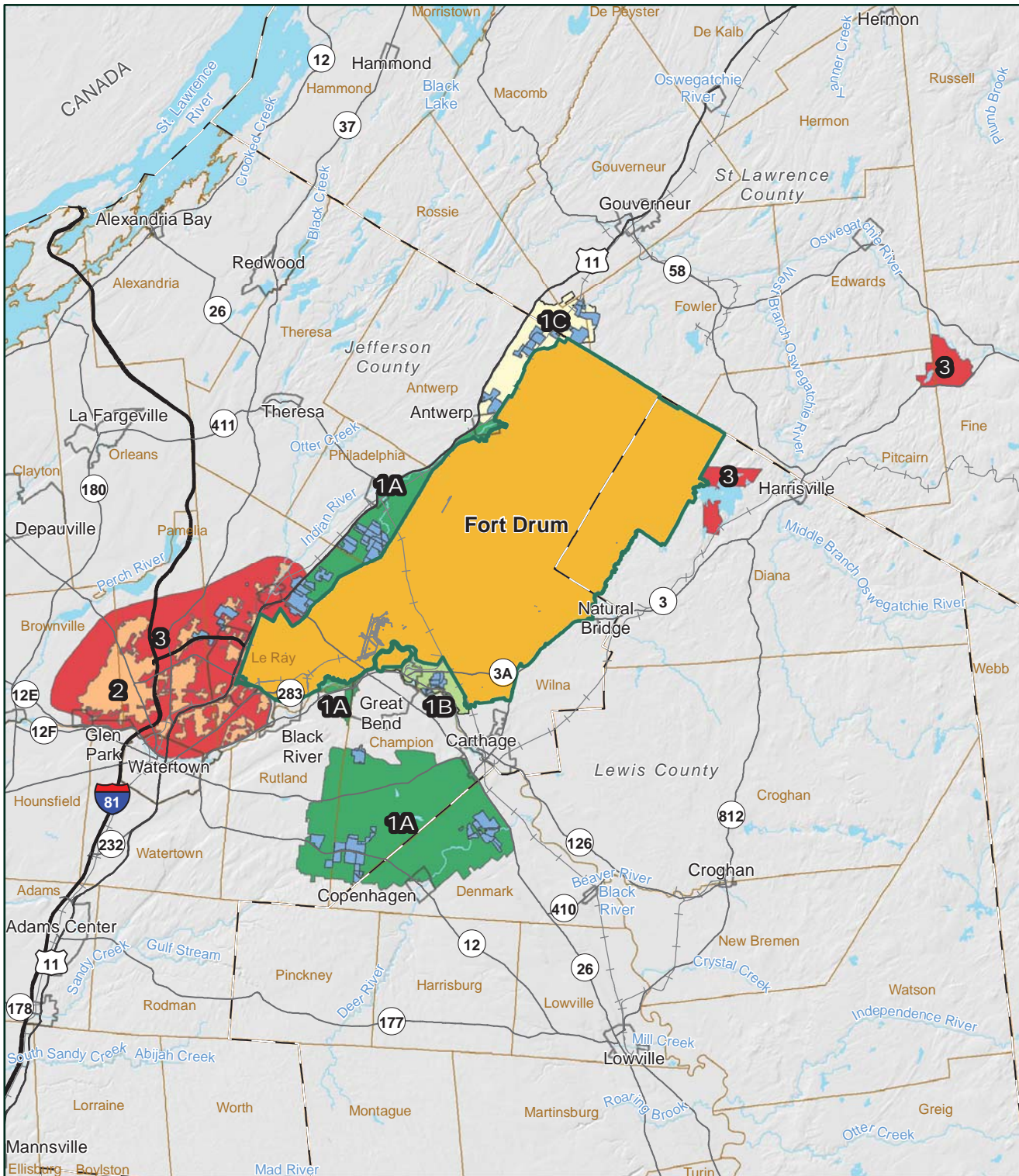
Army Compatible Use Buffer

The ACUB Program permits Army Installations to work with other organization partners (e.g., land trusts) to acquire land or development rights to establish buffer zones that can help protect habitats, sensitive areas, and military training areas without acquiring any new land for Army ownership. The Tug Hill Tomorrow Land Trust (THTLT) is a primary partner organization of the ACUB Program and tracks the progress of proposed ACUB lands for acquisition. As of September 2015, Fort Drum and its partners have conducted 27 transactions and preserved 6,099 acres of land around the installation within the priority areas identified through the ACUB program. The majority of this has been through partnership with the THTLT to preserve working farmland from future incompatible development.

Wheeler-Sack Army Airfield (WSAAF) is a high priority, mission critical asset to the United States Army, and protecting the airfield's accident potential zones and clear zones is the highest priority in the ACUB Program. Training operations can potential produce excessive noise, making these areas unsuitable for residential development. The second highest priority is protecting the land closest to the installations western border to minimize and limit incompatible residential development and protect training operations. Much of the residential development in the surrounding community is occurring along the Route 11 corridor west of Fort Drum's border. Environmental considerations are the third priority and include acquiring areas to help protect the federally endangered Indiana Bat.

The ACUB Program identifies priority areas based factors such as land ownership considerations and optimal areas to preserve to Fort Drum's minimize impacts that could result from incompatible development with Fort Drum's missions. Fort Drum has partnered with various entities such as Tug Hill Tomorrow Land Trust, Tug Hill Commission, Jefferson County, Ducks Unlimited, Development Authority of the North Country, Agricultural Development Corporation, and New York State Department of Agriculture & Markets to identify key parcels that can be preserved to provide a buffer around the installation. Figure 4-1 illustrates the current Fort Drum ACUB priority areas, which are identified as follows.

- Priority Areas 1A and 1B adjacent to Fort Drum just south of WSAAF are to protect the accident potential zones.
- Priority Areas 1A and 1C adjacent to Fort Drum's west / northwest border are to protect the installation against incompatible development and increased noise complaints, which may affect Fort Drum's training operations.
- Priority Area 1A to the south is to protect from wind development that could potentially impact WSAAF's approach and departure corridors.



Legend

- | | | | | |
|---------------------------|----|-----------------------|-------------------------|------------------|
| ACUB Priority Area | 1C | Completed ACUB Parcel | Fort Drum | Interstate |
| Priority | 2 | | County Boundary | US Highway |
| 1A | 3 | | Town Boundary | State Highway |
| 1B | | | City / Village / Hamlet | Railroad |
| | | | | Stream / River |
| | | | | Water Body |
| | | | | Airfield Surface |

Source: Fort Drum 2016.

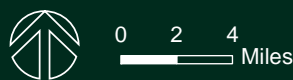


Figure 4-1

Fort Drum ACUB Priority Areas

- Priority Area 2 is to protect high-value habitat for the Indiana bat west of Fort Drum.
- Priority Areas 3 around Priority Area 2 is to enhance bat habitat protection and was added to include targets of opportunity for properties that are available and affordable.
- Priority Area 3 near Lake Bonaparte is to protect against increased noise complaint potential.
- Priority Area 3 northeast of Fort Drum in St. Lawrence County is to protect aviation routes.

Integrated Cultural Resources Management Plan

The objective of the Integrated Cultural Resources Management Plan (ICRMP) is to balance the management of historic and cultural resources with mission readiness at Fort Drum. The ICRMP supports early identification of cultural and historic resources and defines necessary actions for managing agencies to ensure the protection of resources during military operations and non-military activities.

The ICRMP establishes compliance procedures to properly manage cultural and historical resources, establishing existing conditions and identifying the potential impacts of Fort Drum's mission on them. It also identifies impacts to mission readiness caused by preservation, maintenance, and repair of buildings and the continued use of historic buildings. In addition, the ICRMP establishes a coordination process between the installation and many state or regional agencies including the State Historic Preservation Office, the Advisory Council on Historic Preservation, the National Park Service, Native American groups, and the interested public. This process is subject to Section 106 of the NHPA, which establishes a process for working with federal agencies on historic preservation issues.

The ICRMP identified that Fort Drum contains two traditional cultural properties that hold importance to Native Americans or other cultural groups, five designated historic buildings, one historic landscape, thirteen cemeteries, and five monuments. The most prominent historical resource located within Fort Drum's boundaries is the LeRay Mansion property in the cantonment area.

A federally sponsored cultural affiliation report conducted in 1998 recognized that Native American tribal governments may have potential cultural affiliations to the land where Fort Drum is located. The report identified five tribal governments as having potential cultural ties to land that Fort Drum occupies, including aboriginal hunting and fishing areas. These tribes are the Oneida Indian Nation, Sovereign Oneida Nation of Wisconsin, Onondaga Nation, St. Regis Mohawk Tribe, and Wyandotte of Kansas. The Commanding General of the 10th Mountain Division in 2002 invited the chiefs of these nations and all other Federally Recognized Native American Nations in New York to enter into consultation with Fort Drum regarding cultural resource issues and concerns. Only three nations accepted the invitations and today Fort Drum has official consultation partnerships with the Oneida Indian Nation, Onondaga Nation, and St. Regis Mohawk Tribe.

Source: Integrated Cultural Resources Management Plan, Fiscal Years 2011-2015

Integrated Natural Resources Management Plan

As required by the Sikes Act, an Integrated Natural Resources Management Plan (INRMP) provides the opportunity for the proper inventorying, cataloging, and management of natural resources found on US government-managed lands. The DOD must review or update INRMPs for each installation with identified natural resources every five years to update the needs of local natural resource management policies. These policies affect all aspects of an installation's physical environment, including water quality, biodiversity, ecosystem, habitat quality, and mineral resources. These plans create the opportunity for the DOD and local

base commanders to work with other federal, state, and local agencies to properly manage significant local resources for the maximization of compatible mixed use.

The INRMP outlines the various natural resources and addresses other related topics including important habitat found on the installation, soil types, management of noxious weeds and wildland fire, wildlife and riparian management, water resources and water rights, inter-agency responsibilities, and coordination efforts. It also provides the overall management plan for natural resources on Fort Drum to ensure no loss of capability for military training exercises.

Fort Drum utilizes the INRMP to identify natural resources located on the installation that require management. The Fort Drum INRMP also identifies conservation measures to ensure the natural resources are protected consistent with applicable federal / state mandates and Fort Drum missions.

Fort Drum contains one federally endangered species, one federally threatened species, and several state-endangered or threatened species of plants and wildlife within its boundaries due to its large footprint and diverse habitats. The Indiana Bat is the only known federally endangered species, and the Northern Long-Eared Bat is the only known federally threatened species that reside on the installation. The state endangered species that have been known to occur on or around Fort Drum are:

- Peregrine Falcon
- Short-Eared Owl
- Black Tern
- Trailing Clubmoss
- Three-Seeded Mercury
- Rock-Cress
- Northern Wild Comfrey
- Common Mare’s-Tail

The state threatened species are:

- Henslow’s Sparrow
- Least Bittern
- Northern Harrier
- Pied-Billed Grebe
- Sedge Wren
- Upland Sandpiper
- Blanding’s Turtle
- Slim-SternSmall-Reedgrass
- Buxbaum’s Sedge
- Hitchcock’s Sedge
- Houghton’s Sedge
- Swamp Pink
- Beck Water Marigold
- Prickly Hornwort
- Lakecress
- Hornleaf Riverweed
- Hill’s Pondweed
- Small Bur-reed
- Boreal Aster
- Lesser Bladderwort
- Balsam Willow
- Rock Elm

Bird / Animal Aircraft Strike Hazard (BASH)

Fort Drum's BASH Plan is integrated into the INRMP and is part of WSAAF's Standard Operating Procedures, with a focus on minimizing potential wildlife strikes to military aircraft operating at WSAAF. A BASH plan is designed to manage bird habitats and activity, alert aircrew and operations personnel, and provide increased levels of flight safety, especially during the critical phases of flight, take-off, and landing operations.

Specifically, the plan is designed to:

- Designate a BASH Working Group (BWG) and outline the members' responsibilities.
- Establish procedures to identify high hazard situations and establish aircraft and airfield operating procedures to avoid these situations.
- Ensure that all permanent and transient aircrews are aware of bird hazards and the procedures for avoidance and reporting.
- Develop guidelines to decrease the attractiveness of the airfield to birds and disperse the number of birds on the airfield.

4.3. State of New York

The state tools provide further assistance and protection of lands in the State of New York. The tools authorize or mandate local counties and cities to provide for the protection of the state's valuable industries including the DOD and agriculture. In addition, the state's tools require communities and developers to protect and preserve the state's natural resources, including land and water, through regulatory measures to protect them from over-consumptive practices.

Municipal Governance

The State of New York comprises counties, cities, towns, and villages. The way in which each of these municipalities is governed has impacts on compatibility issues outside Fort Drum's fence line. New York is a Home Rule state. Article 9 in the New York State Constitution is the Municipal Home Rule Law, which grants municipalities authority to adopt and amend local laws, so long as they are not inconsistent with the New York State Constitution or any general law relating to its property, affairs, or government.

Comprehensive Planning Legislation

The State of New York provides legislative guidance for comprehensive planning at the county, town, city, and village level. However, the state does not require municipalities to adopt comprehensive plans. It is only encouraged by the legislature.

Zoning Law

The State of New York permits cities, towns, and villages to implement zoning laws and regulations to promote communities' morals, health, safety, and general welfare. Such municipalities reserve the right to regulate and restrict percentage of lot coverage, location of structures on properties, size of yards, building heights and number of stories, density of population, and uses of the land for properties under their jurisdiction. Communities in New York are not required to adopt zoning regulations. While state laws suggest that communities should adopt zoning regulations in accordance with a comprehensive plan, court cases have determined this is not a requirement.

New York State Agricultural Districts Program

The New York Agricultural Districts law was enacted in 1971 to protect and promote farm land and farm activities throughout the state. According to the NYSDEC, the purpose of agricultural districts is to encourage agricultural activity and protect farm land. This law permits any land owner or owners that own at least 250 acres of land to submit an agricultural district to their respective county for county review, state certification, and county adoption. Upon creation of an agricultural district, local laws may not “unreasonably restrict or regulate farm operations,” unless public health or safety is threatened. Each certified agricultural district must go through a recertification process every eight years to ensure the majority of the land within the district is used for agricultural purposes. New properties may be added to an agricultural district once per year during an annual inclusion period.

New York State Energy Plan

Article 6 of the New York State Energy Law requires that, every four years, the State Energy Planning Board adopt a State Energy Plan that serves as a guide for public bodies throughout the State to make decisions consistent with statewide plans and policies related to energy. This influences many aspects of land use and planning throughout New York, including consideration of infrastructure needs and adequacy, energy efficiency in buildings, reduction of greenhouse gas emissions, and the development of energy generation and renewables. The most recent State Energy Plan, issued in 2015, provides goals and long-range planning objectives for the entire State. These goals, in part, have been codified by the state’s Clean Energy Standard, adopted by the New York State Public Service Commission in 2016. The Clean Energy Standard sets renewable energy targets and encourages the development of small- and large-scale renewable generation in New York, which explains the growth in wind energy development in the North Country.

New York State Legislation Article 10 of the Public Service Law

The State of New York passed the Power New York Act of 2011. This Act transfers the siting and permitting process for energy generating facilities (including renewable energy developments) for projects that have the capacity to generate 25 megawatts (MW) or more from local communities to the New York State Board on Electric Generation Siting and the Environment (Siting Board). The Siting Board is a seven-member board, consisting of:

- Department of Public Services Chair (also serves as the Siting Board chairperson)
- NYS Department of Environment Conservation Commissioner
- Health Department Commissioner
- NYS Energy Research & Development Chair
- Economic Development Commissioner
- Two “ad hoc” members that reside in the respective municipality the project is being proposed

The two appointed ad hoc members of the Siting Board are selected by the New York State Senate and the New York State Assembly from a list of candidates provided by the supervisor and chief executive officer representing the impacted communities.

Article 10 requires energy developers to provide, among other things, a thorough analysis of a proposed project’s impacts on transportation, including air transport and airspace safety, as well as communications systems, such as radar. In particular, a wind project seeking certification under Article 10 must consult with—and in some cases, obtain formal recommendations from—the US Department of Defense and the Federal Aviation Administration to identify and assess potential impacts on military operations, airspace, and aircraft of all types, and then work with those entities to determine how to minimize, avoid, or mitigate those impacts to the extent practicable. This legislation also requires Article 10 applicants to provide intervenor

funds and a series of 41 exhibits illustrating their due diligence on the surrounding community, including exhibits demonstrating the local communities land use controls, as well as impacts to military training routes and radars. Article 10 is further discussed under Issue LEG-1 in Chapter 5 Compatibility Analysis.

4.4. JLUS Partner Community Planning Tools

Many of the communities around Fort Drum have local planning tools such as zoning laws and comprehensive plans to guide future growth, but some of them have not been updated in 10 or more years. The majority of these tools do not have policies or regulations to address planning or growth in relation to Fort Drum and military operations associated with the installation. At the times the tools were developed, there was not much interface with Fort Drum to include these types of policies or regulations. Part of the JLUS process is to enhance coordination between Fort Drum and the communities and look at potential updates to these tools that will help address compatibility between Fort Drum and the communities into the future. Table 4-1 identifies the various tools that are utilized by each JLUS partner community that would typically include policies or regulations to address or promote compatibility with military operations. These tools are discussed in more detail on the following pages. It should be noted that some of the communities do not have their own planning documents, policies, or regulations. In some of these cases, the communities rely on planning guidance from the county level, or by regional planning entities such as the Tug Hill Commission, Development Authority of the North Country, and Adirondack Park Agency.

County Planning Departments and Planning Boards

Many of the rural communities within Jefferson, Lewis, and St. Lawrence counties do not have adequate resources to develop and manage their own land use planning tools and land development. The counties have planning departments and planning boards that not only provide planning and development guidance and oversight at the county level, but also provide technical assistance to the communities within them. County planning departments can assist with project development, review, and administration, assistance in developing comprehensive plans and zoning laws, grant writing, research and analysis services, geographic information system (GIS) mapping, and provide technical assistance and guidance on Fort Drum-related growth and development around the installation.

Table 4-1. JLUS Partner Community Planning Tools Inventory

Jurisdiction	Planning Tools						
	Comprehensive Plan	Zoning Law	Lighting / Dark Sky Ordinance	Sound Attenuation Regulations	Alternative Energy Regulations	Subdivision Regulations	Building Code
Jefferson County	☐	☐	☐	☐	☐	☐	■
Lewis County	■	☐	☐	☐	☐	☐	❖
St. Lawrence County	☐	☐	☐	☐	☐	☐	☐
City of Watertown	☐	■	☐	☐	☐	■	■
Town of Antwerp	❖	❖	☐	☐	☐	☐	■
Town of Champion	■	■	■	☐	■	■	■
Town of Diana	☐	■	☐	☐	☐	☐	❖
Town of Fowler	☐	☐	☐	☐	☐	☐	❖
Town of Gouverneur	❖	❖	☐	☐	☐	❖	❖
Town of LeRay	■	■	■	☐	■	■	■
Town of Pamelaia	☐	■	■	☐	☐	❖	■
Town of Philadelphia	❖	■	■	☐	☐	❖	■
Town of Rossie	☐	☐	☐	☐	☐	☐	❖
Town of Rutland	☐	■	☐	☐	■	❖	■
Town of Watertown	■	■	■	☐	■	■	■
Town of Wilna	■	■	☐	☐	☐	❖	■
Village of Carthage	■	■	■	☐	☐	■	■
Village of West Carthage	■	■	■	☐	☐	■	■

Legend:

- The tool exists but does not address land use issue(s) related to military compatibility.
- The tool exists but only partially addresses land use issue(s) related to military compatibility.
- ☐ The jurisdiction does not employ this tool.
- The tool exists and addresses land use issue(s) related to military compatibility.
- ❖ Tool was unavailable for review at the time the JLUS was written.

4.5. Jefferson County

Comprehensive Economic Development Strategy

Jefferson County updates its Comprehensive Economic Development Strategy (CEDS) every five years, with analysis and minor updates in between the five-year period. A CEDS is a list of goals and actions the county aspires to accomplish over the five-year horizon, along with a list of highlights to look for in the coming year. The most recent update to Jefferson County's CEDS was in 2014.

The following CEDS action relates to military compatibility with Fort Drum:

E.5 Maintain regular communication between Fort Drum and the community

Regular communication between Fort Drum and surrounding communities facilitates healthy relationships between all stakeholders, and an understanding of current training operations and events occurring both on-installation and within the communities.

Building Code

Jefferson County utilizes the New York State Building Standards and Codes Uniform Code Supplement, most recently updated in March, 2016 as its general building code. However, the building code does not currently address sound attenuation around Fort Drum within the noise zones. Jefferson County has land within Fort Drum's operational footprints for noise and certain types of development are incompatible in these noise zones unless they are constructed with sound attenuation measures to reduce the indoor noise levels. The County could revise its building code to require sound attenuation measures for certain types of development, such as residential, within the noise zones.

The County oversees and enforces this building code for the following communities that were participants in the Fort Drum JLUS:

- Town and Village of Antwerp
- Town of Watertown
- Town of Champion
- Village of Deferiet
- Town of LeRay
- Village of West Carthage
- Town of Rutland

The remaining communities that were participants in the Fort Drum JLUS enforce the New York State Building Code at the local level. These communities are:

- Town and Village of Clayton
- City of Watertown
- Town of Pamela
- Village of Black River
- Town and Village of Philadelphia
- Village of Carthage
- Town of Wilna
- Village of Evans Mills

4.6. City of Watertown

Land Use Plan

The City of Watertown adopted a Land Use Plan in 1987 in response to the growth of Fort Drum associated with the reactivation of the 10th Mountain Division at Fort Drum in 1985. Watertown's Land Use Plan projected potential effects upon the City due to the growth of Fort Drum at the time it was developed, including a need for increased housing to support military personnel and families, and traffic congestion in some areas caused by personnel driving to Fort Drum. The Plan recognizes the importance and influence of Fort Drum on the City at the time, but it is now outdated.

Zoning

The City of Watertown's Zoning Law is Chapter 310 of the City Code and divides the city into 15 land use districts. It was most recently updated in 2013. Due to the City of Watertown's distance from Fort Drum, it is not within any of the military footprints associated with operations at the installation (see Chapter 3, Section 3.7 Mission Operations Footprints), so it is not necessary to adopt zoning laws for land within Fort Drum operational footprints, such as noise.

4.7. Towns of Champion and Wilna, and Villages of Carthage and West Carthage

Comprehensive Plan

The towns of Champion and Wilna and the villages of Carthage and West Carthage are all members of the River Area Council of Governments, and therefore each have their own individual comprehensive plans that are built off the same template, and as such are very similar in layout and text. All four comprehensive plans were adopted in 2009. These communities collaborated their land use planning efforts and used the same comprehensive template to address collective issues. It is clear each of these communities recognize Fort Drum as an important economic generator and acknowledge in several instances throughout the comprehensive plans as how the installation influences their population trends, schools, and economy. One of the issues identified is their proximity to Fort Drum and how they can protect the installation from incompatible land uses.

Each community identified a Fort Drum Land Use Planning Zone as a land use concept to address compatible land uses surrounding the installation. However, these are only a concept and do not have any implementing regulations attached to the zone. Furthermore, the communities' zoning codes do not include a Fort Drum Land Use Planning Zone, and none of the communities have officially implemented a Fort Drum Land Use Planning Zone as local law.

Also consistent in each comprehensive plan are the implementation recommendations for communication regarding appropriate development surrounding Fort Drum. The following are excerpts of implementation recommendations from the plans that address Fort Drum.

5. Continue to work with the US Army, Fort Drum Regional Liaison Organization and Fort Drum neighborhoods towards Growth Management for a Mutually Beneficial Development Pattern.

7. Ensure appropriate development surrounding Fort Drum and the natural resources including wetlands, flood plains and water resources.

The towns of Champion and Wilna share a border with Fort Drum. For this reason, these communities have adopted a guiding policy in their comprehensive plans to support their Town Goal of “Promoting appropriate development.” The guiding policy reads:

The towns should adopt land use controls as part of their zoning that include appropriate Fort Drum buffer zones.

While these policies help prompt discussions and facilitate communication lines between the communities and Fort Drum, they do not have the necessary regulatory backing. None of the communities have adopted land use controls addressing compatibility surrounding the installation as recommended in the comprehensive plans and have not implemented zoning regulations specific to areas that may be affected by operations at Fort Drum to promote compatible development with the types of activities that occur in the military operational areas.

Zoning

The towns of Champion and Wilna and villages of Carthage and West Carthage have all adopted zoning laws. The zoning laws were most recently updated in 2013 (Champion), 1987 (Wilna), 2011 (Carthage), and 2005 (West Carthage). The towns of Champion, Carthage, and West Carthage have lighting standards in their zoning laws that require appropriate shielding to minimize glare and reflection, as well as limit the maximum apex angle of the cone of illumination to 150 degrees. This helps reduce nighttime lighting impacts on night training operations at Fort Drum.

4.8. Town of LeRay

Comprehensive Plan

The Town of LeRay Comprehensive Plan, adopted in 2009, is the policy document that guides the town’s long-range development plans. Since Fort Drum’s Cantonment Area and Wheeler-Sack Army Airfield are completely located within the Town of LeRay’s boundaries, the community and Fort Drum are intimately related and dependent on each other for long-term growth and sustainability. Therefore, the guidelines outlined in LeRay’s Comprehensive Plan are important because of their potential impacts on operations at Fort Drum. The Town of LeRay’s Comprehensive Plan acknowledges Fort Drum’s importance to LeRay’s economy and the impacts the town and Fort Drum have on one another. This is particularly noted in Chapter Four – Town Character Areas: Fort Drum.

Following are several compatibility factors addressed by the Comprehensive Plan.

Communication / Coordination

Addressing communication and coordination with Fort Drum is one of the key components to LeRay’s Comprehensive Plan. One of the five town-wide principles the community identified in Chapter Six – Town-Wide Principles is, “partner with Fort Drum for mutually beneficial solutions for LeRay and the region.”

Furthermore, the first goal in the Fort Drum Character Area relates to communication / coordination. This goal and its underlying strategies are a proactive approach to continuing and strengthening the relationship between LeRay and Fort Drum.

Energy Development

Chapter Five – Green Planning in LeRay’s Comprehensive Plan addresses issues and opportunities enhancing the green building practices and techniques within the community. While LeRay does not restrict wind turbine development, the implementation section of this chapter does note that siting wind turbines should be carefully analyzed as to not impair training operations at Fort Drum.

Housing Availability

Chapter Seven of LeRay’s Comprehensive Plan is a Strategic Plan with a list of recommendations and strategies to implement the Comprehensive Plan’s goals and guide future decision making. Recommendation 5 is “Ensure housing choice and affordability.” This recommendation has several relating strategies that support diverse housing options available to the needs of people who work at Fort Drum.

Land Use

LeRay recognizes the importance of Fort Drum’s training as its key to long-term sustainability, and the potential incompatible developments that may hinder the installations operations. Goal Four in the Farm Core Town Character Area is to “Investigate opportunities for farmland protection programs.” This goal seeks to coordinate with Fort Drum’s Army Compatible Use Buffer (ACUB) program as a mutually beneficial strategy to protect farm land.

Likewise, one of the Land Use Recommendations in the Farm Core Town Character Area is the Fort-Town Land Use Compatibility. This recommendation suggests preserving agricultural land adjacent to Fort Drum’s border and in the Land Use Planning Zone (LUPZ) to minimize noise and light pollution conflicts with Fort Drum’s training. The Comprehensive Plan identified one specific area east of Evans Mills as potentially incompatible within the LUPZ and recommends rezoning to uses compatible with the installation.

Noise

Fort Drum’s noise contours are mapped in LeRay’s Comprehensive Plan under the Fort-Town Land Use Compatibility section and depict where the LUPZs are throughout the town. The Comprehensive Plan supports Fort Drum’s mission and acknowledges how the Town’s goal of preserving agriculture is a compatible land use in noise zones.

Public Transportation

Goal Two of the Fort Drum Town Character Area is to, “collaborate to improve multi-modal access between Fort Drum and LeRay.” Although LeRay currently does not have any public transportation, this goal supports collaboration with local and regional agencies to extend services through LeRay and to Fort Drum.

Public Transportation is also addressed in Chapter Eight – Strategic Plan, which recommends assessing a shuttle service along Route 11 that connects Fort Drum to the multi-family developments and retail centers, as well as a potential park and ride facility located off-installation.

Safety Zones

Chapter Nine – Draft Generic Environmental Impact Statement in LeRay’s Comprehensive Plan analyzes a series of land use alternatives based on whether or not the Comprehensive Plan’s recommendations are implemented. One of these alternatives is the Developing District (DD) zoning district that is currently located within an Accident Potential Zone (APZ) for Wheeler-Sack Army Airfield. While this district was envisioned for office and research facilities to support Fort Drum’s growth in the 1980s, a lack of infrastructure limited the development to a small area.

Alternative One acknowledges this potential safety hazard and recommends reducing the DD zoning district in size to areas outside of the APZ and converting it to agricultural uses. Alternative Two is the “No Action Alternative.” The Comprehensive Plan recognizes the compatibility issues and impacts if this DD zone is developed in the future and notes the potential closure of Fort Drum if such development occurs.

Although these alternatives raise important issues with compatibility with Fort Drum, there are no regulating policies that support the Comprehensive Plan’s analysis and recognition of the incompatible land uses within the APZ.

Zoning

LeRay’s zoning map identifies the noise zones created by Fort Drum training operations that extend into its jurisdiction. However, these noise zones identified are not connected to nor mentioned in LeRay’s zoning laws. The underlying areas within these noise zones have potential for incompatible development with Fort Drum’s training, leaving the installation vulnerable to a potential increase of noise complaints if higher density development is constructed.

LeRay’s zoning law does have a lighting requirement that helps protect Fort Drum’s night training. Section 158-75 contains general lighting requirements for the Town of LeRay. One such ordinance in this section reads, “Fixtures shall be ‘dark sky’ compliant.” This ordinance limits the amount of light that may trespass onto adjacent properties and helps keep the night sky darker for enhanced night vision training.

Compatibility with Fort Drum is addressed in Section 158-142. Preliminary site plan approval. This section permits the Planning Board to consult with the Fort Drum community planner prior to approving a site plan application, although this is not a requirement.

4.9. Town of Philadelphia

Zoning Code

The Town of Philadelphia’s Zoning Code is adopted as a local law to protect the town’s existing development, while controlling growth and promoting general welfare. This zoning code contains an ordinance for commercial outdoor lighting. Section 555 Commercial Outdoor Lighting reads,

In order to reduce the potential negative impact on training at Fort Drum by excessive outdoor lighting, the following commercial outdoor lighting regulations shall apply when reviewing special permit applications and conducting site plan reviews.

This lighting requirement imposed by the Town of Philadelphia minimizes the amount of ambient light being reflected into the sky, supporting Fort Drum’s night vision training.

4.10. Town of Watertown

Comprehensive Plan

The current Town of Watertown Comprehensive Plan was adopted in 2014. The plan acknowledges that future growth in the town will be tied to growth at Fort Drum, among other factors. It identifies Fort Drum as both an opportunity for future growth and development in the town, and as a threat relating to the uncertainty of Fort Drum’s future and the impact it could have on the town.

Zoning

The Town of Watertown’s zoning code was most recently updated in 2012. It includes lighting standards that lighting shall comply with guidelines set forth by the International Dark Sky Association or equivalent and requires all lights to be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees. These regulations assist in reducing nighttime lighting impacts to night vision operations at Fort Drum.

4.11. Lewis County

Comprehensive Plan

Lewis County adopted a Comprehensive Plan in October, 2009. The Comprehensive Plan does acknowledge Fort Drum’s importance and influence upon the county and includes Fort Drum as a regional stakeholder identified as part of Policy Area 7: Regional Coordination; however, there are no specific policies to address Fort Drum’s military operation areas.

Comprehensive Economic Development Strategy

Lewis County’s CEDS, updated in 2012, acknowledges Fort Drum’s impact on the county’s local economy, which is described as both a strength and an opportunity to the county’s economy. Lewis County established several strategies to partner and support Fort Drum. The Community Resources & Housing section, Objective C, Strategy 5 relates to military compatibility with Fort Drum:

5. Investigate opportunities for municipalities surrounding Fort Drum to implement housing projects to accommodate housing needs of soldiers and their families.

Providing housing for soldiers and military families at an affordable rate supports the military installation’s need to house military personnel, as well as increasing the county’s population to support local businesses.

Lewis County’s CEDS also addresses communication compatibility between the county, Fort Drum, and regional agencies. Objective C, Strategy 1 in the Regional Coordination section reads:

1. Continue to work closely with DANC, FDRHPO and FDRLO to improve opportunities for spill--over effects from investments at Fort Drum.

Continuing coordination and communication between these entities helps foster stronger relationships and mutually beneficial partnerships.

4.12. Town of Diana

Zoning Law

The Town of Diana has a Zoning Law that was adopted in 2002. It designates all of Diana as Rural Residential.

4.13. St. Lawrence County

New York counties are not required by law to adopt planning regulations.

St. Lawrence County Economic Development Study

The New York Power Authority finalized the St. Lawrence County Economic Development Study in 2015. The study sets a five-year economic development strategy for the county to promote economic growth in the county while making the best use of its current assets and economic strengths. Fort Drum is mentioned in the study, but not as an asset to use for future economic growth.

4.14. Tug Hill Commission

The Tug Hill Commission is a non-regulatory state agency that was created by New York State in 1972. Its mission is to “enable local governments, private organizations, and individuals to shape the future of the Tug Hill region, to demonstrate and communicate ways that this can be done by other rural areas.” The Tug Hill region encompasses 41 towns and 19 villages in parts of Jefferson, Lewis, Oneida, and Oswego counties, several of which participated in this JLUS. The commission is built upon empowering the citizens and communities within its area and assisting them with means to shape their communities to support their values for the future. This is done through efforts such as community programs, education, fund raising, and community improvement projects. The Commission also provides important services to local governments, economic development organizations, and other local groups, such as technical assistance, community development, geographic information systems (GIS) and other technology services, land use planning, natural resource management, and shared staff resources through a circuit rider program. These resources are very important for communities that don’t have their own resources or staff capacity to perform these tasks on their own.

4.15. Development Authority of the North Country

The Development Authority of the North Country was created by the New York State legislature in 1985 to assist with coordination and communication between Fort Drum and the three counties that surround it (Jefferson, Lewis, and St. Lawrence) following the announcement of the reactivation of the 10th Mountain Division at Fort Drum. Since its inception, the Development Authority of the North Country has evolved to provide more services for the communities within the three counties, and it operates a solid waste management facility, water and wastewater facilities, an open access telecom network, and administers several business and housing loan programs available to the communities. The Development Authority of the North Country’s mission is to “serve the common interests of Jefferson, Lewis, and St. Lawrence counties by providing technical services and infrastructure, which will enhance economic opportunities in the region and promote the health and well-being of its communities.” This is accomplished through the provision of shared services, fee-based services, administration for communities, solid waste management, water quality management, engineering, telecommunications, and community development. Fort Drum is a vital focus for the Development Authority, which provides water, sewer and telecommunications infrastructure to the post, as well as land use planning support, and has partnered with the post on housing initiatives. The Development Authority of the North Country also has a dedicated community planner who serves as the liaison between Fort Drum and the communities in the three counties. This staff resource has proved invaluable during the development of this JLUS by coordinating the various community stakeholders to work towards a common goal of achieving improved communication between the military and its neighboring communities.

4.16. Other References

In the interest of land use compatibility between the military and the local community, the DOD Office of Economic Adjustment (OEA) and other public interest groups, such as the National Association of Counties (NACo), have prepared educational documents and videos to educate and inform the public about encroachment issues and methods to address existing or future compatibility concerns. Following are five resources that have been published to inform the public on land use compatibility.

Guides

The Practical Guide to Compatible Civilian Development near Military Installations (July 2007), OEA

This guide offers general information on community development and civilian encroachment issues. The guide can be found on the OEA internet site at the following address: <http://www.oea.gov/>.

Joint Land Use Study Program Guidance Manual (November 2006)

This manual provides guidance on the JLUS program, process, and identifies efforts to support compatible development. This manual can be obtained on the OEA internet site at the following address: <http://www.oea.gov/>.

Encouraging Compatible Land Use between Local Governments and Military Installations: A Best Practices Guide (April 2007), NACo

This guidebook presents case studies of best practices between the military and communities through communication, regulatory approaches, and Joint Land Use Studies. The guide can be accessed on the NACo internet site at the following address: <http://www.naco.org/>.

Videos

The Base Next Door: Community Planning and the Joint Land Use Study Program, OEA

This informative video discusses the issue of encroachment near military installations as urban development occurs within the vicinity. This video can be accessed on the official OEA YouTube channel at: <http://www.youtube.com/watch?v=6UiyWDgLeJM>.

Managing Growth, Communities Respond, OEA

This video highlights the lessons learned from three communities (Kitsap Naval Base in Bangor, Washington; Fort Drum in Jefferson County, New York; and Fort Leonard Wood in Pulaski County, Missouri) that have successful programs for managing growth near their respective military installations. This video can be accessed on the official OEA YouTube channel at: <http://www.youtube.com/watch?v=rea6d3bDp3c>.