



Department of the Air Force



Department of the Interior

Report to Congressional Committees

Activities of the Interagency Committee

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Activities of the Interagency Committee

Pursuant to Section 2844(b)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, an Interagency Committee was jointly established “to facilitate coordination, manage public access needs and requirements, and minimize potential conflict between the Department of the Interior and the Department of the Air Force with respect to joint operating areas within the Desert National Wildlife Refuge.” Membership of the Interagency Committee is comprised of a designee of the Director of the United States Fish and Wildlife Service, a designee of the Assistant Secretary of the Air Force for Energy, Installations, and Environment, the Project Leader of the Desert National Wildlife Refuge, and the Commander of the Nevada Test and Training Range. As required, members of the Interagency Committee submit this report on its activities.

Assistant Regional Director
National Wildlife Refuge System
Pacific Southwest Region
U.S. Fish and Wildlife Service

Project Leader
Desert National Wildlife Refuge Complex
U.S. Fish and Wildlife Service

Deputy Director, Installations Planning
Office of the Deputy Assistant Secretary (Installations)
Department of the Air Force

Commander
Nevada Test and Training Range
Nellis Air Force Base
U.S. Air Force

Introduction

This report on the activities of the Interagency Committee for the Nevada Test and Training Range and the Desert National Wildlife Refuge is provided to the Committees on Armed Services, Environment and Public Works, and Energy and Natural Resources of the Senate and the Committees on Armed Services and Natural Resources of the House of Representatives as directed on page 965 (or Section 2844(b)(1)) of the *William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (FY21 NDAA)*.

(iii) REPORT TO CONGRESS.—The interagency committee shall biannually submit to the Committees on Armed Services, Environment and Public Works, and Energy and Natural Resources of the Senate and the Committees on Armed Services and Natural Resources of the House of Representatives, and make available publicly online, a report on the activities of the interagency committee.

Executive Summary

This report summarizes the activities of the Interagency Committee (IC) for the Nevada Test and Training Range (NTTR) and the Desert National Wildlife Refuge (Refuge) in 2023 and 2024. The IC met six times and has continued formalizing processes to improve coordination and communication between the organizations and improving co-management of the joint operating areas within the Nevada Test and Training Range and improving the functioning of the Intergovernmental Executive Committee (IEC), which was established by Section 2844(b)(2) of the FY21 NDAA. The IC Charter and IEC MOU were completed and signed in June 2023.

Report

Introduction:

The William M. Thornberry National Defense Authorization Act (NDAA) for FY 2021 (Pub. L. 116-283) renewed the Military Lands Withdrawal Act (MLWA) of 1999 (Title XXX of Public Law (Pub. L.) 106-65) through November 6, 2046. According to the MLWA of 1999: “During the period of withdrawal and reservation of lands by this subtitle, the Secretary of the Interior shall exercise administrative jurisdiction over the Desert National Wildlife Refuge . . . through the United States Fish and Wildlife Service in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), this subtitle, and other laws applicable to the National Wildlife Refuge System. . . . The Secretary of the Interior, in coordination with the Secretary of the Air Force, shall manage the portion of the Desert National Wildlife Refuge withdrawn by this subtitle... for the purposes for which the refuge was established, and to support current and future military aviation training needs consistent with the current memorandum of understanding between the Department of the Air Force and the Department of the Interior.”

The William M. Thornberry NDAA for FY 2021 established the IC. However, section 2862 of the NDAA for FY 2024 (Pub. L. 118-31) revised the purposes of the IC as follows:

(i) IN GENERAL.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish an interagency committee (referred to in this subparagraph as the ‘interagency committee’) to—

(I) facilitate coordination, manage public access needs and requirements, and minimize potential conflict between the Department of the Interior and the Department of the Air Force with respect to joint operating areas within the Desert National Wildlife Refuge; and

(II) discuss the activities authorized in paragraph (1) and provide input to the United States Fish and Wildlife Service and the Department of the Air Force when assessing whether these activities may be conducted on the

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joint operating areas within the Desert National Wildlife Refuge that are under the primary jurisdiction of the Secretary of the Interior in a manner that is consistent with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.) and other applicable law.

Additionally, section 2862(d) of the NDAA for FY 2024 added the requirement to update the Interagency Memorandum of Understanding between the Department of the Interior and the Department of the Air Force concerning the joint use area of the Desert National Wildlife Refuge:

(1) DEADLINE.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force and the Secretary of the Interior shall— A) enter into a complete new operational memorandum of understanding under paragraph (5)(E) of section 3011(b) of the Military Lands Withdrawal Act of 1999 (title XXX of the National Defense Authorization Act for Fiscal Year 2000; Public Law 106–65); or (B) amend the current memorandum of understanding in effect under that paragraph that will complete the memorandum of understanding.

(2) ACCESS TO JOINT USE AREA FOR FISH AND WILDLIFE SERVICE.—The memorandum of understanding entered into or amended under paragraph (1) shall include one or more provisions to ensure adequate access for the United States Fish and Wildlife Service to the joint use area.

Responsibilities:

The U.S. Fish and Wildlife Service (USFWS) is the Federal agency primarily responsible for the welfare and management of the land, wildlife, and other natural resources, for protection of cultural and archeological resources, and for research thereon in the Desert National Wildlife Refuge (DNWR). The USFWS is also the Federal agency with specific responsibilities for protection of threatened and endangered species and management of desert bighorn sheep, desert tortoises, and migratory birds in accordance with (IAW) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd - 669ee) as amended by the National Wildlife Refuge System Improvement Act of 1997. The USFWS currently manages these resources in accordance with an approved Comprehensive Conservation Plan (CCP) completed in 2009.

As the USFWS exercises primary jurisdiction over 734,000 acres of DNWR lands within the Nevada Test and Training Range (NTTR) and secondary jurisdiction for the natural and cultural resources within the U.S. Air Force's (USAF) jurisdictional land (112,000 acres of designated Impact Areas), the USFWS's CCP is the primary resource management plan for the Joint-Use areas (joint operating areas).

The USAF exercises primary jurisdiction over 112,000 acres of Joint-Use lands located within the designated Impact Areas for the NTTR and is authorized to control access to all Joint-Use lands to ensure safety and security.

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The USAF has responsibilities mandated by Public Law 106-580 (16 U.S.C 670a-670o) known as the Sikes Act. This Act requires the Secretary of Defense to carry out a program to provide for the conservation and rehabilitation of natural resources on military installations. The Secretary of the Air Force shall prepare and implement an Integrated Natural Resource Management Program (reference 16 U.S.C. 670a).

The USAF publishes two plans for management of the NTTR that include the Joint-Use Area: 1) The Integrated Natural Resource Management Plan, and 2) an Integrated Cultural Resources Plan. These two plans will be used for land use planning and National Environmental Policy Act compliance and must be developed in coordination with USFWS staff.

Activities

Section 2844 of the William M. Thornberry NDAA for FY21, as amended by Section 2862 of the FY24 NDAA, directs that the IC be comprised of four members:

- (1) The Project Leader of the Desert National Wildlife Refuge Complex;
- (2) The Commander of the Nevada Test and Training Range, Nellis Air Force Base;
- (3) A representative from the United States Fish and Wildlife Service, including a designee of the Director of the United States Fish and Wildlife Service; and
- (4) A representative from the Department of the Air Force, including a designee of the Assistant Secretary of the Air Force for Energy, Installations, and Environment.

IC meetings were held virtually in 2023 on April 4, August 29, and December 8. During the first half of year, the IC focused on completing a Charter for the IC and MOU for the IEC. Both documents were completed and signed in June. The IC continued working together on scheduling access for USFWS personnel to complete critical mission work on the DNWR, obtaining security clearances and access badges for the NTTR, and conducting the annual desert bighorn sheep hunt.

IC meetings were held virtually in 2024 on January 4, April 22, and October 2. The IC devoted most of the year to meeting the requirement of Section 2862 of the FY24 NDAA to complete a new operational memorandum of understanding (MOU) by December 22, 2024. The IC, with assistance from other USFWS and USAF personnel, worked together throughout the year to complete the new MOU, which was finalized on November 14, 2024.

Section 2862 also authorized the construction of up to 15 equipment pads, no larger than 150-by-150 feet in size, along existing roads to allow placement and operation of threat emitters, and the USAF presented a map of proposed sites to the IC. On 27 Mar 2024, the IEC requested to see the map of proposed emitter sites and the USAF posted a copy on the NTTR IEC public webpage at the end of July 2024. The IC also discussed the environmental compliance requirements for the DAF placing up to 15 threat emitters within the joint use area, including the construction of proposed equipment pads and the operation and maintenance of threat emitters. Additionally, the IC discussed the compatibility

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determination process for the USFWS's primary jurisdictional lands. Other accomplishments included coordination of access to the NTTR to conduct an emergency water haul to a wildlife water development in the Spotted Range on DNWR. USAF provided USFWS with 6,000 gallons of water to support the emergency haul. In addition, upon completing scheduled critical mission work and exiting the NTTR, USFWS personnel promptly notify NTTR security personnel that access is no longer needed, which opens the NTTR for other missions.

The IC continued working together on scheduling access for USFWS personnel to complete critical mission work on the DNWR, obtaining security clearances and access badges for the NTTR, and conducting the annual desert bighorn sheep hunt.

Conclusion

The IC met six times over the last two years. The IC meetings have contributed to improvements in coordination and communication between the USAF and USFWS. No military training activities have occurred on joint operating areas within the DNWR where USFWS has primary jurisdiction. USFWS personnel were authorized access on the NTTR to complete their critical mission work when requested.

USFWS continues working with the USAF to improve staff access to the joint use area on DNWR and developed an annual schedule for completing mission critical work. USAF provided access for specific USFWS critical work outlined in the updated MOU. The organizations communicate continuously as needed for operations and will continue working to develop a long-term access scheduling process for completing USFWS missions and a badging process for USFWS personnel and partners. The completion of the new MOU will improve co-management of the Joint-Use area within the DNWR

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United States Senate
Washington, DC 20510

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Committee on Armed Services
United States Senate
Washington, DC 20510

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Chairman
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Washington, DC 20510

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United States Senate
Washington, DC 20515

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United States Senate
Washington, DC 20515

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Ranking Member
Committee on Energy and Natural Resources
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Washington, DC 20515

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Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

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Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

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Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

The Honorable Raul Grijalva
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515