

AMENDMENT TO RULES COMM. PRINT 116-57

OFFERED BY M .

Strike section 2844 (page 1228, beginning line 4)
and insert the following new section:

1 **SEC. 2844. ADDITIONAL REQUIREMENTS REGARDING NE-**
2 **VADA TEST AND TRAINING RANGE.**

3 (a) DEFINITIONS.—In this section:

4 (1) The term “affected Indian tribe” means an
5 Indian tribe that has historical connections to—

6 (A) the land withdrawn and reserved as
7 the Nevada Test and Training Range; or

8 (B) the land included as part of the Desert
9 National Wildlife Refuge.

10 (2) The term “current memorandum of under-
11 standing” means the memorandum of understanding
12 referred to in section 3011(b)(5)(E) of the Military
13 Lands Withdrawal Act of 1999 (title XXX of Public
14 Law 106–65; 113 Stat. 888) as in effect on the date
15 of the enactment of this Act.

16 (3) The term “heavy force” means a military
17 unit with armored motorized equipment, such as
18 tanks, motorized artillery, and armored personnel
19 carriers.

1 (4) The term “large force” means a military
2 unit designated as a battalion or larger organiza-
3 tional unit.

4 (5) The term “Nevada Test and Training
5 Range” means the land known as the Nevada Test
6 and Training Range withdrawn and reserved by sec-
7 tion 3011(b) of the Military Lands Withdrawal Act
8 of 1999 (title XXX of Public Law 106–65; 113 Stat.
9 886).

10 (6) The term “overlapping lands” means land
11 withdrawn and reserved as the Nevada Test and
12 Training Range that also is included as part of the
13 Desert National Wildlife Refuge. This land is com-
14 monly referred to as the Joint-Use Area.

15 (7) The term “revised memorandum of under-
16 standing” means the current memorandum of under-
17 standing revised as required by subsection (c)(1)
18 and other provisions of this section.

19 (8) The term “Secretaries” means the Sec-
20 retary of the Air Force and the Secretary of the In-
21 terior acting jointly.

22 (9) The term “small force” means a military
23 force of squad, platoon, or equivalent or smaller size.

24 (b) IMPROVED COORDINATION AND MANAGEMENT
25 OF OVERLAPPING LANDS.—The Secretaries shall coordi-

1 nate the management of the overlapping lands for military
2 use and wildlife refuge purposes consistent with their re-
3 spective jurisdictional authorities described in paragraphs
4 (3) and (5) of section 3011(b) of the Military Lands With-
5 drawal Act of 1999 (title XXX of Public Law 106–65;
6 113 Stat. 887).

7 (c) REVISION AND EXTENSION OF CURRENT MEMO-
8 RANDUM OF UNDERSTANDING.—

9 (1) REVISION REQUIRED.—Not later than two
10 years after the date of the enactment of this Act, the
11 Secretaries shall revise the current memorandum of
12 understanding to facilitate the management of the
13 overlapping lands—

14 (A) for the purposes for which the Desert
15 National Wildlife Refuge was established; and

16 (B) to support military training needs con-
17 sistent with the uses described under section
18 3011(b)(1) of the Military Lands Withdrawal
19 Act of 1999 (title XXX of Public Law 106–65;
20 113 Stat. 886), as modified by subsection (f).

21 (2) RELATION TO CURRENT LAW.—Upon com-
22 pletion of the revision process, the revised memo-
23 randum of understanding shall supersede the cur-
24 rent memorandum of understanding. Subject to
25 paragraph (1) and subsection (d), clauses (i), (ii),

1 (iii), and (iv) of section 3011(b)(5)(E) of the Mili-
2 tary Lands Withdrawal Act of 1999 (title XXX of
3 Public Law 106–65; 113 Stat. 888) shall apply to
4 the revised memorandum of understanding in the
5 same manner as such clauses applied to the current
6 memorandum of understanding.

7 (d) ELEMENTS OF REVISED MEMORANDUM OF UN-
8 DERSTANDING.—

9 (1) IN GENERAL.—The revised memorandum of
10 understanding shall include, at a minimum, provi-
11 sions to address the following:

12 (A) The proper management and protec-
13 tion of the natural and cultural resources of the
14 overlapping lands.

15 (B) The sustainable use by the public of
16 such resources to the extent consistent with ex-
17 isting laws and regulations, including applicable
18 environmental laws.

19 (C) The use of the overlapping lands for
20 the military training needs for which the lands
21 are withdrawn and reserved and for wildlife
22 conservation purposes for which the Desert Na-
23 tional Wildlife Refuge was established, con-
24 sistent with their respective jurisdictional au-
25 thorities.

1 (2) CONSULTATION.—The Secretaries shall pre-
2 pare the revised memorandum of understanding in
3 consultation with the following:

4 (A) The resource consultative committee.

5 (B) Affected Indian tribes.

6 (3) TRIBAL ISSUES.—The revised memorandum
7 of understanding shall include provisions to address
8 the manner in which the Secretary of the Air Force
9 will accomplish the following:

10 (A) Meet the United States trust respon-
11 sibilities with respect to affected Indian tribes,
12 tribal lands, and rights reserved by treaty or
13 Federal law affected by the withdrawal and res-
14 ervation of the overlapping lands.

15 (B) Guarantee reasonable access to, and
16 use by members of affected Indian tribes of
17 high priority cultural sites throughout the Ne-
18 vada Test and Training Range, including the
19 overlapping lands, consistent with the reserva-
20 tion of the lands for military use.

21 (C) Protect identified cultural and archae-
22 ological sites throughout the Nevada Test and
23 Training Range, including the overlapping
24 lands, and, in the event of an inadvertent
25 ground disturbance of such a site, implement

1 appropriate response activities to once again fa-
2 cilitate historic and subsistence use of the site
3 by members of affected Indian tribes.

4 (D) Provide for timely consultation with
5 affected Indian tribes as required by paragraph
6 (2).

7 (4) GUARANTEEING DEPARTMENT OF THE IN-
8 TERIOR ACCESS.—The revised memorandum of un-
9 derstanding shall guarantee that the Secretary of
10 the Interior, acting through the United States Fish
11 and Wildlife Service, has access to the overlapping
12 lands for not less than 54 days during each calendar
13 year to carry out the management responsibilities of
14 the United States Fish and Wildlife Service regard-
15 ing the Desert National Wildlife Refuge.

16 (5) ELEMENTS OF USFWS ACCESS.—The
17 United States Fish and Wildlife Service may carry
18 out more than one management responsibility on the
19 overlapping lands on an access day guaranteed by
20 paragraph (4). Recognized United States Fish and
21 Wildlife Service management responsibilities include
22 the following:

23 (A) The installation or maintenance of
24 wildlife water development projects, for which
25 at least 15 access days guaranteed by para-

1 graph (4) shall be annually allotted during
2 spring or winter months.

3 (B) The conduct of annual desert bighorn
4 sheep surveys.

5 (C) The management of the annual desert
6 bighorn sheep hunt in accordance with the Na-
7 tional Wildlife Refuge System Administration
8 Act of 1966 (16 U.S.C. 668dd–668ee), for
9 which at least 16 access days guaranteed by
10 paragraph (4) shall be allotted.

11 (D) The conduct of annual biological sur-
12 veys for the Agassiz’s desert tortoise and other
13 federally protected species, State-listed and at-
14 risk species, migratory birds, golden eagle nests
15 and rare plants, for which at least 30 access
16 days guaranteed by paragraph (4) shall be an-
17 nually allotted during spring or summer
18 months.

19 (E) The conduct of annual invasive species
20 surveys and treatment, for which at least 15 ac-
21 cess days guaranteed by paragraph (4) shall be
22 annually allotted during spring or summer
23 months.

24 (F) The conduct of annual contaminant
25 surveys of soil, springs, groundwater and vege-

1 tation, for which at least 10 access days guar-
2 anteed by paragraph (4) shall be annually allot-
3 ted during spring or summer months.

4 (G) The regular installation and mainte-
5 nance of climate monitoring systems.

6 (H) Such additional access opportunities,
7 as needed, for wildlife research, including Glob-
8 al Positioning System collaring of desert big-
9 horn sheep, bighorn sheep disease monitoring,
10 investigation of wildlife mortalities, and deploy-
11 ing, maintaining, and retrieving output from
12 wildlife camera traps.

13 (6) HUNTING, FISHING, AND TRAPPING.—The
14 revised memorandum of understanding shall con-
15 tinue to require that any hunting, fishing, and trap-
16 ping on the overlapping lands is conducted in ac-
17 cordance with section 3020 of the Military Lands
18 Withdrawal Act of 1999 (title XXX of Public Law
19 106–65; 113 Stat. 896).

20 (7) OTHER REQUIRED MATTERS.—The revised
21 memorandum of understanding also shall include
22 provisions regarding the following:

23 (A) The identification of current test and
24 target impact areas and related buffer or safety

1 zones, to the extent consistent with military
2 purposes.

3 (B) The design and construction of all
4 gates, fences, and barriers in the overlapping
5 lands, to be constructed after the date of the
6 enactment of this Act, in a manner to allow
7 wildlife access, to the extent practicable and
8 consistent with military security, safety, and
9 sound wildlife management use.

10 (C) The incorporation of any existing man-
11 agement plans pertaining to the overlapping
12 lands to the extent that the Secretaries, upon
13 review of such plans, determine that incorpora-
14 tion into the revised memorandum of under-
15 standing is appropriate.

16 (D) Procedures to ensure periodic reviews
17 of the revised memorandum of understanding
18 are conducted by the Secretaries, and that the
19 State of Nevada, affected Indian tribes, and the
20 public are provided a meaningful opportunity to
21 comment upon any proposed substantial revi-
22 sions.

23 (e) RESOURCE CONSULTATIVE COMMITTEE.—

24 (1) ESTABLISHMENT REQUIRED.—Pursuant to
25 the revised memorandum of understanding, the Sec-

1 retaries shall establish a resource consultative com-
2 mittee comprised of members, designated at the dis-
3 cretion of the Secretaries, from the following:

4 (A) Interested Federal agencies.

5 (B) At least one elected official (or other
6 authorized representative) from the State of
7 Nevada generally and at least one representa-
8 tive from the Nevada Department of Wildlife.

9 (C) At least one elected official (or other
10 authorized representative) from each local and
11 tribal government impacted by the Nevada Test
12 and Training Range.

13 (D) At least one representative of an inter-
14 ested conservation organization.

15 (E) At least one representative of a sports-
16 men's organization.

17 (F) At least one member of the general
18 public familiar with the overlapping lands and
19 resources thereon.

20 (2) PURPOSE.—The resource consultative com-
21 mittee shall be established solely for the purpose of
22 exchanging views, information, and advice relating
23 to the management of the natural and cultural re-
24 sources of the Nevada Test and Training Range.

1 (3) OPERATIONAL BASIS.—The resource con-
2 sultative committee shall operate in accordance with
3 the terms set forth in the revised memorandum of
4 understanding, which shall specify the Federal agen-
5 cies and elected officers or representatives of State,
6 local, and tribal governments to be invited to partici-
7 pate. The memorandum of understanding shall es-
8 tablish procedures for creating a forum for exchang-
9 ing views, information, and advice relating to the
10 management of natural and cultural resources on
11 the lands concerned, procedures for rotating the
12 chair of the committee, and procedures for sched-
13 uling regular meetings.

14 (4) COORDINATOR.—The Secretaries shall ap-
15 point an individual to serve as coordinator of the re-
16 source consultative committee. The duties of the co-
17 ordinator shall be specified in the revised memo-
18 randum of understanding. The coordinator shall not
19 be a member of the committee.

20 (f) AUTHORIZED AND PROHIBITED ACTIVITIES.—

21 (1) ADDITIONAL AUTHORIZED ACTIVITIES.—
22 Additional military activities on the overlapping
23 lands are authorized to be conducted, in a manner
24 consistent with the National Wildlife Refuge System

1 Administration Act of 1966 (16 U.S.C. 668dd et
2 seq.), as follows:

3 (A) Emergency response.

4 (B) Establishment and use of existing or
5 new electronic tracking and communications
6 sites.

7 (C) Continued use of roads in existence as
8 of the date of the enactment of this Act and
9 maintenance of such a road consistent with the
10 types of purposes for which the road has been
11 used as of that date.

12 (D) Small force readiness training by Air
13 Force, Joint, or Coalition forces.

14 (2) PROHIBITED ACTIVITIES.—Military activi-
15 ties on the overlapping lands are prohibited for the
16 following purposes:

17 (A) Large force or heavy force activities.

18 (B) Designation of new weapon impact
19 areas.

20 (C) Any ground disturbance activity not
21 authorized by paragraphs (1) and (2) of sub-
22 section (c).

23 (3) RULES OF CONSTRUCTION.—Nothing in
24 this subsection shall be construed to preclude the
25 following regarding the overlapping lands:

1 (A) Low-level overflights of military air-
2 craft, except that low-level flights of military
3 aircraft over the United States Fish and Wild-
4 life Service Corn Creek field station and visitor
5 center are prohibited.

6 (B) The designation of new units of special
7 use airspace.

8 (C) The use or establishment of military
9 flight training routes.

10 (g) TRIBAL LIAISON POSITIONS.—

11 (1) ACCESS COORDINATOR.—The Secretary of
12 the Air Force shall create a tribal liaison position for
13 the Nevada Test and Training Range, to be held by
14 a member of an affected Indian tribe, who will help
15 coordinate access to cultural and archaeological sites
16 throughout the Nevada Test and Training Range
17 and accompany members of Indian tribes accessing
18 such sites.

19 (2) CULTURAL RESOURCES LIAISON.—The Sec-
20 retary of the Air Force shall create a tribal liaison
21 position for the Nevada Test and Training Range, to
22 be held by a member of an affected Indian tribe,
23 who will serve as a tribal cultural resources liaison
24 to ensure that—

1 (A) appropriate steps are being taken to
2 protect cultural and archaeological sites
3 throughout the Nevada Test and Training
4 Range; and

5 (B) the management plan for the Nevada
6 Test and Training Range is being followed.

7 (h) FISH AND WILDLIFE LIAISON.—The Secretaries
8 shall create a Fish and Wildlife Service liaison position
9 for the Nevada Test and Training Range, to be held by
10 a Fish and Wildlife Service official designated by the Di-
11 rector of the United States Fish and Wildlife Service, who
12 will serve as a liaison to ensure that—

13 (1) appropriate steps are being taken to protect
14 Fish and Wildlife Service managed resources
15 throughout the Nevada Test and Training Range;
16 and

17 (2) the management plan for the Nevada Test
18 and Training Range is being followed.

