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FIRST REPRINT

A.J.R. 2

ASSEMBLY JOINT RESOLUTION NO. 2—ASSEMBLYMEN
COHEN, PETERS AND WATTS

FEBRUARY 18, 2019

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Urges Congress to reject any expansion in the use of
land or exercise of jurisdiction by the United States
Air Force in the Desert National Wildlife Refuge.
(BDR R-697)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Urging Congress to oppose
the expansion of the United States Air Force into the
Desert National Wildlife Refuge in Nevada.

1 WHEREAS, The Desert National Wildlife Refuge was established
2 in 1936 primarily to preserve the habitat necessary to protect the
3 desert bighorn sheep; and

4 WHEREAS, At roughly 1.5 million acres in size, the Desert
5 National Wildlife Refuge is the largest wildlife refuge in the lower
6 48 states and is home to over 320 species of birds, 52 species of
7 mammals, nearly 40 species of amphibians and reptiles, including
8 the federally protected desert tortoise, and over 500 species of
9 plants; and

10 WHEREAS, Roughly 1.2 million acres of the Desert National
11 Wildlife Refuge are currently proposed for designation as
12 wilderness and have been managed by the United States Fish and
13 Wildlife Service of the Department of the Interior as de facto
14 wilderness since 1974; and

15 WHEREAS, The Nevada Test and Training Range was
16 established in 1940 as an aerial gunnery and bombing range; and

17 WHEREAS, At approximately 2.9 million acres of land and
18 nearly 16,000 square miles of airspace, the Nevada Test and



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1 Training Range is the largest contiguous air and ground space
2 available for peacetime military operations in the free world and is
3 used by the United States Air Force for testing and evaluation of
4 weapons systems, tactics development and advanced combat
5 training; and

6 WHEREAS, The boundaries of the Desert National Wildlife
7 Refuge and the Nevada Test and Training Range overlap to the
8 extent that 55 percent of the total area of the Refuge – 826,000 acres
9 – lies within the Range and is used for military purposes as well as
10 for purposes of wildlife conservation; and

11 WHEREAS, With the exception of 112,000 acres located in the
12 heart of the Desert National Wildlife Refuge over which the Air
13 Force exercises primary jurisdiction, and which it uses as target
14 impact areas for both live and inert ordinance, the United States Fish
15 and Wildlife Service exercises primary jurisdiction over the shared
16 lands, with the Air Force exercising only secondary jurisdiction; and

17 WHEREAS, Under the terms of the Military Lands Withdrawal
18 Act of 1999, Public Law 106-65, the Air Force's authority over all
19 2.9 million acres of the Nevada Test and Training Range is limited
20 to 20 years in duration, expires on November 6, 2021, and can only
21 be extended by an act of Congress; and

22 WHEREAS, The Department of the Air Force has notified
23 Congress that there is a continuing military need for the land and
24 that the Air Force is preparing a proposal for submission to
25 Congress that not only extends its existing use of the land, but seeks
26 to expand that use in significant ways; and

27 WHEREAS, Although the Air Force has identified several
28 alternatives for its future use of the Nevada Test and Training
29 Range, its preferred alternative includes: (1) increasing the total size
30 of the Range by over 300,000 additional acres, almost all of which
31 are within the Desert National Wildlife Refuge; (2) giving the Air
32 Force primary jurisdiction over all the jointly administered land
33 within the Refuge or making other legislative changes to ensure that
34 the Air Force has the same kind of "ready access" necessary to
35 engage in testing and training for major combat operations to all
36 such land within the Refuge that it currently has throughout the rest
37 of the Range; and (3) in effect, rendering these new arrangements
38 permanent by eliminating the usual 20-year time limit on
39 Congressional grants of land for military purposes; and

40 WHEREAS, The Air Force's preferred alternative for the Nevada
41 Test and Training Range, if approved by Congress, would eliminate
42 wilderness protections from nearly 1 million acres of land within the
43 Desert National Wildlife Refuge, increase the threats to the survival
44 of the Desert Bighorn Sheep, desert tortoise and other imperiled
45 wildlife, further restrict access to areas of historical, cultural,



1 spiritual and recreational significance to Native and other
2 Americans, and degrade the ability of future Congresses to exercise
3 meaningful oversight of the Air Force's discharge of its
4 environmental responsibilities within the Refuge; and

5 WHEREAS, The Moapa Band of Paiutes have asserted in Tribal
6 Resolution M-18-03-07 their opposition to an increase of the use
7 and size of the Nevada Test and Training Range given that the
8 Desert National Wildlife Refuge includes abundant ecological and
9 cultural resources where the Southern Paiute people carved
10 petroglyphs into rocks and left artifacts that help show how they
11 thrived in the beautiful desert and mountain environment; now,
12 therefore, be it

13 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
14 NEVADA, JOINTLY, That the members of the 80th Session of the
15 Nevada Legislature hereby urge Congress to reject any proposal by
16 the United States Air Force to expand its use of land or exercise of
17 jurisdiction within the Desert National Wildlife Refuge beyond that
18 which it currently possesses and to limit any proposal to extend the
19 Air Force's authority over the Nevada Test and Training Range to
20 not more than 20 years; and be it further

21 RESOLVED, That the members of the 80th Session of the Nevada
22 Legislature urge Congress to work collaboratively with all interested
23 parties to develop a compromise alternative that would both enhance
24 training opportunities for the United States Air Force and continue
25 to provide essential protections for Nevada's wildlife and outdoor
26 recreational experiences for Nevadans and visitors; and be it further

27 RESOLVED, That the Chief Clerk of the Assembly prepare and
28 transmit a copy of this resolution to the Vice President of the United
29 States as the presiding officer of the Senate, the Speaker of the
30 House of Representatives and each member of the Nevada
31 Congressional Delegation; and be it further

32 RESOLVED, That this resolution becomes effective upon
33 passage.

