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SECOND 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  
9 acres – lies within the Range and is used for military purposes as  
10 well as 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 final legislative environmental impact statement  
6 also includes proposals that the United States Air Force designates  
7 as "Alternative 3A" and "Alternative 3A-1" to withdraw either  
8 18,000 or 15,000 acres of land outside the Desert National Wildlife  
9 Refuge, but near the town of Beatty, for incorporation into the  
10 Nevada Test and Training Range, which would result in substantial  
11 encroachment on the town of Beatty and result in significant  
12 negative impacts to the local economy, including losses of revenue  
13 from existing and planned trails, ecotourism activities and mining;  
14 and

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

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

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

37 RESOLVED, That the Chief Clerk of the Assembly prepare and  
38 transmit a copy of this resolution to the Vice President of the United  
39 States as the presiding officer of the Senate, the Speaker of the  
40 House of Representatives and each member of the Nevada  
41 Congressional Delegation; and be it further

42 RESOLVED, That this resolution becomes effective upon  
43 passage.

