

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

FEBRUARY 18, 2019

JOINT SPONSORS: SENATORS SCHEIBLE, RATTI, BROOKS,
OHRENSCHALL AND PARKS

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



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

3 WHEREAS, At approximately 2.9 million acres of land and
4 nearly 16,000 square miles of airspace, the Nevada Test and
5 Training Range is the largest contiguous air and ground space
6 available for peacetime military operations in the free world and is
7 used by the United States Air Force for testing and evaluation of
8 weapons systems, tactics development and advanced combat
9 training; and

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

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

21 WHEREAS, Under the terms of the Military Lands Withdrawal
22 Act of 1999, Public Law 106-65, the Air Force's authority over all
23 2.9 million acres of the Nevada Test and Training Range is limited
24 to 20 years in duration, expires on November 6, 2021, and can only
25 be extended by an act of Congress; and

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

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

44 WHEREAS, The Air Force's preferred alternative for the Nevada
45 Test and Training Range, if approved by Congress, would eliminate



wilderness protections from nearly 1 million acres of land within the Desert National Wildlife Refuge, increase the threats to the survival of the Desert Bighorn Sheep, desert tortoise and other imperiled wildlife, further restrict access to areas of historical, cultural, spiritual and recreational significance to Native and other Americans, and degrade the ability of future Congresses to exercise meaningful oversight of the Air Force's discharge of its environmental responsibilities within the Refuge; and

WHEREAS, The final legislative environmental impact statement also includes proposals that the United States Air Force designates as "Alternative 3A" and "Alternative 3A-1" to withdraw either 18,000 or 15,000 acres of land outside the Desert National Wildlife Refuge, but near the town of Beatty, for incorporation into the Nevada Test and Training Range, which would result in substantial encroachment on the town of Beatty and result in significant negative impacts to the local economy, including losses of revenue from existing and planned trails, ecotourism activities and mining; and

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

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

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

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



1 RESOLVED, That this resolution becomes effective upon
2 passage.

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