

SENATE JOINT RESOLUTION NO. 3—SENATORS
SCHEIBLE, RATTI, PARKS, BROOKS; AND HANSEN

FEBRUARY 18, 2019

JOINT SPONSOR: ASSEMBLYMAN FUMO

Referred to Committee on Natural Resources

SUMMARY—Urges Congress to oppose the expansion of the United States Air Force in the Desert National Wildlife Refuge in Nevada. (BDR R-745)

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 ~~for omitted material~~ is material to be omitted.

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

1 WHEREAS, In 1936, President Franklin D. Roosevelt signed
2 Executive Order 7373 creating the Desert Game Range to provide
3 habitat and protection for the desert bighorn sheep; and

4 WHEREAS, The Desert National Wildlife Refuge, as it is now
5 called, is the largest wildlife refuge in the contiguous United States;
6 and

7 WHEREAS, As part of a wilderness review required by the
8 Wilderness Act of 1964, 16 U.S.C. §§ 1131 et seq., 1.3 million acres
9 of the Desert National Wildlife Refuge were proposed as wilderness
10 by the United States Fish and Wildlife Service of the United States
11 Department of the Interior; and

12 WHEREAS, The proposed wilderness includes the Sheep Range,
13 Las Vegas Range, Gass Peak, East Desert Range, Hole in the Rock
14 Range, Desert-Pintwater Range and the Spotted Range; and

15 WHEREAS, The Desert National Wildlife Range contains six
16 mountain ranges and seven distinct life zones, with elevations
17 ranging from 2,200 to nearly 10,000 feet, which provide habitat for



1 hundreds of species of native flora and fauna to live and flourish,
2 including two species listed as endangered or threatened: the
3 Pahrump poolfish and the desert tortoise; and

4 WHEREAS, The Nevada Test and Training Range, which was
5 originally named the Las Vegas Bombing and Gunnery Range, was
6 created in 1940 by Executive Order 8578; and

7 WHEREAS, The Nevada Test and Training Range is a military
8 training area used by the United States Air Force Warfare Center
9 primarily for aerial gunnery and bombing, as a proving ground and
10 flight test area and for aircraft control and warning exercises; and

11 WHEREAS, The Nevada Test and Training Range consists of
12 approximately 2.9 million acres of federal land that has been
13 withdrawn from public use and reserved for military use and
14 includes approximately 826,000 acres within the Desert National
15 Wildlife Refuge whose boundaries overlap those of the Nevada Test
16 and Training Range; and

17 WHEREAS, The Military Lands Withdrawal Act of 1999, Public
18 Law 106-65, transferred primary jurisdiction of approximately
19 112,000 acres of bombing impact areas within the Desert National
20 Wildlife Refuge from the United States Fish and Wildlife Service to
21 the United States Department of Defense and such lands were
22 reserved for use by the Secretary of the Air Force as an armament
23 and high-hazard testing area; and

24 WHEREAS, Public Law 106-65 also extended the duration of the
25 withdrawal of 2.9 million acres from public use for the military use
26 of the Nevada Test and Training Range through November 6, 2021;
27 and

28 WHEREAS, In August 2016, the United States Air Force
29 provided public notice of its intent to prepare a legislative
30 environmental impact statement to renew and expand the size of the
31 Nevada Test and Training Range in anticipation of the termination
32 of its existing scheduled withdrawal in 2021; and

33 WHEREAS, In December 2017, the public comment period began
34 on the United States Air Force's draft legislative environmental
35 impact statement, and 32,000 comments were submitted opposing
36 the expansion; and

37 WHEREAS, In January 2018, the United States Air Force held
38 public meetings throughout Nevada and accepted public comment
39 on the draft legislative environmental impact statement; and

40 WHEREAS, In October 2018, the United States Air Force issued
41 its final legislative environmental impact statement for the Nevada
42 Test and Training Range Land Withdrawal; and

43 WHEREAS, The final legislative environmental impact statement
44 from the United States Air Force includes alternatives that not only
45 renew the withdrawal of the approximately 2.9 million acres of



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1 public lands which comprise the existing Nevada Test and Training
2 Range, but also, under the designation “Alternative 2,” removes
3 significant protections for all land within the Desert National
4 Wildlife Refuge that is co-managed by the United States Fish and
5 Wildlife Service, either by giving the Air Force primary jurisdiction
6 over all the co-managed land or by making other legislative changes
7 to ensure that the Air Force has the same kind of “ready access” to
8 all such land within the Refuge that it currently has throughout the
9 rest of the Range; and

10 WHEREAS, An additional 227,000 acres that the United States
11 Air Force also proposes to add to the Nevada Test and Training
12 Range, and whose incorporation it designates as “Alternative 3C,”
13 includes portions of the Sheep Range, which the Nevada
14 Department of Wildlife describes as the “heart of the Desert
15 National Wildlife Refuge” whose importance to “wildlife resources
16 and public access cannot be overstated”; and

17 WHEREAS, In 2018, the Nevada Department of Wildlife
18 informed the Air Force that it opposes Alternative 2 because of the
19 lack of specificity in the meaning of “ready access” and also that it
20 “strongly opposes” the entirety of Alternative 3C because it would
21 “reduce the Desert National Wildlife Refuge to a fraction of its
22 original land mass and intent”; and

23 WHEREAS, The final legislative environmental impact statement
24 also includes proposals that the United States Air Force designates
25 as “Alternative 3A” and “Alternative 3A-1” to withdraw either
26 18,000 or 15,000 acres of land outside the Desert National Wildlife
27 Refuge, but near the town of Beatty, for incorporation into the
28 Nevada Test and Training Range, which would result in substantial
29 encroachment on the town of Beatty and result in significant
30 negative impacts to the local economy, including losses of revenue
31 from existing and planned trails, ecotourism activities and mining;
32 now, therefore, be it

33 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
34 NEVADA, JOINTLY, That the members of the 80th Session of the
35 Nevada Legislature strongly oppose the range of alternatives and
36 sub-alternatives set forth in the final legislative environmental
37 impact statement, especially Alternative 2 and Alternative 3C given
38 that their approval by Congress would result in an unacceptable loss
39 of public access to and in the degradation of the Desert National
40 Wildlife Refuge; and be it further

41 RESOLVED, That the members of the 80th Session of the Nevada
42 Legislature urge Congress to work collaboratively with all interested
43 parties to develop a compromise alternative that would both enhance
44 training opportunities for the United States Air Force and continue



1 to provide essential protections for Nevada’s wildlife and outdoor
2 recreational experiences for Nevadans and visitors; and be it further

3 RESOLVED, That the Secretary of the Senate prepare and
4 transmit a copy of this resolution to the Vice President of the United
5 States, as the presiding officer of the United States Senate, the
6 Speaker of the United States House of Representatives, the Chair
7 and Ranking Member of the United States Senate Committee on
8 Energy and Natural Resources, the Chairman and Ranking Member
9 of the United States Senate Committee on Armed Services, the
10 Chairman and Ranking Member of the United States House
11 Committee on Natural Resources, the Chairman and Ranking
12 Member of the United States House Committee on Armed Services,
13 the Secretary of the Air Force, the Secretary of Energy and each
14 member of the Nevada Congressional Delegation; and be it further

15 RESOLVED, That this resolution becomes effective upon
16 passage.

