[AMENDMENT HEADING TO BE ADDED]

OFFERED BY Mr. Bishop

Insert after section 2844, relating to renewal of Nevada Test and Training Range land withdrawal and reservation, the following new section (and redesignate subsequent section accordingly):

SEC. 2845. CO-MANAGEMENT, NEW MEMORANDUM OF UNDERSTANDING, AND ADDITIONAL REQUIREMENTS REGARDING NEVADA TEST AND TRAINING RANGE.

(a) DEFINITIONS.—In this section:

(1) The term “affected Indian tribe” means an Indian tribe that—

(A) has historical connections to the land withdrawn and reserved as the Nevada Test and Training Range; and

(B) retains a presence on lands near the Nevada Test and Training Range.

(2) The term “heavy force” means a military unit with armored motorized equipment, such as tanks, motorized artillery, and armored personnel carriers.
(3) The term “large force” means a military unit designated as a battalion or larger organizational unit.

(4) The term “Nevada Test and Training Range” means the lands known as the Nevada Test and Training Range withdrawn and reserved by section 3011(b) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 886).

(5) The term “new memorandum of understanding” means the memorandum of understanding required by subsection (c)(1).

(6) The term “overlapping lands” means the lands overlapping both the Nevada Test and Training Range and the Desert National Wildlife Refuge.

(7) The term “Secretaries” means the Secretary of the Air Force and the Secretary of the Interior acting jointly.

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

(b) Co-Management of Federal Lands Overlapping Nevada Test and Training Range and Desert National Wildlife Refuge.—The Secretaries shall co-manage the overlapping lands for both military and wildlife refuge purposes.
(c) MEMORANDUM OF UNDERSTANDING.—

(1) NEW MOU REQUIRED.—Not later than two years after the date of the enactment of this Act, the Secretaries shall prepare a memorandum of understanding regarding the management of the overlapping lands for the purpose of facilitating the co-management of the overlapping lands as required by subsection (b).

(2) RELATION TO EXISTING MOU.—The new memorandum of understanding shall supersede the memorandum of understanding referred to in subparagraph (E) of section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 888). Clauses (ii), (iii), and (iv) of such subparagraph shall apply to the new memorandum of understanding in the same manner as such clauses applied to the superseded memorandum of understanding.

(d) ELEMENTS OF NEW MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Subject to the dispute resolution process required by subsection (e), the new memorandum of understanding shall include, at a minimum, provisions to address the following:
(A) The proper management and protection of the natural and cultural resources of the overlapping lands.

(B) The sustainable use by the public of such resources to the extent consistent with existing laws and regulations, including applicable environmental laws.

(C) The use of the overlapping lands for the military purposes for which the lands are withdrawn and reserved.

(2) CONSULTATION.—The Secretaries shall prepare the new memorandum of understanding in consultation with the following:

(A) The resource consultative committee.

(B) Affected Indian tribes.

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

(A) Meet the United States trust responsibilities with respect to affected Indian tribes, tribal lands, and rights reserved by treaty or Federal law affected by the withdrawal and reservation of the overlapping lands.
(B) Guarantee reasonable access to, and use by members of affected Indian tribes of high priority cultural sites throughout the Nevada Test and Training Range, including the overlapping lands, consistent with the reservation of the lands for military purposes.

(C) Protect identified cultural and archaeological sites throughout the Nevada Test and Training Range, including the overlapping lands, and, in the event of an inadvertent ground disturbance of such a site, implement appropriate response activities to once again facilitate historic and subsistence use of the site by members of affected Indian tribes.

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

(4) Department of the interior access.—The new memorandum of understanding shall ensure that the Secretary of the Interior has regularly access to the overlapping lands to carry out the management responsibilities of the Secretary of the Interior regarding the Desert National Wildlife Refuge, including the following:
(A) The installation or maintenance of wildlife water development projects.

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


(D) The conduct of annual biological surveys for the Agassiz's desert tortoise and other federally protected species, State-listed and at-risk species, migratory birds, golden eagle nests and rare plants.

(E) The conduct of annual invasive species surveys and treatment.

(F) The conduct of annual contaminant surveys of soil, springs, groundwater and vegetation.

(G) The regular installation and maintenance of climate monitoring systems.

(H) Such additional access opportunities, as needed, for wildlife research, including Global Positioning System collaring of desert bighorn sheep, bighorn sheep disease monitoring, investigation of wildlife mortalities, and deploy-
ing, maintaining, and retrieving output from wildlife camera traps.

(5) HUNTING, FISHING, AND TRAPPING.—The new memorandum of understanding shall include provisions to require that any hunting, fishing, and trapping on the overlapping lands is conducted in accordance with section 2671 of title 10, United States Code.

(6) OTHER REQUIRED MATTERS.—The new memorandum of understanding also shall include provisions regarding the following:

(A) The identification of current test and target impact areas and related buffer or safety zones, to the extent consistent with military purposes.

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

(C) The incorporation of any existing management plans pertaining to the overlapping lands to the extent that the Secretaries, upon
review of such plans, determine that incorpora-
tion into the new memorandum of under-
standing is appropriate.

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

(e) Resolution of Disputes.—

(1) Dispute Resolution Process.—The Sec-
retary of the Air Force shall be responsible for the
resolution of any dispute concerning the new memo-
randum of understanding or any amendment there-
to.

(2) Consultation.—The Secretary of the Air
Force shall make a decision under this subsection
only after consultation with the Secretary of the In-
terior, acting through the Regional Director of the
United States Fish and Wildlife Service, and the co-
ordinator of the resource consultative committee.

(3) Goal.—The Secretary of the Air Force
shall seek to resolve disputes under this subsection
in a manner that provides the greatest access to the
overlapping lands to the public and to other Federal
agencies and is protective of cultural and natural re-
sources to the greatest extent possible consistent
with the purposes for which the overlapping lands
are reserved.

(f) Resource Consultative Committee.—

(1) Establishment Required.—The Secre-
taries shall establish, pursuant to the new memo-
randum of understanding, a resource consultative
committee comprised of representatives from inter-
ested Federal agencies, as well as at least one elect-
ed officer (or other authorized representative) from
the State of Nevada, and at least one elected officer
(or other authorized representative) from each local
and tribal government impacted by the Nevada Test
and Training Range, as may be designated at the
discretion of the Secretaries.

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

(3) Operational Basis.—The resource con-
sultative committee shall operate in accordance with
the terms set forth in the new memorandum of un-
derstanding, which shall specify the Federal agencies and elected officers or representatives of State, local, and tribal governments to be invited to participate. The memorandum of understanding shall establish procedures for creating a forum for exchanging views, information, and advice relating to the management of natural and cultural resources on the lands concerned, procedures for rotating the chair of the committee, and procedures for scheduling regular meetings.

(4) COORDINATOR.—The Secretaries shall appoint an individual to serve as coordinator of the resource consultative committee. The duties of the coordinator shall be included in the new memorandum of understanding. The coordinator shall not be a member of the committee.

(g) AUTHORIZED AND PROHIBITED ACTIVITIES.—

(1) AUTHORIZED ACTIVITIES.—Military activities on the overlapping lands are authorized for the following purposes:

(A) Emergency response.

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

(C) Establishment and use of drop zones.
(D) Use and maintenance of roads in existence as of the date of the enactment of this Act.

(E) Small force readiness training by Air Force, Joint, or Coalition forces, including training using small motorized vehicles both on- and off-road, in accordance with applicable interagency agreements.

(2) PROHIBITED ACTIVITIES.—Military activities on the overlapping lands are prohibited for the following purposes:

(A) Large force or heavy force activities.

(B) Designation of new weapon impact areas.

(C) Any ground disturbance activity not authorized by paragraphs (1) and (2) of subsection (c).

(3) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude—

(A) low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the overlapping lands; or
(B) the Secretaries from entering into the
new memorandum of understanding or any
amendment thereto concerning the activities au-
thorized by paragraph (1).

(h) TRIBAL LIAISON POSITIONS.—

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

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

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

(B) the management plan for the Nevada
Test and Training Range is being followed.
(i) Fish and Wildlife Liaison.—The Secretaries shall create a Fish and Wildlife Service liaison position for the Nevada Test and Training Range, to be held by a Fish and Wildlife Service official designated by the Director of the United States Fish and Wildlife Service, who will serve as a liaison to ensure that—

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

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