

6-10-83



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Nevada State Office
300 Booth Street
P.O. Box 12000
Reno, Nevada 89520

RECEIVED
1983 JUN 13 PM 3:47
LAS VEGAS DISTRICT
BUREAU OF
LAND MANAGEMENT

IN REPLY
REFER TO:
2300
(NV-943.2)

JUN 10 1983

MEMORANDUM

To: District Manager, Las Vegas
From: State Director, Nevada
Subject: Roles and Responsibility on the Nellis AF Range

Many separate withdrawal orders were authorized in the past to comprise what is now Nellis AF Range. Several of these specifically reserve jurisdiction over the mineral and vegetative resources to the Department of the Interior. Some indicate the Department of the Interior's actions are subject to Air Force concurrence; others are silent as to the necessity for Air Force concurrence. Regardless of what the withdrawal orders have indicated, over the years there has been little, if any, actual management by BLM. The reason being that much of the withdrawn land is contaminated with ordnance and the Air Force has not been cooperative in allowing access to the land based on the necessity for security surrounding classified projects within the withdrawal.

The pending legislation on Nellis calls for the Department of the Interior to have management responsibility for minerals, vegetative and wildlife resources. However, the same conditions still exist as far as contamination and classified projects limiting access. The pending legislation also requires that a Resources Management Plan, implementation plan, and Memorandum of Understanding be developed within one year after passage of the Act. We feel that when developed, the Memorandum of Understanding should be specific as to access for Bureau of Land Management personnel to do any necessary field work.

Under the current status according to the Regional Solicitor's office, Nellis Range is public domain land not open to entry. However, in reality the Air Force occupies and continues to utilize the land just as they would under a withdrawal. Since, as a Federal agency, the Air Force is subject to the same environmental and protective laws that we are (NEPA, Antiquities Act, Sykes Act, etc.) and because of the current status of the withdrawal, the State Office recommends the district respond to Air Force's requests for assistance, but otherwise continue to operate on the same basis that we did when the earlier withdrawal was in place.

In answer to your specific questions:

Gravel Pit

We see no reason to issue a permit to the Air Force to use an area for a gravel pit for military purposes within the proposed withdrawal. If the Air Force is proposing to sell the gravel or let other non-military entities use the gravel pit, then BLM should issue such a permit with Air Force concurrence.

Construction of Facilities

If the construction of facilities is for the purpose of supporting military activity, we feel this is incidental to the withdrawal purpose and does not require BLM review or concurrence. Air Force is itself subject to NEPA requirements.

Cultural Resources

Again, as a federal agency the Air Force is required to protect cultural resources and, therefore, is responsible for appropriate clearance either by requesting our assistance or contracting for such services. When Air Force has requested our services, then BLM should recommend stipulations. It is the Air Force's responsibility to incorporate such stipulations into their construction contracts and to enforce them.

We realize the current status of the Nellis Range leaves a lot to be desired, but past experience in dealing with the military indicates that unless our future Memorandums of Understanding are extremely specific, our ability to manage resource values on military withdrawn land will not be any more successful than it has been in past years.

Associate

	Info	Data
✓ DM		
ADM		
P & EC		
YACC		
✓ CH RM		
ARCH		
MINERALS		
RANGE		
REALTY		
RECREATION		
SOILS		
WIL & B		
WILDERNESS		
WILDLIFE		
CH OPER		
CH ADMIN		
AM SERA		
AM CALIENTE		

Det of H
4cc 6/14

04/5/22 acting

W
bpm

copy sent