

MEMORANDUM OF UNDERSTANDING
establishing the
FALLON RANGE TRAINING COMPLEX
INTERGOVERNMENTAL EXECUTIVE COMMITTEE

I. Purpose

This Memorandum of Understanding (MOU) establishes the Fallon Range Training Complex (FRTC) Intergovernmental Executive Committee (IEC), pursuant to the Record of Decision for the FRTC Modernization Environmental Impact Statement (EIS) and in compliance with the National Defense Authorization Act (NDAA) for Fiscal Year 2021, for the purpose of facilitating government-to-government and intergovernmental coordination and the exchange of views, information, and advice in matters regarding the management of natural resources, cultural resources, cultural practices, and recreational resources, as well as other concerns, within the existing and potentially expanded FRTC land area and airspace.

II. Authority

- All Parties – Military Lands Withdrawal Act of 1999 (title XXX of Public Law (PL) 106–65; 113 Stat. 892); Section 2841, National Defense Authorization Act for Fiscal Year 2021 (PL 116-283)
- All Parties – Section 2844 of National Defense Authorization Act for Fiscal Year 2021 (PL 116-283)
- U.S. Navy – Title 10 of the United States Code
- U.S. Navy, Department of the Interior, and the State of Nevada - Sikes Act (as amended, 16 U.S.C. section 670 *et seq*)
- Bureau of Land Management – Federal Lands Policy and Management Act (FLPMA) (43 U.S.C. chapter 35).

III. Scope

The scope of this MOU is intended to facilitate dialogue, exchange of information, and obtain ideas from stakeholders regarding the management of the ranges within the existing and potentially expanded land area and airspace boundaries of the FRTC. Specifically, this forum is not a decision-making entity but will foster and receive ideas on the management of natural resources, cultural resources, cultural practices, and recreational resources, as well as other concerns, within the existing and proposed public land withdrawal area. The large number of stakeholders in northern Nevada necessitates a collaborative effort in accessing subject matter experts within federal, state, and local government entities, Native American Tribes, and nongovernmental organizations.

The IEC will seek to identify, promote protection, minimize potential impacts, and appropriately manage the natural resources, cultural resources, cultural practices, and recreational resources within the boundaries of the FRTC and associated airspace. The IEC will facilitate information exchange and coordinate the needs of the stakeholders to safely access portions of the FRTC for natural resources, cultural resources, cultural practices, and recreational resources. This exchange of information will assist the Navy as it manages the FRTC Bravo ranges, specifically B-16, B-17, B-19, and B-20. This exchange of information will also assist Bureau of Land Management (BLM) as it manages Dixie Valley under FLPMA in accordance with the uses authorized for these areas by PL 106-65 and PL 116-283.

IV. Limitations

Participation in the FRTC IEC through this MOU does not expand or diminish any participating member's authority, responsibility, or liability with regard to management of the FRTC beyond that established by law or regulation, Cooperative Agreement, or policy, nor does participation otherwise modify the respective duties, obligations, rights, privileges, or immunities of any party. This forum serves as an information exchange for ideas pertaining to management of natural resources, cultural resources, cultural practices, and recreational resources, as well as other concerns. Nothing in this document obligates any participating agency to expend funds in excess of appropriation authorized by applicable law and administratively allocated for the purpose of managing FRTC lands and/or resources. Nor does anything in this document intend to modify, in any manner, other agreements, rights granted by a treaty or otherwise between any participating agencies.

V. Function, Structure, and Membership

a. Function

1. The IEC is established for the purpose of facilitating government-to-government and intergovernmental coordination and the exchange of views, information, and advice in matters regarding the management of natural resources, cultural resources, cultural practices, and recreational resources, as well as other concerns, within the existing and potentially expanded FRTC land area and airspace. This forum will conduct meetings and address issues in an advisory capacity.
2. At each meeting, representatives of the Navy, BLM, State of Nevada, Counties, and Tribes can deliver presentations providing status on FRTC management issues and procedures,

as well as an update on ongoing projects that pertain to natural resources, cultural resources, cultural practices, and recreational resources protection within the Bravo ranges, Dixie Valley, the Shoal Site and associated FRTC airspace. Presentations may be in response to a request for information or a request for action. The IEC may invite other agencies to report on their activities as they relate to the FRTC and its proposed expansion and airspace. IEC members and the public may express their views with respect to FRTC management procedures and practices. IEC members and the public may present substantive issues, conflicts, or other matters regarding FRTC resource management within the Bravo ranges, Dixie Valley, the Shoal Site, and airspace to the IEC for consideration and possible action. The IEC Liaisons, who are established by the BLM and Navy as appropriate, shall be responsible for ensuring that IEC issues and concerns pertaining to FRTC-specific management-related items are presented to the responsible agency for consideration and possible action.

3. The IEC will meet no less than three times each calendar year with additional meetings scheduled as necessary. At each meeting, the IEC will agree on a date for the next meeting and location. The location of the meetings of the IEC will rotate to facilitate ease of access for all members of the IEC. Every meeting will have a virtual aspect as well. Meeting location, time, and agenda will be publicly announced in advance. The minutes for each meeting shall include a schedule for preparing the next meeting agenda. The meetings of the IEC shall be open to the public and meeting materials be made available to the public according to Nevada’s open meeting law.

b. Structure

1. As a collaborative group, all members will be heard in representing their respective agencies in facilitating management activities. Each member of the IEC shall serve voluntarily and without compensation. The terms of each IEC member shall be governed by the IEC Charter and members will be eligible for reappointment by their respective organizations.
2. A “quorum” is to be defined as “the members who are present during each meeting.”

3. Chair and Vice-Chair of the IEC will be elected biennially among members of the IEC.
4. Membership of the IEC: Half the IEC members nominated by member agencies will be initially appointed to two (2)-year terms by the IEC Chair and Vice-Chair, the other half will be appointed to four (4)-year terms by the IEC Chair and Vice-Chair. Each subsequent appointment to an IEC member will be four (4) years. IEC members are eligible for reappointment by their respective organizations. The IEC Chair and Vice-Chair may reappoint or replace, as appropriate, an IEC member for each member agency nominated by the agency if the representative's term has expired or the representative has resigned.
5. In the event that a designated agency representative of the IEC cannot attend a meeting, the member agency may appoint an alternate to attend and participate in his/her place. The alternate must have the same rights, privileges, and responsibilities as the primary appointed member in regard to their entity/group.
 - a) Before the first meeting of the year, each entity will submit a participation form to the Committee regarding who their primary and alternate will be for attendance at the meetings. Both the primary and alternate may attend the meetings, but if both attend, only one vote will count per entity.
6. The IEC, as a whole, will be supported by IEC Coordinator and Liaisons, as necessary. These positions will be managed by the Navy and the DOI. The Coordinator will be responsible for facilitating administrative and logistical support including preparing meeting agendas, coordinating meetings, and drafting meeting minutes. The Liaisons will be responsible for forwarding invitations, providing presentations, and communicating regularly with members.

c. Membership

The NDAA identified core IEC members, but did not limit participation to only the stated entities. Some of the entities are listed below with their respective mission statements. These groups/agencies are expected to participate, but participation is not limited to those indicated below. Any entity that wishes to be included in the IEC that has not named within the NDAA must submit a letter to the Committee containing the reason why they wish to be an IEC member. The letter will come before

the Committee during the following meeting, and new members may be approved by the Committee. If any entity wishes to not be a part of the IEC, they are asked to submit a letter to the Committee containing the reason why they wish to not be involved. These actions will stand as a record for the Committee.

1. Navy. The Commanding Officer of Naval Air Station Fallon will serve as the Department of the Navy (Navy) representative to the IEC. The Navy has authority and responsibility for the use of land within the FRTC for the purpose of conducting military operations in support of National Security objectives. The Navy also has authority and responsibility for land management of the ordnance ranges (B-16, B-17, B-19, and B-20). In the absence of the Commanding Officer, an alternate member with decision-making authorization may be designated. This alternate must be designated in writing for the IEC. Both the primary and alternate may attend the meetings, but if both attend, only one vote will count per entity. The alternate must have the same rights, privileges, and responsibilities as the primary appointed member in regard to their entity/group.
2. Bureau of Land Management (BLM). The Carson City District Office Manager of Bureau of Land Management (BLM) will serve as a DOI representative. BLM has significant management oversight of federal land in Nevada. BLM also has authority and responsibility for land management of the Dixie Valley and Shoal Site. In the absence of the director, an alternate member with decision-making authorization may be designated. This alternate must be designated in writing for the IEC. Both the primary and alternate may attend the meetings, but if both attend, only one vote will count per entity. The alternate must have the same rights, privileges, and responsibilities as the primary appointed member in regard to their entity/group.
3. Bureau of Indian Affairs (BIA). BIA's mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives. The Director will be the primary representative for BIA. In the absence of the director, an alternate member with decision-making authorization may be designated. This alternate must be designated in writing for the IEC. Both the primary and alternate may attend the meetings, but if both attend, only one vote will count per entity. The alternate must have the same

rights, privileges, and responsibilities as the primary appointed member in regard to their entity/group.

4. Nevada Department of Wildlife. The Director of the Nevada Department of Wildlife will serve as a representative to the IEC. The Nevada Division of Wildlife has an interest to protect, conserve, manage and restore wildlife and its habitat for the benefit of citizens of Nevada and the United States. In the absence of the director, an alternate member with decision-making authorization may be designated. This alternate must be designated in writing for the IEC. Both the primary and alternate may attend the meetings, but if both attend, only one vote will count per entity. The alternate must have the same rights, privileges, and responsibilities as the primary appointed member in regard to their entity/group.

5. Nevada Department of Conservation and Natural Resources. The Director of the Nevada Department of Conservation and Natural Resources will serve as a representative to the IEC. The Nevada Department of Conservation and Natural Resources has primary jurisdiction to protect, manage, and enhance Nevada's natural, cultural, and recreational resources. In the absence of the director, an alternate member with decision-making authorization may be designated. This alternate must be designated in writing for the IEC. Both the primary and alternate may attend the meetings, but if both attend, only one vote will count per entity. The alternate must have the same rights, privileges, and responsibilities as the primary appointed member in regard to their entity/group.

6. Churchill, Lyon, Mineral, Nye, Pershing, and Eureka County Governments. Each respective County will assign one (1) member from their respective Commissions to serve as a representative to the IEC. Counties and their commissioners have an interest in ensuring the highest achievable environment for their residents while ensuring economic opportunities. Counties and commissioners also have special expertise and knowledge of local customs, cultures, and economies. In the absence of an appointed Commissioner, an alternate member with decision-making authorization may be designated. This alternate must be designated in writing for the IEC. Both the primary and alternate may attend the meetings, but if both attend, only one vote will count per entity. The alternate must have the same rights, privileges, and

responsibilities as the primary appointed member in regard to their entity/group.

7. Battle Mountain Band of Te-Moak Tribe Western Shoshone, Duckwater Shoshone Tribe, Elko Band Colony-Te-Moak Tribe of Western Shoshone, Fallon Paiute Shoshone Tribe, Fort McDermitt Paiute Shoshone Tribe, Lovelock Paiute Tribe, Reno-Sparks Colony, Pyramid Lake Paiute Tribe, South Fork Band-Te-Moak Tribe of Western Shoshone, Walker River Paiute Tribe, Washoe Tribe of Nevada and California, Wells Band Colony Te-Moak Tribe of Western Shoshone, Winnemucca Indian Colony, Yerington Paiute Tribe, Yomba Shoshone Tribe, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone. Each Tribal Chair will serve as a representative to the IEC. Each Tribal leader has an interest in preserving conditions for a high-quality environment and developing economic opportunities for its members, and preservation and protection of cultural values and heritage of their Tribe. In the absence of the Chair, an alternate member with decision-making authorization may be designated. This alternate must be designated in writing for the IEC. Both the primary and alternate may attend the meetings, but if both attend, only one vote will count per entity. The alternate must have the same rights, privileges, and responsibilities as the primary appointed member in regard to their entity/group.

VI. Roles and Responsibilities of the IEC Members

- a. Elect the Chair and Vice-Chair.
- b. Develop a charter with the IEC membership to establish mechanisms and guidelines in the conduct of the group.
- c. Direct IEC Coordinator/Liaisons to develop and distribute the meeting agenda.
- d. Schedule no fewer than three IEC meetings within the calendar year.
- e. Direct IEC Liaisons to coordinate with the hosting venue for IEC meetings, as necessary.
- f. Direct IEC Liaisons to coordinate and respond to requests for information and/or action queries, as appropriate.
- g. Direct IEC Liaisons to compile attendee list and forward invitations to attendees, including letter invitations via certified mail.
- h. Direct IEC Coordinator to draft meeting minutes and forward those minutes to participants within forty-five (45) business days after the

date of the meeting. These minutes will include the next meeting day and venue. These meeting minutes will be retained on file publicly.

VII. Review

This MOU will be reviewed at least every two (2) years by members of the IEC to determine if the document requires modification. Recommendations for modifying this MOU may be submitted at any time at the request of an IEC member. The membership will review and evaluate the requested change, then provide feedback to the IEC and requesting agency. Any disputes relating to this MOU will, subject to any applicable law, executive order, directive, or instruction, be resolved by consultation between the IEC members.

VIII. Approval

This MOU will become effective immediately on the date the last signature is affixed. Any signatory whose participation is not mandated by federal law may withdraw from the IEC at any time through written notice to the IEC.

IX. Signatures

United States Navy
Commander, Navy Region Southwest

Date

Bureau of Land Management
Director, State of Nevada

Date

Bureau of Indian Affairs
Director, State of Nevada

Date

Nevada Department of Wildlife
Director, State of Nevada

Date

Nevada Department of Conservation
And Natural Resources
Director, State of Nevada

Date

Churchill County
Churchill County Commissioner

Date

Lyon County
Lyon County Commissioner

Date

Mineral County
Mineral County Commissioner

Date

Nye County
Nye County Commissioner

Date

Pershing County
Pershing County Commissioner

Date

Eureka County
Eureka County Commissioner

Date

Duckwater Shoshone Tribe
Duckwater Shoshone Tribal Chair

Date

Fallon Paiute Shoshone Tribe
Fallon Paiute Shoshone Tribal Chair

Date

Fort McDermitt Paiute Shoshone Tribe
Fort McDermitt Paiute Shoshone Tribal Chair

Date

Lovelock Paiute Tribe
Lovelock Paiute Tribal Chair

Date

Pyramid Lake Paiute Tribe
Pyramid Lake Paiute Tribal Chair

Date

Reno-Sparks Colony
Reno-Sparks Colony Chair

Date

Summit Lake Paiute Tribe
Summit Lake Paiute Tribal Chair

Date

Te-Moak Tribe Western Shoshone
Tribal Chair

Date

Te-Moak Tribe Western Shoshone
Battle Mountain Band Tribal Chair

Date

Te-Moak Tribe Western Shoshone
Elko Band Colony Tribal Chair

Date

Te-Moak Tribe Western Shoshone
South Fork Band Colony Tribal Chair

Date

Te-Moak Tribe Western Shoshone
Wells Band Colony Tribal Chair

Date

Walker River Paiute Tribe
Walker River Paiute Tribal Chair

Date

Washoe Tribe of Nevada and California
Washoe Tribe of Nevada and California Chair

Date

Winnemucca Indian Colony
Winnemucca Indian Colony Chair

Date

Yerington Paiute Tribe
Yerington Paiute Tribal Chair

Date

Yomba Shoshone Tribe
Yomba Shoshone Tribal Chair

Date