

Department of the Air Force Testimony

To the Subcommittee on Federal Lands, Committee on Natural Resources, U.S. House of Representatives

Statement of Mr. Edwin Oshiba, Principal Deputy Assistant Secretary of the Air Force for Energy, Installations and Environment

Hearing on November 14, 2023

Regarding H.R. 6070 – To amend the Military Lands Withdrawal Act of 1999 with respect to the clarification of the DoD to conduct certain military activities at the Nevada Test and Training Range, Nevada.

Chairman Tiffany, Ranking Member Neguse, and esteemed members of this subcommittee, thank you for conducting this hearing to discuss H.R. 6070 – a vital bill to amend the Military Lands Withdrawal Act of 1999 to clarify the authority of the Department of Defense (DoD) to conduct certain vital military readiness activities at the Nevada Test and Training Range or “NTTR.” If not enacted, we will continue to compromise realistic, mission-oriented training against peer adversaries to the Department of the Air Force’s (DAF) servicemembers.

The NTTR is the Air Force’s premier location for training our warfighters and testing our most advanced weapons technologies. Simply put, the NTTR represents an irreplaceable national security treasure as the most advanced test and training range in the world. Every year, the Air Force flies approximately 40,000 sorties on the NTTR, training approximately 12,000 warfighters for combat operations.

The NTTR is divided into the North and South Ranges, consisting of approximately 1.8 and 1.2 million acres, respectively, of withdrawn land. The Desert National Wildlife Refuge is the largest national wildlife refuge in the contiguous United States, encompassing nearly 1.6 million acres. About half of the Desert National Wildlife Refuge overlaps the lands withdrawn for the NTTR – South Range. This overlap area, commonly referred to as the “Joint Use Area”, consists of approximately 846,000 acres. The U.S. Fish and Wildlife Service (USFWS) exercises primary jurisdiction over 734,000 acres of Desert National Wildlife Refuge lands within the Joint Use Area and secondary jurisdiction over the natural and cultural resources within the Air Force’s primary jurisdiction lands (112,000 acres of designated impact areas) in the Joint Use Area.

As one of the largest federal landowners, the DoD takes its commitment to conservation, preservation, and enhancement of natural resources very seriously. The Integrated Natural Resources Management Plan prepared for the NTTR demonstrates how the Air Force seeks to achieve these commitments, exemplified by conducting wildlife and vegetation surveys, performing habitat enhancement and restoration, and coordinating with the Bureau of Land Management, Nevada Department of Wildlife, USFWS, and the U.S. Geological Survey.

However, while the range has been a vital resource for Air Force readiness for over 50 years, it is no longer adequate. The capabilities and technologies of our adversaries have advanced to the point where the current constraints on the NTTR no longer allow our warfighters to train as they

will need to fight. A foundational component to ensure that the NTTR remains at the leading edge of tactical training and operational test and evaluation of our current and future weapons systems is ready access to capable range infrastructure. Emitters being acquired by the DoD/DAF have far greater capabilities to simulate adversarial threat systems and therefore provide our men and women the fidelity and realism they need to train as they would fight when called upon. Adversary threat systems have increased detection distances, which put our pilots in jeopardy at greater distances from a potential target or intended mission objective. Our emitters simulate these capabilities which then teach our pilots how to respond with the appropriate tactics, techniques, and procedures, and to exploit aircraft characteristics and capabilities.

As currently configured, the Air Force is constrained geographically by other land uses beyond its control. While the Air Force can simulate adversary threat systems in terms of spectrum attributes, it must also provide the realism to simulate how our pilots may encounter those threats spatially on the ground. Without that ability, the fidelity of the training is lost, and the NTTR will no longer provide the capability for simulating real-world threat scenarios that will be encountered.

The Air Force supports Representative Amodei's bill, which mirrors the Administration's Fiscal Year 2024 NDAA proposal as set forth in section 2844 of H.R. 2670. The Administration's proposal was developed in close coordination with USFWS, the Department of the Interior, the Council on Environmental Quality, the Department of the Air Force, the Department of Defense, and the Office of Management and Budget. It is a narrow provision which effectively balances the need to modernize the NTTR while preserving the purposes for which the Desert National Wildlife Refuge was established.

This bill does not include an expansion of the range or a transfer of jurisdiction. Rather, this provision clarifies certain military activities that can be conducted in the joint use areas of NTTR and clarifies membership on the two committees which advise the Air Force and the Fish and Wildlife Service regarding their respective management obligations.

These additional military activities are:

- Establishment and use of new or existing electronic tracking and communication sites, to include up to 15 gravel pads (150 feet by 150 feet) to place mobile emitters;
- Maintenance of existing roads to allow access to emitters and periodic maintenance; and
- Emergency response.

While these activities could be undertaken on land under sole DAF jurisdiction, to include impact areas within the overlapping area (land that is within both NTTR and the Desert National Wildlife Refuge), H.R. 6070 requires the additional military activities within the joint use area on lands under Fish and Wildlife Service primary jurisdiction be discussed and assessed by the Interagency Committee (comprised of the DAF & USFWS) and the Intergovernmental Executive Committee (IEC) (comprised of the DAF, USFWS, state and local governments, tribes, and the public) to determine if they may be conducted. Those committees were established in the Fiscal Year 2021 National Defense Authorization Act, and the Air Force is committed to their success. It is important to note, the Air Force will comply with the National Environmental Policy Act

(NEPA) and all other applicable environmental laws before undertaking the additional authorized activities. Additionally, those military activities proposed to take place in lands of the joint use area under the primary jurisdiction of FWS are subject to the National Wildlife Refuge System Administration Act, as amended, and would require a compatibility determination.

The Desert National Wildlife Refuge is an irreplaceable national asset. The NTTR too is an irreplaceable national asset. H.R. 6070 leverages the NTTR's continued value to our national security in a manner which is protective of the Refuge. H.R. 6070 will enable the NTTR to fully support current or future operational test and training requirements. The added flexibility provided in the legislation, which has been developed in coordination with the other departments, will foster continued collaboration between the Air Force and the USFWS. Without this flexibility, the Air Force's ability and duty to provide training and testing against peer adversaries as directed in the National Defense Strategy would be compromised and our nation's competitive advantage would be diminished. I respectfully request your support of H.R. 6070 and look forward to your questions.