

MEMORANDUM OF UNDERSTANDING

between

THE DEPARTMENT OF THE INTERIOR

and

THE DISTRICT OF COLUMBIA NATIONAL GUARD

Article I. Purpose

This Memorandum of Understanding (MOU) prescribes the procedures and guidelines for military aerial reconnaissance support between the Department of the Interior (DOI) and the District of Columbia National Guard (DCNG).

Article II. Authority

This support Agreement is entered into by the DCNG pursuant to authority contained in National Guard Regulation (AR) 500-2 and National Guard Regulation (AF) 55-06. The Department of the Interior enters into this Agreement under 43 U.S.C. Section 1733, authorizing the Secretary of the Interior to enforce...federal laws and regulations...relating to the public lands or resources.

Article III. Definitions

The term Department of the Interior (DOI) encompasses all subordinate bureaus, services, and offices to include the Bureau of Land Management, National Park Service, Bureau of Indian Affairs, Fish and Wildlife Service, Bureau of Reclamation, Bureau of Mines, Office of Surface Mining, United States Geological Survey, Minerals Management Service, and the Office of the Secretary.

The term bureau includes any major component of the Department of the Interior such as National Park Service, Fish and Wildlife Service, Bureau of Land Management, United States Geological Survey, Bureau of Indian Affairs, etc.

The term DC National Guard includes the DC Army National Guard and the DC Air National Guard.

Article IV. Program

The Department of the Interior has the authority for drug law enforcement activities on the Public Lands under the Secretary's initiative on drugs. The National Guard has the authority to support these actions under National Guard Regulations.

The Department of the Interior manages 506 million acres, approximately 69% of the Federal lands in the United States, and it is within the context of this responsibility that drug law enforcement operations are conducted with other governmental agencies to effect economies, maximize efficiency, and promote the goal of drug-free public lands. Such actions are compatible with mandated and discretionary authorities provided by executive decision and Congressional authorizations.

Due to the roadless expanse of the public lands, aerial surveillance and aircraft support are the primary tools in interdicting and eradicating drugs. Because of the need for operational security in drug law enforcement

missions, the use of Government owned/operated aircraft is essential and consistent with program requirements.

The DCNG is a reserve component of the armed forces. By Executive Order 11485 it is under the supervision and control of the Department of Defense.

DCNG aviation support (to include UH-1H/UH-60 Aircraft) missions will be for:

Aerial surveillance and reconnaissance of known or suspected drug activities, in federal jurisdiction, specifically the Reconnaissance and Interdiction Detachment Aircraft (RAID).

Article V. Procedures

Procedures defined in the National Guard Regulations shall be incorporated into Article V of this MOU. Additionally, the following procedures shall be followed:

1. The DOI bureau concerned will contact the Counterdrug Office for all activities to be conducted under this MOU. The Bureau person making these contacts will be the Bureau Chief Law Enforcement Officer.

2. Notice of intended missions will be forwarded to the DCNG as far in advance as possible. DOI bureau law enforcement personnel will attempt to project anticipated support requirements so as to permit their inclusion in the DCNG Annual State Drug Support Plan.

3. Normally, joint DOI bureau/DCNG pre-mission planning will be accomplished at least 72 hours prior to a mission. The DOI bureau will provide a manifest of all DOI employees who will be on the aircraft. The manifest will contain each person's full name and Social Security Number. The DOI bureau will assure that all persons are essential to the mission.

4. A DOI-sponsored participant who is not a DOI employee and considered essential for successful mission completion must be pre-approved by the National Guard before flying on Guard aircraft.

5. The DCNG will brief DOI participants flying in DCNG aircraft on: location and use of safety equipment, crash procedures, and emergency egress procedures.

6. DOI bureaus will limit requests for DCNG support to those instances where there is an overriding concern for operational security (confidentiality) or when civilian aircraft are unavailable.

7. DOI bureaus will not request aircraft support for administrative point-to-point flights.

8. When transporting DOI personnel, the DCNG will assure the Pilot-In-Command has a minimum of 500 hours pilot time experience. If available DCNG pilot personnel are unable to meet this requirement, the DCNG will refuse the mission request.

9. DCNG Pilot in Command will retain final authority over flight operations of military aircraft.

10. Flight following will be provided on all flights. DCNG will not fly within any state's airspace unless authorized by the state. No landings outside of federal jurisdiction will be made unless there is an emergency.

11. Ammunition will not be locked and loaded if weapons are carried in the aircraft. Weapons will not be fired from the aircraft, except in self-defence in accordance with National Guard Regulations and Rules of Engagement (ROE).

12. Publicity releases and news releases involving activities under this MOU will not be initiated by either party unless mutually agreed upon.

13. In case of an aircraft accident, the DCNG will conduct the accident investigation and the Office of Aircraft Services, Department of the Interior will provide an investigator to assist and provide liaison to the military investigating team, as required.

14. The DCNG will coordinate directly with Department of the Interior, Office of Aircraft Services, when communicating information pertaining to agreement policy revisions, program recommendations, or management concerns regarding implementation of the agreement.

15. When a mission requires the use of Thermal Imaging Systems (TIS) the pilot in command will always retain control of the operation and movement of the aircraft. If the purpose of the mission is, or if it becomes to collect evidence that can be used by DOI to obtain a search warrant, a pre-designated DOI employee will direct any operation of the TIS by on board Guard personnel.

16. If a DOI employee is a law enforcement certified thermographer, the pilot in command may authorize him/her to operated the TIS, otherwise the mission will be conducted with a DCNG certified thermographer.

Article VI. Reimbursement

Missions approved in the DCNG State Drug Support Plan do not require DOI reimbursement. Other missions (unprogrammed) approved by DOD/NGB and the Commanding General may require reimbursement. When reimbursement is required, rates for aircraft will be as prescribed by the Commanding General, but will not exceed rates prescribed in the DOD aircraft reimbursement rate schedule.

Article VII. Amendment, Agreement Period, and Termination

This Memorandum of Understanding shall become effective upon the signature of all involved parties and remains in effect until terminated. Any party may terminate this Agreement upon presentation of a written notice to the other party. The provisions of this MOU may be amended at any time upon mutual agreement of both parties.

APPROVED:

Department of the Interior
Office of Aircraft Services

District of Columbia National Guard

By /s/ Robert L. Peterson

By /s/ MG Russell C. Davis

Title: Director

Title: Commanding General

Date: August 26, 1993

Date: September 28, 1993