

MEMORANDUM OF UNDERSTANDING

between

THE DEPARTMENT OF THE INTERIOR

and

THE ALABAMA NATIONAL GUARD

Article I. Purpose

This Memorandum of Understanding (MOU) prescribes the procedures and guidelines for cooperation and support between the Department of the Interior (DOI) and the Alabama National Guard.

Article II. Authority

This support Agreement is entered into by the National Guard, pursuant to authority contained in National Guard Regulations 500-1 and Air National Guard Regulation 55-04. 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 Alabama National Guard includes the Alabama Army National Guard and the Alabama 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 total public domain, 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 National Guard is a Reserve Component of the Armed Forces. In a non-federalized status the national Guard is commanded by the Governor of Alabama and not subject to the provisions of the Posse Comitatus Act. DOD/NGB policy pertaining to the use of National guard resources in a support role are contained in National Guard Regulation and Air National Guard Regulation.

National Guard aviation support missions may include:

- (1) Transporting DOI personnel for the purpose of locating and interdicting illicit drug activities.
- (2) Transporting contraband in the custody of DOI law enforcement agents from the public and Indian lands.
- (3) Training flights to improve coordination and tactical capabilities of DOI and National Guard Participants.
- (4) Aerial surveillance of known or suspected drug activities.

#### Article V. Procedures

All procedures outlined in the National Guard Regulations shall be complied with. Additionally, the following procedures shall be followed:

- (1) The DOI bureau concerned will contact the Adjutant General, Alabama National Guard or in his absence, the Plans, Operations, Military Support Officer 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 Alabama National Guard as far in advance as possible. DOI bureau law enforcement will attempt to project anticipated support requirements so as to permit their inclusion in the National Guard annual State Drug Support Plan.
- (3) Normally, joint DOI bureau/National Guard 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) Reimbursement actions, when required, will be in accordance with the following procedures:
  - (a) Form OAS-23, Aircraft Use Report, will be accomplished according to instructions provided. Questions regarding preparation of Form OAS-23 may be answered by Mr. Cliff Dalzell, telephone 208-389-2759.
  - (b) DOI will supply Form OAS-23 in sufficient quantity to the National Guard.

#### 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

Alabama National Guard

By: /s/ Robert L. Peterson

By: /s/ Ivan F. Smith

Title: Director

Title: The Adjutant General

Date: May 29, 1990

Date: May 18, 1990