

MEMORANDUM OF UNDERSTANDING

between

THE DEPARTMENT OF THE INTERIOR

and

THE WASHINGTON 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 Washington National Guard while executing the Governor's Counter-Drug Support Program.

Article II. Authority

This support Agreement is entered into by the Washington National Guard, pursuant to authority contained in National Guard Regulation 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 Washington National Guard includes the Army and Air National Guard of the state of Washington.

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 and the Defense Authorization Act. This MOU and support activities falls under the Counter-Drug Support Program (CDSP) as mandated by the Defense Authorization Act.

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 Washington National Guard is a reserve component of the armed forces. In a non-federalized status the Washington National Guard is commanded by the Governor of the state of Washington and not subject to the provisions of the Posse Comitatus Act. However, the Congressional language contained in the Defense Authorization Act specifies the limits of potential National Guard support to law enforcement agencies.

National Guard aviation support missions may include:

- (1) Transporting DOI law enforcement officers/agents for the purpose of locating and interdicting illicit drug activities.
- (2) Transporting contraband in the custody of DOI law enforcement agents.
- (3) Training flights to improve coordination and operational capabilities of DOI and WNG. Support for training flights are dependent upon the number of flight hours allocated by National Guard Bureau.
- (4) Aerial surveillance of known or suspected drug activities.

Article V. Procedures

Procedures defined in National Guard Regulations, policy statements, and TWX messages relating to the use and operation of aircraft in CDSP missions shall be incorporated into Article V of this MOU. Additionally, the following procedures shall be followed:

1. The DOI bureau concerned will contact the Washington National Guard Counter-Drug Support Program Coordinator for coordination of support 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 National Guard 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 Governor's Counter-Drug Support Program. The annual planning workshop is in May.
3. Normally, joint DOI Bureau/National Guard final mission planning will be accomplished at least five workdays prior to a mission. Missions not pre-approved in the Governor's Counter-Drug Support Program may not be supported and are on an availability basis.
4. The DOI bureau will provide a manifest of 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 ensure that all persons are essential to the mission. 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 National Guard aircraft.
5. The National Guard will brief DOI participants flying in National Guard aircraft on: location and use of safety equipment, crash procedures, and emergency egress procedures.
6. DOI bureaus will limit requests for National Guard support to those instances where there is an overriding concern for operational security (confidentiality) or when civilian aircraft is unavailable.

7. DOI bureaus will not request aircraft support for administrative point-to-point flights.
8. When transporting DOI personnel, the National Guard will assure the Pilot-In-Command has a minimum of 500 hours pilot time experience. If available National Guard pilot personnel are unable to meet this requirement, the National Guard will refuse the mission request.
9. Flight following will be provided on all flights.
10. No night landings at unimproved landing sites will be made unless the landing site has been surveyed by the National Guard during the day. This includes unaided night and night vision goggles (NVG) missions.
11. Ammunition will not be locked and loaded in weapons carried in the aircraft. Weapons will not be fired from the aircraft.
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 military will conduct the accident investigation and the Office of Aircraft Services, Department of the Interior will provide an investigating team, as required.
14. The National Guard 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.

Article VI. Reimbursement

Missions approved and executed under the Governor's Counter-Drug Support Program do not require DOI reimbursement. Missions not covered under the Governor's Counter-Drug Support Program will be addressed IAW applicable National Guard Regulations and requirement of DOI.

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
By: /s/ Robert L. Peterson
Title: Director Title: The Adjutant General
Date: April 19, 1991

Washington National Guard
By: /s/ MG Gregory P. Barlow
Date: April 1, 1991