

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GEORGIA NATIONAL GUARD
AND
THE DEPARTMENT OF INTERIOR

SUBJECT: Georgia National Guard Support to Counterdrug Operations

Article I. Purpose

This Memorandum of Understanding (MOU) prescribes the procedures and guidelines for cooperation and support between the Georgia National Guard (GaNG) and the Department of the Interior (DOI) within the state of Georgia, except as authorized by federal law.

Article II. Authority

This counterdrug support agreement is entered into by the GaNG, pursuant to authority contained in National Guard Regulation 500-2/ANGR 55-X. The DOI enters into this counterdrug support 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 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 the national park Service, Fish and Wildlife Service, Bureau of Land Management, United States Geological Survey, Bureau of Indian Affairs, etc.

The term GaNG includes the Georgia Army National Guard and the Georgia Air National Guard.

Article IV. Program

The DOI has the authority for drug law enforcement activities on the Public Lands under the Secretary's initiative on drugs. The GaNG has the authority to support these actions under national Guard regulations within the boundaries of Georgia, except as authorized by federal law. When DOI requests GaNG support which involves the deployment of personnel or equipment outside of state boundaries, the following actions must occur prior to the commencement of the support:

1. A Memorandum of Agreement, or Memorandum of Understanding, approved by the Adjutant General of Georgia and the State Attorney General, must be executed between the GaNG and the state in which the support is to occur; and
2. The state in which the support is to occur must be an Interstate Civil Defense and Disaster Compact state; and
3. The proposed activities are within the terms of the compact or agreement pursuant thereto in the opinion of the state's counsel; and
4. The state's counterdrug support plan encompasses the contemplated activities.

The DOI 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 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 GaNG is a reserve component of the armed forces. In a non-federalized status, the GaNG is commanded by the Governor of Georgia and not subject to the provisions of the Posse Comitatus Act. DOD/NGB policy pertaining to the use of the GaNG resources in a counterdrug support role is contained in National Guard regulations.

GaNG aviation counterdrug 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 GaNG participants.
- (4) Aerial surveillance of known or suspected drug activities.

Article V. Procedures

The GaNG will operate under current regulatory guidance. Additionally, the following procedures shall be followed:

1. The DOI bureau concerned will contact the GaNG Counterdrug Coordinator at (COMM) (404) 624-6134/64/67, (DSN) 338-6134/64/67 or in his absence, a GaNG Counterdrug Operations Officer at (COMM) (404) 624-6134/64/67/6839/40, (DSN) 338-6134/64/67/6839/40 for all activities to be conducted under this MOU. The Bureau person making these contacts will be the Bureau Chief Law Enforcement Officer.
2. DOI bureaus will not request aircraft support for administrative point-to-point flights.
3. Notice of intended missions will be forwarded to the GaNG Counterdrug Coordinator 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 GaNG annual Joint Counterdrug Support Plan.
4. Normally, joint DOI bureau/GaNG pre-mission planning will be accomplished at least 72 hours prior to a mission. When GaNG aircraft support is to be provided, the DOI bureau will provide a manifest of all DOI employees who will be on the aircraft. This manifest will contain each persons full name, weight, and Social Security Number. The DOI bureau will ensure that all persons are essential to the mission.
5. A DOI-sponsored law enforcement participant who is not a DOI employee and considered essential for successful mission completion must be pre-approved by the GaNG and NGB before flying on GaNG aircraft.

6. When transporting DOI personnel, the GaNG will assure the Pilots in Command (PC) have a minimum of 500 hours pilot time experience. If the available GaNG pilots are unable to meet this requirement, the GaNG will refuse the mission request.

7. Command and Control

a. GaNG personnel employed in support of the DOI will be under the command of and directly responsible to the senior GaNG member present. The senior GaNG member present will receive direction from the DOI bureau commander in all matters relating to law enforcement.

b. Missions will be executed through the GaNG chain of command, subject to operational needs, as determined by the DOI bureau commander. Tactical direction of GaNG personnel and the particular means to be employed will be left solely to the senior GaNG member present, except in matters relating to law enforcement activities and emergencies.

c. GaNG Pilots in Command (PC) will retain final authority over operation of military aircraft and vehicles in matters relating to safety, security, and equipment.

d. The Senior GaNG member present will retain final authority over the assignment of duties to GaNG personnel. GaNG personnel will make every effort possible to provide requested support. All support provided will be in keeping with the intent of this MOU.

8. Force Protection

a. Imminent Danger Situations.

(1) GaNG personnel and equipment will not be subjected to a known hostile environment.

(2) GaNG personnel and equipment may be used to provide support in an operational area. The threat of direct hostile fire must be eliminated.

(3) GaNG personnel and equipment, particularly aviation assets, will not be employed in areas where bodily harm can be expected to occur. Personnel and equipment will not be employed in terrain indefensible by civilian law enforcement officers.

(4) GaNG personnel and equipment will not be deployed within small arms range when an area is determined to be unsafe. In this type of situation, support will be provided short of the objective area.

(5) If GaNG forces become exposed to a hostile threat or environment, they will be disengaged as rapidly as possible and withdrawn from the area.

b. Tort Protection. GaNG personnel participating in CD support operations under U.S. Code Title 32, Section 504 are governed by the Federal Tort Claims Act. GaNG personnel will exercise caution and sound judgment in the performance of duties.

9. **Arming of GaNG Personnel.** GaNG personnel providing CD support to the DOI will not be armed.

10. Operations Security.

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

b. The DOI will be responsible for classifying an operation and for making public information releases.

c. GaNG personnel will follow the security guidelines published for each operation.

d. Neither GaNG nor DOI personnel will release information regarding units, individuals, specific locations, or dates and times about an upcoming operation unless specifically authorized by HQ, GaNG.

e. Information provided to the GaNG will not be released to non-DOD sources.

11. Mission Safety

a. The Pilot-in-Command (PC) is responsible for their aircraft and the lives of passengers and crew. In addition to other guidance on aircraft safety, PCs will not fly into or land in known hostile fire areas and will ensure passengers are instructed in the principles of aircraft safety.

b. Weapons carried on board GaNG aircraft and vehicles will not have chambered rounds. Weapons and/or pyrotechnics will not be discharged from GaNG aircraft or vehicles.

c. Crew Endurance Scheduling Guide. The Crew Endurance Scheduling for aircraft will not be violated. This Guide is contained in GaNG publications.

d. The GaNG will brief DOI participants flying on GaNG aircraft on the location and use of safety equipment, crash procedures, and emergency egress procedures.

12. Flight following will be provided on all flights.

13. No night landings at unimproved landing sites will be made unless the landing site has been surveyed by the GaNG during the day. This includes unaided night and night vision goggles (NVG) missions.

14. When the support mission requires GaNG aircraft to remain overnight (RON) at a facility other than a secure military installation, the supported DOI bureau will provide security for the aircraft while unattended by GaNG aviation personnel.

15. The DOI bureau provided support is responsible to complete and submit reports as directed by NGR 500-2/ANGR 55-X.

16. Public Affairs Guidelines. Support to counterdrug operations generates considerable media interest. Publicity releases and news releases involving activities under this MOU will not be initiated by either party unless mutually agreed upon.

a. Headquarters, GaNG Public Affairs Guidelines.

(1) The DOI bureau Public Affairs Officer (PAO) coordinates news releases.

(2) HQ, GaNG PAO will use the following NGB-coordinated statement in response to media/public inquiry on GaNG CD support: "WE NEITHER CONFIRM NOR DENY PARTICIPATION IN ANTI-DRUG OPERATIONS."

(3) If the DOI bureau authorizes release, HQ GaNG PAO will use the following NGB-coordinated statement: "THE GaNG IS PROVIDING SUPPORT TO THE DOI. WE WILL NOT GIVE SPECIFICS. QUESTIONS WILL BE REFERRED TO THE PUBLIC AFFAIRS OFFICER FOR THE DOI BUREAU."

b. (1) Refer media requests to the Plans, Operations, Military Support Office (POMSO), HQ, GaNG. HQ, GaNG PAO coordinates final approval/disapproval of news releases with NGB-PA (Public Affairs).

(2) Individuals/specific units WILL NOT be identified in news releases.

(3) Freedom of Information requests, other than the above, will be referred to the DOI bureau Freedom of Information/Privacy Act Officer for action.

17. In case of an aircraft accident, the GaNG will conduct the accident investigation and the Office of Aircraft Services, DOI, will provide an investigator to assist and provide liaison to the GaNG investigating team, as required.

18. The supported DOI bureau will provide detailed maps of proposed areas of operation to the GaNG when specific mission support is requested.

19. The GaNG will coordinate directly with the DOI Office of Aircraft Services when communicating information pertaining to agreement policy revisions, program recommendations, or management concerns regarding implementation of this agreement.

Article VI. Reimbursement

Missions approved in the GaNG Joint Counterdrug Support Plan do not require DOI reimbursement. Other missions (unprogrammed) approved by DOD/NGB and the Adjutant General of Georgia may require reimbursement. When reimbursement is required, rates for aircraft will be as prescribed by the Adjutant General of Georgia, but will not exceed rates prescribed in the DOD aircraft reimbursement rate schedule.

Reimbursement actions, when required, will be in accordance with the following procedures:

1. 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.
2. 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

Georgia National Guard

By: /s/ Robert L. Peterson

BY: /s/ William P. Bland, Jr.

Title: Director

Date: November 8, 1991

Title: The Adjutant General

Date: August 31, 1992