Public Law 99-606
99th Congress

An Act

To withdraw certain public lands for military purposes, and for other purposes.

Nov. 6, 1986
[H.R. 1790]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WITHDRAWALS.

Defense and national security.
Minerals and mining.

(a) BRAVO-20 BOMBING RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the lands referred to in paragraph (2) of this subsection, and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, and tactical maneuvering and air support; and

(B) subject to the requirements of section 3(f), other defense-related purposes consistent with the purposes specified in this paragraph.

Nevada.

(2) The lands referred to in paragraph (1) of this subsection are the public lands comprising approximately 21,576.40 acres in Churchill County, Nevada, as generally depicted on the map entitled "Bravo-20 Bombing Range Withdrawal—Proposed", dated April 1986, and filed in accordance with section 2.

Flood control.

(3) This section does not affect the withdrawals of July 2, 1902, August 26, 1902, and August 4, 1904, under which the Bureau of Reclamation utilizes for flooding, overflow, and seepage purposes approximately 14,750 acres of the lands withdrawn and reserved by this subsection.

(b) NELLIS AIR FORCE RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the public lands described in paragraph (2) of this subsection are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Air Force—

(A) as an armament and high-hazard testing area;

(B) for training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support; and

(C) subject to the requirements of section 3(f), for other defense-related purposes consistent with the purposes specified in this paragraph.

Nevada.

(2) The lands referred to in paragraph (1) of this subsection are the lands comprising approximately 2,945,000 acres of land in Clark, Nye, and Lincoln Counties, Nevada, as generally depicted on the map entitled "Nellis Air Force Range Withdrawal—Proposed", dated January 1985, and filed in accordance with section 2.

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(c) BARRY M. GOLDWATER AIR FORCE RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the lands described in paragraph (2) of this subsection are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Air Force for—

(A) an armament and high-hazard testing area;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support; and

(C) subject to the requirements of section 3(f), other defense-related purposes consistent with the purposes specified in this paragraph.

Arizona.

(2) The lands referred to in paragraph (1) of this subsection are the lands comprising approximately 2,664,423 acres in Maricopa, Pima, and Yuma Counties, Arizona, as generally depicted on the map entitled "Luke Air Force Range Withdrawal—Proposed", dated January 1985, and filed in accordance with section 2.

(d) MCGREGOR RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the public lands described in paragraph (2) of this subsection are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Army—

(A) for training and weapons testing; and

(B) subject to the requirements of section 3(f), for other defense-related purposes consistent with the purposes specified in this paragraph.

New Mexico.

(2) The lands referred to in paragraph (1) of this subsection are the lands comprising approximately 608,384.87 acres in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Withdrawal—Proposed", dated January 1985, and filed in accordance with section 2.

(3) Any of the public lands withdrawn under paragraph (1) of this subsection which, as of the date of enactment of this Act, are managed pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall continue to be managed under that section until Congress determines otherwise.

Alaska.

(e) FORT GREELY MANEUVER AREA AND FORT GREELY AIR DROP ZONE.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the lands described in paragraph (2) of this subsection are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under an Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.). Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing; and

(B) subject to the requirements of section 3(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) of this subsection are—

(A) the lands comprising approximately 571,995 acres in the Big Delta Area, Alaska, as generally depicted on the map entitled "Fort Greely Maneuver Area Withdrawal—Proposed", dated January 1985, and filed in accordance with section 2; and

(B) the lands comprising approximately 51,590 acres in the Granite Creek Area, Alaska, as generally depicted on the map entitled "Fort Greely, Air Drop Zone Withdrawal—Proposed", dated January 1985, and filed in accordance with section 2.

(f) FORT WAINWRIGHT MANEUVER AREA.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the public lands described in paragraph (2) of this subsection are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under an Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.). Such lands are reserved for use by the Secretary of the Army for— Alaska.

(A) military maneuvering;

(B) training for artillery firing, aerial gunnery, and infantry tactics; and

(C) subject to the requirements of section 3(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) of this subsection are the lands comprising approximately 247,951.67 acres of land in the Fourth Judicial District, Alaska, as generally depicted on the map entitled "Fort Wainwright Maneuver Area Withdrawal—Proposed", dated January 1985, and filed in accordance with section 2.

SEC. 2. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this Act; and Federal Register, publication.

(2) file maps and the legal description of the lands withdrawn and reserved by this Act with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this Act except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Director and appropriate State Directors of the Bureau of Land Management; the office of the commander, Bravo-20 Bombing Range; the offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service; the office of the commander, Nellis Air Force Base; the office of the commander, Barry M. Goldwater Air Force Base; the office of the commander, McGregor Range; the office of the installation commander, Fort Richardson, Alaska; the office of the commander, Marine Corps Air Station, Yuma, Arizona; and the office of the Secretary of Defense. Alaska. Arizona.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 3. MANAGEMENT OF WITHDRAWN LANDS.

National Wildlife Refuge System.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) During the period of the withdrawal, the Secretary of the Interior shall manage the lands withdrawn under section 1 (except those lands within a unit of the National Wildlife Refuge System) pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including the Recreation Use of Wildlife Areas Act of 1962 (16 U.S.C. 460k et seq.), and this Act. Lands within the Desert National Wildlife Range and the Cabeza Prieta National Wildlife Refuge shall be managed pursuant to the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law. No provision of this Act, except sections 4, 11, and 12, shall apply to the management of the Desert National Wildlife Range or the Cabeza Prieta National Wildlife Refuge.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 1 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3)(A) All nonmilitary use of such lands, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this Act.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such land only with the concurrence of the Secretary of the military department concerned.

Safety. Defense and national security.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this Act, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the military department concerned) shall develop a plan for the management of each area withdrawn

under section 1 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3) of this section;

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such areas; and

(4) be developed not later than three years after the date of enactment of this Act.

(d) BRUSH AND RANGE FIRES.—The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 1 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy, Army, or Air Force, as appropriate, to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the military department concerned shall (with respect to each land withdrawal under section 1) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 1 if requested by the Secretary of the military department concerned.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 1.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 1 (except those within the Desert National Wildlife Range or within the Cabeza Prieta National Wildlife Refuge) may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this Act will be used for defense-related purposes other than those specified in section 1. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

SEC. 4. SPECIAL WILDLIFE RULES.

(a) NELLIS AIR FORCE RANGE.—(1) Neither the withdrawal under section 1(b) nor any other provision of this Act shall be construed to amend—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) or any other law related to management of the National Wildlife Refuge System; or

(B) any Executive order or public land order in effect on the date of enactment of this Act with respect to the Desert National Wildlife Refuge.

(2) Neither the withdrawal under section 1(b) nor any other provision of this Act shall be construed to amend any memorandum of understanding between the Secretary of the Interior and the Secretary of the Air Force regarding the administration and joint use of a portion of the Desert National Wildlife Range. The provisions of the memorandum of understanding between the Secretary of the Interior and the Department of the Air Force regarding Air Force operations on the Desert National Wildlife Range in effect on March 15, 1986, shall not be amended sooner than 90 days after the Secretary of the Interior has notified the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Committee on Environment and Public Works of the Senate of any proposed amendments to such provisions.

(b) BARRY M. GOLDWATER AIR FORCE RANGE.—(1) Neither the withdrawal under section 1(c) nor any other provision of this Act shall be construed to amend—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) or any other law related to management of the National Wildlife Refuge System; or

(B) any Executive order or public land order in effect on the date of enactment of this Act with respect to the Cabeza Prieta National Wildlife Refuge.

(2) Neither the withdrawal under section 1(c) nor any other provision of this Act shall be construed to amend any memorandum of understanding between the Secretary of the Interior and the Secretary of the Air Force regarding the administration and joint use of a portion of the Cabeza Prieta National Wildlife Refuge. The provisions of the memorandum of understanding between the Secretary of the Interior and the Department of the Air Force regarding Air Force operations on the Cabeza Prieta National Wildlife Refuge in effect on March 24, 1975, shall not be amended sooner than 90 days after the Secretary of the Interior has notified the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Committee on Environment and Public Works of the Senate of any proposed amendments to such provisions.

SEC. 5. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this Act shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—(1) No later than 12 years after the date of enactment of this Act, the Secretary of the military department concerned shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this Act for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental

impact statement. Prior to the termination date specified in subsection (a), the Secretary of the military department concerned shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the affected State or States in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(2)(A) For purposes of such draft environmental impact statement published by the Secretary of the Navy, the term "lands withdrawn by this Act" shall be deemed to include lands withdrawn by public land orders 275, 788, 898, and 2635 and lands proposed for withdrawal as specified in the draft environmental impact statement for the proposed master land withdrawal, Naval Air Station, Fallon, Nevada. Nevada.

(B) For purposes of this subsection, lands withdrawn by section 1(b) shall be deemed to include lands withdrawn by Public Law 98-485. 98 Stat. 2261.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this Act may not be extended or renewed except by an Act or joint resolution.

SEC. 6. NEVADA REPORT.

(a) SPECIAL NEVADA REPORT.—No later than five years after the date of enactment of this Act, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior shall submit to Congress a joint report. In addition to the other matters required by this section, the report shall include an analysis and an evaluation of the effects on public health and safety throughout Nevada of— Health and medical care. Safety.

(1) the operation of aircraft at subsonic and supersonic speeds;

(2) the use of aerial and other gunnery, rockets, and missiles; and

(3) the uses specified in section 1.

(b) EVALUATION OF CUMULATIVE EFFECTS OF CONTINUED OR RENEWED WITHDRAWAL.—Each of the military departments concerned and the Secretary of the Interior shall, in the report required by this section, evaluate the cumulative effects of continued or renewed withdrawal for military purposes of the military department concerned of some or all of the lands withdrawn by sections 1(a) and 1(b) on the environment and population of Nevada. In performing this evaluation, there shall be considered—

(1) the actual and proposed withdrawal for military and related purposes of other lands in Nevada, including (but not limited to)—

(A) lands withdrawn by sections 1(a) and 1(b) of this Act and by Public Law 98-485 (98 Stat. 2261);

(B) lands withdrawn by Public Land Orders 275, 788, 898, and 2635;

(C) lands proposed for withdrawal as specified in the draft environmental impact statement for the proposed master land withdrawal, Naval Air Station, Fallon, Nevada; and

(D) lands withdrawn or being considered for withdrawal for use by the Department of Energy; and

(2) the cumulative impacts on public and private property in Nevada and on the fish and wildlife, cultural, historic, scientific, recreational, wilderness, and other values of the public lands of Nevada resulting from military and defense related uses of the Real property. Defense and national security.

lands withdrawn by sections 1(a) and 1(b) and the other lands described in paragraph (1) of this subsection.

(c) MITIGATION MEASURES.—The report required by this subsection shall include an analysis and an evaluation of possible measures to mitigate the cumulative effect of the withdrawal of public lands in Nevada for military and defense-related purposes, and of use of the airspaces over public lands in Nevada for such purposes, on people and property in Nevada and the fish and wildlife, cultural, historic, scientific, wilderness, and other resources and values of the public lands in Nevada (including recreation, mineral development, and agriculture).

SEC. 7. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this Act, the Secretary of the military department concerned, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this Act at least at the level of cleanup achieved on such lands in fiscal year 1986.

President of U.S.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, each such Secretary shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Interior and Insular Affairs of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 8. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this Act, the Secretary of the military department concerned shall advise the Secretary of the Interior as to whether or not the Secretary of the military department concerned will have a continuing military need for any of the lands withdrawn under section 1 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the military department concerned concludes that there will be a continuing military need for any of such lands after the termination date, that Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the military department concerned decides to relinquish

all or any of the lands withdrawn and reserved by this Act, such Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the military department concerned, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

Hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

Federal Register, publication.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the military department concerned, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the military department concerned shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the military department concerned, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this Act which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this Act the Secretary of the Interior determines that some of the lands withdrawn by this Act are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

Public information.

(2) after the expiration of the withdrawal, the Secretary of the military department concerned shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the military department concerned shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

Reports.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provisions of law, the Secretary of the Interior, upon deciding that it is in

the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this Act as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

Federal Register, publication.

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

Minerals and mining.

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 9. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or of a military department under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 7(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 10. WATER RIGHTS.

Nothing in this Act shall be construed to establish a reservation to the United States with respect to any water or water right on the lands described in section 1 of this Act. No provision of this Act shall be construed as authorizing the appropriation of water on lands described in section 1 of this Act by the United States after the date of enactment of this Act except in accordance with the law of the relevant State in which lands described in section 1 are located. This section shall not be construed to affect water rights acquired by the United States before the date of enactment of this Act.

National Wildlife Refuge System.

SEC. 11. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this Act shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code, except that hunting, fishing, and trapping within the Desert National Wildlife Range and the Cabeza Prieta National Wildlife Refuge shall be conducted in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Recreation Use of Wildlife Areas Act of 1962 (16 U.S.C. 460k et seq.), and other laws applicable to the National Wildlife Refuge System.

SEC. 12. MINING AND MINERAL LEASING.

Federal Register, publication.

(a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—As soon as possible after the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands (except as provided in this subsection) described in subsections (a), (b), (d), (e), and (f) of section 1 of this Act the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, as amended, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts. The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suit-

17 Stat. 91.
30 USC 181.
30 USC 351 note, 1001 note.
Federal Register, publication.
National Wildlife Refuge System.

able pursuant to this section and specifying the opening date, except that lands contained within the Desert National Wildlife Range in Nevada or within the Cabeza Prieta National Wildlife Refuge in Arizona shall not be determined to be suitable for opening pursuant to this section.

(b) OPENING LANDS.—On the day specified by the Secretary of the Interior in a notice published in the Federal Register pursuant to subsection (a), the land identified under subsection (a) as suitable for opening to the operation of one or more of the laws specified in subsection (a) shall automatically be open to the operation of such laws without the necessity for further action by either the Secretary or the Congress.

Federal Register, publication.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Mining Law of 1872 on lands described in section 1.

30 USC 611.

17 Stat. 91.

(d) REGULATIONS.—The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned shall promulgate such regulations to implement this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands described in section 1 for military purposes. Such regulations shall also contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

Defense and national security.

(f) LAWS GOVERNING MINING ON LANDS WITHDRAWN UNDER THIS ACT.—(1) Except as otherwise provided in this Act, mining claims located pursuant to this Act shall be subject to the provisions of the mining laws. In the event of a conflict between those laws and this Act, this Act shall prevail.

(2) All mining claims located under the terms of this Act shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—(1) Patents issued pursuant to this Act for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this section, all minerals subject to location under the Mining Law of 1872 are referred to as "locatable minerals".

(h) REVOCATION.—Notwithstanding any other provision of law, the Secretary of the Interior, if the Secretary determines it necessary and appropriate for the purpose of consummating an exchange of lands or interests therein under applicable law, is hereby authorized and directed to revoke the Small Tract Act Classification S.T.049794 in Clark County, Nevada.

Nevada.

SEC. 13. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands described in section 1 of this Act.

Military Lands Withdrawal Act of 1986.

SEC. 14. SHORT TITLE.

Sections 1 through 15 of this Act may be cited as the "Military Lands Withdrawal Act of 1986".

SEC. 15. REDESIGNATION.

Arizona.

The Luke Air Force Range in Arizona is hereby redesignated as the "Barry M. Goldwater Air Force Range". Any reference in any law, regulation, document, record, map, or other paper of the United States to the Luke Air Force Range shall be deemed to be a reference to the "Barry M. Goldwater Air Force Range".

16 USC 460ff-1.

SEC. 16. BOUNDARY ADJUSTMENT TO CUYAHOGA VALLEY NATIONAL RECREATION AREA.

Section 2 of the Act entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreational Recreation Area", approved December 27, 1974 (16 U.S.C. 460ff et seq.), is amended as follows:

(1) In subsection (a), strike out "numbered 655-90,001-A and dated May 1978" and insert "numbered 644-80,054 and dated July 1986".

(2) At the end of subsection (a), insert the following:

"The recreation area shall also comprise any lands designated as 'City of Akron Lands' on the map referred to in the first sentence which are offered as donations to the Department of the Interior or which become privately owned. The Secretary shall revise such map to depict such lands as part of the recreation area.".

(3) In subsection (b), after the first sentence, insert the following:

State and local governments.

"The Secretary may not acquire fee title to any lands included within the recreation area in 1986 which are designated on the map referred to in subsection (a) as 'Scenic Easement Acquisition Areas'. The Secretary may acquire only scenic easements in such designated lands. Unless consented to by the owner from which the easement is acquired, any such scenic easement may not prohibit

any activity, the subdivision of any land, or the construction of any building or other facility if such activity, subdivision, or construction would have been permitted under laws and ordinances of the unit of local government in which such land was located on April 1, 1986, as such laws and ordinances were in effect on such date.".

Approved November 6, 1986.

LEGISLATIVE HISTORY—H.R. 1790:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Oct. 17, considered and passed House.
Oct. 18, considered and passed Senate.