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### WHITE SANDS MISSILE RANGE AND FORT BLISS

MAY 14, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 753]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 753) to provide for national security benefits for White Sands Missile Range and Fort Bliss, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 3, strike lines 6 through 18 and insert the following:

(c) REVOCATION OF WITHDRAWAL; MANAGEMENT.—Effective on the date of enactment of this Act—

(1) Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822), is revoked with respect to the approximately 2,050 acres of land generally depicted as "Parcel 2" on the map; and

(2) the land described in paragraph (1) shall be managed by the Secretary of the Interior as public land, in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

### PURPOSE

The purpose of S. 753 is to withdraw and reserve for the Secretary of the Army, for use for military purposes, approximately 37,600 acres of public land adjacent to Fort Bliss and approximately 5,100 acres of land adjacent to the White Sands Missile Range in New Mexico.

### BACKGROUND AND NEED

Prior to 1958, the President exercised broad power to withdraw unlimited amounts of public land from the operation of the public land, mining, and mineral leasing laws for military purposes. Pur-

suant to this authority, Fort Bliss was established as an Army post in southern New Mexico and western Texas in the late 19th century, and the White Sands Missile Range was established in southern New Mexico during World War II.

The White Sands Missile Range and Fort Bliss are the two largest military installations in the United States, together occupying nearly 5,000 square miles. White Sands Missile Range is the largest and covers almost 3,200 square miles in south central New Mexico. Fort Bliss is the second largest and covers almost 1,700 square miles in west Texas and southern New Mexico, north of El Paso. The White Sands Missile Range was originally established as the Alamogordo Bombing and Gunnery Range in 1941. It was the site of Robert Goddard's early rocket tests in 1942 and the Manhattan Project's Trinity test of the first atomic bomb in 1945. It continues to be used for missile testing. Fort Bliss currently houses the 1st Armed Division and is used for heavy armor training.

In 1958, Congress enacted the Engle Act, Public Law 88-337, in order to restrict the President's authority to withdraw public land for military purposes and to reassert Congress' authority to provide for the use of the public lands. See S. Rept. 85-857 at 5-6 (1957). Section 2 of the Engle Act requires an Act of Congress to withdraw more than 5,000 acres of public land for military purposes. (43 U.S.C. 156).

The Dona Ana Range, which is part of Fort Bliss, is used for tank gunnery and artillery training. Training activities on the Dona Ana Range generate noise, vibration, and dust. The Army is concerned that residential and commercial development may occur on public land adjacent to the Range. Legislation is needed to withdraw additional parcels, totaling 37,600 acres, adjacent to the Dona Ana Range to ensure that incompatible development does not occur and to establish a buffer zone for live-fire training in the Dona Ana training area.

In addition, part of the White Sands Missile Range is used by the National Aeronautics and Space Administration's White Sands Test Facility and Goddard Space Flight Center Tracking and Data Relay Satellite Systems facility, and by the National Reconnaissance Office's Aerospace Date Facility-Southwest. These operations have special security and safety requirements, but are located close to a public access area, and a number of security incidents have occurred in the area. Legislation is need to withdraw an additional parcel of 5,100 acres to provide a one-mile stand-off area between these operations and the public access area, to improve the security of the facilities.

#### LEGISLATIVE HISTORY

S. 753 was introduced by Senator Heinrich and cosponsored by Senator Udall of New Mexico and Senator Cornyn, on April 17, 2013. The Subcommittee on Public Lands, Forests, and Mining held a hearing on it on July 30, 2013 (S. Hrg. 113-85). The Committee on Energy and Natural Resources ordered it favorably reported at its business meeting on November 14, 2013.

Similar legislation was included as section 205 of S. 1309, the Military Land Withdrawals Act of 2013, which was also ordered reported by the Committee on November 14, 2013.

In addition, similar legislation was subsequently incorporated as subtitle D of title XXIX of H.R. 3304, the National Defense Authorization Act for Fiscal Year 2014, which was enacted as Public Law 113–66 on December 26, 2013. The National Defense Authorization Act only withdraws the 5,100 acres for the White Sands Missile Range, however, and not the additional 37,600 acres for the buffer for the Dona Ana Range.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 14, 2013 by a voice vote of a quorum present, recommended that the Senate pass S. 753.

#### COMMITTEE AMENDMENT

The Committee adopted an amendment during its consideration of S. 753. The amendment strikes section 1(c) of the bill as introduced, which provided for the transfer of administrative jurisdiction over a parcel of previously withdrawn land covering approximately 2,050 acres from the Secretary of the Army to the Secretary of the Interior, and inserts a new subsection (c) revoking the withdrawal of the parcel, and providing for its management by the Secretary of the Interior as public land in accordance with the Federal Land Policy and Management Act.

#### SECTION-BY-SECTION ANALYSIS

*Section 1(a)* withdraws for parcels of public land totaling approximately 42,700 acres from the operation of the public land, mining, and mineral leasing laws.

Subsection (b) reserves the withdrawn land for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833.

Subsection (c) revokes the withdrawal of a parcel of 2,050 acres previously withdrawn by Public Land Order 833.

Subsection (d) provides for the publication of a legal description of the land withdrawn by subsection (a).

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

*S. 753—A bill to provide for national security benefits for White Sands Missile Range and Fort Bliss*

S. 753 would require the Secretary of the Interior to withdraw roughly 43,000 acres of federal land in New Mexico from the operation of certain public land laws, including laws that authorize mineral development and grazing on such lands. Those lands would be used by the Army for military purposes. The bill also would require the Secretary of the Army to transfer administrative jurisdiction over about 2,000 acres of land in the same area to the Department of the Interior.

Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting S. 753 would reduce offsetting receipts, which are treated as reduc-

tions in direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any net reduction in offsetting receipts would be negligible.

Some of the affected lands are currently used for cattle grazing, and CBO expects that enacting S. 753 would cause BLM to terminate existing grazing contracts. Based on information provided by the agency, CBO estimates that terminating those contracts would reduce offsetting receipts by less than \$1,000 a year over the 2014–2023 period.

In addition, because the affected lands are already managed by the federal government, we estimate that implementing the legislation would not affect the costs of managing the lands. Finally, CBO estimates that any additional costs to prepare the legal description of the affected lands, as required under the bill, would total less than \$10,000, subject to the availability of appropriated funds.

S. 753 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On June 12, 2013, CBO transmitted a cost estimate for H.R. 1299, the White Sands Missile Range Security Enhancement Act, as ordered reported by the House Committee on Natural Resources on May 15, 2013. Both bills would withdraw federal lands in southern New Mexico from the operation of certain public land laws. S. 753 also would require the Secretary of the Army to transfer administrative jurisdiction over certain lands to the Secretary of the Interior. The estimated costs of implementing the two bills are similar.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 753.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 753, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 753, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior and the Department of the Army on S. 753, at the July 30, 2013, Subcommittee on Public Lands, Forests, and Mining hearing follows:

STATEMENT OF NED FARQUHAR, DEPUTY ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present testimony on three public land withdrawal bills, S. 753, S. 1169, and S. 1309. S. 753 seeks to achieve boundary solutions at White Sands Missile Range (WSMR) and Fort Bliss in New Mexico. The Administration supports S. 753, but would like to work with the Subcommittee and the sponsor on technical modifications to the bill. S. 1169, the Limestone Hills Training Area Withdrawal Act, would withdraw approximately 18,644 acres of public land for use by the Department of the Army (Army) in Montana. The Administration supports the continued use of the lands identified in S. 1169 by the Army, but has concerns with the provision related to the location and maintenance of mining claims. We look forward to working with the Subcommittee and the sponsor on modifications to address these concerns. S. 1309, the Military Land Withdrawals Act, was introduced at the Administration's request. The bill reflects the Administration's FY 2014 National Defense Authorization Act (NDAA) legislative proposal for three public land withdrawals in California and one in Montana. The Administration urges the Senate to pass S. 1309 to support military use of the lands at Chocolate Mountain Aerial Gunnery Range (CMAGR), Naval Air Weapons Station (NAWS) China Lake, Marine Corps Air Ground Combat Center (MCAGCC) Twentynine Palms, and Limestone Hills Training Area.

BACKGROUND

Public lands are managed by the Department of the Interior (DOI) through the Bureau of Land Management (BLM). Public land withdrawals are formal lands actions that set aside, withhold, or reserve public land by statute or administrative order for public purposes. Withdrawals are established for a wide variety of purposes, e.g., power site reserves, military reservations, administrative sites, recreation sites, national parks, reclamation projects, and wilderness areas. Withdrawals are most often used to preserve sensitive environmental values and major Federal investments in facilities or other improvements, to support national security, and to provide for public health and safety. Withdrawals of public lands for military use require joint actions by DOI and the Department of Defense (DOD). DOD has a number of installations, training areas, and ranges that are located partially or wholly on temporarily or permanently withdrawn public lands. Many of these withdrawals support installations that are critical to the nation's ability to provide for the readiness of the Armed Forces. Approximately 16 million acres of public lands are withdrawn for military purposes.

There was no limit on the amount of public land that could be withdrawn administratively at a single location

for military use until 1958 when the Engle Act (P.L. 85–337) became law. The Engle Act requires an Act of Congress to authorize military land withdrawals aggregating 5,000 acres or more for any one defense project or facility. Similarly, there was no limit on the time period of administrative withdrawals until 1976 when the Federal Land Policy and Management Act (FLPMA) (P.L. 94–579) became law. FLPMA allows the Secretary of the Interior to administratively make withdrawals aggregating 5,000 acres or more for purposes other than military use, for a period of not more than 20 years. Legislative military withdrawals have traditionally included time limits, with renewal required every 15, 20, or 25 years, depending on the terms in the legislation.

DOI appreciates the importance of military installations for the security of the Nation and supports the multiple missions of our Armed Forces. We are proud to be able to offer public lands to support military readiness, training, and testing, and are proud to be able to assist the military in meeting its mission needs. Throughout the country we have established productive partnerships and other working arrangements with the military and we intend to continue these mutually beneficial arrangements. We are especially appreciative of the military's stewardship of the withdrawn lands they manage. These arrangements have worked out well for all concerned and should continue.

The Administration believes that the traditional, periodic review that is a part of the legislative withdrawal process is vital to promoting the highest quality stewardship and management of the public lands proposed for withdrawal in these bills. This process provides opportunities for DOD and the military branches to evaluate their continued use of the lands and obtain the participation and assistance of DOI in sound management, for DOI to ensure that the lands are being managed in ways that could allow their eventual return to the public domain for broader public use, and for the Congress and the public to provide input and oversight.

S. 753—BOUNDARY SOLUTIONS AT WHITE SANDS MISSILE RANGE (VSMR) AND FORT BLISS

WSMR is a test range of approximately 2.2 million acres in parts of five counties in southern New Mexico, making it one of the largest military installations in the United States. WSMR is contiguous to Fort Bliss to the south, which is used for military training. The majority of the lands that comprise both WSMR and Fort Bliss, over 2.4 million acres, are public lands withdrawn and reserved for the use of the Army under Public Land Order (PLO) 833 and by Public Law 106–65.

S. 753 seeks to achieve boundary solutions at WSMR and Fort Bliss. First, the bill would withdraw and reserve approximately 5,100 additional acres for use by the Army at WSMR, to allow for an additional buffer area between the current public access areas and operations of several

WSMR tenants, such as the NASA White Sands Test Facility and the NASA Goddard Space Flight Center Tracking and Data Relay Satellite Systems Facility. The Administration supports the goal of allowing the use of the lands by the Army. However, these lands receive significant public use, mainly in the form of hunting and livestock grazing. Because the introduced bill does not address grazing, the reduction in the existing grazing permit and removal of any authorized range improvements within these lands would be carried out in accordance with BLM's grazing regulations at 43 C.F.R Part 4100.

S. 753 would also withdraw approximately 37,600 acres of public lands from the operation of certain public land laws, in order to establish a zone to buffer the noise, dust and vibrations from the live fire training activities on the adjoining Dona Ana tank gunnery and artillery range complex at Fort Bliss. These lands would remain under the full management of the Department of the Interior, but they would be withdrawn from the public land laws, the mining laws, and the mineral leasing, mineral materials, and geothermal leasing laws. The Administration supports the withdrawal of these lands, consistent with a similar provision included in the Administration's FY 2014 NDAA legislative proposal.

Additionally, S. 753 would transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,050 acres of public lands previously withdrawn and reserved for the Army's use under PLO 833. The lands are part of an area known as Filmore Canyon, and are adjacent on two sides to the BLM's Organ Mountains Area of Critical of Environmental Concern (ACEC) Filmore Canyon is adjacent to the community of Las Cruces and includes hunting opportunities and scenic lands that are popular for year-round hiking. The BLM manages the Organ Mountains ACEC for significant scenic values and endangered wildlife species, and the ACEC contains cultural sites eligible for listing on the National Register of Historic Places. The Administration supports the return of these lands to full management by the Department of the Interior as part of a cohesive boundary solution at WSMR and Fort Bliss. We would like to work with the Subcommittee and the sponsor on technical modifications.

#### S. 1169—LIMESTONE HILLS TRAINING AREA WITHDRAWAL ACT

The Limestone Hills Training Area consists of 18,644 acres of public lands in Broadwater County, Montana that have been used for military training since the 1950s. In 1984, the BLM issued the Army a right-of-way formally permitting use of the training area for military purposes. The current right-of-way expires on March 26, 2014. The Montana Army National Guard is the primary DOD user of the training area, which is also used by reserve and active components from all branches of the military services for live fire, mounted and dismounted maneuver training, and aviation training. The withdrawal of the Limestone

Hills Training area is necessary because the BLM has determined that it no longer has the authority to permit the use of the lands for military maneuvers under a right-of-way instrument.

S. 1169 would withdraw and assign general management of the training area to the Army, but would keep management of grazing and mineral resources with the BLM. This arrangement is consistent with the Administration's FY 2014 NDAA legislative proposal, and the Administration supports the goal of allowing the use of the lands by the Army under a withdrawal and reservation. However, the introduced bill contains a provision related to the location and maintenance of mining claims that is at odds with the Administration's legislative proposal, and with which the Administration has concerns.

Section 4 of S. 1169 would legislatively expand certain rights for mineral disposition or exploration. It would set a new precedent for public land withdrawals by allowing the opportunity to cure discrepancies in the original location or the failure to maintain several hundred mining claims in the Indian Creek mine area for the duration of the withdrawal. The legislative language could be interpreted to allow mining claimants to take in new land under existing claims, which could impact land required for military training—including live fire impact areas. By granting unique privileges to certain mining claimants, this provision is contrary to the normal operation of mining laws and regulations, which provide equal treatment for all claimants who are similarly situated. The Administration looks forward to working with the Subcommittee and the sponsor on modifications to address these concerns and on more technical changes to incorporate general provisions from the FY 2014 NDAA legislative proposal.

#### S. 1309—THE MILITARY LAND WITHDRAWALS ACT

S. 1309, the Military Land Withdrawals Act, represents the Administration's legislative proposal to enact four public land withdrawals as part of the FY 2014 NDAA. This proposal was jointly prepared by DOD and DOI and represents extensive discussions and consensus building between the two agencies to achieve common goals. Presently, the two existing withdrawals for NAWS China Lake, California, and CMAGR, California, enacted in the California Military Lands Withdrawal and Overflights Act of 1994 (1994 California Act) (P.L. 103–433), will expire on October 31, 2014. Additionally, the Marine Corps seeks a new withdrawal of public lands at MCAGCC Twentynine Palms, California, to expand its training areas to support increased requirements. Finally, the Army needs to convert its use of public lands at the Montana Army National Guard, Limestone Hills Training Area, from a BLM issued right-of-way to a legislative withdrawal.

Unlike prior legislative withdrawals which were uncodified, stand-alone provisions of law, the withdrawals made under S. 1309 would be codified in a new chapter of title

10, United States Code. This would make the withdrawal process substantially more efficient for both the Executive and Legislative branches by providing commonality among the withdrawal provisions, placing them in a location that is easy to find and refer to, and, if used for future withdrawals, reducing the need to reconsider and revise “boilerplate” provisions with each proposal. Also, this codification would allow changes to withdrawal provisions without having to wait the decades that might pass before the next withdrawal took place. This new flexibility would greatly aid the ability of DOD, DOI, and Congress to soundly manage withdrawn lands.

S. 1309 includes many general provisions applicable to all four of the withdrawals. Among these are provisions for: the development of maps and legal descriptions; access restrictions; changes in use; authorizations for non-defense-related uses; management of range and brush fire prevention and suppression; on-going decontamination; water rights; hunting, fishing, and trapping; limitations on extensions and renewals; application for renewal; limitation on subsequent availability of lands for appropriation; relinquishment; interchanges and transfers of Federal lands; delegability of certain responsibilities by the Secretary of the Interior; and immunity of the United States. Most of these general provisions are similar, if not identical, to previously applied provisions in existing withdrawal statutes.

The interchanges and transfers provision is included to address boundary management issues involving both withdrawn public lands and acquired real property. For example, there is a need for boundary adjustment on the northern side of CMAGR to address uncertainties and resource management conflicts associated with the BLM-managed Bradshaw Trail. The Bradshaw Trail is popular with off-highway vehicle users, and is, in part, maintained by the local government, in coordination with the BLM. However, the trailhead and some of the trail's length currently crosses acquired real property administered by the Department of the Navy (Navy) and the Marine Corps. In the case of the expansion of MCAGCC Twentynine Palms, the Navy will likely seek to purchase various inholdings within the proposed withdrawal boundary. It could be beneficial to both departments if these inholdings could be converted, by interchange or transfer, to BLM public lands. In any case, the interchange provision is limited to acre-for-acre in order to avoid expanding the footprint of DOD lands. The transfer provision is limited to the Engle Act 5,000 acre limit (total) for any one installation over the 25-year life of the withdrawal. These provisions are designed to allow for small administrative adjustments to promote sound land management without impinging upon the role of Congress in managing Federal lands.

*Naval Air Weapons Station (NAWS) China Lake, California*

NAWS China Lake consists of over 1.1 million acres of land in Inyo, Kern, and San Bernardino Counties, California, of which 92 percent are withdrawn public lands. Under a Memorandum of Understanding between the Navy and DOI, the Commanding Officer of NAWS China Lake is responsible for managing the withdrawn land. The installation is home to approximately 4,300 DOD personnel and its primary tenant is the Naval Air Warfare Center Weapons Division. The current 20-year legislative withdrawal expires on October 31, 2014.

The 25-year renewal included in S. 1309 is modeled on the current successful management scheme instituted as part of the 1994 California Act, which allows the DOD and DOI to combine their unique capabilities and assets for the benefit of the resources and the public by cooperatively managing natural and cultural resources, recreational resources, grazing, wild horses and burros, and geothermal resources. For example, the Navy manages the wild horses and burros on-the-ground at NAWS China Lake and the BLM manages the gathering, holding and adoption of the animals. In addition, the BLM and NAWS China Lake have a unique agreement to collaboratively produce geothermal energy at the installation, which currently produces over 150 megawatts of power.

*Chocolate Mountain Aerial Gunnery Range (CMAGR), California*

The CMAGR was established in 1941. The range consists of about 459,000 acres in Imperial and Riverside Counties, California, of which approximately 227,000 acres are withdrawn public lands under the co-management of the Marine Corps and the BLM. The remaining lands are under the administrative jurisdiction of the Department of the Navy. The two sets of lands form a checkerboard pattern of administrative jurisdiction. The Marine Corps primarily uses the lands for aviation weapons training, including precision guided munitions and Naval Special Warfare training. The current 20-year withdrawal is set to expire on October 31, 2014.

S. 1309 provides for a 25-year renewal and would allow the BLM and Navy to institute the same type of cooperative management that has been successful at China Lake. The Chocolate Mountain range is home to a number of species such as desert tortoise and big horn sheep, and contains a wide range of archeological resources.

*Marine Corps Air Ground Combat Center (MCAGCC) Twentynine Palms, California*

MCAGCC Twentynine Palms currently consists of 596,000 acres of land in San Bernardino County, California. In 1959, approximately 443,000 of those total acres were administratively withdrawn and reserved for the use of the Navy under PLO 1860. DOD is now seeking to ex-

pand this installation with the withdrawal of approximately 154,000 acres of public lands adjacent to MCAGCC. The added training lands would create a training area of sufficient size with characteristics suitable for the Marine Corps to conduct Marine Expeditionary Brigade (MEB) level training. MEB training requires sustained, combined-arms, live-fire and maneuver training of three Marine battalions with all of their associated equipment moving simultaneously toward a single objective over a 72-hour period.

S. 1309 meets the important training needs of the Marines, and, recognizing that there will be impacts to public access, also includes a unique management structure to mitigate some of the loss of access to lands popularly used for off-highway vehicle (OHV) recreation. The bill provides for continued, year-round public access to the western third of the Johnson Valley OHV area. In addition, a shared use area of about 43,000 acres of the withdrawn lands would be available for OHV use for ten months out of the year, when there is no active military training.

#### *Limestone Hills Training Area, Montana*

As previously stated, the legislative withdrawal of the Limestone Hills Training area is necessary because the BLM has determined that it no longer has the authority to permit the use of the lands for military maneuvers under a right-of-way instrument. Under S. 1309, general management of the training area would be assigned to the Army, but the BLM would retain management of grazing and mineral resources for the lands withdrawn and re-served.

#### CONCLUSION

Thank you for inviting our testimony on S. 753, S. 1169, and S. 1309. The Department of the Interior, which has always been part of the Nation's national defense team, is committed to supporting military missions and training needs, while protecting natural resources and other traditional uses of the public lands. I would be happy to answer your questions.

#### STATEMENT OF THE HONORABLE KATHERINE G. HAMMACK, ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS, ENERGY, AND ENVIRONMENT)

Thank you, Chairman Manchin, Ranking Member Barrasso and other distinguished Members of the Committee for the opportunity to provide comments on S. 1169, legislation to withdraw public lands in Montana for use by the Army, and S. 753, legislation to withdraw public lands in New Mexico.

#### LIMESTONE HILLS TRAINING AREA WITHDRAWAL ACT OF 2013

Senate Bill 1169, the Limestone Hills Training Area Withdrawal Act, would withdraw and reserve approxi-

mately 18,644 acres of federal land that comprises the Limestone Hills Training Area (LHTA) for use by the Army, and assign primary management of the property from the Department of the Interior to the Department of the Army for a 25-year period.

The lands comprising the LHTA are public domain lands, currently under the control of the Bureau of Land Management (BLM). The legislation would enable continued training on the land by the Montana National Guard (MTNG) and other active and reserve components of the armed forces that have used the property for training purposes for several decades. In order for the Army to continue occupying the property, the land must be “withdrawn from the public domain,” which can only be accomplished by an Act of Congress. Unless legislation is passed, the Army’s current authority to use the property will end in March 2014.

The LHTA is operated by the MTNG and is their only large-scale live fire and maneuver training area. It is a critically important training asset for the MTNG, used by approximately 3,800 Guardsmen annually, for diverse training involving small arms, crew-served weapons, mortars, and demolition activities. The LHTA represents a realistic, open training environment within a reasonable travel distance for most Guardsmen and for equipment, which is maintained off site. This regional training asset allows us to avoid the expenditures of time, money, and fuel that would result if training had to be located elsewhere.

The LHTA is also used by the active and reserve components of the other branches of the military and is made available in some cases for use by other federal, state, and local agencies. Some 10,000 personnel from other services use the site each year. Many of those personnel are from special operations units who are preparing for rotations in Afghanistan and other forward locations. The LHTA is especially valuable because of the variety of training conducted there, which is reflected in the number and diversity of organizations that train there.

There are a number of other, non-federal activities that occur at the LHTA, and the Army is respectful of the multiple uses of the property. We are particularly proud of the collaborative relationship among the MTNG, the BLM, and the other stakeholders in the area. The Army closely coordinates with the operators of an active limestone mine within the withdrawal area. The Army firmly supports allowing existing mining claims to proceed to development in accordance with previously approved plans of operations, and we are confident this can occur. The MTNG plans meticulously to ensure that training and mining operations are held at a safe distance, and that any unexploded ordnance (UXO) is removed from the mining area. Training activities are also deconflicted with grazing operations, wildlife habitat, and use of two public roads that traverse the property. There is a proven track record of accommo-

dating multiple uses of the property while fulfilling military training and mission needs.

The MTNG is party to an existing agreement with the BLM and with Graymont Western US, Inc., the current mine operator. This agreement specifies the procedures that the parties follow to coordinate and deconflict their respective activities. As provided for in the legislation, the Army is prepared to enter into a new agreement to update those procedures during the withdrawal period. We do not foresee any difficulty in maintaining procedures to ensure that training and readiness are maintained while accommodating the needs of other parties.

While the Army supports withdrawal of the property to enable its continued use for military training, the Army has significant concerns with certain language in the bill that would legislatively expand certain rights for mineral disposition or exploration. The Army opposes inclusion of Subsection 4(a)(3), which would provide an opportunity for certain mining claimants to amend or relocate mining claims and to reinstate expired claims. This provision would give unprecedented latitude to these claimants, which could impact land required for military training—including live fire impact areas. This would severely limit the ability of the Army to plan and conduct training on the property.

The Army supports allowing existing mining claims to proceed to development in accordance with previously approved plans of operations and in accordance with applicable law and regulation. However, the Army strongly objects to this Subsection as it would grant particular mining claimants the ability to operate without regard for the withdrawal and reservation. There is no clear precedent for this provision, which stands in opposition to the normal purpose and effect of military land withdrawals. By granting unique privileges to certain mining claimants, this provision is also contrary to the normal operation of mining laws and regulations, which provide equal treatment for all claimants who are similarly situated.

The LHTA is an important asset for the readiness of the armed forces. If the land is not withdrawn, Limestone Hills will be returned to the BLM and the MTNG would be forced to conduct its primary training events at other locations. Changing training venues could markedly increase the costs to the MTNG over current expenditures. Additionally, UXO contamination would need to be mitigated if the range were closed. Since funding for UXO removal from active ranges is controlled and prioritized differently from funding for cleanup of closed ranges, if the range is closed, Army priorities and schedules for UXO removal would be affected. We appreciate the effort to keep this important training asset open and available.

Noting the strong objection to Subsection 4(a)(3), we support S. 1169 with the exclusion of that provision. The Department of Defense has submitted a legislative proposal to the Congress for consideration that would also ad-

dress the withdrawal requirements for LHTA. The proposal, introduced as S. 1309, is fully coordinated and agreed to within the Administration, and would provide urgent and necessary authority to continue training and operations.

*S. 753, a bill to provide for national security benefits for White Sands Missile Range and Fort Bliss*

The other legislation I would like to discuss is S. 753, which involves the withdrawal of 42,700 acres of public lands in New Mexico and reservation of 5,100 of those acres for use by the Department of the Army. The bill would also transfer administration of 2,050 acres from the Army to the Department of Interior. These lands are directly adjacent to Fort Bliss and the White Sands Missile Range (WSMR). As the two largest military installations in the United States, Fort Bliss and WSMR consist of nearly 5,000 square miles of land that accommodates military training, research, development, and test and evaluation. In addition to Army test activities, WSMR hosts several other federal tenants, including NASA and the National Reconnaissance Office (NRO).

A portion of the withdrawal, totaling 37,600 acres, is adjacent to the Dona Ana tank gunnery and artillery range complex at Fort Bliss. Training in this location can generate significant noise, vibration, and dust, which can all migrate off the installation. Army analysis has determined that noise levels occurring in the area to be withdrawn are higher than is recommended for various categories of use and development. The Army is concerned that residential and commercial development may occur in that area. The legislation would ensure that incompatible development does not occur in that area. In doing so, the legislation would establish an enduring buffer for the live-fire ranges in the Dona Ana training area.

A separate 5,100 acre portion of the land that would be withdrawn by this legislation is adjacent to tenant operations at WSMR: the NASA White Sands Test Facility; the NASA Goddard Space Flight Center Tracking and Data Relay Satellite Systems facility; and the NRO Aerospace Data Facility—Southwest. These operations are co-located and have special security and safety requirements. The land set aside for their use, while large enough to handle the mission, no longer resides in a remote location. As with many locations in the southwest, this area has seen a large increase in population in recent years. The facilities sit close to the border of a public access area, and a number of security incidents in the area have highlighted the value of having a controlled stand-off area. This legislation would reserve for military control a one-mile stand-off area between those tenant activities and the public access area, which would improve the security for these facilities.

The bill would also return administration of a small area at Fort Bliss from the Department of the Army to the Department of the Interior. The 2,050 acre parcel, previously

withdrawn for military use, would be transferred to the BLM. This parcel has relatively limited training value for Fort Bliss due to its limited access from the installation. The Army does not object to the return of this land to BLM, but we offer one technical comment on the provision. Since the parcel was originally withdrawn by Public Land Order 833, a partial legislative revocation of that Public Land Order would ensure a clear interpretation of congressional intent.

The Army has worked cooperatively with the Bureau of Land Management and other neighbors and stakeholders in addressing land use issues in this area. We appreciate the cooperation and interest of all parties who support the various missions at Fort Bliss and WSMR. The Army supports this legislation, which would protect those important national security missions.

Thank you for the opportunity to discuss these topics, I look forward to any questions you have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 75, as ordered reported.

