S. 1309

To withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16 (legislative day, JULY 15), 2013

Mr. WYDEN (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Military Land With-
5 drawals Act”.

SEC. 2. MILITARY LAND WITHDRAWALS AND CODIFICATION

OF STATUTORY PROVISIONS RELATING TO

CHINA LAKE, LIMESTONE HILLS, CHOCOLATE

MOUNTAIN, AND TWENTYNINE PALMS.

(a) MILITARY LAND WITHDRAWALS AND CREATION

OF NEW CHAPTER.—Subtitle A of title 10, United States

Code, is amended by inserting after chapter 173 the fol-

lowing new chapter:

“CHAPTER 174—LAND WITHDRAWALS

“Subchapter

“Sec.

“I. General Provisions ............................................................ 2931

“II. China Lake, California .................................................... 2955

“III. Limestone Hills, Montana ............................................. 2957

“IV. Chocolate Mountain, California ................................. 2959

“V. Twentynine Palms, California ................................. 2961

SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“2931. General applicability; definition.

“2932. Maps and legal descriptions.

“2933. Access restrictions.

“2934. Changes in use.

“2935. Authorizations for nondefense-related uses.

“2936. Brush and fire prevention and suppression.

“2937. On-going decontamination.

“2938. Water rights.

“2939. Hunting, fishing, and trapping.

“2940. Limitations on extensions and withdrawals.

“2941. Application for renewal of a withdrawal and reservation.

“2942. Limitation on subsequent availability of lands for appropriation.

“2943. Relinquishment.

“2944. Interchanges and transfers of Federal lands.

“2945. Delegability by the Secretary of the Interior.

“2946. Land withdrawals; immunity of United States.

§ 2931. General applicability; definition

“(a) APPLICABILITY OF SUBCHAPTER.—The provi-

sions of this subchapter apply to any withdrawal made by

this chapter.
“(b) RULES OF CONSTRUCTION.—(1) Except as may be provided pursuant to section 2944 of this title, nothing in this chapter shall be construed as assigning management of real property under the administrative jurisdiction of the Secretary concerned to the Secretary of the Interior.

“(2) The terms ‘manage’ and ‘management’, when used in reference to lands withdrawn and reserved by this chapter, include the authority to exercise jurisdiction, custody, and control over those lands in accordance with this title, except that those terms do not include authority for land disposal.

“(c) DEFINITION.—In this chapter, the term ‘Indian tribe’ has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

§ 2932. Maps and legal descriptions

“(a) PREPARATION OF MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of a subchapter of this chapter, 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 such subchapter; and

“(2) file a map or maps and legal description of the lands withdrawn and reserved by such sub-
chapter with the Committee on Armed Services and
the Committee on Energy and Natural Resources of
the Senate and the Committee on Armed Services
and the Committee on Natural Resources of the
House of Representatives.

“(b) LEGAL EFFECT.—Such maps and legal descrip-
tions shall have the same force and effect as if they were
included in this chapter, except that the Secretary of the
Interior may correct clerical and typographical errors in
such maps and legal descriptions.

“(c) AVAILABILITY.—Copies of such maps and legal
descriptions shall be available for public inspection—

“(1) in the appropriate offices of the Bureau of
Land Management;

“(2) in the office of the commanding officer of
the military installation at which the lands are with-
drawn; and

“(3) if the military installation is under the
management of the National Guard, in the office of
the Adjutant General of the State in which the in-
stallation is located.

“(d) COSTS.—The Secretary concerned shall reim-
burse the Secretary of the Interior for the costs incurred
by the Secretary of the Interior in implementing this sec-
tion.
§ 2933. Access restrictions

(a) In general.—If the Secretary concerned determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the lands withdrawn and reserved by a subchapter of this chapter, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(b) Limitation.—Any closure under subsection (a) shall be limited to the minimum areas and periods that the Secretary concerned determines are required for the purposes specified in such subsection.

(c) Consultation.—(1) Before a closure under this section is implemented, the Secretary concerned shall consult with the Secretary of the Interior.

(2) In a case in which such a closure may affect access to or use of sacred sites or resources considered important by an Indian tribe, the Secretary concerned shall consult, at the earliest practicable time, with that tribe.

(3) No consultation is required under paragraph (1) or (2)—

(A) if the closure is already provided for in an integrated natural resources management plan, an installation cultural resources management plan, or a land use management plan; or
“(B) in the case of an emergency, as determined by the Secretary concerned.

“(d) Notice.—Immediately preceding and during any closure under subsection (a), the Secretary concerned shall post appropriate warning notices and take other steps, as necessary, to notify the public of the closure.

“§ 2934. Changes in use

“(a) Other Uses Authorized.—The Secretary concerned may authorize the use of lands withdrawn and reserved by a subchapter of this chapter for defense-related purposes in addition to the purposes specified in such subchapter.

“(b) Notice to Secretary of the Interior.—The Secretary concerned shall promptly notify the Secretary of the Interior in the event that the lands withdrawn and reserved by a subchapter of this chapter will be used for additional defense-related purposes. Such notification shall indicate—

“(1) the additional use or uses involved;

“(2) the planned duration of such additional uses; and

“(3) the extent to which such additional uses will require that additional or more stringent conditions or restrictions be imposed on otherwise-per-
mitted non-defense-related uses of the withdrawn and reserved lands or portions thereof.

§ 2935. Authorizations for nondefense-related uses

(a) Authorizations by the Secretary of the Interior.—Subject to the applicable withdrawals contained in each subchapter of this chapter, with the consent of the Secretary concerned, the Secretary of the Interior may authorize the use, occupancy, or development of the lands withdrawn and reserved by this chapter.

(b) Authorizations by the Secretary Concerned.—The Secretary concerned may authorize the use, occupancy, or development of the lands withdrawn and reserved by this chapter—

(1) for a defense-related purpose; or

(2) subject to the consent of the Secretary of the Interior, for a non-defense-related purpose.

(c) Form of Authorization.—An authorization under this section may be provided by lease, easement, right-of-way, permit, license, or other instrument authorized by law.

(d) Prevention of Drainage of Oil or Gas Resources.—For the purpose of preventing drainage of oil or gas resources, the Secretary of the Interior may lease lands otherwise withdrawn from operation of the mineral leasing laws and reserved for defense-related purposes...
under this chapter, under such terms and conditions as
the Secretary considers appropriate. No surface occupancy
may be approved by the Secretary of the Interior without
the consent of the Secretary concerned. The Secretary of
the Interior may unitize or consent to communitization of
such lands. The Secretary of the Interior may promulgate
regulations to implement this subsection.

“§2936. Brush and range fire prevention and sup-
pression

“(a) REQUIRED ACTIVITIES.—The Secretary con-
cerned shall, consistent with any applicable land manage-
ment plan, take necessary precautions to prevent, and ac-
tions to suppress, brush and range fires occurring as a
result of military activities on the lands withdrawn and
reserved by this chapter, including fires outside those
lands that spread from the withdrawn and reserved lands
and which occurred as a result of such activities.

“(b) COOPERATION OF SECRETARY OF THE INTE-
RIOR.—At the request of the Secretary concerned, the Sec-
retary of the Interior shall provide assistance in the sup-
pression of such fires and shall be reimbursed for such
assistance by the Secretary concerned. Notwithstanding
section 2215 of this title, the Secretary concerned may
transfer to the Secretary of the Interior, in advance, funds
to reimburse the costs of the Department of the Interior in providing such assistance.

§ 2937. On-going decontamination

Throughout the duration of a withdrawal and reservation of lands under this chapter, the Secretary concerned shall maintain, to the extent funds are available for such purpose, a program of decontamination of contamination caused by defense-related uses on such lands consistent with applicable Federal and State law. The Secretary of Defense shall include a description of such decontamination activities in the annual report required by section 2711 of this title.

§ 2938. Water rights

(a) No Reservation Created.—Nothing in this chapter shall be construed—

(1) to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this chapter; or

(2) to authorize the appropriation of water on such lands except in accordance with applicable State law.

(b) Effect on Previously Acquired or Reserved Water Rights.—This section shall not be construed to affect any water rights acquired or reserved by
§ 2939. Hunting, fishing, and trapping

Section 2671 of this title shall apply to all hunting, fishing, and trapping on the lands withdrawn and reserved by this chapter and for which management has been assigned to the Secretary concerned.

§ 2940. Limitation on extensions and renewals

The withdrawals and reservations established by this chapter may not be extended or renewed except by a law enacted by Congress.

§ 2941. Application for renewal of a withdrawal and reservation

(a) Notice.—To the extent practicable, no later than five years before the termination of a withdrawal and reservation established by a subchapter of this chapter, the Secretary concerned shall notify the Secretary of the Interior as to whether or not the Secretary concerned will have a continuing defense-related need for any of the lands withdrawn and reserved by such subchapter after the termination date of such withdrawal and reservation. The Secretary concerned shall provide a copy of the notice to the Committee on Armed Services and the Committee on
Energy and Natural Resources of the Senate and the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

“(b) Filing for Extension.—If the Secretary concerned concludes that there will be a continuing defense-related need for any of such lands after the termination date, the 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.

§ 2942. Limitation on subsequent availability of lands for appropriation

“At the time of termination of a withdrawal and reservation made by a subchapter of this chapter, the previously withdrawn lands shall not be open to any form of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order specifying the date upon which such lands shall be restored to the public domain and opened for such purposes.

§ 2943. Relinquishment

“(a) Notice of Intention to Relinquish.—If, during the period of withdrawal and reservation, the Sec-
Secretary concerned decides to relinquish any or all of the lands withdrawn and reserved by a subchapter of this chapter, the Secretary concerned shall file a notice of intention to relinquish with the Secretary of the Interior.

“(b) Determination of Contamination.—As a part of the notice under subsection (a), the Secretary concerned shall include a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive materials or toxic or hazardous substances.

“(c) Public Notice.—The Secretary of the Interior shall publish in the Federal Register the notice of intention to relinquish, including the determination concerning the contaminated state of the lands.

“(d) Decontamination of Lands To Be Relinquished.—

“(1) Decontamination Required.—If land 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 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 and the
mineral leasing and geothermal leasing laws, the
Secretary concerned shall decontaminate the land to
the extent that funds are appropriated for such pur-
pose.

“(2) ALTERNATIVES.—If the Secretary of the
Interior, after consultation with the Secretary con-
cerned, concludes that decontamination of land sub-
ject 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 ap-
propriate sufficient funds for the decontamination of
such land, the Secretary of the Interior shall not be
required to accept the land proposed for relinquish-
ment.

“(3) STATUS OF CONTAMINATED LANDS UPON
TERMINATION.—If, because of their contaminated
state, the Secretary of the Interior declines to accept
the lands withdrawn and reserved by a subchapter
of this chapter which have been proposed for relin-
quishment, or if at the expiration of the withdrawal
and reservation made by such subchapter the Sec-
etary of the Interior determines that some of the
lands withdrawn and reserved by such subchapter are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

“(A) the Secretary 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;

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

“(C) the Secretary 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 paragraph.

“(e) Revocation Authority.—Upon deciding that it is in the public interest to accept the lands proposed for relinquishment pursuant to subsection (a), the Secretary of the Interior may order the revocation of a withdrawal and reservation established by a subchapter of this chapter as it applies to such lands. The Secretary of the
Interior shall publish in the Federal Register the revocation order, which shall—

“(1) terminate the withdrawal and reservation;
“(2) constitute official acceptance of the lands by the Secretary of the Interior; and
“(3) state the date upon which the lands will be opened to the operation of some or all of the public land laws, including the mining laws.

“(f) Acceptance by Secretary of the Interior.—Nothing in this section shall be construed to require the Secretary of the Interior to accept the lands proposed for relinquishment if the Secretary determines that such lands are not suitable for return to the public domain. If the Secretary makes such a determination, the Secretary shall provide notice of the determination to Congress.

§2944. Interchanges and transfers of Federal lands

“(a) Authority.—The Secretary of the Interior and the Secretary concerned may interchange or transfer between each other parcels of Federal land under their jurisdiction. A parcel may include multiple non-contiguous pieces of Federal lands.

“(b) Conditions.—Any interchange or transfer of land under this section is subject to the following conditions:
“(1) The Secretary of the Interior and the Secretary concerned must each determine that the interchange or transfer is to the benefit of their respective department and in the public interest.

“(2) Both parcels of land to be interchanged must, before the interchange, be located on the same military installation.

“(3) Both parcels of land to be interchanged must be of approximately the same acreage.

“(4) The parcel to be transferred must be located on the military installation to which it is transferred.

“(5) The parcel interchanged or transferred by the Secretary of the Interior must be part of the lands withdrawn and reserved by this chapter.

“(6) The parcel interchanged or transferred by the Secretary concerned must be under the administrative jurisdiction of the Secretary concerned and excess to the needs of the Department of Defense.

“(7) During the term of a withdrawal, no more than 5,000 acres may be transferred under this section by one Secretary to the other on any one military installation.
“(c) Status of Federal Land After Interchange.—Upon completion of an interchange or transfer under this section—

“(1) at the discretion of the Secretary of the Interior, a parcel received by the Secretary of the Interior may—

“(A) become withdrawn and reserved lands under the provisions of this chapter; or

“(B) be managed as public lands under the provisions of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) and other applicable law; and

“(2) a parcel received by the Secretary concerned shall—

“(A) cease to be part of the public lands and lands withdrawn and reserved by this chapter; and

“(B) be treated as property under section 102(9) of title 40 under the administrative jurisdiction of the Secretary concerned.

“(d) Equalization Payments.—Neither the Secretary of the Interior nor the Secretary concerned may make an equalization payment to further a land interchange or transfer under this section.
“§ 2945. Delegability by the Secretary of the Interior

“The Secretary of the Interior may delegate the Secretary’s functions under this chapter, except that an order pursuant to section 2942 of this title and a revocation order pursuant to section 2943(e) of this title may be approved and signed only by individuals in the Office of the Secretary who have been appointed by the President, by and with the advice and consent of the Senate.

“§ 2946. Land withdrawals; immunity of the United States

“The United States and all departments and agencies thereof, and their officers and employees, 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 or other authorized non-defense-related activity conducted on lands withdrawn and reserved by this chapter.

“SUBCHAPTER II—CHINA LAKE, CALIFORNIA

“Sec.
“2955a. Withdrawal and reservation.
“2955b. Management of withdrawn and reserved lands.
“2955c. Duration of withdrawal and reservation.

“§ 2955a. Withdrawal and reservation

“(a) Withdrawal.—(1) Subject to valid existing rights and except as otherwise provided in this subchapter, the public lands and interests in lands described in subsection (e), and all other areas within the boundary of

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such lands as depicted on the map provided for by section
2932 of this title which may become subject to the opera-
tion of the public land laws, are hereby withdrawn from
all forms of appropriation under the public land laws, in-
cluding the mining laws and the mineral leasing laws.

“(b) RESERVATION.—The lands withdrawn by sub-
section (a) are reserved for use by the Secretary of the
Navy for the following purposes:

“(1) Use as a research, development, test, and
evaluation laboratory.

“(2) Use as a range for air warfare weapons
and weapon systems.

“(3) Use as a high-hazard testing and training
area for aerial gunnery, rocketry, electronic warfare
and countermeasures, tactical maneuvering and air
support, and directed energy and unmanned aerial
systems.

“(4) Geothermal leasing, development, and re-
lated power production activities.

“(5) Other defense-related purposes consistent
with the purposes specified in the preceding para-
graphs and authorized pursuant to section 2934 of
this title.

“(c) LAND DESCRIPTION.—The public lands and in-
terests in lands referred to in subsection (a) are the Fed-
eral lands located within the boundaries of the Naval Air Weapons Station China Lake, comprising approximately 1,030,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled ‘Naval Air Weapons Station China Lake Withdrawal—Renewal’, dated XX, xx, 2012, and filed in accordance with section 2932 of this title.

§ 2955b. Management of withdrawn and reserved lands

“(a) Management by the Secretary of the Interior.—(1) Except as provided in subsection (b), during the period of the withdrawal and reservation of lands by this subchapter, the Secretary of the Interior shall manage the lands withdrawn and reserved by section 2955a of this title in accordance with this chapter, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law.

“(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn by section 2955a of this title may be managed in a manner permitting the following activities:

“(A) Grazing.

“(B) Protection of wildlife and wildlife habitat.

“(C) Preservation of cultural properties.

“(D) Control of predatory and other animals.
“(E) Recreation and education.

“(F) Prevention and appropriate suppression of
brush and range fires resulting from non-military
activities.

“(G) Geothermal leasing and development and
related power production activities.

“(3) All non-defense-related uses of such lands, in-
cluding the uses described in paragraph (2), shall be sub-
ject to such conditions and restrictions as may be nec-
essary to permit the defense-related use of such lands for
the purposes specified in or authorized pursuant to this
chapter.

“(b) Assignment of Management.—(1) The Sec-
tary of the Interior may assign the management respon-
sibility, in whole or in part, for the lands withdrawn and
reserved by section 2955a of this title to the Secretary
of the Navy who, if so assigned, shall manage such lands
in accordance with this title, title I of the Sikes Act (16
U.S.C. 670a et seq.), the Federal Land Policy and Man-
age ment Act of 1976, and cooperative management ar-
rangements between the Secretary of the Interior and the
Secretary of the Navy. Nothing in this subsection or sec-
tion 2935 of this title shall affect geothermal leases issued
by the Secretary of the Interior before the date of the en-
actment of this subchapter, or the responsibility of the
Secretary of the Interior to administer and manage such
leases, consistent with the provisions of this section.

“(2) The Secretary of the Interior shall be respon-
sible for the issuance of any lease, easement, right-of-way,
permit, license, or other instrument authorized by law with
respect to any activity which involves both the lands with-
drawn and reserved by section 2955a of this title and any
other lands not under the administrative jurisdiction of
the Secretary of the Navy. Any such authorization shall
be issued only with the consent of the Secretary of the
Navy and shall be subject to such conditions as the Sec-
retary of the Navy may prescribe with regard to those
lands withdrawn and reserved by section 2955a of this
title.

“(3) Neither this chapter nor any other provision of
law shall be construed to prohibit the Secretary of the In-
terior from issuing and administering any lease pursuant
to the Geothermal Steam Act of 1970 (30 U.S.C. 1001
et seq.) and other applicable law for the development and
utilization of geothermal steam and associated geothermal
resources on the lands withdrawn and reserved by section
2955a of this title, but such a lease may not be issued
without the concurrence of the Secretary of the Navy.

“(4) This chapter shall not affect the geothermal ex-
ploration and development authority of the Secretary of
the Navy under section 2917 of this title with respect to
the lands withdrawn and reserved by section 2955a, except
that the Secretary of the Navy shall obtain the concur-
rence of the Secretary of the Interior before taking action
under section 2917.

“(5) Upon the expiration of the withdrawal and res-
ervation or upon the relinquishment of the lands with-
drawn and reserved by section 2955a of this title, Navy
contracts for the development of geothermal resources at
Naval Air Weapons Station China Lake then in effect (as
amended or renewed by the Navy after the date of the
enactment of this subchapter) shall remain in effect, ex-
cept that the Secretary of the Interior, with the consent
of the Secretary of the Navy, may offer to substitute a
standard geothermal lease for any such contract.

“(6) Any lease made pursuant to section 2935(d) of
this title of lands withdrawn and reserved by section
2955a of this title shall require the concurrence of the Sec-
retary of the Navy if the Secretary determines that the
proposed lease may interfere with geothermal resources on
those lands.

“(7) The Secretary of the Navy shall be responsible
for the management of wild horses and burros located on
the lands withdrawn and reserved by section 2955a of this
title and may use helicopters and motorized vehicles for
such purpose. Such management shall be conducted in accordance with laws applicable to such management on public lands. The Secretary of the Interior and the Secretary of the Navy shall enter into an agreement for implementation of such management.

“(c) Continuation of Existing Agreement.—The agreement between the Secretary of the Interior and the Secretary of the Navy entered into before the date of the enactment of this subchapter pursuant to section 805 of the California Military Lands Withdrawal and Overflights Act of 1994 shall continue in effect until the earlier of—

“(1) the date on which the Secretaries enter into a new agreement; or

“(2) the date that is one year after the date of the enactment of this subchapter.

“(d) Cooperation in Development of Management Plan.—(1) The Secretary of the Navy and the Secretary of the Interior shall update and maintain cooperative arrangements concerning land resources and land uses on the lands withdrawn and reserved by section 2955a of this title.

“(2) Cooperative arrangements under paragraph (1) shall focus on and apply to sustainable management and protection of the natural and cultural resources and envi-
ronmental values found on such withdrawn and reserved lands, consistent with the defense-related purposes for which those lands are withdrawn and reserved.

“(3) Each cooperative arrangement under paragraph (1) shall include a comprehensive land use management plan which shall integrate and be consistent with all applicable law, including the requirements of title I of the Sikes Act and the Federal Land Policy and Management Act of 1976. Each such management plan shall be reviewed annually and shall be updated, as needed, in response to evolving management requirements and to complement the updates of other applicable land use and resource management and planning.

“(e) IMPLEMENTING AGREEMENT.—(1) The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to implement the comprehensive land use management plan developed under subsection (d).

“(2) An agreement under paragraph (1) shall include a provision for periodic review of the agreement for its adequacy, effectiveness, and need for revision.

“(3) The duration of an agreement under paragraph (1) shall be the same as the period of the withdrawal and reservation of lands under this subchapter, but may be amended from time to time.
§ 2955c. Duration of withdrawal and reservation

The withdrawal and reservation made by this subchapter shall terminate on March 31, 2039.

SUBCHAPTER III—LIMESTONE HILLS, MONTANA

§ 2957a. Withdrawal and reservation

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this subchapter, the public lands and interests in lands described in subsection (c), and all other areas within the boundary of such lands as depicted on the map provided for by section 2932 of this title 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 geothermal leasing laws.

(b) RESERVATION.—The lands withdrawn by subsection (a) are reserved for use by the Secretary of the Army for the following purposes:

(1) The conduct of training for active and reserve components of the armed forces.
“(2) The conduct of training by the Montana Department of Military Affairs; any such use may not interfere with purposes specified in paragraphs (1) and (3).

“(3) The construction, operation, and maintenance of organizational support and maintenance facilities for component units conducting training.

“(4) Other defense-related purposes consistent with the purposes specified in the preceding paragraphs and authorized pursuant to section 2934 of this title.

“(5) The conduct of training by State and local law enforcement agencies, civil defense organizations, and public education institutions; any such use may not interfere with military training activities.

“(c) LAND DESCRIPTION.—The public lands and interests in lands referred to in subsection (a) are the Federal lands comprising approximately 18,644 acres in Broadwater County, Montana, as generally depicted as ‘Proposed Land Withdrawal’ on the map entitled ‘Limestone Hills Training Area Land Withdrawal’ dated [date], and filed in accordance with section 2932 of this title.

“(d) INDIAN TRIBES.—Nothing in this subchapter shall be construed as altering any rights reserved for an
Indian tribe for tribal use by treaty or Federal law. Subject to section 2933 of this title, the Secretary of the Army shall consult with any Indian tribe in the vicinity of the lands withdrawn and reserved by this section before taking action affecting tribal rights or cultural resources protected by treaty or Federal law.

“§ 2957b. Management of withdrawn and reserved lands

“During the period of the withdrawal and reservation made by this subchapter, the Secretary of the Army shall manage the lands withdrawn and reserved by this subchapter for the purposes specified in section 2957a of this title.

“§ 2957c. Duration of withdrawal and reservation

“(a) Term.—The withdrawal and reservation made by this subchapter shall terminate on March 31, 2039.

“(b) Extension of Term.—Notwithstanding section 2940 of this title, in accordance with section 2 of the Act of February 28, 1958, Public Law 85–337 (72 STAT. 27), commonly known as the ‘Engle Act’ (43 U.S.C. 156), if an application is filed by the Secretary of the Army in accordance with section 2941 of this title, the Secretary of the Interior may use the authority and procedures under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) to extend the with-
drawal and reservation made by this subchapter for an additional term not to exceed 20 years in accordance with that section and other applicable law.

“§ 2957d. Special rules governing minerals management

“(a) INDIAN CREEK MINE.—Locatable mineral activities in the approved Indian Creek Mine, plan of operations MTM–78300, shall be regulated pursuant to subparts 3715 and 3809 of title 43, Code of Federal Regulations. Notwithstanding section 2935 of this title, the Secretary of the Army shall make no determination that the disposition of or exploration for minerals as provided for in the approved plan of operations is inconsistent with the military uses of such lands. The coordination of such disposition of and exploration for minerals with military uses of such lands shall be determined pursuant to procedures in an agreement provided for under subsection (d).

“(b) REMOVAL OF UNEXPLODED ORDNANCE ON LANDS TO BE MINED.—The Secretary of the Army shall request funding for and, subject to the availability of such funds, shall remove unexploded ordnance on lands withdrawn and reserved by this subchapter which are subject to mining under subsection (a), consistent with applicable Federal and State law. The Secretary of the Army may engage in such removal of unexploded ordnance in phases
to accommodate the development of the Indian Creek Mine pursuant to subsection (a).

“(c) Report on Removal Activities.—The Secretary of the Army shall annually submit to the Secretary of the Interior a report regarding the unexploded ordnance removal activities for the previous fiscal year performed pursuant to subsection (b). The report shall include the amounts of funding expended for unexploded ordnance removal on such lands.

“(d) Implementation Agreement for Mining Activities.—(1) The Secretary of the Interior and the Secretary of the Army shall enter into an agreement to implement this section with regard to coordination of defense-related uses and mining and the ongoing removal of unexploded ordnance. The agreement shall provide the following:

“(A) Procedures that will be used to facilitate day-to-day joint-use of the Limestone Hills Training Area.

“(B) Procedures for access through mining operations covered by this section to training areas within the boundaries of the Limestone Hills Training Area.

“(C) Procedures for scheduling of the removal of unexploded ordnance.
“(2) The Secretary of the Interior and the Secretary of the Army shall invite Graymont Western US, Inc., or any successor or assign of the approved Indian Creek Mine mining plan of operations, MTM–78300, to be a party to the agreement.

“§ 2957e. Grazing

“(a) Issuance and Administration of Permits and Leases.—The issuance and administration of grazing permits and leases, including their renewal, on the lands withdrawn and reserved by this subchapter shall be managed by the Secretary of the Interior consistent with all applicable laws, regulations, and policies of the Secretary of the Interior relating to such permits and leases.

“(b) Safety Requirements.—With respect to any grazing permit or lease issued after the date of enactment of this subchapter for lands withdrawn and reserved by this subchapter, the Secretary of the Interior and the Secretary of the Army shall jointly establish procedures that are consistent with Department of the Army explosive and range safety standards and that provide for the safe use of any such lands.

“(c) Assignment.—The Secretary of the Interior may, with the agreement of the Secretary of the Army, assign the authority to issue and to administer grazing permits and leases to the Secretary of the Army, except
that such an assignment may not include the authority
to discontinue grazing on the lands withdrawn and re-
served by this subchapter.

"SUBCHAPTER IV—CHOCOLATE MOUNTAIN,
CALIFORNIA

"Sec.
"2959a. Withdrawal and reservation.
"2959b. Management of withdrawn and reserved lands.
"2959c. Duration of withdrawal and reservation.
"2959d. Access.

"§ 2959a. Withdrawal and reservation

"(a) WITHDRAWAL.—Subject to valid existing rights
and except as otherwise provided in this subchapter, the
public lands and interests in lands described in subsection
(c), and all other areas within the boundary of such lands
as depicted on the map provided for by section 2932 of
this title 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 geothermal leasing
laws.

"(b) RESERVATION.—The lands withdrawn by sub-
section (a) are reserved for use by the Secretary of the
Navy for the following purposes:

"(1) Testing and training for aerial bombing,
missile firing, tactical maneuvering, and air support.
“(2) Small unit ground forces training, including artillery firing, demolition activities, and small arms field training.

“(3) Other defense-related purposes consistent with the purposes specified in the preceding paragraphs and authorized pursuant to section 2934 of this title.

“(c) LAND DESCRIPTION.—The public lands and interests in lands referred to in subsection (a) are the Federal lands comprising approximately 228,325 acres in Imperial and Riverside Counties, California, as generally depicted on a map entitled ‘Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal’, said map originally dated 1987, with revised dating to July 1993, prepared by Department of the Navy, Naval Facilities Engineering Command, identified as WESTDIV Drawing No. C–102370, on file with the Department of the Interior, Bureau of Land Management, California State Office, and filed in accordance with section 2932 of this title.

§ 2959b. Management of withdrawn and reserved lands

“(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—Except as provided in subsection (b), during the period of the withdrawal and reservation of lands by this subchapter, the Secretary of the Interior shall manage the
lands withdrawn and reserved by section 2959a of this title in accordance with this chapter, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law.

“(b) Assignment of Management to the Secretary of the Navy.—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the lands withdrawn and reserved by section 2959a of this title to the Secretary of the Navy. If the Secretary of the Navy accepts such assignment, that Secretary shall manage such lands in accordance with this title, title I of the Sikes Act (16 U.S.C. 670a et seq.), and other applicable law.

“(c) Implementing Agreement.—(1) The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to implement the assignment of management responsibility pursuant to subsection (b).

“(2) An agreement under paragraph (1) shall include a provision for periodic review of the agreement for its adequacy, effectiveness, and need for revision.

“(3) The duration of an agreement under paragraph (1) shall be the same as the period of the withdrawal and reservation of lands under this subchapter, but may be amended from time to time.
“(d) ACCESS AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to address access to and maintenance of Bureau of Reclamation facilities located within the boundary of the Chocolate Mountains Aerial Gunnery Range.

§2959c. Duration of withdrawal and reservation

“The withdrawal and reservation made by this subchapter shall terminate on March 31, 2039.

§2959d. Access

“Notwithstanding section 2933 of this title, the lands withdrawn and reserved by section 2959a of this title, other than those constituting the Bradshaw Trail, are closed to the public and all uses, other than those authorized by section 2959a(b) of this title or pursuant to section 2934 of this title, shall be subject to such conditions and restrictions as may be necessary to prevent any interference with the uses authorized by section 2959a(b) of this title or pursuant to section 2934 of this title.

“SUBCHAPTER V—TWENTYNINE PALMS, CALIFORNIA

Sec.

§2961a. Withdrawal and reservation.

§2961b. Management of withdrawn and reserved lands.

§2961c. Duration of withdrawal and reservation.

§2961a. Withdrawal and reservation

“(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this subchapter, the
public lands and interests in lands described in subsection (d), and all other areas within the boundary of such lands as depicted on the map provided for by section 2932 of this title 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 geothermal leasing laws.

“(b) Reservation for Secretary of the Navy.—The lands withdrawn by subsection (a) constituting the Exclusive Military Use Area are reserved for use by the Secretary of the Navy for the following purposes:

“(1) Sustained, combined arms, live-fire, and maneuver field training for large-scale Marine air ground task forces.

“(2) Individual and unit live-fire training ranges.

“(3) Equipment and tactics development.

“(4) Other defense-related purposes consistent with the purposes specified in the preceding paragraphs and authorized pursuant to section 2934 of this title.

“(c) Reservation for Secretary of the Interior.—The lands withdrawn by subsection (a) consti-
tuting the Shared Use Area are reserved for use by the
Secretary of the Navy for the purposes specified in sub-
section (b) and for the Secretary of the Interior for the
following purposes:

“(1) Public recreation when not used for mili-
tary training and having been determined as suitable
for public use.

“(2) Natural resources conservation.

“(d) LAND DESCRIPTION.—The public lands and in-
terests in lands referred to in subsection (a) are the Fed-
eral lands comprising approximately 154,663 acres in San
Bernardino County, California, as generally depicted on
a map entitled ______, dated ______, and filed in accord-
ance with section 2932 of this title. Such lands are divided
into two areas, as follows:

“(1) The Exclusive Military Use Area, divided
into four areas, consisting of one area to the west
of the Marine Corps Air Ground Combat Center of
approximately 103,618 acres, one area south of the
Marine Corps Air Ground Combat Center of ap-
proximately 21,304 acres, and two other areas, each
measuring approximately 300 meters square, located
inside the boundaries of the Shared Use Area.

“(2) The Shared Use Area, consisting of ap-
proximately 36,755 acres.
§ 2961b. Management of withdrawn and reserved lands

“(a) Management by the Secretary of the Navy.—During the period of withdrawal and reservation of lands by this subchapter, the Secretary of the Navy shall, subject to subsection (b), manage the lands withdrawn and reserved by section 2961a of this title for the purposes specified in such section pursuant to—

“(1) an integrated natural resources management plan prepared and implemented pursuant to title I of the Sikes Act (16 U.S.C. 670 et seq.);

“(2) this title; and

“(3) a programmatic agreement between the United States Marine Corps and the California State Historic Preservation Officer regarding operation, maintenance, training, and construction at the United States Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California.

“(b) Management by the Secretary of the Interior.—(1) During the period of withdrawal and reservation of lands by this subchapter, the Secretary of the Interior shall manage the Shared Use Area except for two 30-day periods each year when such lands are exclusively used by the Secretary of the Navy for military training
purposes, during which time the Secretary of the Navy shall manage such lands.

“(2) The Secretary of the Interior, during the period of the Secretary’s management pursuant to paragraph (1), shall manage the Shared Use Area for the purposes specified in section 2961a(c) of this title 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 law and regulations.

“(3) The Secretary of the Navy, during the period of the Secretary’s management pursuant to paragraph (1), shall manage the Shared Use Area for the purposes specified in section 2961a(b) of this title in accordance with—

“(A) an integrated natural resources management plan prepared and implemented in accordance with title I of the Sikes Act (16 U.S.C. 670a et seq.);

“(B) this title; and

“(C) the programmatic agreement referred to in subsection (a)(3).

“(c) PUBLIC ACCESS.—(1) Notwithstanding section 2933 of this title, the Exclusive Military Use Area shall be closed to all public access unless otherwise authorized by the Secretary of the Navy.
“(2) The Shared Use Area shall be open to public recreational use during the period it is under the management of the Secretary of the Interior, but only after being determined as suitable for public use by the Secretary of the Navy. Any such determination shall not be unreasonably withheld.

“(3)(A) The Secretary of the Navy and the Secretary of the Interior, by agreement, shall establish a Resource Management Group comprised of representatives of the Departments of the Interior and Navy.

“(B) The Group shall—

“(i) develop and implement a public outreach plan to inform the public of the land uses changes and safety restrictions affecting the withdrawn lands; and

“(ii) advise the Secretaries of the Interior and Navy as to all issues associated with the multiple uses of the Shared Use Area.

“(C) The Group shall meet at least once a year and shall seek information from relevant California State agencies, private off-highway vehicle interest groups, event managers, environmental advocacy groups, and others relating to the management and facilitation of recreational use within the Shared Use Area.
“(4) Military training within the Shared Use Area shall not be conditioned on, nor shall such training be pre-
cluded by—

“(A) the lack of a Department of the Interior developed and implemented recreation management plan or land use management plan for the Shared Use Area; or

“(B) any legal or administrative challenge to any such recreation management plan or land use plan document.

“(5) The Shared Use Area shall be managed so as not to compromise the ability of the Department of the Navy to conduct military training in the Area.

“(d) IMPLEMENTATION AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy shall enter into a written agreement to implement the management responsibility relating to the Shared Use Area. The agreement—

“(1) shall include a provision for periodic review of the agreement for its adequacy, effectiveness, and need for revision;

“(2) shall have a duration which shall be the same as the period of the withdrawal and reservation of lands under this subchapter, but may be amended from time to time;
“(3) may provide for the integration of the management plans required of the Secretaries of the Interior and Navy by this chapter;

“(4) may provide for delegation to civilian law enforcement personnel of the Department of the Navy of the authority of the Secretary of the Interior to enforce the laws relating to protection of natural and cultural resources and of fish and wildlife; and

“(5) may provide for the Secretaries of the Interior and Navy to share resources in order to most efficiently and effectively manage the Shared Use Area.

“(e) JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

“(1) DESIGNATION.—Approximately 45,000 acres (as depicted on the map referred to in section 2961a of this title) of the existing Bureau of Land Management-designated Johnson Valley Off-Highway Vehicle Area that are not withdrawn and reserved for defense-related uses by this subchapter, together with the Shared Use Area, are hereby designated as the ‘Johnson Valley Off-Highway Vehicle Recreation Area’.
“(2) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable Federal law and regulations and this chapter, any authorized recreation activities and use designation in effect on the date of the enactment of this subchapter and applicable to the Johnson Valley Off-Highway Vehicle Recreation Area may continue, including casual off-highway vehicular use, racing, competitive events, rock climbing, training, and other forms of off-highway recreation.

“(3) ADMINISTRATION.—The Secretary of the Interior shall administer the Johnson Valley Off-Highway Vehicle Recreation Area (other than that portion consisting of the Shared Use Area the management of which is addressed elsewhere in this section) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws and regulations.

“(4) TRANSIT.—In coordination with the Secretary of the Interior, the Secretary of the Navy may authorize transit through the Johnson Valley Off-Highway Vehicle Recreation Area for defense-related purposes supporting military training (including military range management and management of
exercise activities) conducted on the lands withdrawn and reserved by this subchapter.

§ 2961c. Duration of withdrawal and reservation

“"The withdrawal and reservation made by this sub-
chapter shall terminate on March 31, 2039.”.

(b) Compensation to Broadwater County, Montana.—The Secretary of the Army may pay Broadwater County, Montana, a one-time lump sum payment of $1,000,000 to offset the 25-year loss of payments in lieu of taxes provided to the County by the Federal Government for lands withdrawn and reserved by subchapter III of chapter 174 of title 10, United States Code, as added by subsection (a).

(c) Termination of Prior Withdrawals.—The withdrawal and reservation contained in section 803(a) of the California Military Lands Withdrawal and Overflights Act of 1994 is hereby terminated. Notwithstanding such termination, all rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Interior or a Secretary concerned with respect to the lands withdrawn and reserved under such section, unless inconsistent with the provisions of chapter 174 of title 10, United States Code, as added by subsection (a), shall remain in force until modified, suspended, overruled, or oth-
(d) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle A of such title and at the beginning of part IV of such subtitle are each amended by inserting after the item relating to chapter 173 the following new item:

“174. Land Withdrawals ............................................................... 2931”.

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