

114TH CONGRESS  
1ST SESSION

# H. R. 4268

To designate the Castner Range in the State of Texas, to establish the  
Castner Range National Monument, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2015

Mr. O'ROURKE introduced the following bill; which was referred to the Com-  
mittee on Natural Resources, and in addition to the Committee on Armed  
Services, for a period to be subsequently determined by the Speaker, in  
each case for consideration of such provisions as fall within the jurisdic-  
tion of the committee concerned

---

## A BILL

To designate the Castner Range in the State of Texas,  
to establish the Castner Range National Monument, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Castner Range National Monument Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

- Sec. 3. Establishment of Castner Range National Monument, Texas.  
Sec. 4. Access and buffer zones.  
Sec. 5. Management of Federal lands within the National Monument.  
Sec. 6. Water.  
Sec. 7. Border security.  
Sec. 8. Department of Army responsibility and authority.  
Sec. 9. Castner Range National Monument Advisory Council.  
Sec. 10. Land conveyance, Castner Range, Fort Bliss, Texas.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY COUNCIL.**—The term “advisory  
4 council” means the Castner Range National Monu-  
5 ment Advisory Council.

6 (2) **MOTOR VEHICLE USE MAPS.**—The term  
7 “motor vehicle use maps” means the maps produced  
8 by the Department of Defense and the City of El  
9 Paso regarding authorized motor vehicle use within  
10 Castner Range.

11 (3) **NATIONAL MONUMENT.**—The term “Na-  
12 tional Monument” means the Castner Range Na-  
13 tional Monument.

14 (4) **SECRETARY.**—The term “Secretary” means  
15 the Secretary of the Interior.

16 (5) **STATE.**—The term “State” means the State  
17 of Texas.

1 **SEC. 3. ESTABLISHMENT OF CASTNER RANGE NATIONAL**  
2 **MONUMENT, TEXAS.**

3 (a) ESTABLISHMENT.—Subject to valid existing  
4 rights, there is hereby established the Castner Range Na-  
5 tional Monument in the State.

6 (b) AREA INCLUDED.—The National Monument con-  
7 sists of Federal land and interests in Federal land within  
8 El Paso County, Texas, as depicted on the map entitled  
9 “Castner Range National Monument”.

10 (c) EXCLUSION OF NON-FEDERAL LAND.—The Na-  
11 tional Monument includes only Federal land and interests  
12 in Federal land and does not include or apply to private  
13 property or other non-Federal land and interests in land  
14 within the exterior boundaries of the National Monument.

15 (d) PURPOSE.—The purpose of the National Monu-  
16 ment is to conserve, protect, and enhance for the benefit  
17 and enjoyment of present and future generations the eco-  
18 logical, scenic, wildlife, recreational, cultural, historical,  
19 natural, educational, and scientific resources of the lands  
20 included in the National Monument, including Castner  
21 Range and its—

22 (1) relationship to the Department of the Army;

23 (2) role as a water conservation sanctuary  
24 through a dozen natural canyons, arroyos (“gullies,  
25 washes”) and alluvial fans which efficiently trans-  
26 port run-off from the heights through seepage into

1 the large underground Hueco Bolsón (“aquifer”,  
2 which along with the West Side Mesilla Bolsón sup-  
3 plies much of El Paso’s water);

4 (3) historical significance, as it contains numer-  
5 ous archaeological and historical resources that date  
6 as far back as the Paleo-Indian, Archaic and historic  
7 Indian groups, lasted from about 8000 B.C. to 4000  
8 B.C. and was initially characterized by big-game  
9 hunting;

10 (4) significance as a habitat for an extremely  
11 diverse aggregation of wildlife and plant species of  
12 special concern that are thought to inhabit Castner  
13 Range, including the sand prickly pear, the Texas  
14 lyre snake, and the western burrowing owl; and

15 (5) significance as a one-of-a-kind vegetation  
16 region that includes a mountainous area, cactus  
17 lechuguilla region, and draw-yucca grassland region.

18 **SEC. 4. ACCESS AND BUFFER ZONES.**

19 (a) ACCESS.—The Secretary shall continue to provide  
20 historical and adequate access to private inholdings within  
21 the exterior boundaries of the National Monument.

22 (b) BUFFER ZONES.—Nothing in this Act creates a  
23 protective perimeter or buffer zone around the National  
24 Monument. The fact that any activities or uses outside  
25 of areas designated by this Act can be seen or heard within

1 the National Monument shall not preclude the activities  
2 or uses outside of the National Monument.

3 (c) USE OF EASEMENTS.—Nothing in this Act shall  
4 affect currently used easements located within the national  
5 monument, including the use of Trans Mountain Highway,  
6 the National Border Patrol Museum, El Paso Museum of  
7 Archaeology, a letter of intent by the Texas Parks and  
8 Wildlife Department to build a visitors site for the Frank-  
9 lin Mountains State Park.

10 **SEC. 5. MANAGEMENT OF FEDERAL LANDS WITHIN THE NA-**  
11 **TIONAL MONUMENT.**

12 (a) BASIS OF MANAGEMENT.—

13 (1) APPLICABLE LAWS.—The Secretary shall  
14 manage the National Monument in a manner that  
15 conserves, protects, and enhances the natural re-  
16 sources and values of the National Monument, in ac-  
17 cordance with—

18 (A) this Act;

19 (B) the Federal Land Policy and Manage-  
20 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

21 (C) the Act of June 17, 1902 (commonly  
22 known as the Reclamation Act of 1902; 32  
23 Stat. 388), and Acts amendatory thereof and  
24 supplemental thereto.

1           (2) RESOLUTION OF CONFLICTS.—If there is a  
2           conflict between a provision of this Act and a provi-  
3           sion of one of the other laws specified in paragraph  
4           (1), the more restrictive provision shall control.

5           (b) TRIBAL CULTURAL USES.—Nothing in this Act  
6           shall be construed to enlarge or diminish the rights of any  
7           Indian tribe.

8           (c) MANAGEMENT PLAN.—

9           (1) IN GENERAL.—The Secretary shall develop  
10          a comprehensive plan for the protection and man-  
11          agement of the National Monument that fulfills the  
12          purposes specified in section 3(b). In implementing  
13          the management plan and in considering any rec-  
14          ommendations from the advisory council, the Sec-  
15          retary shall consult with the advisory council on a  
16          regular basis.

17          (2) PURPOSES.—The management plan shall—

18                (A) describe the appropriate uses and  
19                management of the National Monument;

20                (B) identify short-term and long-term  
21                management actions and prioritize management  
22                actions based on projected availability of re-  
23                sources;

24                (C) include a habitat restoration opportu-  
25                nities component;

1 (D) include a recreational opportunity en-  
2 hancement component; and

3 (E) include a component that addresses  
4 the Secretary of Army's remediation of haz-  
5 ardous substances or munitions and explosives  
6 of concern within the National Monument.

7 (3) PUBLIC PARTICIPATION AND SPECIAL CON-  
8 siderations.—In developing the management plan,  
9 and to the extent consistent with this section, the  
10 Secretary—

11 (A) shall solicit extensive public input;

12 (B) shall take into consideration any infor-  
13 mation developed in studies of the land within  
14 the National Monument;

15 (C) shall assess available climate change  
16 information pertinent to the National Monu-  
17 ment;

18 (D) shall include standards and practices  
19 to ensure the preservation of wildlife corridors  
20 and facilitate species migration; and

21 (E) may incorporate any provision from a  
22 resource management plan, land and resource  
23 management plan, or any other plan applicable  
24 to the National Monument.

1           (d) COOPERATIVE AGREEMENTS.—In carrying out  
2 this Act, the Secretary may make grants to, or enter into  
3 cooperative agreements with, State, tribal, and local gov-  
4 ernmental entities and private entities to conduct re-  
5 search, develop scientific analyses, and carry out any other  
6 initiative relating to the restoration or conservation of the  
7 National Monument.

8           (e) MOTORIZED AND MECHANIZED VEHICLES.—Ex-  
9 cept where needed for administrative purposes or to re-  
10 spond to an emergency, the use of motorized and mecha-  
11 nized vehicles on lands within the National Monument  
12 shall be permitted only on roads and trails designated for  
13 their use.

14           (f) ACQUISITION AND INCORPORATION OF LANDS  
15 AND INTERESTS.—

16               (1) AUTHORITY.—The Secretary may acquire  
17 non-Federal land within the exterior boundaries of  
18 the National Monument only through exchange, do-  
19 nation, or purchase from a willing seller.

20               (2) MANAGEMENT.—Any land or interest in  
21 land that is located within the National Monument  
22 that is acquired by the United States shall—

23                       (A) become part of the National Monu-  
24                       ment; and



1 (B) be managed in accordance with this  
2 Act.

3 (g) WITHDRAWAL.—Subject to valid existing rights,  
4 all Federal land within the National Monument is with-  
5 drawn from—

6 (1) entry, appropriation, or disposal under the  
7 public land laws;

8 (2) location, entry, and patent under the mining  
9 laws; and

10 (3) leasing or disposition under all laws relating  
11 to operation of the mineral leasing, mineral mate-  
12 rials, and geothermal leasing laws.

13 (h) LIMITED CONVEYANCE AUTHORITY.—The Sec-  
14 retary may authorize the conveyance of Federal land with-  
15 in the National Monument if—

16 (1) the purpose for which the land is to be con-  
17 veyed is consistent with the purposes specified in  
18 section 3(b);

19 (2) the conveyance would benefit the National  
20 Monument and is in the public interest, as deter-  
21 mined by the Secretary; and

22 (3) the conveyance is made in accordance with  
23 applicable laws (including regulations).

24 (i) WILDLAND FIRE OPERATIONS.—Nothing in this  
25 section prohibits the Secretary, in cooperation with other

1 Federal, State, and local agencies, as appropriate, from  
2 conducting wildland fire operations in the National Monu-  
3 ment consistent with the purposes specified in section  
4 3(b).

5 **SEC. 6. WATER.**

6 Nothing in this Act—

7 (1) affects the use or allocation, in existence on  
8 the date of enactment of this Act, of any water,  
9 water right, or interest in water;

10 (2) affects any vested absolute or decreed condi-  
11 tional water right in existence on the date of enact-  
12 ment of this Act, including any water right held by  
13 the United States;

14 (3) affects any interstate water compact in ex-  
15 istence on the date of the enactment of this Act;

16 (4) authorizes or imposes any new reserved  
17 Federal water rights; or

18 (5) relinquishes or reduces any water rights re-  
19 served or appropriated by the United States in the  
20 State on or before the date of the enactment of this  
21 Act.

22 **SEC. 7. BORDER SECURITY.**

23 (a) IN GENERAL.—Nothing in this Act—

24 (1) prevents the Secretary of Homeland Secu-  
25 rity from conducting—

1 (A) undertaking law enforcement and bor-  
2 der security activities, in accordance with sec-  
3 tion 4(c) of the Wilderness Act (16 U.S.C.  
4 1133(c)), including the ability to use motorized  
5 access within an area while in pursuit of a sus-  
6 pect; or

7 (B) any low-level flights over the area that  
8 may be necessary for law enforcement and bor-  
9 der security purposes; or

10 (2) affects the 2006 Memorandum of Under-  
11 standing among the Department of Homeland Secu-  
12 rity, the Department of the Interior, and the De-  
13 partment of Agriculture regarding cooperative na-  
14 tional security and counterterrorism efforts on Fed-  
15 eral lands along the borders of the United States.

16 (b) WITHDRAWAL AND ADMINISTRATION OF CER-  
17 TAIN AREA.—Nothing in this section precludes the Sec-  
18 retary from allowing within the area described in sub-  
19 section (a)(1)(A) the installation and maintenance of com-  
20 munication or surveillance infrastructure necessary for law  
21 enforcement or border security activities.

22 **SEC. 8. DEPARTMENT OF ARMY RESPONSIBILITY AND AU-**  
23 **THORITY.**

24 (a) RESPONSIBILITY.—Nothing in this Act shall af-  
25 fect—

1           (1) the responsibility of the Department of the  
2           Army under applicable environmental laws, including  
3           the remediation of hazardous substances or muni-  
4           tions and explosives of concern within the National  
5           Monument boundaries;

6           (2) the statutory authority of the Department  
7           of the Army to control public access or statutory re-  
8           sponsibility to make other measures for environ-  
9           mental remediation, monitoring, security, safety, or  
10          emergency preparedness purposes;

11          (3) the activities of the Department of the  
12          Army on lands not included within the National  
13          Monument; or

14          (4) the responsibility of the Department of the  
15          Army, in consultation with the Secretary of the Inte-  
16          rior (acting through the Bureau of Land Manage-  
17          ment), to continue to manage the lands and inter-  
18          ests in lands under the Secretary's jurisdiction with-  
19          in the National Monument boundaries until the  
20          Army transfers administrative jurisdiction of those  
21          lands and interests in lands to the Bureau of Land  
22          Management.

23          (b) AUTHORITY.—The Secretary of the Army and the  
24          Secretary of the Interior may enter into a memorandum  
25          of understanding whereby the Secretary of the Army—

1           (1) may relinquish administrative jurisdiction  
2           over the Castner Range, Fort Bliss, Texas, to the  
3           Secretary of the Interior; and

4           (2) may not relinquish or diminish the responsi-  
5           bility of the Secretary of the Army of responsibilities  
6           referred to in subsection (a).

7   **SEC. 9. CASTNER RANGE NATIONAL MONUMENT ADVISORY**  
8                           **COUNCIL.**

9           (a) **ESTABLISHMENT.**—Not less than 180 days after  
10          the date of enactment of this Act, the Secretary shall es-  
11          tablish an advisory council, to be known as the “Castner  
12          Range National Monument Advisory Council”.

13          (b) **DUTIES.**—The advisory council shall advise the  
14          Secretary with respect to the preparation and implementa-  
15          tion of the management plan for the National Monument.

16          (c) **APPLICABLE LAW.**—The advisory council shall be  
17          subject to—

18                 (1) the Federal Advisory Committee Act (5  
19                 U.S.C. App.);

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

22                 (3) all other applicable law.

23          (d) **MEMBERS.**—The advisory council shall include 11  
24          members, to be appointed by the Secretary, of whom, to  
25          the extent practicable—

1           (1) one member shall be appointed after consid-  
2           ering the recommendations of the El Paso County  
3           Commissioners Court;

4           (2) one member shall be appointed after consid-  
5           ering the recommendations of the head of the Texas  
6           Parks and Wildlife Department;

7           (3) one member shall be appointed to represent  
8           Native American Tribes;

9           (4) one member shall be appointed to represent  
10          Fort Bliss; and

11          (5) seven members shall reside in, or within  
12          reasonable proximity to, the county specified in  
13          paragraphs (1) through (4) with backgrounds that  
14          reflect—

15                 (A) the purposes specified in section 3(b);

16                 and

17                 (B) the interest of persons affected by the  
18                 planning and management of the National  
19                 Monument, including persons representing the  
20                 agricultural, private land-ownership, environ-  
21                 mental, recreational, tourism, or other non-Fed-  
22                 eral land interests.

23          (e) REPRESENTATION.—The Secretary shall ensure  
24          that the membership of the advisory council is fairly bal-

1 anced in terms of the points of view represented and the  
2 functions to be performed by the advisory council.

3 (f) TERMS.—

4 (1) STAGGERED TERMS.—Members of the advi-  
5 sory council shall be appointed for terms of 3 years,  
6 except that, of the members first appointed, 5 of the  
7 members shall be appointed for a term of one year  
8 and 5 of the members shall be appointed for a term  
9 of 2 years.

10 (2) REAPPOINTMENT.—A member may be re-  
11 appointed to serve on the advisory council upon the  
12 expiration of the member's current term.

13 (3) VACANCY.—A vacancy on the advisory  
14 council shall be filled in the same manner as the  
15 original appointment.

16 (g) QUORUM.—A quorum shall be 7 members of the  
17 advisory council. The operations of the advisory council  
18 shall not be impaired by the fact that a member has not  
19 yet been appointed as long as a quorum has been attained.

20 (h) CHAIRPERSON AND PROCEDURES.—The advisory  
21 council shall elect a chairperson and establish such rules  
22 and procedures as it deems necessary or desirable.

23 (i) SERVICE WITHOUT COMPENSATION.—Members of  
24 the advisory council shall serve without pay.

1 (j) TERMINATION.—The advisory committee shall  
2 cease to exist—

3 (1) on the date that is 5 years after the date  
4 on which the management plan is officially adopted  
5 by the Secretary; or

6 (2) on such later date as the Secretary con-  
7 siders appropriate.

8 **SEC. 10. LAND CONVEYANCE, CASTNER RANGE, FORT**  
9 **BLISS, TEXAS.**

10 Section 2844 of the National Defense Authorization  
11 Act for Fiscal Year 2013 is repealed.

○