

FORT CARSON-PINON CANYON MILITARY LANDS WITHDRAWAL ACT

FEBRUARY 10, 1995.—Ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 256]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 256) to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 256 is to withdraw certain public lands and Federally-owned minerals located within the existing Fort Carson Military Reservation and the associated Pinon Canyon Maneuver Site, both in Colorado, from the operation of the public land, disposal, mineral entry, and mineral leasing laws, and to reserve these lands for military purposes.

BACKGROUND AND NEED FOR LEGISLATION

Before 1958, withdrawals of public lands for military purposes were accomplished through administrative actions. Since enactment of the “Engle Act” of 1958 (Public Law 85-337), a peacetime military withdrawal exceeding 5,000 acres of public lands can be accomplished only through Congressional action.

The Fort Carson Military Reservation, located in the counties of El Paso, Pueblo, and Fremont in the State of Colorado, has been used by the Army for many years and was most recently withdrawn prior to enactment of the Engle Act. H.R. 256 would with-

draw approximately 3,133 acres of public lands and 11,415 acres of mineral rights within the Reservation.

The Pinon Canyon Maneuver Site, in Las Animas County, Colorado, is a newer facility established primarily by acquisition of privately owned surface estates. At this site, H.R. 256 would withdraw approximately 2,517 acres of surface and approximately 130,139 acres of minerals.

The Fort Carson Reservation lands would be used primarily for military maneuvering, training, and weapons firing; the Pinon Canyon lands would be used for maneuvering, training and other defense-related purposes.

The Pinon Canyon lands, the additional lands in Fort Carson, and all the mineral interests covered by the bill have been temporarily withdrawn pending the enactment of this legislation.

A similar bill for withdrawal of public lands in the State of Colorado passed the House in both the 102d and 103d Congress, but action was not completed before sine die adjournment.

COMMITTEE ACTION

H.R. 256 was introduced on January 4, 1995, by Mr. Hefley, and referred to the Committee on Resources. The Committee retained the bill at Full Committee. The bill was ordered reported by the Committee to the House of Representatives on January 18, 1995, by a unanimous roll call vote of 42 yeas, 0 nays, as follows:

YEAS—42

NAYS—0

Mr. Young
Mr. Hansen
Mr. Saxton
Mr. Gallegly
Mr. Hefley
Mr. Doolittle
Mr. Allard
Mr. Gilchrest
Mr. Calvert
Mr. Pombo
Mr. Torkildsen
Mr. Hayworth
Mr. Cremeans
Mrs. Cubin
Mr. Cooley
Mrs. Chenoweth
Mr. Radanovich
Mr. Jones
Mr. Thornberry
Mr. Hastings
Mr. Metcalf
Mr. Longley
Mr. Shadegg
Mr. Miller
Mr. Rahall
Mr. Vento
Mr. Kildee
Mr. Williams

Mr. Gejdenson
 Mr. Richardson
 Mr. DeFazio
 Mr. Faleomavaega
 Mr. Johnson
 Mr. Abercrombie
 Mr. Studds
 Mr. Tauzin
 Mr. Ortiz
 Mr. Dooley
 Mr. Romero-Barcelo
 Mr. Deal
 Mr. Underwood
 Mr. Farr

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the “Fort Carson-Pinon Canyon Military Lands Withdrawal Act” and provides a table of contents.

Section 2 withdraws, subject to valid existing rights, lands located at Fort Carson from the mining, mineral and geothermal leasing, and mineral materials disposal laws, and reserves these lands for use by the Secretary of the Army for military maneuvering, training, and weapons firing. The site consists of 3,133.02 acres of public land and 11,415.16 acres of Federally-owned minerals in El Paso, Pueblo, and Fremont Counties in the State of Colorado, and are depicted in a map entitled “Fort Carson Proposed Withdrawal—Fort Carson Base”, dated February 6, 1992.

Section 3 withdraws from the operation of the public laws, and from the mining, mineral and geothermal leasing, and mineral materials disposal laws, subject to valid existing rights, lands located at the Pinon Canyon Maneuver Site. The site consists of 2,517.12 acres of public lands and 130,139 acres of Federally-owned minerals in Las Animas County, Colorado, to be used by the Secretary of the Army for military maneuvering, training, and other defense-related purposes, and are depicted in a map entitled “Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon site”, dated February 6, 1992.

Section 4 requires that the maps and legal descriptions of the lands withdrawn by this Act be prepared by the Secretary of the Interior and published in the Federal Register.

Section 5(a) provides that the Secretary of the Army shall manage the surface of the withdrawn lands and may authorize use of the land by other military departments or other agencies of the Defense Department, or the National Guard. The Secretary of the Army may close roads or trails within the withdrawn areas when safety requires, and must take necessary precautions to prevent and suppress range and brush fires.

Subsection (b) provides for a management plan to be prepared by the Secretary of the Army with the concurrence of the Secretary of the Interior.

Subsection (c) requires the two Secretaries to enter into a memorandum of understanding to implement the management plan.

Subsection (d) authorizes the Secretary of the Army to utilize sand, gravel, or similar mineral or mineral material resources for

construction needs for the Fort Carson Reservation or the Pinon Canyon Maneuver Site from lands withdrawn by this Act, subject to valid existing rights.

Section 6 provides that the management of withdrawn and acquired mineral resources shall be conducted pursuant to the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3466), as applicable.

Section 7 provides that hunting, fishing, and trapping activities on the lands concerned in this Act will be managed pursuant to section 2671 of title 10 of the United States Code, which requires that all hunting, fishing, and trapping on a military installation or facility be in accordance with the fish and game laws of the State in which the facility is located.

Section 8(a) provides that the land withdrawal and reservation will terminate 15 years after the date of enactment of this Act.

Subsection (b) requires that at least 3 years before termination of the withdrawal, the Secretary of the Army shall advise the Secretary of the Interior as to whether the Army will have a continuing military need for the withdrawn lands. Should the Secretary of the Army conclude there is a continuing need for the withdrawal, an evaluation of the environmental effects of such a renewal will be assessed to the extent required by applicable law. An application for an extension of the withdrawal will be filed with the Department of the Interior, in accordance with Interior regulations and procedures.

Subsection (c) provides that if the Army concludes that there is no military need for some or all of the lands after the end of the withdrawal, or if during the withdrawal the Army decides to relinquish some or all of the lands, an appropriate notice is to be filed with the Department of the Interior.

Subsection (d) provides that the Secretary of the Interior may accept jurisdiction over lands proposed for relinquishment and must at that time accept full jurisdiction over the lands, stating when the lands will be open to the public land laws, including mining laws, if appropriate.

Subsection 9(a) provides that prior to filing a notice to relinquish, the Secretary of the Army shall determine whether the lands are contaminated with explosive, toxic or other hazardous materials. At the termination of the withdrawal, the Secretary of the Interior shall determine the extent to which the lands are contaminated.

Subsection (b) provides for an ongoing program of decontamination to the extent that funds are available.

Subsection (c) provides that the Secretary of the Interior shall not be required to accept any lands proposed for relinquishment, if he determines them to be contaminated.

Subsection (d) provides that if the Secretary of the Interior determines that lands are contaminated, the Secretary of the Army shall take appropriate steps to warn the public, and prohibits any other activities on the lands after expiration of the withdrawal, except for decontamination.

Section (e) provides that if the lands are subsequently decontaminated, the Secretary of the Interior shall reconsider accepting jurisdiction if the Secretary of the Army certifies that the lands are safe for all nonmilitary purposes.

Section 10 provides that the functions of the Secretaries of the Army and the Interior under this Act may be delegated without restriction, except that an Interior Department order accepting jurisdiction over Army-relinquished lands may be signed only the Secretary, Deputy Secretary, or an Assistant Secretary of the Interior.

Section 11 provides that the United States and its agencies and departments will be held harmless and not liable for any injuries to persons or property suffered in the course of any mining, mineral leasing, or geothermal leasing on the lands within the Fort Carson Reservation or Pinon Canyon Maneuver Site, including liabilities to non-Federal entities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) or the Solid Waste Disposal Act. Parties conducting mining, mineral leasing or geothermal leasing activities on these lands shall indemnify the United States for liabilities arising under CERCLA and the Solid Waste Disposal Act, including the cost of litigation.

Section 12 amends the Military Lands Withdrawal Act of 1986 to allow, subject to valid existing rights, military use of sand, gravel, and similar construction materials on the lands withdrawn by that Act. This section also makes a technical correction to section 9 of the Military Lands Withdrawal Act.

Section 13 authorizes the appropriation of such sums as may be necessary to carry out the purposes of this Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(l)(3) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 256 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 256. However, clause 7(d) of the rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 256 does not contain

any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 256.

3. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 256 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 27, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 256, the Fort Carson-Pinon Canyon Military Lands Withdrawal Act, as ordered reported by the House Committee on Resources on January 18, 1995. CBO estimates that implementation of H.R. 256 would cost the federal government \$300,000 in the two years after enactment. The government could collect some additional rental and royalty payments, which would affect direct spending, but any such collections are likely to be negligible. Because enactment of the bill could affect direct spending, pay-as-you-go procedures would apply.

Subject to valid existing rights, H.R. 256 would withdraw from all forms of appropriation under the public land laws 5,650 acres of public land and 141,554 acres of federally owned minerals in the Fort Carson Military Reservation and Pinon Canyon Maneuver Site in Colorado. In addition, the bill would reserve the withdrawn lands for use by the Secretary of the Army. The Secretary, with the concurrence of the Secretary of the Interior, would be required to develop and implement a land management plan for the two military installations. In general, the Secretary of the Interior would manage all mineral resources. Finally, the bill would establish procedures to be carried out when the land withdrawal expires.

The land management plan would be the only additional responsibility required of the federal government by H.R. 256. Based on information from the Army, we estimate that the development of the plan would cost about \$300,000 in the two years after enactment. After the plan is completed, the federal government could receive additional rental and royalty payments as the result of leasing and mining activities. (No new mining operation can be established under current law.) Information from the Bureau of Land Management, however, indicates that the mineral resource potential of the land is minimal and that the budgetary effect of allowing mining activities would be insignificant.

Enactment of H.R. 256 would not affect the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo.

Sincerely,

ROBERT D. REISCHAUER,
Director.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 256.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

MILITARY LANDS WITHDRAWAL ACT OF 1986

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SEC. 3. MANAGEMENT OF WITHDRAWN LANDS.

(a) * * *

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(f) ADDITIONAL MILITARY USES.—(1) * * *

(2) *Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.*

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SEC. 9. DELEGABILITY.

(a) * * *

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section **【7(f)】** *8(f)* may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

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