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SENATE

{ REPORT
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MELROSE AIR FORCE RANGE, NEW MEXICO

OCTOBER 2 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2757]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2757) to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 1, delete “PRIME” and insert “PRINCIPAL”.
2. On page 4, line 12, delete “SW $\frac{1}{4}$ ” and insert “SE $\frac{1}{4}$ ”.

PURPOSE OF THE MEASURE

The purpose of S. 2757 is to transfer administrative jurisdiction of approximately 6,714 acres of land administered by the Bureau of Land Management within Melrose Air Force Range in New Mexico to the Secretary of the Air Force and approximately 6,649 acres of BLM land within Yakima Training Center in Washington to the Secretary of the Army.

BACKGROUND AND NEED

S. 2757 transfers multiple parcels of land that are administered by the Bureau of Land Management but lie within lands administered by the Department of Defense.

The measure transfers six parcels of public lands, totaling approximately 6,714 acres within the Melrose Air Force Range in Roosevelt County, New Mexico, from the Bureau of Land Management to the Air Force. The Air Force has used the parcels since the base was established in 1952. Approximately 1,811 acres of these lands lie within the bomb impact zone while the remaining acreage

is contained within the range safety zone. The transfer is needed to provide the Air Force with complete control over land uses on the Range. This transfer will minimize potential safety concerns, liability of the United States, and land use conflicts that could interfere with the training mission.

The measure also transfers 19 scattered small tracts of public lands totaling approximately 6,649 acres within the Yakima Training Center in Kittitas County, Washington from the Bureau of Land Management to the Army. The bill also withdraws from the general mining laws the mineral estate associated with an additional 3,090 acres. All of the Yakima Training Center lands identified in this legislation are within an active maneuver training area. This transfer is needed to make sure all lands within the training facility are under the control of the Army and administered under the same legislative authorizations. This will provide additional efficiencies for base managers and reduce the risk for disruptions which could severely degrade the training mission of the Yakima Training Center.

LEGISLATIVE HISTORY

S. 2757 was introduced by Senator Domenici on June 20, 1999. The Subcommittee on Forests and Public Land Management held a hearing on S. 2757 on June 20, 2000. At the business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered S. 2757 favorably reported, if amended as described herein.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on September 20, 2000, by a voice vote of a quorum present, recommends that the Senate pass S. 2757 if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 2757, the Committee adopted two technical amendments.

SECTION-BY-SECTION ANALYSIS

Section 1(a)(1) transfers jurisdiction over the surface estate of certain specified lands from the Secretary of the Interior to the Secretary of the Air Force for the Melrose Air Force Range in New Mexico.

Paragraph (2) requires the surface estate transferred under paragraph 1 to be treated as real property and subject to the Federal Property and Administrative Services Act of 1949.

Paragraph (3) withdraws the mineral estate of the transferred lands from all forms of appropriation, except under the Materials Act of 1947.

Paragraph (4) provides that the Secretary of the Air Force may use sand, gravel, or similar mineral material of the type subject to disposition under the Materials Act of 1947, on the transferred lands, when necessary for construction needs.

Subsection (b) transfers jurisdiction over the surface estate of certain specified lands from the Secretary of the Interior to the Secretary of the Army for the Yakima Training Center, in Washington.

Paragraph (2) requires the surface estate transferred under paragraph 1 to be treated as real property and subject to the Federal Property and Administrative Services Act of 1949.

Paragraph (3) withdraws the mineral estate of the transferred lands, and certain specified other lands from all forms of appropriation, except under the Materials Act of 1947.

Paragraph (4) provides that the Secretary of the Army may use sand, gravel, or similar mineral material of the type subject to disposition under the Materials Act of 1947, on the transferred lands, when necessary for construction needs.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure have been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 27, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2757, a bill to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2757—A bill to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington

S. 2757 would direct the Secretary of the Interior to transfer administrative jurisdiction over certain lands to the Secretaries of the Air Force and the Army. CBO estimates that enacting S. 2757 would not significantly affect the federal budget. Enacting the bill could affect offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures would apply, but we expect any such effects to total less than \$10,000 in any given year. S. 2757 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

Under the bill, the Secretary of the Interior would transfer jurisdiction over 6,614 acres of federal lands within Melrose Air Force Range, New Mexico, to the Secretary of the Air Force. The Sec-

retary of the Interior also would transfer jurisdiction over 6,640 acres within Yakima Training Center, Washington, to the Secretary of the Army. Subject to valid existing rights, the bill would withdraw the associated mineral estate of the transferred lands and about 3,090 acres if other lands located within Yakima Training Center from mineral and geothermal leasing and development.

Based on information from the Bureau of Land Management (BLM), CBO estimates that transferring the lands would not significantly change the federal costs to manage them. Withdrawing certain lands from mineral and geothermal leasing and development could reduce offsetting receipts from those activities and payments to states to share those receipts, but we estimate that such effects would be negligible. According to BLM, those lands currently generate less than \$10,000 a year from activities that could be affected by the bill, and the agency does not expect the lands to generate significant receipts in the future.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVVI 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. 2757. 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. 2757, as ordered reported.

EXECUTIVE COMMUNICATIONS

September 20, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2757. These reports had not been received at the time the report on S. 2757 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Air Force, the Army, and the Bureau of Land Management at the Subcommittee hearing on S. 2757 follows:

STATEMENT OF MR. JIMMY G. DISHNER, DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (INSTALLATIONS)

Mr. Chairman and members of the committee, good afternoon. I appreciate the opportunity to appear before you today to discuss Senate bill 2757, introduced by Senator Domenici, concerning the transfer of certain lands at Melrose Range in New Mexico currently under the jurisdiction of the Bureau of Land Management (BLM) but used exclusively for military training purposes since the mid 1950's.

Sustained access to ranges is one of the foremost readiness and strategic planning concerns for our Air Force. Increasingly we find there is a symbiotic relationship between our installations supporting combat aircraft and the 31 ranges we operate in the continental United States, about half of which are on land owned by our sister services. This relationship is one of the critical criteria used in addressing installation viability. The realities of urban sprawl, demographic changes, and competition for finite land, airspace, frequency spectrum and natural resources have intensified over the past ten years.

We appreciate the tremendous support of members of this committee, your colleagues, and the leadership of the Department of the Interior who supported the renewal of six critical ranges for the Department of Defense including the Air Force's Nellis Air Force Range, Nevada, and the Barry M. Goldwater Range, Arizona. We also appreciate the personal time Senator Domenici, Senator Bingaman and Senator Murkowski devoted towards the renewals of the McGregor Range in New Mexico and the Army's ranges in Alaska that are also utilized by the Air Force.

Today we are here to address the legislative transfer of approximately 6,700 acres that are located on the Melrose Range in New Mexico. Melrose Range is approximately 66,000 acres in total. The remainder of the property is used as safety buffer zones. Approximately 59,000 acres of the range is Air Force-owned real property. The remaining portions of the range, approximately 6,700 acres are public lands under the jurisdiction of the BLM. In fact, a portion of the impact area itself is part of the BLM land holdings. The lands under the jurisdiction of BLM are distributed in non-contiguous parcels across the range. Consolidating all parcels on the range under the control of the Air Force would address safety concerns, minimize potential liability to the United States Government, and reduce potential land use conflicts.

Melrose Range is the primary training range for the 27th Fighter Wing at Cannon AFB. It supports daily air-to-ground and electronic combat training for approximately 3,400 F-16 wing sorties annually.

The Melrose Range is also used by the New Mexico Air National Guard, based at Kirkland Air Force Base, and other U.S. and allied aircrew accounting for an additional 1,400 sorties annually.

Melrose Range has been in continuous use by the Air Force since 1952 and is 25 miles from Cannon—only about a five-minute flight. Having a training range in close proximity to the installation allows the Cannon-based aircrews to maximize training time by reducing the time it would take to fly to more distant ranges for training. Our need to improve local training also recently led us to modify our training ranges and airspace in Idaho and Texas. The Cannon AFB wing commander, Colonel Jeffrey Remington, is also here with me today to respond to any operational questions you may have.

In the future, the flexibility to modify our airspace and ranges will be a critical element to ensuring America's asymmetric advantage—the United States Air Force.

Thank you Mr. Chairman and members of the committee. Colonel Remington and I stand ready to answer any questions you may have.

JOINT STATEMENT BY PAUL W. JOHNSON, DEPUTY ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS AND HOUSING), OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (I&E) AND BRIGADIER GENERAL WILLIAM WEBSTER, DIRECTOR OF TRAINING, OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS, DEPARTMENT OF ARMY

Mr. Chairman and members of the Committee.

Thank you for this opportunity to address you about the critical training opportunities that Yakima Training Center affords the Army Active, Army Reserve and National Guard units, and our sister services, the Air Force and Navy. Yakima Training Center (YTC) is a sub-installation of Fort Lewis, Washington, under the U.S. Army Forces Command.

The Army supports Senator Domenici's Senate Bill 2757 that provides for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington. That bill would transfer administrative jurisdiction and convert 6,640 acres of public domain lands that are wholly within Army controlled property at the Yakima Training Center, to the Army. The transfer is needed to provide the Army with complete control over land uses on the Yakima Training Center and eliminate the artificial obstacles to tactical movement that currently exist. The proposed legislation eliminates a management restriction that has adversely impacted the Army's ability to accomplish its training objectives in the northern part of the Yakima Training Center. The legislation also provides a common land management situation for the Army, and thereby, makes Army range operations and natural resource management more efficient.

The lands to be transferred at Yakima Training Center consist of 19 scattered tracts of public domain lands, managed by the Bureau of Land Management, aggregating 6,640 acres in Kittitas County, Washington. There are an additional 3,090 acres of public domain mineral estate associated with Army acquired lands that are withdrawn from the general mining laws. The mineral estate of all 9,730 acres would remain under the administrative jurisdiction of the Secretary of the Interior. The mineral estate would be withdrawn from the mining laws (gold, silver, and lead) and the geothermal leasing laws, but not the Material's Act (sand and gravel) or the Mineral Leasing Act (oil, gas, and coal).

These Bureau of Land Management lands are located within an approximately 63,000 acre expansion of the YTC

authorized by the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) and the Military Construction Appropriations Act of 1992 (Public Law 102-136). The Army purchased (1994-1996) the surrounding 56,400 acres from private landholders and the State of Washington leaving the 6,640 acres of Bureau of Land Management "inholdings" to be withdrawn or transferred to the Army. To date, the Bureau of Land Management has granted a right-of-way to the Army for crossing the inholdings, which allows the Army to use its acquired land, but the Army cannot train on the lands. The Bureau of Land Management inholdings are interspersed in a manner that prevents the establishment of tactically and doctrinally correct maneuver lanes. This restriction has adversely impacted the Army's ability to accomplish its training objectives.

The original requirement for additional training land in 1992 was a result of three factors. The first factor was the increased Army-wide emphasis on brigade level combined arms training by Active and Reserve Component units. The increased emphasis resulted from changes in Army Doctrine, organizations, and equipment that in turn respond to evolving battlefield requirements. The land expansion at Yakima Training Center, with the land transfer, will enhance the ability of Active and Reserve Component units to train to realistic brigade and battalion standards. Second, the expansion and transfer were to provide sufficient land to permit live-fire operation to continue at the same time that large-scale maneuver training and testing exercises are conducted and were to support potential mobilization requirements as occurred during Operation Desert Storm. It is the maneuver exercises that are limited by the inholdings. Finally, the land expansion and transfer were to provide enough land for environmentally sound land management practices, like rotational use of training areas, that periodically rests stressed training areas so that native grasses and other vegetation can be planted to reduce soil erosion.

It was good that the Army and Congress had the foresight to expand the Yakima Training Center in 1992, because in 1999, Fort Lewis, Washington and the Yakima Training Center were selected as the initial sites where the Army's Brigade Transformation Campaign Plan will be evaluated. An Environmental Assessment of the impacts of the proposed training is in progress. The Army's transformation plan will meet the defense challenges of the future and provide the Nation the decisive landpower forces necessary to support the National Security Strategy and National Military Strategy. As a result of transformation, the Army will be a strategically responsive force that is dominant across the full spectrum of operations. The Army will implement the Army vision through transformation as rapidly as possible, while continually maintaining warfighting readiness of operational forces. The Army's Transformation Campaign Plan defines the process for

transformation for initial forces, interim forces, and objective (future) forces. The Initial Force is a two brigade combat team force at Fort Lewis, Washington and Yakima Training Center that will transform and will receive off-the-shelf equipment to support evaluation and refinement of the doctrinal Organizational and Operational concepts. The Interim Force is a transition force—one that seeks the Objective Force state of the art technology, but leverages today's technology together with modernized legacy forces to bridge to the future. The Objective Force is the force that achieves our objective of a strategically responsive Army that is capable of dominating at any point across the full spectrum of operations and can rapidly transition across mission requirements without loss of momentum. It will be able to operate as an integral member of the joint, multinational, interagency team, and dominant against the asymmetric application of conventional, unconventional and weapons of mass destruction threat capabilities. This land transfer is necessary now to fully train and test the Initial and Interim Brigades to the fullest extent to which they are expected to perform.

Besides training, the Army has another mission I would like to highlight . . . environmentally sound land management. The Army has been and will be a good environmental steward of the training land at the Yakima Training Center. In accordance with the Sikes Act, we developed a comprehensive military land use strategy and resource management plan for the entire installation in 1996 entitled the Cultural and Natural Resources Management Plan. It encompasses all the training activities and land management practices on the entire 323,000-acre installation. It was implemented and is periodically updated. The plan will be updated after the land transfer. The Yakima Training Center has implemented the Army's Integrated Training Area Management technology. The goal of this program is to reduce soil erosion and loss of vegetation on training lands. Training is matched with the capabilities of the soils and vegetation to withstand the training impact. As part of this program, a Geographic Information System has been established so that the installation can monitor change in the soils, watersheds, slopes, streams, vegetation, land cover, and man-made features. Livestock grazing was eliminated after the Army conducted an Environmental Impact Statement study in 1994 that revealed that continuation of grazing was not compatible with the proposed training activities. We have an Endangered Species Management Plan that covers the Bald Eagle, Peregrine Falcon, and the Sage Grouse. We allow hunting on Army land where it does not interfere with training. When the Army purchased the private land surrounding the Bureau of Land Management inholdings, hunting use of the inholdings increased because the public now had access across the Army land to the inholdings.

To conclude, The Army requires the transfer of the Bureau of Land Management inholdings to be able to conduct

tactically and doctrinally correct training and to provide comprehensive environmental management.

Mr. Chairman, that concludes my statement. I will be pleased to answer any questions you or other members of the subcommittee may have.

STATEMENT OF SYLVIA V. BACA, ASSISTANT SECRETARY FOR
LAND AND MINERALS MANAGEMENT

Good afternoon Mr. Chairman and members of the Committee. Thank you for the opportunity to provide the Department of the Interior's views on S. 2757. This bill provides for the permanent transfer of Bureau of Land Management (BLM) managed public domain lands located within two military training ranges to the respective military services which manage the particular ranges. S. 2757 addresses this transfer at two ranges: the Melrose Air Force Range in New Mexico and the Army's Yakima Training Center in Washington. The Department supports the passage of this bill.

MELROSE AIR FORCE RANGE, NEW MEXICO

S. 2757 would transfer administrative jurisdiction over the surface estate of 6614 acres of BLM land from the Secretary of the Interior to the Secretary of the Air Force. Subject to valid existing rights, the mineral estate of the transferred lands would be withdrawn from all forms of appropriation under the public land laws.

The acquisition of lands for the Melrose Range was authorized by the Military Construction Authorization Act of 1967 (Public Law 89-568). Pursuant to this authority, the Air Force requested the assistance of the BLM to remove 6,634 acres of State-owned lands and 80 acres of private lands (a total of 6,714 acres) through an exchange from within the range boundaries. The BLM accomplished these exchanges in 1970 and 1973. In 1975, the U.S. Army Corps of Engineers, on behalf of the Air Force, filed an application for withdrawal and reservation of these lands with the BLM.

Melrose Range, including the BLM acquired parcels, has been in continuous use since the initial Air Force lease of lands from the State of New Mexico and private land owners in 1952. The Air Force has been responsible for natural resources management on these lands during this same period. The BLM has not exercised natural resources management on the lands it acquired for the Air Force within this active training range. The six parcels which the BLM acquired for the Air Force include 1,811 acres within the bomb impact zone; the remaining acres are within the range safety buffer.

One Federal Endangered Species Act candidate animal, the black tailed prairie dog, has been documented on the acquired lands. Management for the species is currently under development by the Department of Defense in association with the U.S. Fish & Wildlife Service. There are no

other threatened, endangered or sensitive species known on the acquired parcels and the proposed transfer is not in conflict with either the Endangered Species Act or BLM policy.

The Department of the Interior supports the transfer of the surface estate and withdrawal of the mineral estate of the BLM acquired lands for the following reasons:

1. These lands were acquired for the sole purpose of completing the range acquisition authorized by Public Law 89-568.
2. The lands contain ordnance and explosive waste from 43 years of Air Force use.
3. The acquired lands represent less than 10% of the entire range and are divided among six separate parcels.
4. The BLM has never managed and has no interest in managing these lands located within an active training range for natural or cultural resources.

YAKIMA TRAINING CENTER, WASHINGTON

S. 2757 would transfer administrative jurisdiction over the surface estate of 6640 acres of BLM land from the Secretary of the Interior to the Secretary of the Army. Under the bill, these lands will be withdrawn from mining law and geothermal leasing, but not from oil and gas leasing.

The acquisition of lands for an expansion of the Army's Yakima Training Center was authorized by the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) and the Military Construction Authorization Act of 1992 (Public Law 102-136). Within this expansion area lie 6,640 acres of BLM-managed public domain lands and an additional 3,090 acres of subsurface mineral estate. The Army filed an application for a withdrawal and reservation of these lands and minerals in May 1992.

Nineteen small parcels of public lands, aggregating 6,640 acres, are within the Army's acquisition area. These public lands represent approximately 10 percent of the expansion area. These lands have been managed by the BLM for recreation and grazing.

One federal Endangered Species Act candidate plant, *Erigonum codium* (Umtanum Wild Buckwheat) has been documented on habitat adjacent to the Yakima Training Center (Hanford property) in Yakima County. Unsurveyed potential habitat occurs within the Yakima Training Center near the southern boundary. There are no threatened, endangered, or sensitive species known in the expansion area and the proposed transfer would not be in conflict with the Endangered Species Act or BLM policy.

The Department of the Interior supports the transfer of the surface estate and withdrawal of the mineral estate of these lands for the following reasons:

1. These lands are within the range expansion authorized by Public Law 102-190.
2. The 19 scattered parcels are an integral part of the Army's maneuver training. If these parcels are not under

Army control, the usefulness of the expansion is severely degraded.

3. These parcels are approximately 10 percent of the range expansion.

4. Any attempt by the BLM to manage resources on these scattered parcels within an active maneuver area would be very difficult. Adequate coordination of any Department of the Interior resource management concerns can be achieved through the provisions of the Sikes Act, as amended (Public Law 86-797).

We have identified two technical corrections to the land descriptions and this information has been passed to Committee staff.

Thank you again for the opportunity to testify on this bill, I am happy to answer any questions you might 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 the bill S. 2757 as ordered reported.

