

Union Calendar No. 89

113TH CONGRESS
1ST SESSION

H. R. 1691

[Report No. 113–124, Part I]

To provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Chocolate Mountain Aerial Gunnery Range, California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2013

Mr. VARGAS introduced the following bill; which was referred to the Committee 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 jurisdiction of the committee concerned

JUNE 24, 2013

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 24, 2013

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of the introduced bill, see bill as introduced on April 23, 2013]

A BILL

To provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Chocolate Mountain Aerial Gunnery Range, California, 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 “Chocolate Mountain Aer-*
 5 *ial Gunnery Range Transfer Act of 2013”.*

6 **SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
 7 **CHOCOLATE MOUNTAIN AERIAL GUNNERY**
 8 **RANGE, CALIFORNIA.**

9 (a) *TRANSFER REQUIRED.*—*The Secretary of the Inte-*
 10 *rior shall transfer to the administrative jurisdiction of the*
 11 *Secretary of the Navy certain public land administered by*
 12 *the Bureau of Land Management in Imperial and Riverside*
 13 *Counties, California, consisting of approximately 226,711*
 14 *acres, as generally depicted on the map titled “Chocolate*
 15 *Mountain Aerial Gunnery Range Proposed–Withdrawal”*
 16 *dated 1987 (revised July 1993), and identified as*
 17 *WESTDIV Drawing No. C–102370, which was prepared by*
 18 *the Naval Facilities Engineering Command of the Depart-*
 19 *ment of the Navy and is on file with the California State*
 20 *Office of the Bureau of Land Management.*

21 (b) *VALID EXISTING RIGHTS.*—*The transfer of admin-*
 22 *istrative jurisdiction under subsection (a) shall be subject*
 23 *to any valid existing rights, including any property, ease-*
 24 *ments, or improvements held by the Bureau of Reclamation*
 25 *and appurtenant to the Coachella Canal. The Secretary of*

1 *the Navy shall provide for reasonable access by the Bureau*
 2 *of Reclamation for inspection and maintenance purposes*
 3 *not inconsistent with military training.*

4 *(c) TIME FOR CONVEYANCE.—The transfer of adminis-*
 5 *trative jurisdiction under subsection (a) shall occur pursu-*
 6 *ant to a schedule agreed to by the Secretary of the Interior*
 7 *and the Secretary of the Navy, but in no case later than*
 8 *the date of the completion of the boundary realignment re-*
 9 *quired by section 4.*

10 *(d) MAP AND LEGAL DESCRIPTION.—*

11 *(1) PREPARATION AND PUBLICATION.—The Sec-*
 12 *retary of the Interior shall publish in the Federal*
 13 *Register a legal description of the public land to be*
 14 *transferred under subsection (a).*

15 *(2) SUBMISSION TO CONGRESS.—The Secretary*
 16 *of the Interior shall file with the Committee on En-*
 17 *ergy and Natural Resources of the Senate and the*
 18 *Committee on Natural Resources of the House of Rep-*
 19 *resentatives—*

20 *(A) a copy of the legal description prepared*
 21 *under paragraph (1); and*

22 *(B) a map depicting the legal description of*
 23 *the transferred public land.*

24 *(3) AVAILABILITY FOR PUBLIC INSPECTION.—*
 25 *Copies of the legal description and map filed under*

1 paragraph (2) shall be available for public inspection
2 in the appropriate offices of—

3 (A) the Bureau of Land Management;

4 (B) the Office of the Commanding Officer,
5 Marine Corps Air Station Yuma, Arizona;

6 (C) the Office of the Commander, Navy Re-
7 gion Southwest; and

8 (D) the Office of the Secretary of the Navy.

9 (4) *FORCE OF LAW.*—The legal description and
10 map filed under paragraph (2) shall have the same
11 force and effect as if included in this Act, except that
12 the Secretary of the Interior may correct clerical and
13 typographical errors in the legal description or map.

14 (5) *REIMBURSEMENT OF COSTS.*—The transfer
15 required by subsection (a) shall be made without re-
16 imbursement, except that the Secretary of the Navy
17 shall reimburse the Secretary of the Interior for any
18 costs incurred by the Secretary of the Interior to pre-
19 pare the legal description and map under this sub-
20 section.

21 **SEC. 3. MANAGEMENT AND USE OF TRANSFERRED LAND.**

22 (a) *USE OF TRANSFERRED LAND.*—Upon the receipt
23 of the land under section 2, the Secretary of the Navy shall
24 administer the land as the Chocolate Mountain Aerial Gun-

1 nery Range, California, and continue to authorize use of
2 the land for military purposes.

3 (b) *PROTECTION OF DESERT TORTOISE*.—Nothing in
4 the transfer required by section 2 shall affect the prior des-
5 ignation of certain lands within the Chocolate Mountain
6 Aerial Gunnery Range as critical habitat for the desert tor-
7 toise (*Gopherus Agassizii*).

8 (c) *WITHDRAWAL OF MINERAL ESTATE*.—Subject to
9 valid existing rights, the mineral estate of the land to be
10 transferred under section 2 are withdrawn from all forms
11 of appropriation under the public land laws, including the
12 mining laws and the mineral and geothermal leasing laws,
13 for as long as the land is under the administrative jurisdic-
14 tion of the Secretary of the Navy.

15 (d) *INTEGRATED NATURAL RESOURCES MANAGEMENT*
16 *PLAN*.—Not later than one year after the transfer of the
17 land under section 2, the Secretary of the Navy, in coopera-
18 tion with the Secretary of the Interior, shall prepare an
19 integrated natural resources management plan pursuant to
20 the Sikes Act (16 U.S.C. 670a et seq.) for the transferred
21 land and for land that, as of the date of the enactment of
22 this Act, is under the jurisdiction of the Secretary of the
23 Navy underlying the Chocolate Mountain Aerial Gunnery
24 Range.

1 **SEC. 4. REALIGNMENT OF RANGE BOUNDARY AND RELATED**
2 **TRANSFER OF TITLE.**

3 (a) *REALIGNMENT; PURPOSE.*—The Secretary of the
4 Interior and the Secretary of the Navy shall realign the
5 boundary of the Chocolate Mountain Aerial Gunnery
6 Range, as in effect on the date of the enactment of this Act,
7 to improve public safety and management of the Range,
8 consistent with the following:

9 (1) *The northwestern boundary of the Chocolate*
10 *Mountain Aerial Gunnery Range shall be realigned to*
11 *the edge of the Bradshaw Trail so that the Trail is*
12 *entirely on public land under the jurisdiction of the*
13 *Department of the Interior.*

14 (2) *The centerline of the Bradshaw Trail shall be*
15 *delineated by the Secretary of the Interior in con-*
16 *sultation with the Secretary of the Navy, beginning at*
17 *its western terminus at Township 8 South, Range 12*
18 *East, Section 6 eastward to Township 8 South, Range*
19 *17 East, Section 32 where it leaves the Chocolate*
20 *Mountain Aerial Gunnery Range.*

21 (b) *TRANSFERS RELATED TO REALIGNMENT.*—The
22 Secretary of the Interior and the Secretary of the Navy shall
23 make such transfers of administrative jurisdiction as may
24 be necessary to reflect the results of the boundary realign-
25 ment carried out pursuant to subsection (a).

1 (c) *APPLICABILITY OF NATIONAL ENVIRONMENTAL*
2 *POLICY ACT OF 1969.*—*The National Environmental Pol-*
3 *icy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply*
4 *to any transfer of land made under subsection (b) or any*
5 *decontamination actions undertaken in connection with*
6 *such a transfer.*

7 (d) *DECONTAMINATION.*—*The Secretary of the Navy*
8 *shall maintain, to the extent funds are available for such*
9 *purpose and consistent with applicable Federal and State*
10 *law, a program of decontamination of any contamination*
11 *caused by defense-related uses on land transferred under*
12 *subsection (b). The Secretary of Defense shall include a de-*
13 *scription of such decontamination activities in the annual*
14 *report required by section 2711 of title 10, United States*
15 *Code.*

16 (e) *TIMELINE.*—*The delineation of the Bradshaw Trail*
17 *under subsection (a) and any transfer of land under sub-*
18 *section (b) shall occur pursuant to a schedule agreed to by*
19 *the Secretary of the Interior and the Secretary of the Navy,*
20 *but in no case later than two years after the date of the*
21 *enactment of this Act.*

22 **SEC. 5. EFFECT OF TERMINATION OF MILITARY USE.**

23 (a) *NOTICE AND EFFECT.*—*Upon a determination by*
24 *the Secretary of the Navy that there is no longer a military*
25 *need for all or portions of the land transferred under section*

1 2, the Secretary of the Navy shall notify the Secretary of
 2 the Interior of such determination. Subject to subsections
 3 (b), (c), and (d), the Secretary of the Navy shall transfer
 4 the land subject to such a notice back to the administrative
 5 jurisdiction of the Secretary of the Interior.

6 (b) *CONTAMINATION*.—Before transmitting a notice
 7 under subsection (a), the Secretary of the Navy shall pre-
 8 pare a written determination concerning whether and to
 9 what extent the land to be transferred are contaminated
 10 with explosive, toxic, or other hazardous materials. A copy
 11 of the determination shall be transmitted with the notice.
 12 Copies of the notice and the determination shall be pub-
 13 lished in the Federal Register.

14 (c) *DECONTAMINATION*.—The Secretary of the Navy
 15 shall decontaminate any contaminated land that is the sub-
 16 ject of a notice under subsection (a) if—

17 (1) the Secretary of the Interior, in consultation
 18 with the Secretary of the Navy, determines that—

19 (A) decontamination is practicable and eco-
 20 nomically feasible (taking into consideration the
 21 potential future use and value of the land); and

22 (B) upon decontamination, the land could
 23 be opened to operation of some or all of the pub-
 24 lic land laws, including the mining laws; and

1 (2) *funds are appropriated for such decon-*
 2 *tamination.*

3 (d) *ALTERNATIVE.—The Secretary of the Interior is*
 4 *not required to accept land proposed for transfer under sub-*
 5 *section (a) if the Secretary of the Interior is unable to make*
 6 *the determinations under subsection (c)(1) or if Congress*
 7 *does not appropriate a sufficient amount of funds for the*
 8 *decontamination of the land.*

9 **SEC. 6. TEMPORARY EXTENSION OF EXISTING WITH-**
 10 **DRAWAL PERIOD.**

11 *Notwithstanding subsection (a) of section 806 of the*
 12 *California Military Lands Withdrawal and Overflights Act*
 13 *of 1994 (title VIII of Public Law 103–433; 108 Stat. 4505),*
 14 *the withdrawal and reservation of the land transferred*
 15 *under section 2 of this Act shall not terminate until the*
 16 *date on which the land transfer required by section 2 is*
 17 *executed.*

18 **SEC. 7. WATER RIGHTS.**

19 (a) *WATER RIGHTS.—Nothing in this Act shall be con-*
 20 *strued—*

21 *(1) to establish a reservation in favor of the*
 22 *United States with respect to any water or water*
 23 *right on lands transferred by this Act; or*

1 (2) *to authorize the appropriation of water on*
2 *lands transferred by this Act except in accordance*
3 *with applicable State law.*

4 ***(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED***
5 ***WATER RIGHTS.—This section shall not be construed to af-***
6 ***fect any water rights acquired or reserved by the United***
7 ***States before the date of the enactment of this Act.***

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