

116TH CONGRESS
2D SESSION

H. R. 6234

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

MARCH 12, 2020

Ms. ESCOBAR 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

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) **NATIONAL MONUMENT.**—The term “Na-
 7 tional Monument” means the Castner Range Na-
 8 tional Monument.

9 (3) **SECRETARY.**—The term “Secretary” means
 10 the Secretary of the Interior.

11 (4) **STATE.**—The term “State” means the State
 12 of Texas.

13 **SEC. 3. ESTABLISHMENT OF CASTNER RANGE NATIONAL**
 14 **MONUMENT, TEXAS.**

15 (a) **ESTABLISHMENT.**—Subject to valid existing
 16 rights, there is hereby established the Castner Range Na-
 17 tional Monument in the State.

18 (b) **AREA INCLUDED.**—The National Monument con-
 19 sists of Federal land and interests in Federal land within
 20 El Paso County, Texas, as depicted on the map entitled
 21 “Castner Range National Monument”.

1 (c) EXCLUSION OF NON-FEDERAL LAND.—The Na-
2 tional Monument includes only Federal land and interests
3 in Federal land and does not include or apply to private
4 property or other non-Federal land and interests in land
5 within the exterior boundaries of the National Monument.

6 (d) PURPOSE.—The purpose of the National Monu-
7 ment is to conserve, protect, and enhance for the benefit
8 and enjoyment of present and future generations the eco-
9 logical, scenic, wildlife, recreational, cultural, historical,
10 natural, educational, and scientific resources of the lands
11 included in the National Monument, including Castner
12 Range and its—

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

14 (2) role as a water conservation sanctuary
15 through a dozen natural canyons, arroyos (“gullies,
16 washes”) and alluvial fans which efficiently trans-
17 port run-off from the heights through seepage into
18 the large underground Hueco Bolsón (“aquifer”,
19 which along with the West Side Mesilla Bolsón sup-
20 plies much of El Paso’s water);

21 (3) historical significance, as it contains numer-
22 ous archaeological and historical resources that date
23 as far back as the Paleo-Indian, Archaic and historic
24 Indian groups, lasted from about 8000 B.C. to 4000

1 B.C. and was initially characterized by big-game
2 hunting;

3 (4) significance as a habitat for an extremely
4 diverse aggregation of wildlife and plant species of
5 special concern that are thought to inhabit Castner
6 Range, including the sand prickly pear, the Texas
7 lyre snake, and the western burrowing owl; and
8 (5) significance as a one-of-a-kind vegetation
9 region that includes a mountainous area, cactus
10 lechuguilla region, and draw-yucca grassland region.

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

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

15 (b) BUFFER ZONES.—Nothing in this Act creates a
16 protective perimeter or buffer zone around the National
17 Monument. The fact that any activities or uses outside
18 of areas designated by this Act can be seen or heard within
19 the National Monument shall not preclude the activities
20 or uses outside of the National Monument.

21 (c) USE OF EASEMENTS.—Nothing in this Act shall
22 affect currently used easements located within the Na-
23 tional Monument, including the use of Trans Mountain
24 Highway, the National Border Patrol Museum, El Paso
25 Museum of Archaeology, and the El Paso Water Utilities.

1 **SEC. 5. MANAGEMENT OF FEDERAL LANDS WITHIN THE NA-**
2 **TIONAL MONUMENT.**

3 (a) BASIS OF MANAGEMENT.—

4 (1) APPLICABLE LAWS.—The Secretary shall
5 manage the National Monument in a manner that
6 conserves, protects, and enhances the natural re-
7 sources and values of the National Monument, in ac-
8 cordance with—

9 (A) this Act;

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

12 (C) the Act of June 17, 1902 (commonly
13 known as the Reclamation Act of 1902; 32
14 Stat. 388), and Acts amendatory thereof and
15 supplemental thereto.

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

20 (b) TRIBAL CULTURAL USES.—Nothing in this Act
21 shall be construed to enlarge or diminish the rights of any
22 Indian Tribe.

23 (c) MANAGEMENT PLAN.—

24 (1) IN GENERAL.—The Secretary shall develop
25 a comprehensive plan for the protection and man-
26 agement of the National Monument that fulfills the

1 purposes specified in section 3. In implementing the
2 management plan and in considering any rec-
3 ommendations from the advisory council, the Sec-
4 retary shall consult with the advisory council on a
5 regular basis.

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

7 (A) describe the appropriate uses and
8 management of the National Monument;

9 (B) identify short-term and long-term
10 management actions and prioritize management
11 actions based on projected availability of re-
12 sources;

13 (C) include a habitat restoration opportu-
14 nities component;

15 (D) include a recreational opportunity en-
16 hancement component; and

17 (E) include a component that addresses
18 the Secretary of Army's remediation of haz-
19 ardous substances or munitions and explosives
20 of concern within the National Monument.

21 (3) PUBLIC PARTICIPATION AND SPECIAL CON-
22 siderations.—In developing the management plan,
23 and to the extent consistent with this section, the
24 Secretary—

25 (A) shall solicit extensive public input;

1 (B) shall take into consideration any infor-
2 mation developed in studies of the land within
3 the National Monument;

4 (C) shall assess available climate change
5 information pertinent to the National Monu-
6 ment;

7 (D) shall include standards and practices
8 to ensure the preservation of wildlife corridors
9 and facilitate species migration; and

10 (E) may incorporate any provision from a
11 resource management plan, land and resource
12 management plan, or any other plan applicable
13 to the National Monument.

14 (d) COOPERATIVE AGREEMENTS.—In carrying out
15 this Act, the Secretary may make grants to, or enter into
16 cooperative agreements with, State, Tribal, and local gov-
17 ernmental entities and private entities to conduct re-
18 search, develop scientific analyses, and carry out any other
19 initiative relating to the restoration or conservation of the
20 National Monument.

21 (e) MOTORIZED AND MECHANIZED VEHICLES.—Ex-
22 cept where needed for administrative purposes or to re-
23 spond to an emergency, the use of motorized and mecha-
24 nized vehicles on lands within the National Monument

1 shall be permitted only on roads and trails designated for
2 their use.

3 (f) ACQUISITION AND INCORPORATION OF LANDS
4 AND INTERESTS.—

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

9 (2) MANAGEMENT.—Any land or interest in
10 land that is located within the National Monument
11 that is acquired by the United States shall—

12 (A) become part of the National Monu-
13 ment; and

14 (B) be managed in accordance with this
15 Act.

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

19 (1) entry, appropriation, or disposal under the
20 public land laws;

21 (2) location, entry, and patent under the mining
22 laws; and

23 (3) leasing or disposition under all laws relating
24 to operation of the mineral leasing, mineral mate-
25 rials, and geothermal leasing laws.

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

4 (1) the purpose for which the land is to be con-
5 veyed is consistent with the purposes specified in
6 section 3;

7 (2) the conveyance would benefit the National
8 Monument and is in the public interest, as deter-
9 mined by the Secretary; and

10 (3) the conveyance is made in accordance with
11 applicable laws (including regulations).

12 (i) WILDLAND FIRE OPERATIONS.—Nothing in this
13 section prohibits the Secretary, in cooperation with other
14 Federal, State, and local agencies, as appropriate, from
15 conducting wildland fire operations in the National Monu-
16 ment consistent with the purposes specified in section 3.

17 **SEC. 6. WATER.**

18 Nothing in this Act—

19 (1) affects the use or allocation, in existence on
20 the date of enactment of this Act, of any water,
21 water right, or interest in water;

22 (2) affects any vested absolute or decreed condi-
23 tional water right in existence on the date of enact-
24 ment of this Act, including any water right held by
25 the United States;

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

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

5 (5) relinquishes or reduces any water rights re-
6 served or appropriated by the United States in the
7 State on or before the date of the enactment of this
8 Act.

9 **SEC. 7. BORDER SECURITY.**

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

11 (1) prevents the Secretary of Homeland Secu-
12 rity from conducting—

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

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

22 (2) affects the 2006 Memorandum of Under-
23 standing among the Department of Homeland Secu-
24 rity, the Department of the Interior, and the De-
25 partment of Agriculture regarding cooperative na-

1 tional security and counterterrorism efforts on Fed-
2 eral lands along the borders of the United States.

3 (b) WITHDRAWAL AND ADMINISTRATION OF CER-
4 TAIN AREA.—Nothing in this section precludes the Sec-
5 retary from allowing within the area described in sub-
6 section (a)(1)(A) the installation and maintenance of com-
7 munication or surveillance infrastructure necessary for law
8 enforcement or border security activities.

9 **SEC. 8. DEPARTMENT OF ARMY RESPONSIBILITY AND AU-**
10 **THORITY.**

11 (a) RESPONSIBILITY.—Nothing in this Act shall af-
12 fect—

13 (1) the responsibility of the Department of the
14 Army under applicable environmental laws, including
15 the remediation of hazardous substances or muni-
16 tions and explosives of concern within the National
17 Monument boundaries;

18 (2) the statutory authority of the Department
19 of the Army to control public access or statutory re-
20 sponsibility to make other measures for environ-
21 mental remediation, monitoring, security, safety, or
22 emergency preparedness purposes;

23 (3) the activities of the Department of the
24 Army on lands not included within the National
25 Monument; or

1 (4) the responsibility of the Department of the
2 Army, in consultation with the Secretary (acting
3 through the Bureau of Land Management), to con-
4 tinue to manage the lands and interests in lands
5 under the Secretary's jurisdiction within the Na-
6 tional Monument boundaries until the Army trans-
7 fers administrative jurisdiction of those lands and
8 interests in lands to the Bureau of Land Manage-
9 ment.

10 (b) **AUTHORITY.**—The Secretary of the Army and the
11 Secretary may enter into a memorandum of understanding
12 whereby the Secretary of the Army—

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

16 (2) may not relinquish or diminish the responsi-
17 bility of the Secretary of the Army of responsibilities
18 referred to in subsection (a).

19 **SEC. 9. CASTNER RANGE NATIONAL MONUMENT ADVISORY**
20 **COUNCIL.**

21 (a) **ESTABLISHMENT.**—Not less than 180 days after
22 the date of the enactment of this Act, the Secretary shall
23 establish an advisory council to be known as the “Castner
24 Range National Monument Advisory Council”.

1 (b) DUTIES.—The advisory council shall advise the
2 Secretary with respect to the preparation and implementa-
3 tion of the management plan for the National Monument.

4 (c) APPLICABLE LAW.—The advisory council shall be
5 subject to—

6 (1) the Federal Advisory Committee Act (5
7 U.S.C. App.);

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

10 (3) all other applicable law.

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

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

17 (2) one member shall be appointed after consid-
18 ering the recommendations of the head of the Texas
19 Parks and Wildlife Department;

20 (3) one member shall be appointed to represent
21 Native American Tribes;

22 (4) one member shall be appointed to represent
23 Fort Bliss; and

24 (5) seven members shall reside in, or within
25 reasonable proximity to, the county specified in

1 paragraphs (1) through (4) with backgrounds that
2 reflect—

3 (A) the purposes specified in section 3; and

4 (B) the interest of persons affected by the
5 planning and management of the National
6 Monument, including persons representing the
7 agricultural, private land-ownership, environ-
8 mental, recreational, tourism, or other non-Fed-
9 eral land interests.

10 (e) REPRESENTATION.—The Secretary shall ensure
11 that the membership of the advisory council is fairly bal-
12 anced in terms of the points of view represented and the
13 functions to be performed by the advisory council.

14 (f) TERMS.—

15 (1) STAGGERED TERMS.—Members of the advi-
16 sory council shall be appointed for terms of 3 years,
17 except that, of the members first appointed, 5 of the
18 members shall be appointed for a term of one year
19 and 5 of the members shall be appointed for a term
20 of 2 years.

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

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

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

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

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

13 (j) TERMINATION.—The advisory committee shall
14 cease to exist—

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

18 (2) on such later date as the Secretary con-
19 siders appropriate.

20 **SEC. 10. LAND CONVEYANCE, CASTNER RANGE, FORT**
21 **BLISS, TEXAS.**

22 Section 2844 of the National Defense Authorization
23 Act for Fiscal Year 2013 is repealed.

