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113TH CONGRESS
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S. 1309

[Report No. 113-161]

To withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16 (legislative day, JULY 15), 2013

Mr. WYDEN (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 14, 2014

Reported by Ms. LANDRIEU, with an amendment

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

A BILL

To withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, 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 “Military Land With-
5 drawals Act”.

1 **SEC. 2. MILITARY LAND WITHDRAWALS AND CODIFICATION**
 2 **OF STATUTORY PROVISIONS RELATING TO**
 3 **CHINA LAKE, LIMESTONE HILLS, CHOCOLATE**
 4 **MOUNTAIN, AND TWENTYNINE PALMS.**

5 (a) **MILITARY LAND WITHDRAWALS AND CREATION**
 6 **OF NEW CHAPTER.**—Subtitle A of title 10, United States
 7 Code, is amended by inserting after chapter 173 the fol-
 8 lowing new chapter:

9 **“CHAPTER 174—LAND WITHDRAWALS**

“Subchapter	Sec.
“I. General Provisions	2931
“II. China Lake, California	2955
“III. Limestone Hills, Montana	2957
“IV. Chocolate Mountain, California	2959
“V. Twentynine Palms, California	2961

10 **“SUBCHAPTER I—GENERAL PROVISIONS**

“Sec.

“2931. General applicability; definition.

“2932. Maps and legal descriptions.

“2933. Access restrictions.

“2934. Changes in use.

“2935. Authorizations for nondefense-related uses.

“2936. Brush and fire prevention and suppression.

“2937. On-going decontamination.

“2938. Water rights.

“2939. Hunting, fishing, and trapping.

“2940. Limitations on extensions and withdrawals.

“2941. Application for renewal of a withdrawal and reservation.

“2942. Limitation on subsequent availability of lands for appropriation.

“2943. Relinquishment.

“2944. Interchanges and transfers of Federal lands.

“2945. Delegability by the Secretary of the Interior.

“2946. Land withdrawals; immunity of United States.

11 **“§ 2931. General applicability; definition**

12 **“(a) APPLICABILITY OF SUBCHAPTER.**—The provi-
 13 sions of this subchapter apply to any withdrawal made by
 14 this chapter.

1 “(b) RULES OF CONSTRUCTION.—(1) Except as may
 2 be provided pursuant to section 2944 of this title, nothing
 3 in this chapter shall be construed as assigning manage-
 4 ment of real property under the administrative jurisdiction
 5 of the Secretary concerned to the Secretary of the Interior.

6 “(2) The terms ‘manage’ and ‘management’, when
 7 used in reference to lands withdrawn and reserved by this
 8 chapter, include the authority to exercise jurisdiction, cus-
 9 tody, and control over those lands in accordance with this
 10 title, except that those terms do not include authority for
 11 land disposal.

12 “(c) DEFINITION.—In this chapter, the term ‘Indian
 13 tribe’ has the meaning given such term in section 102 of
 14 the Federally Recognized Indian Tribe List Act of 1994
 15 (25 U.S.C. 479a).

16 **“§ 2932. Maps and legal descriptions**

17 “(a) PREPARATION OF MAPS AND LEGAL DESCRIP-
 18 TIONS.—As soon as practicable after the date of the enact-
 19 ment of a subchapter of this chapter, the Secretary of the
 20 Interior shall—

21 “(1) publish in the Federal Register a notice
 22 containing the legal description of the lands with-
 23 drawn and reserved by such subchapter; and

24 “(2) file a map or maps and legal description
 25 of the lands withdrawn and reserved by such sub-

1 chapter with the Committee on Armed Services and
2 the Committee on Energy and Natural Resources of
3 the Senate and the Committee on Armed Services
4 and the Committee on Natural Resources of the
5 House of Representatives.

6 “(b) **LEGAL EFFECT.**—Such maps and legal descrip-
7 tions shall have the same force and effect as if they were
8 included in this chapter, except that the Secretary of the
9 Interior may correct clerical and typographical errors in
10 such maps and legal descriptions.

11 “(c) **AVAILABILITY.**—Copies of such maps and legal
12 descriptions shall be available for public inspection—

13 “(1) in the appropriate offices of the Bureau of
14 Land Management;

15 “(2) in the office of the commanding officer of
16 the military installation at which the lands are with-
17 drawn; and

18 “(3) if the military installation is under the
19 management of the National Guard, in the office of
20 the Adjutant General of the State in which the in-
21 stallation is located.

22 “(d) **COSTS.**—The Secretary concerned shall reim-
23 burse the Secretary of the Interior for the costs incurred
24 by the Secretary of the Interior in implementing this sec-
25 tion.

1 **“§ 2933. Access restrictions**

2 “(a) IN GENERAL.—If the Secretary concerned deter-
3 mines that military operations, public safety, or national
4 security require the closure to the public of any road, trail,
5 or other portion of the lands withdrawn and reserved by
6 a subchapter of this chapter, the Secretary may take such
7 action as the Secretary determines necessary or desirable
8 to effect and maintain such closure.

9 “(b) LIMITATION.—Any closure under subsection (a)
10 shall be limited to the minimum areas and periods that
11 the Secretary concerned determines are required for the
12 purposes specified in such subsection.

13 “(c) CONSULTATION.—(1) Before a closure under
14 this section is implemented, the Secretary concerned shall
15 consult with the Secretary of the Interior.

16 “(2) In a case in which such a closure may affect
17 access to or use of sacred sites or resources considered
18 important by an Indian tribe, the Secretary concerned
19 shall consult, at the earliest practicable time, with that
20 tribe.

21 “(3) No consultation is required under paragraph (1)
22 or (2)—

23 “(A) if the closure is already provided for in an
24 integrated natural resources management plan, an
25 installation cultural resources management plan, or
26 a land use management plan; or

1 “(B) in the case of an emergency, as deter-
2 mined by the Secretary concerned.

3 “(d) NOTICE.—Immediately preceding and during
4 any closure under subsection (a), the Secretary concerned
5 shall post appropriate warning notices and take other
6 steps, as necessary, to notify the public of the closure.

7 “§ 2934. Changes in use

8 “(a) OTHER USES AUTHORIZED.—The Secretary
9 concerned may authorize the use of lands withdrawn and
10 reserved by a subchapter of this chapter for defense-re-
11 lated purposes in addition to the purposes specified in
12 such subchapter.

13 “(b) NOTICE TO SECRETARY OF THE INTERIOR.—
14 The Secretary concerned shall promptly notify the Sec-
15 retary of the Interior in the event that the lands with-
16 drawn and reserved by a subchapter of this chapter will
17 be used for additional defense-related purposes. Such noti-
18 fication shall indicate—

19 “(1) the additional use or uses involved;

20 “(2) the planned duration of such additional
21 uses; and

22 “(3) the extent to which such additional uses
23 will require that additional or more stringent condi-
24 tions or restrictions be imposed on otherwise-per-

1 mitted non-defense-related uses of the withdrawn
2 and reserved lands or portions thereof.

3 **“§ 2935. Authorizations for nondefense-related uses**

4 “(a) AUTHORIZATIONS BY THE SECRETARY OF THE
5 INTERIOR.—Subject to the applicable withdrawals con-
6 tained in each subchapter of this chapter, with the consent
7 of the Secretary concerned, the Secretary of the Interior
8 may authorize the use, occupancy, or development of the
9 lands withdrawn and reserved by this chapter.

10 “(b) AUTHORIZATIONS BY THE SECRETARY CON-
11 CERNED.—The Secretary concerned may authorize the
12 use, occupancy, or development of the lands withdrawn
13 and reserved by this chapter—

14 “(1) for a defense-related purpose; or

15 “(2) subject to the consent of the Secretary of
16 the Interior, for a non-defense-related purpose.

17 “(c) FORM OF AUTHORIZATION.—An authorization
18 under this section may be provided by lease, easement,
19 right-of-way, permit, license, or other instrument author-
20 ized by law.

21 “(d) PREVENTION OF DRAINAGE OF OIL OR GAS RE-
22 SOURCES.—For the purpose of preventing drainage of oil
23 or gas resources, the Secretary of the Interior may lease
24 lands otherwise withdrawn from operation of the mineral
25 leasing laws and reserved for defense-related purposes

1 under this chapter, under such terms and conditions as
2 the Secretary considers appropriate. No surface occupancy
3 may be approved by the Secretary of the Interior without
4 the consent of the Secretary concerned. The Secretary of
5 the Interior may unitize or consent to communitization of
6 such lands. The Secretary of the Interior may promulgate
7 regulations to implement this subsection.

8 **“§ 2936. Brush and range fire prevention and sup-**
9 **pression**

10 “(a) **REQUIRED ACTIVITIES.**—The Secretary con-
11 cerned shall, consistent with any applicable land manage-
12 ment plan, take necessary precautions to prevent, and ac-
13 tions to suppress, brush and range fires occurring as a
14 result of military activities on the lands withdrawn and
15 reserved by this chapter, including fires outside those
16 lands that spread from the withdrawn and reserved lands
17 and which occurred as a result of such activities.

18 “(b) **COOPERATION OF SECRETARY OF THE INTE-**
19 **RIOR.**—At the request of the Secretary concerned, the Sec-
20 retary of the Interior shall provide assistance in the sup-
21 pression of such fires and shall be reimbursed for such
22 assistance by the Secretary concerned. Notwithstanding
23 section 2215 of this title, the Secretary concerned may
24 transfer to the Secretary of the Interior, in advance, funds

1 to reimburse the costs of the Department of the Interior
2 in providing such assistance.

3 **“§ 2937. On-going decontamination**

4 “Throughout the duration of a withdrawal and res-
5 ervation of lands under this chapter, the Secretary con-
6 cerned shall maintain, to the extent funds are available
7 for such purpose, a program of decontamination of con-
8 tamination caused by defense-related uses on such lands
9 consistent with applicable Federal and State law. The Sec-
10 retary of Defense shall include a description of such de-
11 contamination activities in the annual report required by
12 section 2711 of this title.

13 **“§ 2938. Water rights**

14 “(a) NO RESERVATION CREATED.—Nothing in this
15 chapter shall be construed—

16 “(1) to establish a reservation in favor of the
17 United States with respect to any water or water
18 right on the lands withdrawn and reserved by this
19 chapter; or

20 “(2) to authorize the appropriation of water on
21 such lands except in accordance with applicable
22 State law.

23 “(b) EFFECT ON PREVIOUSLY ACQUIRED OR RE-
24 SERVED WATER RIGHTS.—This section shall not be con-
25 strued to affect any water rights acquired or reserved by

1 the United States before the date of the enactment of the
2 applicable subchapter of this chapter, and the Secretary
3 concerned may exercise any such previously acquired or
4 reserved water rights.

5 **“§ 2939. Hunting, fishing, and trapping**

6 “Section 2671 of this title shall apply to all hunting,
7 fishing, and trapping on the lands withdrawn and reserved
8 by this chapter and for which management has been as-
9 signed to the Secretary concerned.

10 **“§ 2940. Limitation on extensions and renewals**

11 “The withdrawals and reservations established by
12 this chapter may not be extended or renewed except by
13 a law enacted by Congress.

14 **“§ 2941. Application for renewal of a withdrawal and**
15 **reservation**

16 “(a) NOTICE.—To the extent practicable, no later
17 than five years before the termination of a withdrawal and
18 reservation established by a subchapter of this chapter,
19 the Secretary concerned shall notify the Secretary of the
20 Interior as to whether or not the Secretary concerned will
21 have a continuing defense-related need for any of the lands
22 withdrawn and reserved by such subchapter after the ter-
23 mination date of such withdrawal and reservation. The
24 Secretary concerned shall provide a copy of the notice to
25 the Committee on Armed Services and the Committee on

1 Energy and Natural Resources of the Senate and the
2 Committee on Armed Services and the Committee on Nat-
3 ural Resources of the House of Representatives.

4 “(b) FILING FOR EXTENSION.—If the Secretary con-
5 cerned concludes that there will be a continuing defense-
6 related need for any of such lands after the termination
7 date, the Secretary shall file an application for extension
8 of the withdrawal and reservation of such needed lands
9 in accordance with the regulations and procedures of the
10 Department of the Interior applicable to the extension of
11 withdrawals.

12 **“§ 2942. Limitation on subsequent availability of**
13 **lands for appropriation**

14 “At the time of termination of a withdrawal and res-
15 ervation made by a subchapter of this chapter, the pre-
16 viously withdrawn lands shall not be open to any form of
17 appropriation under the public land laws, including the
18 mining laws and the mineral leasing and geothermal leas-
19 ing laws, until the Secretary of the Interior publishes in
20 the Federal Register an appropriate order specifying the
21 date upon which such lands shall be restored to the public
22 domain and opened for such purposes.

23 **“§ 2943. Relinquishment**

24 “(a) NOTICE OF INTENTION TO RELINQUISH.—If,
25 during the period of withdrawal and reservation, the Sec-

1 retary concerned decides to relinquish any or all of the
2 lands withdrawn and reserved by a subchapter of this
3 chapter, the Secretary concerned shall file a notice of in-
4 tention to relinquish with the Secretary of the Interior.

5 “(b) DETERMINATION OF CONTAMINATION.—As a
6 part of the notice under subsection (a), the Secretary con-
7 cerned shall include a written determination concerning
8 whether and to what extent the lands that are to be relin-
9 quished are contaminated with explosive materials or toxic
10 or hazardous substances.

11 “(c) PUBLIC NOTICE.—The Secretary of the Interior
12 shall publish in the Federal Register the notice of inten-
13 tion to relinquish, including the determination concerning
14 the contaminated state of the lands.

15 “(d) DECONTAMINATION OF LANDS TO BE RELIN-
16 QUISHED.—

17 “(1) DECONTAMINATION REQUIRED.—If land
18 subject of a notice of intention to relinquish pursu-
19 ant to subsection (a) is contaminated, and the Sec-
20 retary of the Interior, in consultation with the Sec-
21 retary concerned, determines that decontamination
22 is practicable and economically feasible (taking into
23 consideration the potential future use and value of
24 the land) and that, upon decontamination, the land
25 could be opened to operation of some or all of the

1 public land laws, including the mining laws and the
2 mineral leasing and geothermal leasing laws, the
3 Secretary concerned shall decontaminate the land to
4 the extent that funds are appropriated for such pur-
5 pose.

6 “(2) ALTERNATIVES.—If the Secretary of the
7 Interior, after consultation with the Secretary con-
8 cerned, concludes that decontamination of land sub-
9 ject of a notice of intention to relinquish pursuant
10 to subsection (a) is not practicable or economically
11 feasible, or that the land cannot be decontaminated
12 sufficiently to be opened to operation of some or all
13 of the public land laws, or if Congress does not ap-
14 propriate sufficient funds for the decontamination of
15 such land, the Secretary of the Interior shall not be
16 required to accept the land proposed for relinquish-
17 ment.

18 “(3) STATUS OF CONTAMINATED LANDS UPON
19 TERMINATION.—If, because of their contaminated
20 state, the Secretary of the Interior declines to accept
21 the lands withdrawn and reserved by a subchapter
22 of this chapter which have been proposed for relin-
23 quishment, or if at the expiration of the withdrawal
24 and reservation made by such subchapter the Sec-
25 retary of the Interior determines that some of the

1 lands withdrawn and reserved by such subchapter
2 are contaminated to an extent which prevents open-
3 ing such contaminated lands to operation of the pub-
4 lic land laws—

5 “(A) the Secretary concerned shall take
6 appropriate steps to warn the public of the con-
7 taminated state of such lands and any risks as-
8 sociated with entry onto such lands;

9 “(B) after the expiration of the withdrawal
10 and reservation, the Secretary concerned shall
11 undertake no activities on such lands except in
12 connection with decontamination of such lands;
13 and

14 “(C) the Secretary concerned shall report
15 to the Secretary of the Interior and to the Con-
16 gress concerning the status of such lands and
17 all actions taken in furtherance of this para-
18 graph.

19 “(e) REVOCATION AUTHORITY.—Upon deciding that
20 it is in the public interest to accept the lands proposed
21 for relinquishment pursuant to subsection (a), the Sec-
22 retary of the Interior may order the revocation of a with-
23 drawal and reservation established by a subchapter of this
24 chapter as it applies to such lands. The Secretary of the

1 Interior shall publish in the Federal Register the revoca-
 2 tion order, which shall—

3 “(1) terminate the withdrawal and reservation;

4 “(2) constitute official acceptance of the lands
 5 by the Secretary of the Interior; and

6 “(3) state the date upon which the lands will be
 7 opened to the operation of some or all of the public
 8 land laws, including the mining laws.

9 “(f) ACCEPTANCE BY SECRETARY OF THE INTE-
 10 RIOR.—Nothing in this section shall be construed to re-
 11 quire the Secretary of the Interior to accept the lands pro-
 12 posed for relinquishment if the Secretary determines that
 13 such lands are not suitable for return to the public do-
 14 main. If the Secretary makes such a determination, the
 15 Secretary shall provide notice of the determination to Con-
 16 gress.

17 **“§ 2944. Interchanges and transfers of Federal lands**

18 “(a) AUTHORITY.—The Secretary of the Interior and
 19 the Secretary concerned may interchange or transfer be-
 20 tween each other parcels of Federal land under their juris-
 21 diction. A parcel may include multiple non-contiguous
 22 pieces of Federal lands.

23 “(b) CONDITIONS.—Any interchange or transfer of
 24 land under this section is subject to the following condi-
 25 tions:

1 “(1) The Secretary of the Interior and the Sec-
2 retary concerned must each determine that the
3 interchange or transfer is to the benefit of their re-
4 spective department and in the public interest.

5 “(2) Both parcels of land to be interchanged
6 must, before the interchange, be located on the same
7 military installation.

8 “(3) Both parcels of land to be interchanged
9 must be of approximately the same acreage.

10 “(4) The parcel to be transferred must be lo-
11 cated on the military installation to which it is
12 transferred.

13 “(5) The parcel interchanged or transferred by
14 the Secretary of the Interior must be part of the
15 lands withdrawn and reserved by this chapter.

16 “(6) The parcel interchanged or transferred by
17 the Secretary concerned must be under the adminis-
18 trative jurisdiction of the Secretary concerned and
19 excess to the needs of the Department of Defense.

20 “(7) During the term of a withdrawal, no more
21 than 5,000 acres may be transferred under this sec-
22 tion by one Secretary to the other on any one mili-
23 tary installation.

1 “(c) STATUS OF FEDERAL LAND AFTER INTER-
2 CHANGE.—Upon completion of an interchange or transfer
3 under this section—

4 “(1) at the discretion of the Secretary of the
5 Interior, a parcel received by the Secretary of the
6 Interior may—

7 “(A) become withdrawn and reserved lands
8 under the provisions of this chapter; or

9 “(B) be managed as public lands under the
10 provisions of the Federal Land Policy and Man-
11 agement Act (43 U.S.C. 1701 et seq.) and
12 other applicable law; and

13 “(2) a parcel received by the Secretary con-
14 cerned shall—

15 “(A) cease to be part of the public lands
16 and lands withdrawn and reserved by this chap-
17 ter; and

18 “(B) be treated as property under section
19 102(9) of title 40 under the administrative ju-
20 risdiction of the Secretary concerned.

21 “(d) EQUALIZATION PAYMENTS.—Neither the Sec-
22 retary of the Interior nor the Secretary concerned may
23 make an equalization payment to further a land inter-
24 change or transfer under this section.

1 **“§ 2945. Delegability by the Secretary of the Interior**

2 “‘The Secretary of the Interior may delegate the Sec-
3 retary’s functions under this chapter, except that an order
4 pursuant to section 2942 of this title and a revocation
5 order pursuant to section 2943(e) of this title may be ap-
6 proved and signed only by individuals in the Office of the
7 Secretary who have been appointed by the President, by
8 and with the advice and consent of the Senate.

9 **“§ 2946. Land withdrawals; immunity of the United**
10 **States**

11 “‘The United States and all departments and agencies
12 thereof, and their officers and employees, shall be held
13 harmless and shall not be liable for any injuries or dam-
14 ages to persons or property suffered in the course of any
15 mining or mineral or geothermal leasing activity or other
16 authorized non-defense-related activity conducted on lands
17 withdrawn and reserved by this chapter.

18 **“SUBCHAPTER II—CHINA LAKE, CALIFORNIA**

“Sec.

“2955a. Withdrawal and reservation.

“2955b. Management of withdrawn and reserved lands.

“2955c. Duration of withdrawal and reservation.

19 **“§ 2955a. Withdrawal and reservation**

20 “(a) WITHDRAWAL.—(1) Subject to valid existing
21 rights and except as otherwise provided in this subchapter,
22 the public lands and interests in lands described in sub-
23 section (c), and all other areas within the boundary of

1 such lands as depicted on the map provided for by section
2 2932 of this title which may become subject to the oper-
3 ation of the public land laws, are hereby withdrawn from
4 all forms of appropriation under the public land laws, in-
5 cluding the mining laws and the mineral leasing laws.

6 “(b) RESERVATION.—The lands withdrawn by sub-
7 section (a) are reserved for use by the Secretary of the
8 Navy for the following purposes:

9 “(1) Use as a research, development, test, and
10 evaluation laboratory.

11 “(2) Use as a range for air warfare weapons
12 and weapon systems.

13 “(3) Use as a high-hazard testing and training
14 area for aerial gunnery, rocketry, electronic warfare
15 and countermeasures, tactical maneuvering and air
16 support, and directed energy and unmanned aerial
17 systems.

18 “(4) Geothermal leasing, development, and re-
19 lated power production activities.

20 “(5) Other defense-related purposes consistent
21 with the purposes specified in the preceding para-
22 graphs and authorized pursuant to section 2934 of
23 this title.

24 “(c) LAND DESCRIPTION.—The public lands and in-
25 terests in lands referred to in subsection (a) are the Fed-

1 eral lands located within the boundaries of the Naval Air
 2 Weapons Station China Lake, comprising approximately
 3 1,030,000 acres in Inyo, Kern, and San Bernardino Coun-
 4 ties, California, as generally depicted on a map entitled
 5 ‘Naval Air Weapons Station China Lake Withdrawal—Re-
 6 newal’, dated XX, xx, 2012, and filed in accordance with
 7 section 2932 of this title.

8 **“§ 2955b. Management of withdrawn and reserved**
 9 **lands**

10 “(a) MANAGEMENT BY THE SECRETARY OF THE IN-
 11 TERIOR.—(1) Except as provided in subsection (b), during
 12 the period of the withdrawal and reservation of lands by
 13 this subchapter, the Secretary of the Interior shall manage
 14 the lands withdrawn and reserved by section 2955a of this
 15 title in accordance with this chapter, the Federal Land
 16 Policy and Management Act of 1976 (43 U.S.C. 1701 et
 17 seq.), and other applicable law.

18 “(2) To the extent consistent with applicable law and
 19 Executive orders, the lands withdrawn by section 2955a
 20 of this title may be managed in a manner permitting the
 21 following activities:

22 “(A) Grazing.

23 “(B) Protection of wildlife and wildlife habitat.

24 “(C) Preservation of cultural properties.

25 “(D) Control of predatory and other animals.

1 ~~“(E) Recreation and education.~~

2 ~~“(F) Prevention and appropriate suppression of~~
3 ~~brush and range fires resulting from non-military~~
4 ~~activities.~~

5 ~~“(G) Geothermal leasing and development and~~
6 ~~related power production activities.~~

7 ~~“(3) All non-defense-related uses of such lands, in-~~
8 ~~cluding the uses described in paragraph (2), shall be sub-~~
9 ~~ject to such conditions and restrictions as may be nec-~~
10 ~~essary to permit the defense-related use of such lands for~~
11 ~~the purposes specified in or authorized pursuant to this~~
12 ~~chapter.~~

13 ~~“(b) ASSIGNMENT OF MANAGEMENT.—(1) The Sec-~~
14 ~~retary of the Interior may assign the management respon-~~
15 ~~sibility, in whole or in part, for the lands withdrawn and~~
16 ~~reserved by section 2955a of this title to the Secretary~~
17 ~~of the Navy who, if so assigned, shall manage such lands~~
18 ~~in accordance with this title, title I of the Sikes Act (16~~
19 ~~U.S.C. 670a et seq.), the Federal Land Policy and Man-~~
20 ~~agement Act of 1976, and cooperative management ar-~~
21 ~~rangements between the Secretary of the Interior and the~~
22 ~~Secretary of the Navy. Nothing in this subsection or sec-~~
23 ~~tion 2935 of this title shall affect geothermal leases issued~~
24 ~~by the Secretary of the Interior before the date of the en-~~
25 ~~actment of this subchapter, or the responsibility of the~~

1 Secretary of the Interior to administer and manage such
2 leases, consistent with the provisions of this section.

3 “(2) The Secretary of the Interior shall be respon-
4 sible for the issuance of any lease, easement, right-of-way,
5 permit, license, or other instrument authorized by law with
6 respect to any activity which involves both the lands with-
7 drawn and reserved by section 2955a of this title and any
8 other lands not under the administrative jurisdiction of
9 the Secretary of the Navy. Any such authorization shall
10 be issued only with the consent of the Secretary of the
11 Navy and shall be subject to such conditions as the Sec-
12 retary of the Navy may prescribe with regard to those
13 lands withdrawn and reserved by section 2955a of this
14 title.

15 “(3) Neither this chapter nor any other provision of
16 law shall be construed to prohibit the Secretary of the In-
17 terior from issuing and administering any lease pursuant
18 to the Geothermal Steam Act of 1970 (30 U.S.C. 1001
19 et seq.) and other applicable law for the development and
20 utilization of geothermal steam and associated geothermal
21 resources on the lands withdrawn and reserved by section
22 2955a of this title, but such a lease may not be issued
23 without the concurrence of the Secretary of the Navy.

24 “(4) This chapter shall not affect the geothermal ex-
25 ploration and development authority of the Secretary of

1 the Navy under section 2917 of this title with respect to
2 the lands withdrawn and reserved by section 2955a, except
3 that the Secretary of the Navy shall obtain the concurren-
4 cence of the Secretary of the Interior before taking action
5 under section 2917.

6 “(5) Upon the expiration of the withdrawal and res-
7 ervation or upon the relinquishment of the lands with-
8 drawn and reserved by section 2955a of this title, Navy
9 contracts for the development of geothermal resources at
10 Naval Air Weapons Station China Lake then in effect (as
11 amended or renewed by the Navy after the date of the
12 enactment of this subchapter) shall remain in effect, ex-
13 cept that the Secretary of the Interior, with the consent
14 of the Secretary of the Navy, may offer to substitute a
15 standard geothermal lease for any such contract.

16 “(6) Any lease made pursuant to section 2935(d) of
17 this title of lands withdrawn and reserved by section
18 2955a of this title shall require the concurrence of the Sec-
19 retary of the Navy if the Secretary determines that the
20 proposed lease may interfere with geothermal resources on
21 those lands.

22 “(7) The Secretary of the Navy shall be responsible
23 for the management of wild horses and burros located on
24 the lands withdrawn and reserved by section 2955a of this
25 title and may use helicopters and motorized vehicles for

1 such purpose. Such management shall be conducted in ac-
 2 cordance with laws applicable to such management on
 3 public lands. The Secretary of the Interior and the Sec-
 4 retary of the Navy shall enter into an agreement for imple-
 5 mentation of such management.

6 “(c) CONTINUATION OF EXISTING AGREEMENT.—

7 The agreement between the Secretary of the Interior and
 8 the Secretary of the Navy entered into before the date of
 9 the enactment of this subchapter pursuant to section 805
 10 of the California Military Lands Withdrawal and Over-
 11 flights Act of 1994 shall continue in effect until the earlier
 12 of—

13 “(1) the date on which the Secretaries enter
 14 into a new agreement; or

15 “(2) the date that is one year after the date of
 16 the enactment of this subchapter.

17 “(d) COOPERATION IN DEVELOPMENT OF MANAGE-

18 MENT PLAN.—(1) The Secretary of the Navy and the Sec-
 19 retary of the Interior shall update and maintain coopera-
 20 tive arrangements concerning land resources and land
 21 uses on the lands withdrawn and reserved by section
 22 2955a of this title.

23 “(2) Cooperative arrangements under paragraph (1)
 24 shall focus on and apply to sustainable management and
 25 protection of the natural and cultural resources and envi-

1 ronmental values found on such withdrawn and reserved
2 lands, consistent with the defense-related purposes for
3 which those lands are withdrawn and reserved.

4 “(3) Each cooperative arrangement under paragraph
5 (1) shall include a comprehensive land use management
6 plan which shall integrate and be consistent with all appli-
7 cable law, including the requirements of title I of the Sikes
8 Act and the Federal Land Policy and Management Act
9 of 1976. Each such management plan shall be reviewed
10 annually and shall be updated, as needed, in response to
11 evolving management requirements and to complement the
12 updates of other applicable land use and resource manage-
13 ment and planning.

14 “(e) IMPLEMENTING AGREEMENT.—(1) The Sec-
15 retary of the Interior and the Secretary of the Navy may
16 enter into a written agreement to implement the com-
17 prehensive land use management plan developed under
18 subsection (d).

19 “(2) An agreement under paragraph (1) shall include
20 a provision for periodic review of the agreement for its
21 adequacy, effectiveness, and need for revision.

22 “(3) The duration of an agreement under paragraph
23 (1) shall be the same as the period of the withdrawal and
24 reservation of lands under this subchapter, but may be
25 amended from time to time.

1 **“§ 2955e. Duration of withdrawal and reservation**

2 “The withdrawal and reservation made by this sub-
3 chapter shall terminate on March 31, 2039.

4 ~~“SUBCHAPTER III—LIMESTONE HILLS,~~
5 MONTANA

“See:

“2957a. Withdrawal and reservation.

“2957b. Management of withdrawn and reserved lands.

“2957c. Duration of withdrawal and reservation.

“2957d. Special rules governing minerals management.

“2957e. Grazing.

6 **“§ 2957a. Withdrawal and reservation**

7 “(a) ~~WITHDRAWAL.~~—Subject to valid existing rights
8 and except as otherwise provided in this subchapter, the
9 public lands and interests in lands described in subsection
10 (c), and all other areas within the boundary of such lands
11 as depicted on the map provided for by section 2932 of
12 this title which may become subject to the operation of
13 the public land laws, are hereby withdrawn from all forms
14 of appropriation under the public land laws, including the
15 mining laws and the mineral leasing and geothermal leas-
16 ing laws.

17 “(b) ~~RESERVATION.~~—The lands withdrawn by sub-
18 section (a) are reserved for use by the Secretary of the
19 Army for the following purposes:

20 “(1) The conduct of training for active and re-
21 serve components of the armed forces.

1 “(2) The conduct of training by the Montana
2 Department of Military Affairs; any such use may
3 not interfere with purposes specified in paragraphs
4 (1) and (3).

5 “(3) The construction, operation, and mainte-
6 nance of organizational support and maintenance fa-
7 cilities for component units conducting training.

8 “(4) Other defense-related purposes consistent
9 with the purposes specified in the preceding para-
10 graphs and authorized pursuant to section 2934 of
11 this title.

12 “(5) The conduct of training by State and local
13 law enforcement agencies, civil defense organiza-
14 tions, and public education institutions; any such use
15 may not interfere with military training activities.

16 “(c) LAND DESCRIPTION.—The public lands and in-
17 terests in lands referred to in subsection (a) are the Fed-
18 eral lands comprising approximately 18,644 acres in
19 Broadwater County, Montana, as generally depicted as
20 ‘Proposed Land Withdrawal’ on the map entitled ‘Lime-
21 stone Hills Training Area Land Withdrawal’ dated
22 _____; and filed in accordance with section 2932 of
23 this title.

24 “(d) INDIAN TRIBES.—Nothing in this subchapter
25 shall be construed as altering any rights reserved for an

1 Indian tribe for tribal use by treaty or Federal law. Sub-
2 ject to section 2933 of this title, the Secretary of the Army
3 shall consult with any Indian tribe in the vicinity of the
4 lands withdrawn and reserved by this section before taking
5 action affecting tribal rights or cultural resources pro-
6 tected by treaty or Federal law.

7 **“§ 2957b. Management of withdrawn and reserved**
8 **lands**

9 “During the period of the withdrawal and reservation
10 made by this subchapter, the Secretary of the Army shall
11 manage the lands withdrawn and reserved by this sub-
12 chapter for the purposes specified in section 2957a of this
13 title.

14 **“§ 2957c. Duration of withdrawal and reservation**

15 “(a) **TERM.**—The withdrawal and reservation made
16 by this subchapter shall terminate on March 31, 2039.

17 “(b) **EXTENSION OF TERM.**—Notwithstanding sec-
18 tion 2940 of this title, in accordance with section 2 of the
19 Act of February 28, 1958, Public Law 85–337 (72 STAT.
20 27), commonly known as the ‘Engle Act’ (43 U.S.C. 156),
21 if an application is filed by the Secretary of the Army in
22 accordance with section 2941 of this title, the Secretary
23 of the Interior may use the authority and procedures
24 under section 204 of the Federal Land Policy and Man-
25 agement Act of 1976 (43 U.S.C. 1714) to extend the with-

1 drawal and reservation made by this subchapter for an
 2 additional term not to exceed 20 years in accordance with
 3 that section and other applicable law.

4 **“§ 2957d. Special rules governing minerals manage-**
 5 **ment**

6 “(a) INDIAN CREEK MINE.—Locatable mineral ac-
 7 tivities in the approved Indian Creek Mine, plan of oper-
 8 ations MTM-78300, shall be regulated pursuant to sub-
 9 parts 3715 and 3809 of title 43, Code of Federal Regula-
 10 tions. Notwithstanding section 2935 of this title, the Sec-
 11 retary of the Army shall make no determination that the
 12 disposition of or exploration for minerals as provided for
 13 in the approved plan of operations is inconsistent with the
 14 military uses of such lands. The coordination of such dis-
 15 position of and exploration for minerals with military uses
 16 of such lands shall be determined pursuant to procedures
 17 in an agreement provided for under subsection (d).

18 “(b) REMOVAL OF UNEXPLODED ORDNANCE ON
 19 LANDS TO BE MINED.—The Secretary of the Army shall
 20 request funding for and, subject to the availability of such
 21 funds, shall remove unexploded ordnance on lands with-
 22 drawn and reserved by this subchapter which are subject
 23 to mining under subsection (a), consistent with applicable
 24 Federal and State law. The Secretary of the Army may
 25 engage in such removal of unexploded ordnance in phases

1 to accommodate the development of the Indian Creek Mine
2 pursuant to subsection (a).

3 “(c) REPORT ON REMOVAL ACTIVITIES.—The Sec-
4 retary of the Army shall annually submit to the Secretary
5 of the Interior a report regarding the unexploded ordnance
6 removal activities for the previous fiscal year performed
7 pursuant to subsection (b). The report shall include the
8 amounts of funding expended for unexploded ordnance re-
9 moval on such lands.

10 “(d) IMPLEMENTATION AGREEMENT FOR MINING
11 ACTIVITIES.—(1) The Secretary of the Interior and the
12 Secretary of the Army shall enter into an agreement to
13 implement this section with regard to coordination of de-
14 fense-related uses and mining and the ongoing removal of
15 unexploded ordnance. The agreement shall provide the fol-
16 lowing:

17 “(A) Procedures that will be used to facilitate
18 day-to-day joint-use of the Limestone Hills Training
19 Area.

20 “(B) Procedures for access through mining op-
21 erations covered by this section to training areas
22 within the boundaries of the Limestone Hills Train-
23 ing Area.

24 “(C) Procedures for scheduling of the removal
25 of unexploded ordnance.

1 “(2) The Secretary of the Interior and the Secretary
2 of the Army shall invite Graymont Western US, Inc., or
3 any successor or assign of the approved Indian Creek Mine
4 mining plan of operations, MTM-78300, to be a party to
5 the agreement.

6 “§ 2957e. Grazing

7 “(a) ISSUANCE AND ADMINISTRATION OF PERMITS
8 AND LEASES.—The issuance and administration of graz-
9 ing permits and leases, including their renewal, on the
10 lands withdrawn and reserved by this subchapter shall be
11 managed by the Secretary of the Interior consistent with
12 all applicable laws, regulations, and policies of the Sec-
13 retary of the Interior relating to such permits and leases.

14 “(b) SAFETY REQUIREMENTS.—With respect to any
15 grazing permit or lease issued after the date of enactment
16 of this subchapter for lands withdrawn and reserved by
17 this subchapter, the Secretary of the Interior and the Sec-
18 retary of the Army shall jointly establish procedures that
19 are consistent with Department of the Army explosive and
20 range safety standards and that provide for the safe use
21 of any such lands.

22 “(c) ASSIGNMENT.—The Secretary of the Interior
23 may, with the agreement of the Secretary of the Army,
24 assign the authority to issue and to administer grazing
25 permits and leases to the Secretary of the Army, except

1 that such an assignment may not include the authority
 2 to discontinue grazing on the lands withdrawn and re-
 3 served by this subchapter.

4 “SUBCHAPTER IV—CHOCOLATE MOUNTAIN,
 5 CALIFORNIA

“Sec.

“2959a. Withdrawal and reservation.

“2959b. Management of withdrawn and reserved lands.

“2959c. Duration of withdrawal and reservation.

“2959d. Access.

6 “§ 2959a. **Withdrawal and reservation**

7 “(a) **WITHDRAWAL.**—Subject to valid existing rights
 8 and except as otherwise provided in this subchapter, the
 9 public lands and interests in lands described in subsection
 10 (c), and all other areas within the boundary of such lands
 11 as depicted on the map provided for by section 2932 of
 12 this title which may become subject to the operation of
 13 the public land laws, are hereby withdrawn from all forms
 14 of appropriation under the public land laws, including the
 15 mining laws and the mineral leasing and geothermal leas-
 16 ing laws.

17 “(b) **RESERVATION.**—The lands withdrawn by sub-
 18 section (a) are reserved for use by the Secretary of the
 19 Navy for the following purposes:

20 “(1) Testing and training for aerial bombing,
 21 missile firing, tactical maneuvering, and air support.

1 “(2) Small unit ground forces training, includ-
2 ing artillery firing, demolition activities, and small
3 arms field training.

4 “(3) Other defense-related purposes consistent
5 with the purposes specified in the preceding para-
6 graphs and authorized pursuant to section 2934 of
7 this title.

8 “(c) LAND DESCRIPTION.—The public lands and in-
9 terests in lands referred to in subsection (a) are the Fed-
10 eral lands comprising approximately 228,325 acres in Im-
11 perial and Riverside Counties, California, as generally de-
12 picted on a map entitled ‘Chocolate Mountain Aerial Gun-
13 nery Range Proposed—Withdrawal’, said map originally
14 dated 1987, with revised dating to July 1993, prepared
15 by Department of the Navy, Naval Facilities Engineering
16 Command, identified as WESTDIV Drawing No. C-
17 102370, on file with the Department of the Interior, Bu-
18 reau of Land Management, California State Office, and
19 filed in accordance with section 2932 of this title.

20 **“§ 2959b. Management of withdrawn and reserved**
21 **lands**

22 “(a) MANAGEMENT BY THE SECRETARY OF THE IN-
23 TERIOR.—Except as provided in subsection (b), during the
24 period of the withdrawal and reservation of lands by this
25 subchapter, the Secretary of the Interior shall manage the

1 lands withdrawn and reserved by section 2959a of this
2 title in accordance with this chapter, the Federal Land
3 Policy and Management Act of 1976 (43 U.S.C. 1701 et
4 seq.); and other applicable law.

5 “(b) ASSIGNMENT OF MANAGEMENT TO THE SEC-
6 RETARY OF THE NAVY.—The Secretary of the Interior
7 may assign the management responsibility, in whole or in
8 part, for the lands withdrawn and reserved by section
9 2959a of this title to the Secretary of the Navy. If the
10 Secretary of the Navy accepts such assignment, that Sec-
11 retary shall manage such lands in accordance with this
12 title, title I of the Sikes Act (16 U.S.C. 670a et seq.),
13 and other applicable law.

14 “(c) IMPLEMENTING AGREEMENT.—(1) The Sec-
15 retary of the Interior and the Secretary of the Navy may
16 enter into a written agreement to implement the assign-
17 ment of management responsibility pursuant to subsection
18 (b).

19 “(2) An agreement under paragraph (1) shall include
20 a provision for periodic review of the agreement for its
21 adequacy, effectiveness, and need for revision.

22 “(3) The duration of an agreement under paragraph
23 (1) shall be the same as the period of the withdrawal and
24 reservation of lands under this subchapter, but may be
25 amended from time to time.

1 “(d) ACCESS AGREEMENT.—The Secretary of the In-
 2 terior and the Secretary of the Navy may enter into a writ-
 3 ten agreement to address access to and maintenance of
 4 Bureau of Reclamation facilities located within the bound-
 5 ary of the Chocolate Mountains Aerial Gunnery Range.

6 **“§ 2959c. Duration of withdrawal and reservation**

7 “The withdrawal and reservation made by this sub-
 8 chapter shall terminate on March 31, 2039.

9 **“§ 2959d. Access**

10 “Notwithstanding section 2933 of this title, the lands
 11 withdrawn and reserved by section 2959a of this title,
 12 other than those constituting the Bradshaw Trail, are
 13 closed to the public and all uses, other than those author-
 14 ized by section 2959a(b) of this title or pursuant to section
 15 2934 of this title, shall be subject to such conditions and
 16 restrictions as may be necessary to prevent any inter-
 17 ference with the uses authorized by section 2959a(b) of
 18 this title or pursuant to section 2934 of this title.

19 **“SUBCHAPTER V—TWENTYNINE PALMS,**
 20 **CALIFORNIA**

“Sec.

“2961a. Withdrawal and reservation.

“2961b. Management of withdrawn and reserved lands.

“2961c. Duration of withdrawal and reservation.

21 **“§ 2961a. Withdrawal and reservation**

22 “(a) WITHDRAWAL.—Subject to valid existing rights
 23 and except as otherwise provided in this subchapter, the

1 public lands and interests in lands described in subsection
2 (d), and all other areas within the boundary of such lands
3 as depicted on the map provided for by section 2932 of
4 this title which may become subject to the operation of
5 the public land laws, are hereby withdrawn from all forms
6 of appropriation under the public land laws, including the
7 mining laws and the mineral leasing and geothermal leas-
8 ing laws.

9 “(b) RESERVATION FOR SECRETARY OF THE
10 NAVY.—The lands withdrawn by subsection (a) consti-
11 tuting the Exclusive Military Use Area are reserved for
12 use by the Secretary of the Navy for the following pur-
13 poses:

14 “(1) Sustained, combined arms, live-fire, and
15 maneuver field training for large-scale Marine air
16 ground task forces.

17 “(2) Individual and unit live-fire training
18 ranges.

19 “(3) Equipment and tactics development.

20 “(4) Other defense-related purposes consistent
21 with the purposes specified in the preceding para-
22 graphs and authorized pursuant to section 2934 of
23 this title.

24 “(c) RESERVATION FOR SECRETARY OF THE INTE-
25 RIOR.—The lands withdrawn by subsection (a) consti-

1 tuting the Shared Use Area are reserved for use by the
2 Secretary of the Navy for the purposes specified in sub-
3 section (b) and for the Secretary of the Interior for the
4 following purposes:

5 “(1) Public recreation when not used for mili-
6 tary training and having been determined as suitable
7 for public use:

8 “(2) Natural resources conservation:

9 “(d) LAND DESCRIPTION.—The public lands and in-
10 terests in lands referred to in subsection (a) are the Fed-
11 eral lands comprising approximately 154,663 acres in San
12 Bernardino County, California, as generally depicted on
13 a map entitled _____; dated _____; and filed in accord-
14 ance with section 2932 of this title. Such lands are divided
15 into two areas, as follows:

16 “(1) The Exclusive Military Use Area, divided
17 into four areas, consisting of one area to the west
18 of the Marine Corps Air Ground Combat Center of
19 approximately 103,618 acres, one area south of the
20 Marine Corps Air Ground Combat Center of ap-
21 proximately 21,304 acres, and two other areas, each
22 measuring approximately 300 meters square, located
23 inside the boundaries of the Shared Use Area:

24 “(2) The Shared Use Area, consisting of ap-
25 proximately 36,755 acres:

1 **“§ 2961b. Management of withdrawn and reserved**
 2 **lands**

3 “(a) MANAGEMENT BY THE SECRETARY OF THE
 4 NAVY.—During the period of withdrawal and reservation
 5 of lands by this subchapter, the Secretary of the Navy
 6 shall, subject to subsection (b), manage the lands with-
 7 drawn and reserved by section 2961a of this title for the
 8 purposes specified in such section pursuant to—

9 “(1) an integrated natural resources manage-
 10 ment plan prepared and implemented pursuant to
 11 title I of the Sikes Act (16 U.S.C. 670 et seq.);

12 “(2) this title; and

13 “(3) a programmatic agreement between the
 14 United States Marine Corps and the California
 15 State Historic Preservation Officer regarding oper-
 16 ation, maintenance, training, and construction at the
 17 United States Marine Air Ground Task Force
 18 Training Command, Marine Corps Air Ground Com-
 19 bat Center, Twentynine Palms, California.

20 “(b) MANAGEMENT BY THE SECRETARY OF THE IN-
 21 TERIOR.—(1) During the period of withdrawal and res-
 22 ervation of lands by this subchapter, the Secretary of the
 23 Interior shall manage the Shared Use Area except for two
 24 30-day periods each year when such lands are exclusively
 25 used by the Secretary of the Navy for military training

1 purposes, during which time the Secretary of the Navy
2 shall manage such lands.

3 “(2) The Secretary of the Interior, during the period
4 of the Secretary’s management pursuant to paragraph (1),
5 shall manage the Shared Use Area for the purposes speci-
6 fied in section 2961a(e) of this title in accordance with—

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

9 “(B) any other applicable law and regulations.

10 “(3) The Secretary of the Navy, during the period
11 of the Secretary’s management pursuant to paragraph (1),
12 shall manage the Shared Use Area for the purposes speci-
13 fied in section 2961a(b) of this title in accordance with—

14 “(A) an integrated natural resources manage-
15 ment plan prepared and implemented in accordance
16 with title I of the Sikes Act (16 U.S.C. 670a et
17 seq.);

18 “(B) this title; and

19 “(C) the programmatic agreement referred to in
20 subsection (a)(3).

21 “(e) PUBLIC ACCESS.—(1) Notwithstanding section
22 2933 of this title, the Exclusive Military Use Area shall
23 be closed to all public access unless otherwise authorized
24 by the Secretary of the Navy.

1 “(2) The Shared Use Area shall be open to public
2 recreational use during the period it is under the manage-
3 ment of the Secretary of the Interior, but only after being
4 determined as suitable for public use by the Secretary of
5 the Navy. Any such determination shall not be unreason-
6 ably withheld.

7 “(3)(A) The Secretary of the Navy and the Secretary
8 of the Interior, by agreement, shall establish a Resource
9 Management Group comprised of representatives of the
10 Departments of the Interior and Navy.

11 “(B) The Group shall—

12 “(i) develop and implement a public outreach
13 plan to inform the public of the land uses changes
14 and safety restrictions affecting the withdrawn
15 lands; and

16 “(ii) advise the Secretaries of the Interior and
17 Navy as to all issues associated with the multiple
18 uses of the Shared Use Area.

19 “(C) The Group shall meet at least once a year and
20 shall seek information from relevant California State
21 agencies, private off-highway vehicle interest groups, event
22 managers, environmental advocacy groups, and others re-
23 lating to the management and facilitation of recreational
24 use within the Shared Use Area.

1 “(4) Military training within the Shared Use Area
2 shall not be conditioned on, nor shall such training be pre-
3 eluded by—

4 “(A) the lack of a Department of the Interior
5 developed and implemented recreation management
6 plan or land use management plan for the Shared
7 Use Area; or

8 “(B) any legal or administrative challenge to
9 any such recreation management plan or land use
10 plan document.

11 “(5) The Shared Use Area shall be managed so as
12 not to compromise the ability of the Department of the
13 Navy to conduct military training in the Area.

14 “(d) IMPLEMENTATION AGREEMENT.—The Sec-
15 retary of the Interior and the Secretary of the Navy shall
16 enter into a written agreement to implement the manage-
17 ment responsibility relating to the Shared Use Area. The
18 agreement—

19 “(1) shall include a provision for periodic review
20 of the agreement for its adequacy, effectiveness, and
21 need for revision;

22 “(2) shall have a duration which shall be the
23 same as the period of the withdrawal and reserva-
24 tion of lands under this subchapter, but may be
25 amended from time to time;

1 “(3) may provide for the integration of the
2 management plans required of the Secretaries of the
3 Interior and Navy by this chapter;

4 “(4) may provide for delegation to civilian law
5 enforcement personnel of the Department of the
6 Navy of the authority of the Secretary of the Inte-
7 rior to enforce the laws relating to protection of nat-
8 ural and cultural resources and of fish and wildlife;
9 and

10 “(5) may provide for the Secretaries of the In-
11 terior and Navy to share resources in order to most
12 efficiently and effectively manage the Shared Use
13 Area.

14 “(e) JOHNSON VALLEY OFF-HIGHWAY VEHICLE
15 RECREATION AREA.—

16 “(1) DESIGNATION.—Approximately 45,000
17 acres (as depicted on the map referred to in section
18 2961a of this title) of the existing Bureau of Land
19 Management-designated Johnson Valley Off-High-
20 way Vehicle Area that are not withdrawn and re-
21 served for defense-related uses by this subchapter,
22 together with the Shared Use Area, are hereby des-
23 ignated as the ‘Johnson Valley Off-Highway Vehicle
24 Recreation Area’.

1 “(2) AUTHORIZED ACTIVITIES.—To the extent
2 consistent with applicable Federal law and regula-
3 tions and this chapter, any authorized recreation ac-
4 tivities and use designation in effect on the date of
5 the enactment of this subchapter and applicable to
6 the Johnson Valley Off-Highway Vehicle Recreation
7 Area may continue, including casual off-highway ve-
8 hicular use, racing, competitive events, rock crawl-
9 ing, training, and other forms of off-highway recre-
10 ation.

11 “(3) ADMINISTRATION.—The Secretary of the
12 Interior shall administer the Johnson Valley Off-
13 Highway Vehicle Recreation Area (other than that
14 portion consisting of the Shared Use Area the man-
15 agement of which is addressed elsewhere in this sec-
16 tion) in accordance with the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C. 1701 et
18 seq.) and other applicable laws and regulations.

19 “(4) TRANSIT.—In coordination with the Sec-
20 retary of the Interior, the Secretary of the Navy
21 may authorize transit through the Johnson Valley
22 Off-Highway Vehicle Recreation Area for defense-re-
23 lated purposes supporting military training (includ-
24 ing military range management and management of

1 exercise activities) conducted on the lands withdrawn
2 and reserved by this subchapter.

3 **“§ 2961c. Duration of withdrawal and reservation**

4 “~~The withdrawal and reservation made by this sub-~~
5 chapter shall terminate on March 31, 2039.”.

6 (b) ~~COMPENSATION TO BROADWATER COUNTY, MON-~~
7 TANA.—The Secretary of the Army may pay Broadwater
8 County, Montana, a one-time lump sum payment of
9 \$1,000,000 to offset the 25-year loss of payments in lieu
10 of taxes provided to the County by the Federal Govern-
11 ment for lands withdrawn and reserved by subchapter III
12 of chapter 174 of title 10, United States Code, as added
13 by subsection (a).

14 (c) ~~TERMINATION OF PRIOR WITHDRAWALS.~~—The
15 withdrawal and reservation contained in section 803(a) of
16 the California Military Lands Withdrawal and Overflights
17 Act of 1994 is hereby terminated. Notwithstanding such
18 termination, all rules, regulations, orders, permits, and
19 other privileges issued or granted by the Secretary of the
20 Interior or a Secretary concerned with respect to the lands
21 withdrawn and reserved under such section, unless incon-
22 sistent with the provisions of chapter 174 of title 10,
23 United States Code, as added by subsection (a), shall re-
24 main in force until modified, suspended, overruled, or oth-

1 erwise changed by that Secretary, by a court of competent
2 jurisdiction, or by operation of law.

3 (d) ~~CLERICAL AMENDMENT.~~—The table of chapters
4 at the beginning of subtitle A of such title and at the be-
5 ginning of part IV of such subtitle are each amended by
6 inserting after the item relating to chapter 173 the fol-
7 lowing new item:

“174. Land Withdrawals 2931”.

8 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) *SHORT TITLE.*—*This Act may be cited as the*
10 *“Military Land Withdrawals Act of 2014”.*

11 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
12 *Act is as follows:*

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

TITLE I—GENERAL PROVISIONS

- Sec. 101. General applicability; definitions.*
- Sec. 102. Maps and legal descriptions.*
- Sec. 103. Access restrictions.*
- Sec. 104. Changes in use.*
- Sec. 105. Authorizations for nondefense-related uses.*
- Sec. 106. Brush and range fire prevention and suppression.*
- Sec. 107. Ongoing decontamination.*
- Sec. 108. Water rights.*
- Sec. 109. Hunting, fishing, and trapping.*
- Sec. 110. Limitation on extensions and renewals.*
- Sec. 111. Application for renewal of a withdrawal and reservation.*
- Sec. 112. Limitation on subsequent availability of land for appropriation.*
- Sec. 113. Relinquishment.*
- Sec. 114. Land withdrawals; immunity of the United States.*

TITLE II—MILITARY LAND WITHDRAWALS

- Sec. 201. China Lake, California.*
- Sec. 202. Limestone Hills, Montana.*
- Sec. 203. Chocolate Mountain, California.*
- Sec. 204. Twentynine Palms, California.*
- Sec. 205. White Sands Missile Range and Fort Bliss.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *INDIAN TRIBE.*—*The term “Indian tribe” has*
4 *the meaning given the term in section 102 of the Fed-*
5 *erally Recognized Indian Tribe List Act of 1994 (25*
6 *U.S.C. 479a).*

7 (2) *MANAGE; MANAGEMENT.*—

8 (A) *INCLUSIONS.*—*The terms “manage” and*
9 *“management” include the authority to exercise*
10 *jurisdiction, custody, and control over the land*
11 *withdrawn and reserved by title II.*

12 (B) *EXCLUSIONS.*—*The terms “manage”*
13 *and “management” do not include authority for*
14 *disposal of the land withdrawn and reserved by*
15 *title II.*

16 (3) *SECRETARY CONCERNED.*—*The term “Sec-*
17 *retary concerned” has the meaning given the term in*
18 *section 101(a) of title 10, United States Code.*

19 **TITLE I—GENERAL PROVISIONS**

20 **SEC. 101. GENERAL APPLICABILITY; DEFINITIONS.**

21 (a) *APPLICABILITY OF TITLE.*—*The provisions of this*
22 *title apply to any withdrawal made by this Act.*

23 (b) *RULES OF CONSTRUCTION.*—*Nothing in this title*
24 *assigns management of real property under the administra-*
25 *tive jurisdiction of the Secretary concerned to the Secretary*
26 *of the Interior.*

1 **SEC. 102. MAPS AND LEGAL DESCRIPTIONS.**

2 (a) *PREPARATION OF MAPS AND LEGAL DESCRIPTIONS.*—As soon as practicable after the date of enactment
3 of this Act, the Secretary of the Interior shall—
4

5 (1) *publish in the Federal Register a notice con-*
6 *taining the legal description of the land withdrawn*
7 *and reserved by title II; and*

8 (2) *file maps and legal descriptions of the land*
9 *withdrawn and reserved by title II with—*

10 (A) *the Committee on Armed Services and*
11 *the Committee on Energy and Natural Resources*
12 *of the Senate; and*

13 (B) *the Committee on Armed Services and*
14 *the Committee on Natural Resources of the*
15 *House of Representatives.*

16 (b) *LEGAL EFFECT.*—*The maps and legal descriptions*
17 *filed under subsection (a)(2) shall have the same force and*
18 *effect as if the maps and legal descriptions were included*
19 *in this Act, except that the Secretary of the Interior may*
20 *correct any clerical and typographical errors in the maps*
21 *and legal descriptions.*

22 (c) *AVAILABILITY.*—*Copies of the maps and legal de-*
23 *scriptions filed under subsection (a)(2) shall be available*
24 *for public inspection—*

25 (1) *in the appropriate offices of the Bureau of*
26 *Land Management;*

1 (2) *in the office of the commanding officer of the*
2 *military installation for which the land is with-*
3 *drawn; and*

4 (3) *if the military installation is under the man-*
5 *agement of the National Guard, in the office of the*
6 *Adjutant General of the State in which the military*
7 *installation is located.*

8 (d) *COSTS.*—*The Secretary concerned shall reimburse*
9 *the Secretary of the Interior for the costs incurred by the*
10 *Secretary of the Interior in implementing this section.*

11 **SEC. 103. ACCESS RESTRICTIONS.**

12 (a) *IN GENERAL.*—*If the Secretary concerned deter-*
13 *mines that military operations, public safety, or national*
14 *security require the closure to the public of any road, trail,*
15 *or other portion of land withdrawn and reserved by this*
16 *Act, the Secretary may take such action as the Secretary*
17 *determines to be necessary to implement and maintain the*
18 *closure.*

19 (b) *LIMITATION.*—*Any closure under subsection (a)*
20 *shall be limited to the minimum area and duration that*
21 *the Secretary concerned determines are required for the pur-*
22 *poses of the closure.*

23 (c) *CONSULTATION REQUIRED.*—

24 (1) *IN GENERAL.*—*Subject to paragraph (3), be-*
25 *fore a closure is implemented under this section, the*

1 *Secretary concerned shall consult with the Secretary*
2 *of the Interior.*

3 (2) *INDIAN TRIBE.*—*Subject to paragraph (3), if*
4 *a closure proposed under this section may affect ac-*
5 *cess to or use of sacred sites or resources considered*
6 *to be important by an Indian tribe, the Secretary*
7 *concerned shall consult, at the earliest practicable*
8 *date, with the affected Indian tribe.*

9 (3) *LIMITATION.*—*No consultation shall be re-*
10 *quired under paragraph (1) or (2)—*

11 (A) *if the closure is provided for in an inte-*
12 *grated natural resources management plan, an*
13 *installation cultural resources management plan,*
14 *or a land use management plan; or*

15 (B) *in the case of an emergency, as deter-*
16 *mined by the Secretary concerned.*

17 (d) *NOTICE.*—*Immediately preceding and during any*
18 *closure implemented under subsection (a), the Secretary*
19 *concerned shall post appropriate warning notices and take*
20 *other appropriate actions to notify the public of the closure.*

21 **SEC. 104. CHANGES IN USE.**

22 (a) *OTHER USES AUTHORIZED.*—*In addition to the*
23 *purposes described in title II, the Secretary concerned may*
24 *authorize the use of land withdrawn and reserved by this*
25 *Act for defense-related purposes.*

1 **(b) NOTICE TO SECRETARY OF THE INTERIOR.**—

2 **(1) IN GENERAL.**—*The Secretary concerned shall*
3 *promptly notify the Secretary of the Interior if the*
4 *land withdrawn and reserved by this Act is used for*
5 *additional defense-related purposes.*

6 **(2) REQUIREMENTS.**—*A notification under*
7 *paragraph (1) shall specify—*

8 **(A)** *each additional use;*

9 **(B)** *the planned duration of each additional*
10 *use; and*

11 **(C)** *the extent to which each additional use*
12 *would require that additional or more stringent*
13 *conditions or restrictions be imposed on other-*
14 *wise-permitted nondefense-related uses of the*
15 *withdrawn and reserved land or portions of*
16 *withdrawn and reserved land.*

17 **SEC. 105. AUTHORIZATIONS FOR NONDEFENSE-RELATED**
18 **USES.**

19 **(a) AUTHORIZATIONS BY THE SECRETARY OF THE IN-**
20 **TERIOR.**—*Subject to the applicable withdrawals under title*
21 *II, with the consent of the Secretary concerned, the Sec-*
22 *retary of the Interior may authorize the use, occupancy, or*
23 *development of the land withdrawn and reserved by this*
24 *Act.*

1 (b) *AUTHORIZATIONS BY THE SECRETARY CONCERNED.*—*The Secretary concerned may authorize the use,*
2 *occupancy, or development of the land withdrawn and re-*
3 *served by this Act—*

5 (1) *for a defense-related purpose; or*

6 (2) *subject to the consent of the Secretary of the*
7 *Interior, for a non-defense-related purpose.*

8 (c) *FORM OF AUTHORIZATION.*—*An authorization*
9 *under this section may be provided by lease, easement,*
10 *right-of-way, permit, license, or other instrument author-*
11 *ized by law.*

12 (d) *PREVENTION OF DRAINAGE OF OIL OR GAS RE-*
13 *SOURCES.*—

14 (1) *IN GENERAL.*—*For the purpose of preventing*
15 *drainage of oil or gas resources, the Secretary of the*
16 *Interior may lease land otherwise withdrawn from*
17 *operation of the mineral leasing laws and reserved for*
18 *defense-related purposes under this Act, under such*
19 *terms and conditions as the Secretary determines to*
20 *be appropriate.*

21 (2) *CONSENT REQUIRED.*—*No surface occupancy*
22 *may be approved by the Secretary of the Interior*
23 *under this Act without the consent of the Secretary*
24 *concerned.*

1 (3) *COMMUNITIZATION.*—*The Secretary of the*
2 *Interior may unitize or consent to communitization*
3 *of land leased under paragraph (1).*

4 (4) *REGULATIONS.*—*The Secretary of the Inte-*
5 *rior may promulgate regulations to implement this*
6 *subsection.*

7 **SEC. 106. BRUSH AND RANGE FIRE PREVENTION AND SUP-**
8 **PRESSION.**

9 (a) *REQUIRED ACTIVITIES.*—*The Secretary concerned*
10 *shall, consistent with any applicable land management*
11 *plan, take necessary precautions to prevent, and actions to*
12 *suppress, brush and range fires occurring as a result of*
13 *military activities on the land withdrawn and reserved by*
14 *this Act, including fires that occur on other land that*
15 *spread from the withdrawn and reserved land.*

16 (b) *COOPERATION OF SECRETARY OF THE INTE-*
17 *RIOR.*—

18 (1) *IN GENERAL.*—*At the request of the Secretary*
19 *concerned, the Secretary of the Interior shall—*

20 (A) *provide assistance in the suppression of*
21 *fires under subsection (a); and*

22 (B) *be reimbursed by the Secretary con-*
23 *cerned for the costs of the Secretary of the Inte-*
24 *rior in providing the assistance.*

1 (2) *TRANSFER OF FUNDS.*—Notwithstanding sec-
2 tion 2215 of title 10, United States Code, the Sec-
3 retary concerned may transfer to the Secretary of the
4 Interior, in advance, funds to reimburse the costs of
5 the Department of the Interior in providing assist-
6 ance under this subsection.

7 **SEC. 107. ONGOING DECONTAMINATION.**

8 (a) *IN GENERAL.*—During the period of a withdrawal
9 and reservation of land under this Act, the Secretary con-
10 cerned shall maintain a program of decontamination of
11 contamination caused by defense-related uses on the with-
12 drawn land—

13 (1) *to the extent funds are available to carry out*
14 *this subsection; and*

15 (2) *consistent with applicable Federal and State*
16 *law.*

17 (b) *ANNUAL REPORT.*—The Secretary of Defense shall
18 include in the annual report required by section 2711 of
19 title 10, United States Code, a description of decontamina-
20 tion activities conducted under subsection (a)

21 **SEC. 108. WATER RIGHTS.**

22 (a) *NO RESERVATION OF WATER RIGHTS.*—Nothing
23 in this Act—

1 (1) *establishes a reservation of the United States*
 2 *with respect to any water or water right on the land*
 3 *withdrawn and reserved by this Act; or*

4 (2) *authorizes the appropriation of water on the*
 5 *land withdrawn and reserved by this Act, except in*
 6 *accordance with applicable State law.*

7 ***(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED***
 8 ***WATER RIGHTS.—***

9 (1) ***IN GENERAL.—****Nothing in this section affects*
 10 *any water rights acquired or reserved by the United*
 11 *States before the date of enactment of this Act.*

12 (2) ***AUTHORITY OF SECRETARY CONCERNED.—***
 13 *The Secretary concerned may exercise any water*
 14 *rights described in paragraph (1).*

15 ***SEC. 109. HUNTING, FISHING, AND TRAPPING.***

16 *Section 2671 of title 10, United States Code, shall*
 17 *apply to all hunting, fishing, and trapping on the land—*

18 (1) *that is withdrawn and reserved by this Act;*
 19 *and*

20 (2) *for which management of the land has been*
 21 *assigned to the Secretary concerned.*

22 ***SEC. 110. LIMITATION ON EXTENSIONS AND RENEWALS.***

23 *The withdrawals and reservations established under*
 24 *this Act may not be extended or renewed except by a law*
 25 *enacted after the date of enactment of this Act.*

1 **SEC. 111. APPLICATION FOR RENEWAL OF A WITHDRAWAL**
2 **AND RESERVATION.**

3 *To the extent practicable, not later than 5 years before*
4 *the date of termination of a withdrawal and reservation*
5 *established by this Act, the Secretary concerned shall—*

6 *(1) notify the Secretary of the Interior as to*
7 *whether the Secretary concerned will have a con-*
8 *tinuing defense-related need for any of the land with-*
9 *drawn and reserved by this Act after the termination*
10 *date of the withdrawal and reservation; and*

11 *(2) transmit a copy of the notice submitted*
12 *under paragraph (1) to—*

13 *(A) the Committee on Armed Services and*
14 *the Committee on Energy and Natural Resources*
15 *of the Senate; and*

16 *(B) the Committee on Armed Services and*
17 *the Committee on Natural Resources of the*
18 *House of Representatives.*

19 **SEC. 112. LIMITATION ON SUBSEQUENT AVAILABILITY OF**
20 **LAND FOR APPROPRIATION.**

21 *On the termination of a withdrawal and reservation*
22 *by this Act, the previously withdrawn land shall not be*
23 *open to any form of appropriation under the public land*
24 *laws, including the mining laws, the mineral leasing laws,*
25 *and the geothermal leasing laws, unless the Secretary of the*

1 *Interior publishes in the Federal Register an appropriate*
2 *order specifying the date on which the land shall be—*

3 (1) *restored to the public domain; and*

4 (2) *opened for appropriation under the public*
5 *land laws.*

6 **SEC. 113. RELINQUISHMENT.**

7 (a) *NOTICE OF INTENTION TO RELINQUISH.—If, dur-*
8 *ing the period of withdrawal and reservation under this*
9 *Act, the Secretary concerned decides to relinquish any or*
10 *all of the land withdrawn and reserved by this Act, the Sec-*
11 *retary concerned shall submit to the Secretary of the Inte-*
12 *rior notice of the intention to relinquish the land.*

13 (b) *DETERMINATION OF CONTAMINATION.—The Sec-*
14 *retary concerned shall include in the notice submitted under*
15 *subsection (a) a written determination concerning whether*
16 *and to what extent the land that is to be relinquished is*
17 *contaminated with explosive materials or toxic or haz-*
18 *ardous substances.*

19 (c) *PUBLIC NOTICE.—The Secretary of the Interior*
20 *shall publish in the Federal Register the notice of intention*
21 *to relinquish the land under this section, including the de-*
22 *termination concerning the contaminated state of the land.*

23 (d) *DECONTAMINATION OF LAND TO BE RELIN-*
24 *QUISHED.—*

1 (1) *DECONTAMINATION REQUIRED.*—*The Sec-*
2 *retary concerned shall decontaminate land subject to*
3 *a notice of intention under subsection (a) to the ex-*
4 *tent that funds are appropriated for that purpose,*
5 *if—*

6 *(A) the land subject to the notice of inten-*
7 *tion is contaminated, as determined by the Sec-*
8 *retary concerned; and*

9 *(B) the Secretary of the Interior, in con-*
10 *sultation with the Secretary concerned, deter-*
11 *mines that—*

12 *(i) decontamination is practicable and*
13 *economically feasible, after taking into con-*
14 *sideration the potential future use and*
15 *value of the contaminated land; and*

16 *(ii) on decontamination of the land,*
17 *the land could be opened to operation of*
18 *some or all of the public land laws, includ-*
19 *ing the mining laws, the mineral leasing*
20 *laws, and the geothermal leasing laws.*

21 (2) *ALTERNATIVES TO RELINQUISHMENT.*—*The*
22 *Secretary of the Interior shall not be required to ac-*
23 *cept the land proposed for relinquishment under sub-*
24 *section (a), if—*

1 (A) *the Secretary of the Interior, after con-*
2 *sultation with the Secretary concerned, deter-*
3 *mines that—*

4 (i) *decontamination of the land is not*
5 *practicable or economically feasible; or*

6 (ii) *the land cannot be decontaminated*
7 *sufficiently to be opened to operation of*
8 *some or all of the public land laws; or*

9 (B) *sufficient funds are not appropriated*
10 *for the decontamination of the land.*

11 (3) *STATUS OF CONTAMINATED LAND ON TERMI-*
12 *NATION.—If, because of the contaminated state of the*
13 *land, the Secretary of the Interior declines to accept*
14 *land withdrawn and reserved by this Act that has*
15 *been proposed for relinquishment, or if at the expira-*
16 *tion of the withdrawal and reservation made by this*
17 *Act, the Secretary of the Interior determines that a*
18 *portion of the land withdrawn and reserved by this*
19 *Act is contaminated to an extent that prevents open-*
20 *ing the contaminated land to operation of the public*
21 *land laws—*

22 (A) *the Secretary concerned shall take ap-*
23 *propriate steps to warn the public of—*

24 (i) *the contaminated state of the land;*

25 *and*

1 (ii) any risks associated with entry
2 onto the land;

3 (B) after the expiration of the withdrawal
4 and reservation under this Act, the Secretary
5 concerned shall undertake no activities on the
6 contaminated land, except for activities relating
7 to the decontamination of the land; and

8 (C) the Secretary concerned shall submit to
9 the Secretary of the Interior and Congress a re-
10 port describing—

11 (i) the status of the land; and

12 (ii) any actions taken under this para-
13 graph.

14 (e) *REVOCATION AUTHORITY.*—

15 (1) *IN GENERAL.*—If the Secretary of the Inte-
16 rior determines that it is in the public interest to ac-
17 cept the land proposed for relinquishment under sub-
18 section (a), the Secretary of the Interior may order
19 the revocation of a withdrawal and reservation estab-
20 lished by this Act.

21 (2) *REVOCATION ORDER.*—To carry out a rev-
22 ocation under paragraph (1), the Secretary of the In-
23 terior shall publish in the Federal Register a revoca-
24 tion order that—

1 (A) terminates the withdrawal and reserva-
2 tion;

3 (B) constitutes official acceptance of the
4 land by the Secretary of the Interior; and

5 (C) specifies the date on which the land will
6 be opened to the operation of some or all of the
7 public land laws, including the mining laws.

8 (f) ACCEPTANCE BY SECRETARY OF THE INTERIOR.—

9 (1) IN GENERAL.—Nothing in this section re-
10 quires the Secretary of the Interior to accept the land
11 proposed for relinquishment if the Secretary deter-
12 mines that the land is not suitable for return to the
13 public domain.

14 (2) NOTICE.—If the Secretary makes a deter-
15 mination that the land is not suitable for return to
16 the public domain, the Secretary shall provide notice
17 of the determination to Congress.

18 **SEC. 114. LAND WITHDRAWALS; IMMUNITY OF THE UNITED**
19 **STATES.**

20 *The United States and officers and employees of the*
21 *United States shall be held harmless and shall not be liable*
22 *for any injuries or damages to persons or property incurred*
23 *as a result of any mining or mineral or geothermal leasing*
24 *activity or other authorized nondefense-related activity con-*
25 *ducted on land withdrawn and reserved by this Act.*

1 **TITLE II—MILITARY LAND**
2 **WITHDRAWALS**

3 **SEC. 201. CHINA LAKE, CALIFORNIA.**

4 (a) *WITHDRAWAL AND RESERVATION.*—

5 (1) *WITHDRAWAL.*—*Subject to valid existing*
6 *rights and except as otherwise provided in this sec-*
7 *tion, the public land (including the interests in land)*
8 *described in paragraph (2), and all other areas with-*
9 *in the boundary of the land depicted on the map de-*
10 *scribed in that paragraph that may become subject to*
11 *the operation of the public land laws, is withdrawn*
12 *from all forms of appropriation under the public land*
13 *laws (including the mining laws and the mineral*
14 *leasing laws).*

15 (2) *DESCRIPTION OF LAND.*—*The public land*
16 *(including interests in land) referred to in paragraph*
17 *(1) is the Federal land located within the boundaries*
18 *of the Naval Air Weapons Station China Lake, com-*
19 *prising approximately 1,045,000 acres in Inyo, Kern,*
20 *and San Bernardino Counties, California, as gen-*
21 *erally depicted on the maps entitled “Naval Air*
22 *Weapons Station China Lake Withdrawal—Re-*
23 *newal”, “North Range”, and “South Range”, dated*
24 *March 18, 2013, and filed in accordance with section*
25 *102.*

1 (3) *RESERVATION.*—*The land withdrawn by*
2 *paragraph (1) is reserved for use by the Secretary of*
3 *the Navy for the following purposes:*

4 (A) *Use as a research, development, test,*
5 *and evaluation laboratory.*

6 (B) *Use as a range for air warfare weapons*
7 *and weapon systems.*

8 (C) *Use as a high-hazard testing and train-*
9 *ing area for aerial gunnery, rocketry, electronic*
10 *warfare and countermeasures, tactical maneu-*
11 *vering and air support, and directed energy and*
12 *unmanned aerial systems.*

13 (D) *Geothermal leasing, development, and*
14 *related power production activities.*

15 (E) *Other defense-related purposes con-*
16 *sistent with the purposes described in subpara-*
17 *graphs (A) through (D) and authorized under*
18 *section 104.*

19 (b) *MANAGEMENT OF WITHDRAWN AND RESERVED*
20 *LAND.*—

21 (1) *MANAGEMENT BY THE SECRETARY OF THE*
22 *INTERIOR.*—

23 (A) *IN GENERAL.*—*Except as provided in*
24 *paragraph (2), during the period of the with-*
25 *drawal and reservation of land by this section,*

1 *the Secretary of the Interior shall manage the*
2 *land withdrawn and reserved by this section in*
3 *accordance with—*

4 *(i) this Act;*

5 *(ii) the Federal Land Policy and Man-*
6 *agement Act of 1976 (43 U.S.C. 1701 et*
7 *seq.); and*

8 *(iii) any other applicable law.*

9 *(B) AUTHORIZED ACTIVITIES.—To the ex-*
10 *tent consistent with applicable law and Execu-*
11 *tive orders, the land withdrawn by this section*
12 *may be managed in a manner that permits the*
13 *following activities:*

14 *(i) Grazing.*

15 *(ii) Protection of wildlife and wildlife*
16 *habitat.*

17 *(iii) Preservation of cultural prop-*
18 *erties.*

19 *(iv) Control of predatory and other*
20 *animals.*

21 *(v) Recreation and education.*

22 *(vi) Prevention and appropriate sup-*
23 *pression of brush and range fires resulting*
24 *from non-military activities.*

1 (vii) *Geothermal leasing and develop-*
2 *ment and related power production activi-*
3 *ties.*

4 (C) *NONDEFENSE USES.*—*All nondefense-re-*
5 *lated uses of the land withdrawn by this section*
6 *(including the uses described in subparagraph*
7 *(B)), shall be subject to any conditions and re-*
8 *strictions that the Secretary of the Interior and*
9 *the Secretary of the Navy jointly determine to be*
10 *necessary to permit the defense-related use of the*
11 *land for the purposes described in this section.*

12 (D) *ISSUANCE OF LEASES.*—

13 (i) *IN GENERAL.*—*The Secretary of the*
14 *Interior shall be responsible for the issuance*
15 *of any lease, easement, right-of-way, permit,*
16 *license, or other instrument authorized by*
17 *law with respect to any activity that in-*
18 *volves geothermal resources on—*

19 (I) *the land withdrawn and re-*
20 *served by this section; and*

21 (II) *any other land not under the*
22 *administrative jurisdiction of the Sec-*
23 *retary of the Navy.*

24 (ii) *CONSENT REQUIRED.*—*Any au-*
25 *thorization issued under clause (i) shall—*

1 (I) *only be issued with the consent*
2 *of the Secretary of the Navy; and*

3 (II) *be subject to such conditions*
4 *as the Secretary of the Navy may re-*
5 *quire with respect to the land with-*
6 *drawn and reserved by this section.*

7 (2) *ASSIGNMENT TO THE SECRETARY OF THE*
8 *NAVY.—*

9 (A) *IN GENERAL.—The Secretary of the In-*
10 *terior may assign the management responsi-*
11 *bility, in whole or in part, for the land with-*
12 *drawn and reserved by this section to the Sec-*
13 *retary of the Navy.*

14 (B) *APPLICABLE LAW.—On assignment of*
15 *the management responsibility under subpara-*
16 *graph (A), the Secretary of the Navy shall man-*
17 *age the land in accordance with—*

18 (i) *this Act;*

19 (ii) *title I of the Sikes Act (16 U.S.C.*
20 *670a et seq.);*

21 (iii) *the Federal Land Policy and*
22 *Management Act of 1976 (43 U.S.C. 1701 et*
23 *seq.);*

- 1 (iv) cooperative management arrange-
2 ments entered into by the Secretary of the
3 Interior and the Secretary of the Navy; and
4 (v) any other applicable law.

5 (3) *GEOHERMAL RESOURCES.*—

6 (A) *IN GENERAL.*—Nothing in this section
7 or section 105 affects—

8 (i) geothermal leases issued by the Sec-
9 retary of the Interior before the date of en-
10 actment of this Act; or

11 (ii) the responsibility of the Secretary
12 of the Interior to administer and manage
13 the leases described in clause (i), consistent
14 with the provisions of this section.

15 (B) *AUTHORITY OF THE SECRETARY OF*
16 *THE INTERIOR.*—Nothing in this section or any
17 other provision of law prohibits the Secretary of
18 the Interior from issuing, subject to the concu-
19 rence of the Secretary of the Navy, and admin-
20 istering any lease under the Geothermal Steam
21 Act of 1970 (30 U.S.C. 1001 et seq.) and any
22 other applicable law for the development and use
23 of geothermal steam and associated geothermal
24 resources on the land withdrawn and reserved by
25 this section.

1 (C) *APPLICABLE LAW.*—*Nothing in this sec-*
2 *tion affects the geothermal exploration and devel-*
3 *opment authority of the Secretary of the Navy*
4 *under section 2917 of title 10, United States*
5 *Code, with respect to the land withdrawn and re-*
6 *served by this section, except that the Secretary*
7 *of the Navy shall be required to obtain the con-*
8 *currence of the Secretary of the Interior before*
9 *taking action under section 2917 of title 10,*
10 *United States Code.*

11 (D) *NAVY CONTRACTS.*—*On the expiration*
12 *of the withdrawal and reservation of land under*
13 *this section or the relinquishment of the land,*
14 *any Navy contract for the development of geo-*
15 *thermal resources at Naval Air Weapons Station,*
16 *China Lake, in effect on the date of the expira-*
17 *tion or relinquishment shall remain in effect, ex-*
18 *cept that the Secretary of the Interior, with the*
19 *consent of the Secretary of the Navy, may offer*
20 *to substitute a standard geothermal lease for the*
21 *contract.*

22 (E) *CONCURRENCE OF SECRETARY OF THE*
23 *NAVY REQUIRED.*—*Any lease issued under section*
24 *105(d) with respect to land withdrawn and re-*

1 served by this section shall require the concur-
2 rence of the Secretary of the Navy, if—

3 (i) the Secretary of the Interior antici-
4 pates the surface occupancy of the with-
5 drawn land; or

6 (ii) the Secretary of the Interior deter-
7 mines that the proposed lease may interfere
8 with geothermal resources on the land.

9 (4) WILD HORSES AND BURROS.—

10 (A) IN GENERAL.—The Secretary of the
11 Navy—

12 (i) shall be responsible for the manage-
13 ment of wild horses and burros located on
14 the land withdrawn and reserved by this
15 section; and

16 (ii) may use helicopters and motorized
17 vehicles for the management of the wild
18 horses and burros.

19 (B) REQUIREMENTS.—The activities au-
20 thorized under subparagraph (A) shall be con-
21 ducted in accordance with laws applicable to the
22 management of wild horses and burros on public
23 land.

24 (C) AGREEMENT.—The Secretary of the In-
25 terior and the Secretary of the Navy shall enter

1 *into an agreement for the implementation of the*
2 *management of wild horses and burros under*
3 *this paragraph.*

4 (5) *CONTINUATION OF EXISTING AGREEMENT.—*
5 *The agreement between the Secretary of the Interior*
6 *and the Secretary of the Navy entered into before the*
7 *date of enactment of this Act under section 805 of the*
8 *California Military Lands Withdrawal and Over-*
9 *flights Act of 1994 (Public Law 103–433; 108 Stat.*
10 *4503) shall continue in effect until the earlier of—*

11 (A) *the date on which the Secretary of the*
12 *Interior and the Secretary of the Navy enter into*
13 *a new agreement; or*

14 (B) *the date that is 1 year after the date of*
15 *enactment of this Act.*

16 (6) *COOPERATION IN DEVELOPMENT OF MANAGE-*
17 *MENT PLAN.—*

18 (A) *IN GENERAL.—The Secretary of the*
19 *Navy and the Secretary of the Interior shall up-*
20 *date and maintain cooperative arrangements*
21 *concerning land resources and land uses on the*
22 *land withdrawn and reserved by this section.*

23 (B) *REQUIREMENTS.—A cooperative ar-*
24 *rangement entered into under subparagraph (A)*
25 *shall—*

1 (i) *focus on and apply to sustainable*
2 *management and protection of the natural*
3 *and cultural resources and environmental*
4 *values found on the withdrawn and reserved*
5 *land, consistent with the defense-related*
6 *purposes for which the land is withdrawn*
7 *and reserved; and*

8 (ii) *include a comprehensive land use*
9 *management plan that—*

10 (I) *integrates and is consistent*
11 *with any applicable law, including—*

12 (aa) *title I of the Sikes Act*
13 *(16 U.S.C. 670a et seq.); and*

14 (bb) *the Federal Land Policy*
15 *and Management Act of 1976 (43*
16 *U.S.C. 1701 et seq.); and*

17 (II) *shall be—*

18 (aa) *annually reviewed by*
19 *the Secretary of the Navy and the*
20 *Secretary of the Interior; and*

21 (bb) *updated, as the Sec-*
22 *retary of the Navy and the Sec-*
23 *retary of the Interior determine to*
24 *be necessary—*

1 (AA) to respond to
2 evolving management re-
3 quirements; and

4 (BB) to complement the
5 updates of other applicable
6 land use and resource man-
7 agement and planning.

8 (7) *IMPLEMENTING AGREEMENT.*—

9 (A) *IN GENERAL.*—*The Secretary of the In-*
10 *terior and the Secretary of the Navy may enter*
11 *into a written agreement to implement the com-*
12 *prehensive land use management plan developed*
13 *under paragraph (6)(B)(ii).*

14 (B) *COMPONENTS.*—*An agreement entered*
15 *into under subparagraph (A)—*

16 (i) *shall be for a duration that is equal*
17 *to the period of the withdrawal and reserva-*
18 *tion of land under this section; and*

19 (ii) *may be amended from time to*
20 *time.*

21 (c) *TERMINATION OF PRIOR WITHDRAWALS.*—

22 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
23 *withdrawal and reservation under section 803(a) of*
24 *the California Military Lands Withdrawal and Over-*

1 *flights Act of 1994 (Public Law 103-433; 108 Stat.*
 2 *4502) is terminated.*

3 (2) *LIMITATION.*—*Notwithstanding the termi-*
 4 *nation under paragraph (1), all rules, regulations, or-*
 5 *ders, permits, and other privileges issued or granted*
 6 *by the Secretary of the Interior or the Secretary of the*
 7 *Navy with respect to the land withdrawn and re-*
 8 *served under that section, unless inconsistent with the*
 9 *provisions of this section, shall remain in force until*
 10 *modified, suspended, overruled, or otherwise changed*
 11 *by—*

12 (A) *the Secretary of the Interior or the Sec-*
 13 *retary of the Navy (as applicable);*

14 (B) *a court of competent jurisdiction; or*

15 (C) *operation of law.*

16 (d) *DURATION OF WITHDRAWAL AND RESERVATION.*—
 17 *The withdrawal and reservation made by this section termi-*
 18 *nate on March 31, 2039.*

19 **SEC. 202. LIMESTONE HILLS, MONTANA.**

20 (a) *WITHDRAWAL AND RESERVATION OF PUBLIC LAND*
 21 *FOR LIMESTONE HILLS TRAINING AREA, MONTANA.*—

22 (1) *WITHDRAWAL.*—*Subject to valid existing*
 23 *rights and except as otherwise provided in this sec-*
 24 *tion, the public land (including the interests in land)*
 25 *described in paragraph (3), and all other areas with-*

1 *in the boundaries of the land as depicted on the map*
2 *provided for by paragraph (4) that may become sub-*
3 *ject to the operation of the public land laws, is with-*
4 *drawn from all forms of appropriation under the*
5 *public land laws (including the mining laws, the*
6 *mineral leasing laws, and the geothermal leasing*
7 *laws).*

8 (2) *RESERVATION; PURPOSE.—Subject to the*
9 *limitations and restrictions contained in subsection*
10 *(c), the public land withdrawn by paragraph (1) is*
11 *reserved for use by the Secretary of the Army for the*
12 *following purposes:*

13 (A) *The conduct of training for active and*
14 *reserve components of the Armed Forces.*

15 (B) *The construction, operation, and main-*
16 *tenance of organizational support and mainte-*
17 *nance facilities for component units conducting*
18 *training.*

19 (C) *The conduct of training by the Montana*
20 *Department of Military Affairs, provided that*
21 *the training does not interfere with the purposes*
22 *specified in subparagraphs (A) and (B).*

23 (D) *The conduct of training by State and*
24 *local law enforcement agencies, civil defense or-*
25 *ganizations, and public education institutions,*

1 *provided that the training does not interfere with*
2 *the purposes specified in subparagraphs (A) and*
3 *(B).*

4 *(E) Other defense-related purposes con-*
5 *sistent with the purposes specified in subpara-*
6 *graphs (A) through (D).*

7 (3) *DESCRIPTION OF LAND.*—*The public land*
8 *(including the interests in land) referred to in para-*
9 *graph (1) comprises approximately 18,644 acres in*
10 *Broadwater County, Montana, generally depicted as*
11 *“Proposed Land Withdrawal” on the map entitled*
12 *“Limestone Hills Training Area Land Withdrawal”*
13 *and dated April 10, 2013.*

14 (4) *INDIAN TRIBES.*—

15 (A) *IN GENERAL.*—*Nothing in this Act al-*
16 *ters any rights reserved for an Indian tribe for*
17 *tribal use of the public land withdrawn by para-*
18 *graph (1) by treaty or Federal law.*

19 (B) *CONSULTATION REQUIRED.*—*The Sec-*
20 *retary of the Army shall consult with any In-*
21 *Indian tribes in the vicinity of the public land*
22 *withdrawn by paragraph (1) before taking any*
23 *action within the public land affecting tribal*
24 *rights or cultural resources protected by treaty or*
25 *Federal law.*

1 (b) *MANAGEMENT OF WITHDRAWN AND RESERVED*
2 *LAND.*—*During the period of the withdrawal and reserva-*
3 *tion specified in subsection (e), the Secretary of the Army*
4 *shall manage the public land withdrawn by paragraph (1)*
5 *of subsection (a) for the purposes specified in paragraph*
6 *(2) of that subsection, subject to the limitations and restric-*
7 *tions contained in subsection (c).*

8 (c) *SPECIAL RULES GOVERNING MINERALS MANAGE-*
9 *MENT.*—

10 (1) *INDIAN CREEK MINE.*—

11 (A) *IN GENERAL.*—*Of the land withdrawn*
12 *by subsection (a)(1), locatable mineral activities*
13 *in the approved Indian Creek Mine plan of oper-*
14 *ations, MTM-78300, shall be regulated in ac-*
15 *cordance with subparts 3715 and 3809 of title*
16 *43, Code of Federal Regulations.*

17 (B) *RESTRICTIONS ON SECRETARY OF THE*
18 *ARMY.*—

19 (i) *IN GENERAL.*—*The Secretary of the*
20 *Army shall make no determination that the*
21 *disposition of, or exploration for, minerals*
22 *as provided for in the approved plan of op-*
23 *erations described in subparagraph (A) is*
24 *inconsistent with the defense-related uses of*
25 *the land withdrawn under this section.*

1 (ii) *COORDINATION.*—*The coordination*
2 *of the disposition of and exploration for*
3 *minerals with defense-related uses of the*
4 *land shall be determined in accordance with*
5 *procedures in an agreement provided for*
6 *under paragraph (3).*

7 (2) *REMOVAL OF UNEXPLODED ORDNANCE ON*
8 *LAND TO BE MINED.*—

9 (A) *REMOVAL ACTIVITIES.*—

10 (i) *IN GENERAL.*—*Subject to the avail-*
11 *ability of funds appropriated for such pur-*
12 *pose, the Secretary of the Army shall remove*
13 *unexploded ordnance on land withdrawn by*
14 *subsection (a)(1) that is subject to mining*
15 *under paragraph (1), consistent with appli-*
16 *cable Federal and State law.*

17 (ii) *PHASES.*—*The Secretary of the*
18 *Army may provide for the removal of*
19 *unexploded ordnance in phases to accommo-*
20 *date the development of the Indian Creek*
21 *Mine under paragraph (1).*

22 (B) *REPORT ON REMOVAL ACTIVITIES.*—

23 (i) *IN GENERAL.*—*The Secretary of the*
24 *Army shall annually submit to the Sec-*
25 *retary of the Interior a report regarding*

1 *any unexploded ordnance removal activities*
2 *conducted during the previous fiscal year in*
3 *accordance with this paragraph.*

4 (ii) *INCLUSIONS.—The report under*
5 *clause (i) shall include—*

6 (I) *a description of the amounts*
7 *expended for unexploded ordnance re-*
8 *moval on the land withdrawn by sub-*
9 *section (a)(1) during the period cov-*
10 *ered by the report; and*

11 (II) *the identification of the land*
12 *cleared of unexploded ordnance and*
13 *approved for mining activities by the*
14 *Secretary of the Interior under this*
15 *paragraph.*

16 (3) *IMPLEMENTATION AGREEMENT FOR MINING*
17 *ACTIVITIES.—*

18 (A) *IN GENERAL.—The Secretary of the In-*
19 *terior and the Secretary of the Army shall enter*
20 *into an agreement to implement this subsection*
21 *with respect to the coordination of defense-related*
22 *uses and mining and the ongoing removal of*
23 *unexploded ordnance.*

24 (B) *DURATION.—The duration of an agree-*
25 *ment entered into under subparagraph (A) shall*

1 *be equal to the period of the withdrawal under*
2 *subsection (a)(1), but may be amended from time*
3 *to time.*

4 (C) *REQUIREMENTS.—The agreement shall*
5 *provide the following:*

6 (i) *That Graymont Western US, Inc.,*
7 *or any successor or assign of the approved*
8 *Indian Creek Mine mining plan of oper-*
9 *ations, MTM-78300, shall be invited to be*
10 *a party to the agreement.*

11 (ii) *Provisions regarding the day-to-*
12 *day joint-use of the Limestone Hills Train-*
13 *ing Area.*

14 (iii) *Provisions addressing periods*
15 *during which military and other authorized*
16 *uses of the withdrawn land will occur.*

17 (iv) *Provisions regarding when and*
18 *where military use or training with explo-*
19 *sive material will occur.*

20 (v) *Provisions regarding the scheduling*
21 *of training activities conducted within the*
22 *withdrawn land that restrict mining activi-*
23 *ties.*

24 (vi) *Procedures for deconfliction with*
25 *mining operations, including parameters*

1 *for notification and resolution of antici-*
2 *pated changes to the schedule.*

3 *(vii) Procedures for access through*
4 *mining operations covered by this section to*
5 *training areas within the boundaries of the*
6 *Limestone Hills Training Area.*

7 *(viii) Procedures for scheduling of the*
8 *removal of unexploded ordnance.*

9 (4) *EXISTING MEMORANDUM OF AGREEMENT.—*

10 *Until the date on which the agreement under para-*
11 *graph (3) becomes effective, the compatible joint use*
12 *of the land withdrawn and reserved by subsection*
13 *(a)(1) shall be governed, to the extent compatible, by*
14 *the terms of the 2005 Memorandum of Agreement*
15 *among the Montana Army National Guard,*
16 *Graymont Western US, Inc., and the Bureau of Land*
17 *Management.*

18 (d) *GRAZING.—*

19 (1) *ISSUANCE AND ADMINISTRATION OF PERMITS*
20 *AND LEASES.—The Secretary of the Interior shall*
21 *manage the issuance and administration of grazing*
22 *permits and leases, including the renewal of permits*
23 *and leases, on the public land withdrawn by sub-*
24 *section (a)(1), consistent with all applicable laws (in-*

1 *cluding regulations) and policies of the Secretary of*
2 *the Interior relating to the permits and leases.*

3 (2) *SAFETY REQUIREMENTS.—With respect to*
4 *any grazing permit or lease issued after the date of*
5 *enactment of this Act for land withdrawn by sub-*
6 *section (a)(1), the Secretary of the Interior and the*
7 *Secretary of the Army shall jointly establish proce-*
8 *dures that—*

9 (A) *are consistent with Department of the*
10 *Army explosive and range safety standards; and*

11 (B) *provide for the safe use of the with-*
12 *drawn land.*

13 (3) *ASSIGNMENT.—The Secretary of the Interior*
14 *may, with the agreement of the Secretary of the*
15 *Army, assign the authority to issue and to administer*
16 *grazing permits and leases to the Secretary of the*
17 *Army, except that the assignment may not include the*
18 *authority to discontinue grazing on the land with-*
19 *drawn by subsection (a)(1).*

20 (e) *DURATION OF WITHDRAWAL AND RESERVATION.—*
21 *The withdrawal of public land by subsection (a)(1) shall*
22 *terminate on March 31, 2039.*

23 **SEC. 203. CHOCOLATE MOUNTAIN, CALIFORNIA.**

24 (a) *WITHDRAWAL AND RESERVATION.—*

1 (1) *WITHDRAWAL.*—*Subject to valid existing*
2 *rights and except as otherwise provided in this sec-*
3 *tion, the public land (including the interests in land)*
4 *described in paragraph (2), and all other areas with-*
5 *in the boundary of the land depicted on the map de-*
6 *scribed in that paragraph that become subject to the*
7 *operation of the public land laws, is withdrawn from*
8 *all forms of appropriation under the public land laws*
9 *(including the mining laws, the mineral leasing laws,*
10 *and the geothermal leasing laws).*

11 (2) *DESCRIPTION OF LAND.*—*The public land*
12 *(including the interests in land) referred to in para-*
13 *graph (1) is the Federal land comprising approxi-*
14 *mately 228,324 acres in Imperial and Riverside*
15 *Counties, California, generally depicted on the map*
16 *entitled “Chocolate Mountain Aerial Gunnery*
17 *Range—Administration’s Land Withdrawal Legisla-*
18 *tive Proposal Map”, dated October 30, 2013, and filed*
19 *in accordance with section 102.*

20 (3) *RESERVATION.*—*The land withdrawn by*
21 *paragraph (1) is reserved for use by the Secretary of*
22 *the Navy for the following purposes:*

23 (A) *Testing and training for aerial bomb-*
24 *ing, missile firing, tactical maneuvering, and air*
25 *support.*

1 (B) *Small unit ground forces training, in-*
2 *cluding artillery firing, demolition activities,*
3 *and small arms field training.*

4 (C) *Other defense-related purposes con-*
5 *sistent with the purposes that are—*

6 (i) *described in subparagraphs (A) and*
7 *(B); and*

8 (ii) *authorized under section 104.*

9 (b) *MANAGEMENT OF WITHDRAWN AND RESERVED*
10 *LAND.—*

11 (1) *MANAGEMENT BY THE SECRETARY OF THE*
12 *INTERIOR.—Except as provided in paragraph (2),*
13 *during the period of the withdrawal and reservation*
14 *of land by this section, the Secretary of the Interior*
15 *shall manage the land withdrawn and reserved by*
16 *this section in accordance with—*

17 (A) *this Act;*

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

20 (C) *any other applicable law.*

21 (2) *ASSIGNMENT OF MANAGEMENT TO THE SEC-*
22 *RETARY OF THE NAVY.—*

23 (A) *IN GENERAL.—The Secretary of the In-*
24 *terior may assign the management responsi-*
25 *bility, in whole or in part, for the land with-*

1 drawn and reserved by this section to the Sec-
2 retary of the Navy.

3 (B) ACCEPTANCE.—If the Secretary of the
4 Navy accepts the assignment of responsibility
5 under subparagraph (A), the Secretary of the
6 Navy shall manage the land in accordance
7 with—

8 (i) this Act;

9 (ii) title I of the Sikes Act (16 U.S.C.
10 670a et seq.); and

11 (iii) any other applicable law.

12 (3) IMPLEMENTING AGREEMENT.—The Secretary
13 of the Interior and the Secretary of the Navy may
14 enter into a written agreement—

15 (A) that implements the assignment of man-
16 agement responsibility under paragraph (2);

17 (B) the duration of which shall be equal to
18 the period of the withdrawal and reservation of
19 the land under this section; and

20 (C) that may be amended from time to
21 time.

22 (4) ACCESS AGREEMENT.—The Secretary of the
23 Interior and the Secretary of the Navy may enter into
24 a written agreement to address access to and mainte-
25 nance of Bureau of Reclamation facilities located

1 *within the boundary of the Chocolate Mountain Aer-*
2 *ial Gunnery Range.*

3 (c) *ACCESS.*—*Notwithstanding section 103, the land*
4 *withdrawn and reserved by this section (other than the land*
5 *comprising the Bradshaw Trail) shall be—*

6 (1) *closed to the public and all uses (other than*
7 *the uses authorized by subsection (a)(3) or under sec-*
8 *tion 104); and*

9 (2) *subject to any conditions and restrictions*
10 *that the Secretary of the Navy determines to be nec-*
11 *essary to prevent any interference with the uses au-*
12 *thorized by subsection (a)(3) or under section 104.*

13 (d) *DURATION OF WITHDRAWAL AND RESERVATION.*—
14 *The withdrawal and reservation made by this section termi-*
15 *nates on March 31, 2039.*

16 **SEC. 204. TWENTYNINE PALMS, CALIFORNIA.**

17 (a) *WITHDRAWAL AND RESERVATION.*—

18 (1) *WITHDRAWAL.*—*Subject to valid existing*
19 *rights and except as otherwise provided in this sec-*
20 *tion, the public land (including the interests in land)*
21 *described in paragraph (2), and all other areas with-*
22 *in the boundary of the land depicted on the map de-*
23 *scribed in that paragraph that may become subject to*
24 *the operation of the public land laws, is withdrawn*
25 *from all forms of appropriation under the public land*

1 *laws, including the mining laws, the mineral leasing*
2 *laws, and the geothermal leasing laws.*

3 (2) *DESCRIPTION OF LAND.—The public land*
4 *(including the interests in land) referred to in para-*
5 *graph (1) is the Federal land comprising approxi-*
6 *mately 150,928 acres in San Bernardino County,*
7 *California, generally depicted on the map entitled*
8 *“MCAGCC 29 Palms Expansion Map”, dated Novem-*
9 *ber 13, 2013 (3 sheets), and filed in accordance with*
10 *section 102, which are divided into the following 2*
11 *areas:*

12 (A) *The Exclusive Military Use Area, di-*
13 *vided into 4 areas, consisting of—*

14 (i) *1 area to the west of the Marine*
15 *Corps Air Ground Combat Center, con-*
16 *sisting of approximately 91,293 acres;*

17 (ii) *1 area south of the Marine Corps*
18 *Air Ground Combat Center, consisting of*
19 *approximately 19,704 acres; and*

20 (iii) *2 other areas, each measuring ap-*
21 *proximately 300 meters square (approx-*
22 *imately 22 acres), located inside the bound-*
23 *aries of the Shared Use Area described in*
24 *subparagraph (B), totaling approximately*
25 *44 acres.*

1 (B) *The Shared Use Area, consisting of ap-*
2 *proximately 40,931 acres.*

3 (3) *RESERVATION FOR SECRETARY OF THE*
4 *NAVY.—The land withdrawn by paragraph (2)(A) is*
5 *reserved for use by the Secretary of the Navy for the*
6 *following purposes:*

7 (A) *Sustained, combined arms, live-fire,*
8 *and maneuver field training for large-scale Ma-*
9 *rine air ground task forces.*

10 (B) *Individual and unit live-fire training*
11 *ranges.*

12 (C) *Equipment and tactics development.*

13 (D) *Other defense-related purposes that*
14 *are—*

15 (i) *consistent with the purposes de-*
16 *scribed in subparagraphs (A) through (C);*

17 *and*

18 (ii) *authorized under section 104.*

19 (4) *RESERVATION FOR SECRETARY OF THE INTE-*
20 *RIOR.—The land withdrawn by paragraph (2)(B) is*
21 *reserved—*

22 (A) *for use by the Secretary of the Navy for*
23 *the purposes described in paragraph (3); and*

24 (B) *for use by the Secretary of the Interior*
25 *for the following purposes:*

1 (i) *Public recreation—*

2 (I) *during any period in which*
3 *the land is not being used for military*
4 *training; and*

5 (II) *as determined to be suitable*
6 *for public use.*

7 (ii) *Natural resources conservation.*

8 (b) *MANAGEMENT OF WITHDRAWN AND RESERVED*
9 *LAND.—*

10 (1) *MANAGEMENT BY THE SECRETARY OF THE*
11 *NAVY.—Except as provided in paragraph (2), during*
12 *the period of withdrawal and reservation of land by*
13 *this section, the Secretary of the Navy shall manage*
14 *the land withdrawn and reserved by this section for*
15 *the purposes described in subsection (a)(3), in accord-*
16 *ance with—*

17 (A) *an integrated natural resources man-*
18 *agement plan prepared and implemented under*
19 *title I of the Sikes Act (16 U.S.C. 670a et seq.);*

20 (B) *this Act;*

21 (C) *a programmatic agreement between the*
22 *Marine Corps and the California State Historic*
23 *Preservation Officer regarding operation, main-*
24 *tenance, training, and construction at the*
25 *United States Marine Air Ground Task Force*

1 *Training Command, Marine Corps Air Ground*
2 *Combat Center, Twentynine Palms, California;*
3 *and*

4 *(D) any other applicable law.*

5 (2) *MANAGEMENT BY THE SECRETARY OF THE*
6 *INTERIOR.—*

7 (A) *IN GENERAL.—Except as provided in*
8 *subparagraph (B), during the period of with-*
9 *drawal and reservation of land by this section,*
10 *the Secretary of the Interior shall manage the*
11 *area described in subsection (a)(2)(B).*

12 (B) *EXCEPTION.—Twice a year during the*
13 *period of withdrawal and reservation of land by*
14 *this section, there shall be a 30-day period dur-*
15 *ing which the Secretary of the Navy shall—*

16 (i) *manage the area described in sub-*
17 *section (a)(2)(B); and*

18 (ii) *exclusively use the area described*
19 *in subsection (a)(2)(B) for military train-*
20 *ing purposes.*

21 (C) *APPLICABLE LAW.—The Secretary of*
22 *the Interior, during the period of the manage-*
23 *ment by the Secretary of the Interior under sub-*
24 *paragraph (A), shall manage the area described*

1 *in subsection (a)(2)(B) for the purposes described*
2 *in subsection (a)(4), in accordance with—*

3 *(i) the Federal Land Policy and Man-*
4 *agement Act of 1976 (43 U.S.C. 1701 et*
5 *seq.); and*

6 *(ii) any other applicable law.*

7 *(D) SECRETARY OF THE NAVY.—*

8 *(i) IN GENERAL.—The Secretary of the*
9 *Navy, during the period of the management*
10 *by the Secretary of the Navy under sub-*
11 *paragraph (A), shall manage the area de-*
12 *scribed in subsection (a)(2)(B) for the pur-*
13 *poses described in subsection (a)(3), in ac-*
14 *cordance with—*

15 *(I) an integrated natural re-*
16 *sources management plan prepared*
17 *and implemented in accordance with*
18 *title I of the Sikes Act (16 U.S.C. 670a*
19 *et seq.);*

20 *(II) this Act;*

21 *(III) the programmatic agreement*
22 *described in paragraph (1)(C); and*

23 *(IV) any other applicable law.*

24 *(ii) LIMITATION.—The Department of*
25 *the Navy shall not fire dud-producing ord-*

1 *nance onto the land withdrawn by sub-*
2 *section (a)(2)(B).*

3 *(3) PUBLIC ACCESS.—*

4 *(A) IN GENERAL.—Notwithstanding section*
5 *103, the area described in subsection (a)(2)(A)*
6 *shall be closed to all public access unless other-*
7 *wise authorized by the Secretary of the Navy.*

8 *(B) PUBLIC RECREATIONAL USE.—*

9 *(i) IN GENERAL.—The area described*
10 *in subsection (a)(2)(B) shall be open to pub-*
11 *lic recreational use during the period in*
12 *which the area is under the management of*
13 *the Secretary of the Interior, if there is a*
14 *determination by the Secretary of the Navy*
15 *that the area is suitable for public use.*

16 *(ii) DETERMINATION.—A determina-*
17 *tion of suitability under clause (i) shall not*
18 *be withheld without a specified reason.*

19 *(C) RESOURCE MANAGEMENT GROUP.—*

20 *(i) IN GENERAL.—The Secretary of the*
21 *Navy and the Secretary of the Interior, by*
22 *agreement, shall establish a Resource Man-*
23 *agement Group comprised of representatives*
24 *of the Departments of the Interior and*
25 *Navy.*

1 (ii) *DUTIES.*—*The Resource Manage-*
2 *ment Group established under clause (i)*
3 *shall—*

4 (I) *develop and implement a pub-*
5 *lic outreach plan to inform the public*
6 *of the land uses changes and safety re-*
7 *strictions affecting the land; and*

8 (II) *advise the Secretary of the*
9 *Interior and the Secretary of the Navy*
10 *with respect to the issues associated*
11 *with the multiple uses of the area de-*
12 *scribed in subsection (a)(2)(B).*

13 (iii) *MEETINGS.*—*The Resource Man-*
14 *agement Group established under clause (i)*
15 *shall—*

16 (I) *meet at least once a year; and*

17 (II) *solicit input from relevant*
18 *State agencies, private off-highway ve-*
19 *hicle interest groups, event managers,*
20 *environmental advocacy groups, and*
21 *others relating to the management and*
22 *facilitation of recreational use within*
23 *the area described in subsection*
24 *(a)(2)(B).*

25 (D) *MILITARY TRAINING.*—

1 (i) *NOT CONDITIONAL.*—*Military*
2 *training within the area described in sub-*
3 *section (a)(2)(B) shall not be conditioned*
4 *on, or precluded by—*

5 (I) *the lack of a recreation man-*
6 *agement plan or land use management*
7 *plan for the area described in sub-*
8 *section (a)(2)(B) developed and imple-*
9 *mented by the Secretary of the Inte-*
10 *rior; or*

11 (II) *any legal or administrative*
12 *challenge to a recreation management*
13 *plan or land use plan developed under*
14 *subclause (I).*

15 (ii) *MANAGEMENT.*—*The area de-*
16 *scribed in subsection (a)(2)(B) shall be*
17 *managed in a manner that does not com-*
18 *promise the ability of the Department of the*
19 *Navy to conduct military training in the*
20 *area.*

21 (4) *IMPLEMENTATION AGREEMENT.*—

22 (A) *IN GENERAL.*—*The Secretary of the In-*
23 *terior and the Secretary of the Navy shall enter*
24 *into a written agreement to implement the man-*
25 *agement responsibilities of the respective Secre-*

1 *taries with respect to the area described in sub-*
2 *section (a)(2)(B).*

3 *(B) COMPONENTS.—The agreement entered*
4 *into under subparagraph (A)—*

5 *(i) shall be of a duration that is equal*
6 *to the period of the withdrawal and reserva-*
7 *tion of land under this section;*

8 *(ii) may be amended from time to*
9 *time;*

10 *(iii) may provide for the integration of*
11 *the management plans required of the Sec-*
12 *retary of the Interior and the Secretary of*
13 *the Navy by this section;*

14 *(iv) may provide for delegation to ci-*
15 *vilian law enforcement personnel of the De-*
16 *partment of the Navy of the authority of the*
17 *Secretary of the Interior to enforce the laws*
18 *relating to protection of natural and cul-*
19 *tural resources and fish and wildlife; and*

20 *(v) may provide for the Secretary of*
21 *the Interior and the Secretary of the Navy*
22 *to share resources so as to most efficiently*
23 *and effectively manage the area described in*
24 *subsection (a)(2)(B).*

1 (5) *JOHNSON VALLEY OFF-HIGHWAY VEHICLE*
2 *RECREATION AREA.*—

3 (A) *DESIGNATION.*—*The following areas are*
4 *designated as the “Johnson Valley Off-Highway*
5 *Vehicle Recreation Area”:*

6 (i) *Approximately 45,000 acres (as de-*
7 *scribed on the map referred to in subsection*
8 *(a)(2)) of the existing Bureau of Land Man-*
9 *agement-designated Johnson Valley Off-*
10 *Highway Vehicle Area that is not with-*
11 *drawn and reserved for defense-related uses*
12 *by this section.*

13 (ii) *The area described in subsection*
14 *(a)(2)(B).*

15 (B) *AUTHORIZED ACTIVITIES.*—*To the ex-*
16 *tent consistent with applicable Federal law (in-*
17 *cluding regulations) and this section, any au-*
18 *thorized recreation activities and use designation*
19 *in effect on the date of enactment of this Act and*
20 *applicable to the Johnson Valley Off-Highway*
21 *Vehicle Recreation Area may continue, including*
22 *casual off-highway vehicular use and recreation.*

23 (C) *ADMINISTRATION.*—*The Secretary of the*
24 *Interior shall administer the Johnson Valley Off-*
25 *Highway Vehicle Recreation Area (other than the*

1 portion of the area described in subsection
2 (a)(2)(B) that is being managed in accordance
3 with the other provisions of this section), in ac-
4 cordance with—

5 (i) the Federal Land Policy and Man-
6 agement Act of 1976 (43 U.S.C. 1701 et
7 seq.); and

8 (ii) any other applicable law.

9 (D) *TRANSIT.*—In coordination with the
10 Secretary of the Interior, the Secretary of the
11 Navy may authorize transit through the Johnson
12 Valley Off-Highway Vehicle Recreation Area for
13 defense-related purposes supporting military
14 training (including military range management
15 and management of exercise activities) conducted
16 on the land withdrawn and reserved by this sec-
17 tion.

18 (c) *DURATION OF WITHDRAWAL AND RESERVATION.*—

19 The withdrawal and reservation made by this section termi-
20 nate on March 31, 2039.

21 **SEC. 205. WHITE SANDS MISSILE RANGE AND FORT BLISS.**

22 (a) *WITHDRAWAL.*—

23 (1) *IN GENERAL.*—Subject to valid existing
24 rights and paragraph (3), the Federal land described
25 in paragraph (2) is withdrawn from—

1 (A) entry, appropriation, and disposal
2 under the public land laws;

3 (B) location, entry, and patent under the
4 mining laws; and

5 (C) operation of the mineral leasing, min-
6 eral materials, and geothermal leasing laws.

7 (2) *DESCRIPTION OF FEDERAL LAND.*—*The Fed-*
8 *eral land referred to in paragraph (1) consists of—*

9 (A) the approximately 5,100 acres of land
10 depicted as “Parcel 1” on the map entitled
11 “White Sands Missile Range/Fort Bliss/BLM
12 Land Transfer and Withdrawal” and dated
13 April 3, 2012 (referred to in this section as the
14 “map”);

15 (B) the approximately 37,600 acres of land
16 depicted as “Parcel 2”, “Parcel 3”, and “Parcel
17 4” on the map; and

18 (C) any land or interest in land that is ac-
19 quired by the United States within the bound-
20 aries of the parcels described in subparagraph
21 (B).

22 (3) *LIMITATION.*—*Notwithstanding paragraph*
23 *(1), the land depicted as “Parcel 4” on the map is*
24 *not withdrawn for purposes of the issuance of oil and*
25 *gas pipeline rights-of-way.*

1 (b) *RESERVATION.*—*The Federal land described in*
2 *subsection (a)(2)(A) is reserved for use by the Secretary of*
3 *the Army for military purposes in accordance with Public*
4 *Land Order 833, dated May 27, 1952 (17 Fed. Reg. 4822).*

5 (c) *REVOCATION OF WITHDRAWAL.*—*Effective on the*
6 *date of enactment of this Act—*

7 (1) *Public Land Order 833, dated May 21, 1952*
8 *(17 Fed. Reg. 4822), is revoked with respect to the ap-*
9 *proximately 2,050 acres of land generally depicted as*
10 *“Parcel 2” on the map; and*

11 (2) *the land described in paragraph (1) shall be*
12 *managed by the Secretary of the Interior as public*
13 *land, in accordance with—*

14 (A) *the Federal Land Policy and Manage-*
15 *ment Act of 1976 (43 U.S.C. 1701 et seq.); and*

16 (B) *any other applicable laws.*

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113TH CONGRESS
2^D SESSION

S. 1309

[Report No. 113-1611]

A BILL

To withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes.

MAY 14, 2014

Reported with an amendment