

**KEY ELEMENTS
OF
PROPOSED EXPANSION PLAN
FOR
FORT IRWIN AND THE NATIONAL TRAINING CENTER**

I. Executive Summary.

Congress directed the Department of the Army and Department of Interior to draft a proposed plan that would expand the maneuver training lands at the National Training Center while protecting endangered and threatened species and their critical habitats. Public Law 106-554, *Consolidated Appropriations Act, 2001*, incorporates by reference H.R. 5666, *Miscellaneous Appropriations*, Section 323 of which requires that the Secretaries jointly provide to Congress the key elements of the proposed expansion plan no later than 45 days after enactment. Within 90 days after enactment, the Director of the Fish and Wildlife Service is to provide the Secretaries with a preliminary review of the plan that identifies an approach for implementing the plan consistent with the Endangered Species Act. Within 120 days of enactment, the Secretaries are required to submit a proposed expansion plan and to propose legislation for the withdrawal and reservation of public lands for the National Training Center expansion. All activities are to be taken in full compliance with the Endangered Species Act, the National Environmental Policy Act, and other applicable laws and regulations.

In partial satisfaction of the requirements of the Fort Irwin National Training Center Expansion provision, the Secretaries, therefore, jointly submit this Key Elements Report, identifying the proposed expansion areas that are necessary to meet training requirements and setting forth proposed conservation measures to preserve and protect sensitive species and their habitats.

II. Introduction.

The National Training Center (NTC) at Fort Irwin, California, is the only instrumented training area in the world suitable for force-on-force and live fire training of heavy brigade-sized military forces. It provides the Army with essential training opportunities necessary to maintain and improve military readiness and promote national security. The NTC must be expanded to meet the critical need of the Army for additional training lands suitable for the maneuver of large numbers of military personnel and equipment, which is necessitated by advances in equipment, by doctrinal changes, and by Army Transformation requirements.

The lands being considered for expansion of the NTC are home to the desert tortoise (*Gopherus agassizii*) and Lane Mountain milkvetch (*Astragalus jaegerianus*), which are protected under the Endangered Species Act of 1973 (ESA), 16 U.S.C. §§1531 et seq. Any plan for the expansion of the NTC must provide for such expansion in a manner that complies with the ESA, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§4321 et seq., and other applicable laws.

By legislation, Public Law 106-554, *Consolidated Appropriations Act, 2001*, incorporating by reference H.R. 5666, *Miscellaneous Appropriations, Section 323*, entitled *Fort Irwin National Training Center Expansion* (Attachment 1), Congress directed the Secretaries of the Interior and Army to:

1. Within 45 days of enactment, prepare and submit to Congress a joint report on key elements of a proposed plan to expand the NTC and to provide for conservation measures;
2. Within 90 days of enactment, obtain the U.S. Fish and Wildlife Service's (FWS) preliminary review of the proposed expansion plan for the purpose of identifying an approach for implementing the plan consistent with the ESA;
3. Within 120 days of enactment, prepare and submit to Congress a proposed expansion plan that takes into account the content of the FWS's preliminary review; and
4. Within 120 days of enactment, prepare and submit to Congress proposed legislation providing for withdrawal and reservation of public lands for the expansion of the NTC;
5. Initiate as soon as practicable, and complete within 24 months of enactment, consultation required under Section 7 of the ESA;
6. Within 30 months of enactment, complete any analysis required under NEPA.

III. Fort Irwin and the National Training Center.

A. Establishment, Purpose, and Mission.

In 1940, President Roosevelt established the Mojave Anti-Aircraft Range, a military reservation of 1,000 square miles, in the area of present-day Fort Irwin. In 1942, the post was re-named Camp Irwin in honor of Major General G. Leroy

Irwin, World War I commander of the 57th Field Artillery Brigade. The post was deactivated in 1944. It was reactivated in 1951 as a training center for combat units in the Korean War.

The post was designated a permanent Class 1 installation in August 1961 and was designated Fort Irwin. During the Viet Nam buildup, many units, primarily artillery and engineer, were trained and deployed to Southeast Asia directly from the post.

In January 1971, the post was again deactivated and placed in maintenance status under the control of Fort McArthur, California. Despite deactivation, the post continued to serve as a training site for the National Guard and Army Reserve.

On October 16, 1980, Fort Irwin was selected from several candidates to become the site of the new National Training Center. On July 1, 1981 Fort Irwin was reactivated as an active Army installation.

The mission of the NTC since its inception has been to provide tough, realistic combined arms and joint training to be conducted under conditions that must remain relevant to the combat situations our forces must face. Advances in weaponry, demands in logistics and command/control, and developments in information technology emphasize the need to train brigades across the full spectrum of operations. Such training carries the added benefit of allowing brigades to be trained with their full complement of combat and support units during each NTC rotational training exercise. These larger training operations enhance the development of doctrine and technology for the future. The NTC is limited by its current available acreage to provide a realistic training environment to meet the expanding needs of Army brigades.

B. Need for Expansion.

The expansion of the NTC at Fort Irwin is essential to maintaining operational readiness for National Security. It is the only instrumented training area in the world suited for force-on-force and live fire training of heavy brigade-sized and battalion task forces. Advances in equipment (e.g., longer engagement ranges of weapon systems), doctrinal changes (expansion of the battlespace by at least a factor of four), and the ongoing Army Transformation require the expansion.

Because of advances in weapon systems, brigades and battalions are required to cover more ground; they operate in dispersed areas of operation; mass to conduct decisive combat operations; and then disperse again. Units are required to cover and operate over more ground than ever before -- 50km x 100km, as opposed to the 26km x 58km-maneuver space currently available.

These factors drive the Army's requirement for additional maneuverable training land at the NTC to accommodate brigade-sized and battalion task force training operations.

When Fort Irwin was designated the NTC in 1980, tactics were structured around equipment that could effectively engage an enemy at ranges of 1 to 12 miles. Today, the Army effectively engages the enemy at ranges up to 60 miles away. Also, the pace of tactical operations has increased from 10 miles per hour to more than 25 miles per hour. The effectiveness of NTC training were first demonstrated during Desert Storm, and the success of the Army during Desert Storm was directly attributable to having trained with these new weapon systems at the NTC.

C. History and Alternatives.

In the mid-1980s, the need for additional land for training at the NTC was identified because of changes in doctrine, equipment, and tactics. This need was subsequently validated and quantified by two Land Use Requirements Studies (LURS). The studies indicated a shortfall of about 193,000 net maneuverable acres on the NTC to adequately meet training needs. Various alternatives were developed and studied to enable the NTC to meet the needs identified in the LURS. These alternatives included variations of land configurations adjacent to the NTC, as well as use of other military installations. Each of the studied alternatives presented disadvantages as to impacts on the environment, training value of the land, cost, and co-use complications.

The Army has identified a proposed expansion plan that incorporates the advantages of both an eastern and western expansion. This alternative involves acquisition of approximately 110,000 new acres on the east and southwest sides of the existing NTC and the return to training use of about 22,000 acres in the south that are currently set aside on the NTC. While this total is less than the 193,000 acres identified in the LURS, it satisfies the most critical needs for additional maneuver lands, while taking into account the Army's environmental stewardship responsibilities.

IV. West Mojave Desert.

A. Endangered and Threatened Species.

Twelve federally listed threatened and endangered species are found within the West Mojave Desert. These include endemic plants with a very limited range to wide ranging species that are endangered by disease and human-related actions. An additional 106 unlisted species have been identified as

target species for protection by the West Mojave Desert Coordinated Management Plan (West Mojave Plan), a habitat conservation plan that is being prepared in accordance with section 10(a)(1)(B) of the ESA, 16 U.S.C. §1539(a)(1)(B). This plan is described in greater detail in section C of this part of the Report.

Two listed species occur within the proposed Fort Irwin expansion area -- the desert tortoise and the Lane Mountain milkvetch. Training activities on the proposed Fort Irwin expansion lands will not proceed unless the Army determines, pursuant to section 7(a)(2) of the ESA, 16 U.S.C. §1536(a)(2), and in consultation with the FWS, that the training activities will not be likely to jeopardize the continued existence of these species or destroy or adversely modify any designated critical habitat. Critical habitat is defined as areas that contain the physical or biological features essential to the conservation of the species, and that may require special management considerations or protection. In 1994, the FWS designated critical habitat for the desert tortoise that includes substantial tracts of land on and around Fort Irwin, including the Superior Valley portion of the proposed expansion area. 59 Fed. Reg. 5820-5866 (1994). The FWS has not designated critical habitat for the Lane Mountain milkvetch.

While the proposed expansion area does encompass desert tortoise habitat, it avoids the important tortoise habitat immediately south and southwest of the proposed expansion area, including the Paradise Valley and the Coyote Basin. Based on surveys completed in 1998 and 1999, these areas apparently support some of the highest numbers of desert tortoises remaining in the West Mojave Desert. Moreover, the proposed withdrawal legislation may include substantial funding for land acquisition and other conservation measures that will be designed to offset the adverse impacts to the desert tortoise that may result from the proposed expansion.

While the desert tortoise has received most of the attention during the longstanding efforts by Interior and Army to accommodate an expansion of Fort Irwin, the milkvetch presents equally challenging questions to address during the consultation process. Two of the three known occurrences of the Lane Mountain milkvetch are within the proposed expansion area, and these are located within areas susceptible to training maneuvers (<20% slopes). Other potential impacts of the proposed expansion that could occur on or off the expansion area include, but are not limited to, dust and obscurants. Potential habitat exists, however, outside the proposed expansion area on Lane Mountain and in the Paradise Range, and efforts will be made during the pre-consultation period to locate other populations in these and perhaps other areas outside the proposed expansion area.

A number of unlisted, but sensitive, plants and animals occur within the proposed expansion area. Animals include the LeConte's thrasher, Bendire's thrasher, golden eagle, prairie falcon, burrowing owl, and the state-listed Mohave ground squirrel. Major populations are present for LeConte's thrasher and Mohave ground squirrel. Plants include small-flowered androstephium, desert cymopterus, Barstow woolly sunflower, alkali mariposa lily, and Clokey's cryptantha. The small annual plant, Clokey's cryptantha, is known from only two locations, and about half of its predicted distribution is within the proposed expansion area. Many of the mitigation measures that will be implemented to protect listed species, especially land acquisition, should have a salutary impact on these unlisted species.

B. Description and Purpose of West Mojave Desert Wildlife Management Areas.

The Desert Tortoise (Mojave Population) Recovery Plan (1994) recommended that four Desert Wildlife Management Areas (DWMA) be established within the West Mojave Desert: Superior-Cronese, Fremont-Kramer, Ord-Rodman, and Joshua Tree. These areas consist of approximately 1.5 million acres of habitat that is considered essential to the conservation of tortoises. Through the West Mojave planning process, biologists used 1998 and 1999 tortoise survey information, land ownership patterns, and discussion with scientists and agency personnel to propose DWMA boundaries for consideration by the West Mojave Supergroup, a group that includes federal, state, and local agency officials, as well as representatives of the environmental community and development interests. The Superior Valley portion of the proposed expansion area lies within the Superior-Cronese DWMA. If the proposed expansion goes forward, the boundaries of this DWMA will need to be changed to exclude most of these lands.

DWMAs will be managed for desert tortoise conservation. Protective management prescriptions would apply, with a goal of ensuring the long-term survival and recovery of the desert tortoise. Desert tortoise DWMAs would be designated by BLM as Areas of Critical Environmental Concern (ACEC), a designation applied to "public lands where special management attention is required ... to protect and prevent irreparable damage to important ... wildlife resources, or other natural systems or processes" (43 C.F.R. §1601.0-5)

C. Description and Purpose of Wilderness Study Areas.

Five former BLM Wilderness Study Areas (WSA) identified in the 1980 California Desert Conservation Area Plan lie adjacent to the National Training Center. The Death Valley National Park Boundary, Kingston, Avawatz

Mountains, South Avawatz Mountains, and Soda Mountains WSAs were legislatively designated in October 1994 by the California Desert Protection Act (CDPA) and the public lands withdrawn from entry. The CDPA allowed these areas to remain under wilderness review pending a final decision on the National Training Center expansion.

The proposed expansion area affects two of the designated WSAs: a small portion of the Avawatz Mountains WSA and all of the South Avawatz WSA. Although not directly affected, the Soda Mountains WSA would border the proposed expansion area, separated by the Boulder Energy Production and Utility Corridor. A legislative authorization for a Fort Irwin expansion and public land withdrawal for military purposes would result in a release of a small portion of the Avawatz and the entire South Avawatz WSAs from further consideration for wilderness designation. It would also, however, free the Congress to make final decisions to designate wilderness areas on the remaining portion of the Avawatz WSA, as well as on the Soda Mountain, Kingston, and Death Valley National Monument Boundary WSAs.

D. West Mojave Desert Coordinated Management Plan.

The West Mojave Plan is a habitat conservation plan that is being prepared in accordance with section 10(a)(1)(B) of the ESA, 16 U.S.C. §1539(a)(1)(B). The Bureau of Land Management (BLM) is one of several agencies and local jurisdictions involved in its preparation. Although BLM has provided the leadership for the plan, the State of California and local cities and counties are co-preparers and have provided a third of its funding. As noted previously, these parties, together with the environmental community, developers, and other public land users are working together as the West Mojave Supergroup to prepare the plan. The plan's implementation depends upon the stakeholders' ability to agree on an array of land uses that can be approved by the FWS and California Department of Fish and Game.

The West Mojave Plan is designed to meet two needs. First, the plan will establish a consistent, regional conservation strategy to conserve and recover populations of the desert tortoise and other sensitive species within the West Mojave Desert. Local governments and agencies having jurisdiction over portions of this area would implement a single, consistent wildlife management program, based upon the best science reasonably available.

Second, the plan will establish an improved and streamlined process for compliance with the federal and California endangered species acts. Non-federal entities, such as the cities and counties participating in the plan, would be issued incidental take permits pursuant to section 10(a)(1)(B) of the ESA, 16 U.S.C. §1539(a)(1)(B), that would allow future development projects to be

approved quickly and with predictable measures to minimize and mitigate the incidental take associated with their projects. Federal agencies, such as the BLM, would consult with the FWS pursuant to section 7(a)(2) of the ESA, 16 U.S.C. §1536(a)(2), on the implementation of the plan. Ongoing activities authorized, funded, or implemented by the participating federal agencies would include standard procedures, developed during the planning effort, to conserve listed and other sensitive species. The plan will also use standardized guidelines to facilitate streamlined evaluation of larger actions that may affect listed and sensitive species.

If Fort Irwin expands as proposed, conserving sensitive species in the western Mojave Desert will become more difficult, because most of the lands in the proposed expansion area will no longer be available for species conservation purposes. The conservation measures proposed as part of the expansion should be taken into account as the West Mojave Coordinated Management Plan is developed. Consequently, the development of the West Mojave Coordinated Management Plan and the proposed expansion of Fort Irwin should be coordinated closely to ensure that the adverse and beneficial impacts of both actions can be fully considered in the decision-making processes.

E. Research Natural Areas to Protect and Promote Conservation of Desert Tortoise.

Research natural areas (RNA) can be established to protect public lands having natural characteristics that are unusual or that are of scientific or other special interest (43 C.F.R. §8223.0-1). Their primary purpose is to allow “research and education because the land has one or more of the following characteristics: ... A threatened or endangered plant or animal species....” (43 C.F.R. §8223.0-5.)

Two areas adjacent to the proposed expansion area meet the standard for establishing a research natural area. An East Alvord Mountain RNA would straddle the boundary between the National Training Center and the adjacent BLM public lands. The Department of Army currently supports several ongoing research projects in the proposed East Alvord Mountain RNA, including important work involving the biology of hatchling desert tortoises. The desert tortoise populations in this area are – for the most part – currently disease-free. A Paradise Valley RNA would include an important desert tortoise population immediately adjacent to the Superior Valley expansion area. Due to its isolation, threats to desert tortoise populations in this area are low. Those populations are also relatively disease-free.

Both of these proposed RNAs lie within the ACEC to be established for the Superior-Cronese Desert Wildlife Management Area described above.

Establishment of the two small RNAs will complement the management and protection to be provided by the larger ACEC.

V. Key Elements of Proposed Expansion Plan.

A. Assumptions.

Army must establish a second, brigade-sized maneuver corridor at the NTC. Currently, the Army has only one maneuver corridor suitable for brigade sized maneuvers. The second corridor must enable units to operate over an area of 90 kilometers in depth and 15-40 kilometers in width.

The expansion must be expedited to satisfy the training needs of the new interim brigade combat teams (IBCT) that are scheduled to train at the NTC in 2003. The new IBCT features improved mobility and acquisition capability, enabling it to detect and fight enemy forces at longer ranges and move faster over hostile terrain. Additionally, the Army is changing its doctrine to combat current and future threats. This new doctrine requires Army units to fight with dispersed elements over a greater zone of action.

The expansion must comply with applicable environmental laws and regulations, including the ESA and NEPA.

No maneuver training may begin until environmental requirements have been met. Interior and Army acknowledge that limited activities may be conducted on the expansion lands, after an appropriate environmental analysis and provided that such activities do not constitute an irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of reasonable and prudent alternatives necessary to avoid jeopardizing the continued existence of a listed species or adversely modifying critical habitat, as required by section 7(d) of the ESA, 16 U.S.C. §1536(d). Such activities may include, but are not limited to: surveys for plants and animal life subject to any permits required by FWS or California Department of Fish and Game, land surveys, soils and geology investigations, RF spectrum analysis and testing, pre-construction surveys, equipment testing that will not result in any soils or vegetation disturbances, and siting of antenna facilities in the proposed expansion area directly to the east of the NTC.

B. Expansion of Fort Irwin and the NTC.

The proposed expansion includes two parcels of land contiguous with the existing NTC boundaries. Parcel 1 (Superior Valley) is situated west of the NTC and contains about 63,673 acres. It is roughly rectangular in shape with its

eastern-most boundary contiguous with NTC's southwest corner. The parcel is bounded on the north by the China Lake Naval Air Weapons Station Mojave B Range; on the south by the Paradise and Lane Mountain Ranges, and on the west by Superior Dry Lake. Parcel 2 (East Gate) includes about 46,438 acres directly east of and contiguous with the NTC. It is bounded on the north by the Avawatz Mountains, on the east by State Highway 127, with its southern boundary running adjacent to the Boulder Power Corridor. The area NTC that is proposed to be returned for training use (UTM 90 Gridline Area) is composed of about 22,139 acres on the southern-most portion of the NTC. It is comprised of a rectangular shaped piece of approximately 30 kilometers wide and 3 kilometers wide. These lands are shown on maps as located below the UTM 90 Gridline. The proposed expansion areas described above are depicted on the attached map.

Subject to limited exception, the UTM 90 Area (approximately 22,139 acres) would be opened for maneuver training, thereby completing the needed brigade-sized maneuver corridor, for a total of 132,250 additional acres for maneuver training.

With the expansion described above, the Army expects that maneuver training requirements can be met without expansion into Paradise Valley, which contains sensitive desert tortoise habitat.

C. Conservation Measures.

Public Law 106-554 authorizes \$75M for conservation of listed species impacted by the proposed expansion. These proposed conservation measures would be provided for with this funding and are based on analysis of potential impacts of the proposed Fort Irwin expansion. The conservation measures are intended to offset direct and indirect impacts of the proposed expansion, and are part of the Fort Irwin expansion proposal that will be reviewed during consultation under Section 7(a)(2) of the ESA, 16 U.S.C. §1536(a)(2). Additional conservation benefits provided by the Army through supplemental on-the-ground management actions not identified below will be considered at the time the Section 7 consultation is conducted.

1. In addition to withdrawal of the lands described above for maneuver training, an additional 484 acres will be withdrawn. These additional acres will expand the existing Fort Irwin Study Site to approximately 10 square kilometers. Fort Irwin and BLM will jointly manage this area, which will be adjacent to BLM lands that will constitute the new East Alvord Mountain Research Natural Area.

2. To the extent practicable and consistent with its military needs, the Army will seek to manage appropriate areas of the UTM 90 Area in such a way as to protect the desert tortoise and its habitat.

3. The BLM will designate an approximately 500 square kilometer area just south of Fort Irwin as an Area of Critical Environmental Concern (ACEC). Approximately 3100 acres of existing Fort Irwin lands will become part of this ACEC. This area encompasses critical habitat for the desert tortoise and establishes a land bridge between populations of desert tortoise located east and west of the installation. It also assures that Fort Irwin will not be expanded to the south in the future. The BLM will manage this ACEC for the protection and conservation of the desert tortoise and its habitat and for research on the desert tortoise.

4. A Working Group, composed of staff from the Army, FWS, California Department of Fish and Game, and BLM, will evaluate proposals for land acquisition and other conservation measures (e.g., research needs and priorities, management practices) to ensure they meet the appropriate criteria and provide for adequate conservation of the species to offset the impacts of the proposed expansion. The FWS will make the final determination as to whether any specific parcel of land should be acquired or whether any other conservation measure, including research, is appropriate and should be funded with the authorized appropriations. Conservation measures necessary to comply with the ESA may include, but are not limited to, the following:

a. Establishment of areas of critical environmental concern which encompass wildlife management areas in the West Mojave Desert. The ACECs will provide special management attention to protect and prevent irreparable damage to important wildlife resources within areas (see 43 C.F.R. §1601.0-5);

b. Establishment of an East Alvord Mountain Research Natural Area and a Paradise Valley Research Natural Area. Establishment of a mechanism through the West Mojave Plan for designating additional RNAs to support future research as the need arises, which might include, for example, RNAs encompassing areas to which desert tortoises are translocated; head-starting locations; epidemiological research; or urban interface studies;

c. Acquisition of non-federal lands within the wildlife management areas in the West Mojave Desert. These areas would be segregated into distinct acquisition polygons, and priorities would be established for acquiring lands within those polygons. Lands would be acquired from willing sellers in areas with the greatest potential for contributing to the conservation

and recovery of desert tortoise populations within the Western Mojave Tortoise Recovery Unit.

The following criteria are proposed to guide the land acquisition selection process:

- (1) Desert tortoise occurrence;
- (2) Suitable desert tortoise habitats;
- (3) Overlap of desert tortoise, Lane Mountain milkvetch, and other sensitive species;
- (4) Potential for conflict with preservation of the desert tortoise, Lane Mountain milkvetch, and other sensitive species (preference being given to acquiring lands that have the most imminent threat of being developed);
- (5) Ability to facilitate vehicle route network implementation;
- (6) Relative disturbance (preference being given to acquiring lands that have the least amount of disturbance);
- (7) Relative distance from nearby development (preference being given to acquiring lands that have the most imminent threat of being developed); and
- (8) Cost of land.

d. Construction of barriers, fences, and other structures that are designed primarily to conserve the endangered or threatened species and their critical habitats.

e. Funding of research studies designed to protect and promote conservation of the desert tortoise, Lane Mountain milkvetch, and other endangered or threatened species and their critical habitats. The Working Group would make recommendations regarding research needs and priorities. The FWS will make the final determination regarding the research projects that will be funded with the authorized appropriations; and

f. Other conservation measures that the Working Group may recommend as being necessary and appropriate to protect and promote the conservation of the desert tortoise, Lane Mountain milkvetch, and other endangered or threatened species and their critical habitats. The FWS will make the final determination as to whether a conservation measure should be funded with the authorized appropriations. These might include, but would not be limited to, the following:

(1) Designation and implementation of a vehicle access network within the West Mojave wildlife management areas, including restoration of closed routes and signing. Particular consideration will be given to those areas where route designation and closure would best benefit the conservation of the desert tortoise, Lane Mountain milkvetch, and other special status species;

(2) Establishment of a line distance sampling monitoring program for desert tortoise populations, to be implemented over 30 years throughout the West Mojave wildlife management areas based on the best available scientific information;

(3) An education program that promotes the conservation and recovery of the desert tortoise and the protection of the West Mojave Desert's wildlife management areas; and

(4) Initial research or analysis to determine impacts of the proposed expansion that may occur outside training areas, such as, but not limited to, the effects of dust and obscurants on the desert tortoise and Lane Mountain milkvetch.

g. Withdrawal of lands identified as necessary for the long-term survival and recovery of the desert tortoise and Lane Mountain milkvetch from mining, location, leasing, sale, entry, and other conflicting land uses in order to prevent the loss of the conservation value of the lands by these competing and incompatible uses.

D. Water Rights.

The expansion does not establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and

reserved by this title; or authorize the appropriation of water on lands withdrawn and reserved, except as may be accomplished in accordance with applicable State law. This expansion does not affect any water rights acquired by the United States before the date of the enactment of this title. Consistent with a Memorandum of Agreement between the Army and the BLM, the Army shall continue to have the right to exercise any water rights previously withdrawn for Fort Irwin.

E. Mineral Withdrawal.

Interior and Army expect that final legislation approving the proposed Fort Irwin expansion will withdraw the lands from entry, location, leasing, and sale under the applicable public land laws.

VI. Preliminary Review of Proposed Expansion Plan.

Within 90 days after enactment, the Director of the FWS will provide the Secretaries with a preliminary review of the proposed expansion plan. The preliminary review will identify, with as much specificity as possible, an approach for implementing the proposed expansion plan in a manner that is consistent with the requirements of the ESA. The preliminary review shall be used to assist the Secretaries in more precisely defining the nature and scope of an expansion plan for the NTC that is likely to satisfy the requirements of the ESA and to expedite the formal consultation process under Section 7 thereof. The Director's preliminary review does not constitute formal consultation under Section 7 of the ESA.

VII. Proposed Expansion Plan and Proposed Withdrawal Legislation.

Not later than 120 days after enactment, the Secretaries shall complete and submit to Congress the proposed expansion plan for the expansion of the NTC. The proposed expansion plan shall take into account the content of the preliminary review by the Director of the FWS. The Secretaries shall publish a "notice of availability" in the Federal Register and shall make the proposed expansion plan available to the public.

The Secretaries shall submit to Congress with the proposed expansion plan a draft of proposed legislation for the withdrawal and reservation of public lands for the expansion of the NTC.

Ground-disturbing military use of the land to be withdrawn may not occur until the Secretaries certify that there has been full compliance with the ESA, NEPA, and other applicable laws.

VIII. Compliance with Environmental and Other Laws.

The Secretaries shall initiate formal consultation pursuant to Section 7 of the ESA as soon as practicable and shall complete such consultation not later than two years after enactment. The Secretaries shall complete any analysis required under NEPA not later than six months following completion of the formal consultation required under Section 7 of the ESA. The analysis shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan. The Secretaries shall comply with requirements of all applicable laws.

Appendix 1

H.R. 5666 Miscellaneous Appropriations (extract)

(146 Cong. Rec. H12262, December 15, 2000)

Incorporated by reference into

Public Law 106-554, Consolidated Appropriations Act, 2001

SEC. 323. FORT IRWIN NATIONAL TRAINING CENTER EXPANSION.

(a) **FINDINGS.**--Congress makes the following findings:

(1) The National Training Center at Fort Irwin, California, is the only instrumented training area in the world suitable for live fire training of heavy brigade-sized military forces and thus provides the Army with essential training opportunities necessary to maintain and improve military readiness and promote national security.

(2) The National Training Center must be expanded to meet the critical need of the Army for additional training lands suitable for the maneuver of large numbers of military personnel and equipment, which is necessitated by advances in equipment, by doctrinal changes, and by Force XXI doctrinal experimentation requirements.

(3) The lands being considered for expansion of the National Training Center are home to the desert tortoise and other species that are protected under the Endangered Species Act of 1973, and the Secretary of Defense and the Secretary of the Interior, in developing a plan for expansion of the National Training Center, must provide for such expansion in a manner that complies with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(4) In order for the expansion of the National Training Center to be implemented on an expedited basis, the Secretaries should proceed without delay to define with specificity the key elements of the expansion plan, including obtaining early input regarding national security requirements, Endangered Species Act of 1973 compliance and mitigation, and National Environmental Policy Act of 1969 compliance.

(b) **PURPOSE.**--The purpose of this section is to expedite the expansion of the National Training Center at Fort Irwin, California, in a manner that is fully compliant with environmental laws.

(c) **PREPARATION OF PROPOSED EXPANSION PLAN.**--

(1) **PREPARATION REQUIRED.**--The Secretary of the Army and the Secretary of the Interior (in this section referred to as the ``Secretaries'') shall jointly prepare a proposed plan for the expansion of the National Training Center at Fort Irwin, California.

(2) **SUBMISSION AND AVAILABILITY.**--The plan required by paragraph (1) (in this section referred to as the ``proposed expansion plan'') shall be completed not later than 120 days after the date of the enactment of this Act. When completed, the Secretaries shall make the proposed expansion plan available to the public and shall publish in the Federal Register a ``notice of availability'' concerning the proposed expansion plan.

(d) **KEY ELEMENTS OF PROPOSED EXPANSION PLAN.**--

(1) **JOINT REPORT.**--Not later than 45 days after the date of the enactment of this Act, the Secretaries shall submit to Congress a joint report that identifies the key elements of

the proposed expansion plan.

(2) **LANDS WITHDRAWAL AND RESERVATION.**--The proposed expansion plan shall include the withdrawal and reservation of an appropriate amount of public lands for-

- (A) the conduct of combined arms military training at the National Training Center;
- (B) the development and testing of military equipment at the National Training Center;

[Page: H12263]

- (C) other defense-related purposes; and
- (D) conservation and research purposes.

(3) **CONSERVATION MEASURES.**--The proposed expansion plan shall also include a general description of conservation measures, anticipated to cost approximately \$75,000,000, that may be necessary and appropriate to protect and promote the conservation of the desert tortoise and other endangered or threatened species and their critical habitats in designated wildlife management areas in the West Mojave Desert. The conservation measures may include--

- (A) the establishment of one or more research natural areas, which may include lands both within and outside the National Training Center;
- (B) the acquisition of private and State lands within the wildlife management areas in the West Mojave Desert;
- (C) the construction of barriers, fences, and other structures that would promote the conservation of endangered or threatened species and their critical habitats;
- (D) the funding of research studies; and
- (E) other conservation measures.

(d) **PRELIMINARY REVIEW OF EXPANSION PLAN.**--

(1) **REVIEW REQUIRED.**--Not later than 90 days after the date of the enactment of this Act, the Director of the United States Fish and Wildlife Service shall submit to the Secretaries a preliminary review of the proposed expansion plan (as developed as of that date). In the preliminary review, the Director shall identify, with as much specificity as possible, an approach for implementing the proposed expansion plan consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) **RELATION TO FORMAL REVIEW.**--The preliminary review under paragraph (1) shall not constitute a formal consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), but shall be used to assist the Secretaries in more precisely defining the nature and scope of an expansion plan for the National Training Center that is likely to satisfy requirements of the Endangered Species Act of 1973 and to expedite the formal consultation process under section 7 of such Act.

(3) **CONSIDERATION OF PRELIMINARY REVIEW.**--In preparing the proposed expansion plan, the Secretaries shall take into account the content of the preliminary review by the Director of the United States Fish and Wildlife Service under paragraph (1).

(e) **DRAFT LEGISLATION.**--The Secretaries shall submit to Congress with the proposed expansion plan a draft of proposed legislation providing for the withdrawal and reservation of public lands for the expansion of the National Training Center. It is the sense of the Congress that the proposed legislation should contain a provision that, if

enacted, would prohibit ground-disturbing military use of the land to be withdrawn and reserved by the legislation until the Secretaries have certified that there has been full compliance with the appropriate provisions of the legislation, the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(f) **CONSULTATION UNDER ENDANGERED SPECIES ACT OF 1973.**--The Secretaries shall initiate the formal consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) with respect to expansion of the National Training Center as soon as practicable and shall complete such consultation not later than two years after the date of the enactment of this Act.

(g) **ENVIRONMENTAL REVIEW.**--Not later than six months following completion of the formal consultation required under section 7 of the Endangered Species Act of 1973 with respect to expansion of the National Training Center, the Secretaries shall complete any analysis required under the National Environmental Policy Act of 1969 with respect to the proposed expansion of the National Training Center. The analysis shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan that, as of the date of the enactment of this Act, is being undertaken by the Bureau of Land Management.

(h) **FUNDING.**--

(1) **IMPLEMENTATION OF CONSERVATION MEASURES.**--There are authorized to be appropriated \$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the final expansion plan for the National Training Center to comply with the Endangered Species Act of 1973.

(2) **IMPLEMENTATION OF SECTION.**--The amounts of \$2,500,000 for "Operation and Maintenance, Army" and \$2,500,000 for "Management of Lands and Resources, Bureau of Land Management" are hereby appropriated to the Secretary of the Army and the Secretary of the Interior, respectively, only to undertake and complete on an expedited basis the activities specified in this section.