

TITLE XXX

FORT IRWIN MILITARY LANDS WITHDRAWAL ACT OF 2001

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SEC. 3001. SHORT TITLE.

This title may be cited as the “Fort Irwin Military Lands Withdrawal Act of 2001.”

SEC. 3002. WITHDRAWAL AND RESERVATION.

(a) **WITHDRAWAL.** Subject to valid existing rights and except as otherwise provided in this title, all lands and interests in lands described in subsection (c) of this section, are hereby

withdrawn from all forms of appropriation under the general land laws, including the mining, mineral leasing, and geothermal leasing laws, and jurisdiction over such lands and interests in lands withdrawn and reserved by this title are hereby transferred to the Secretary of the Army.

(b) RESERVATION. The lands withdrawn under subsection (a) of this section are reserved for use by the Secretary of the Army for—

- (1) the conduct of combined arms military training at the National Training Center;
- (2) the development and testing of military equipment at the National Training Center;
- (3) other defense-related purposes; and
- (4) conservation and related research purposes.

(c) LAND DESCRIPTION. The public lands and interests in lands withdrawn and reserved by this section comprise 110,000 acres of land, more or less, in San Bernardino County, California, as generally depicted as “Proposed Withdrawal Land” on the map entitled “National Training Center _ Proposed Withdrawal of Public Lands for Training Purposes,” dated September 21, 2000, and filed in accordance with section 3003 of this title.

(d) CHANGES IN USE. The Secretary of the Army shall consult with the Secretary of the Interior prior to using the lands withdrawn and reserved by this title for any purpose other than those purposes identified in subsection (b) of this section.

(e) INDIAN TRIBES. Nothing in this title shall be construed as altering any rights reserved for Indians by treaty or Federal law. The Secretary of the Army shall consult with federally

recognized Indian tribes before taking action affecting rights or cultural resources protected by treaty or Federal law.

SEC. 3003. MAP AND LEGAL DESCRIPTION.

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTION. As soon as practicable after the effective date of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map or maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT. Such legal description shall have the same force and effect as if it were included in this title. The maps filed under this section shall support the legal description, without independent legal effect. The Secretary of the Interior may correct clerical and typographical errors in such legal description and maps.

(c) AVAILABILITY. Copies of the map or maps and the legal description shall be available for public inspection in the offices of the California State Director, California Desert District Office, and Riverside and Barstow Field Offices of the Bureau of Land Management, and the Office of the Commander, National Training Center and Fort Irwin.

(d) COSTS. The Secretary of the Army shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

SEC. 3004. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) GENERAL MANAGEMENT AUTHORITY. During the period of withdrawal and reservation made by this title, the Secretary of the Army shall manage the lands withdrawn and reserved by this title for the purposes specified in section 3002 of this title.

(b) CERTIFICATION. Ground-disturbing military use of the land to be withdrawn and reserved by this title are prohibited until the Secretaries have certified that there has been full compliance with the appropriate provisions of this title, the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(c) ACCESS RESTRICTIONS.

(1) IN GENERAL. If the Secretary of the Army determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the lands withdrawn and reserved by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) LIMITATION. Any such closure shall be limited to the minimum areas and periods that the Secretary of the Army determines are required for the purposes specified in this subsection.

(3) NOTICE. Immediately preceding and during any closure under this subsection, the Secretary of the Army shall post appropriate warning notices and take other steps, as necessary, to notify the public of the closure.

(d) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN. The Secretary of the Army shall prepare and implement, in accordance with the Sikes Act (16 U.S.C. § 670 *et seq.*), an integrated natural resources management plan for the lands withdrawn and reserved by this title. The plan shall include, in addition to the elements required under the Sikes Act, the following:

(1) a provision that any hunting, fishing, and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with the provisions of 10 U.S.C. § 2671; and

(2) a provision that the Secretary of the Army shall take necessary actions to prevent, suppress, and manage brush and range fires occurring within the boundaries of Fort Irwin, as well as brush and range fires occurring outside the boundaries of Fort Irwin, resulting from military activities. Notwithstanding the provisions of 10 U.S.C. § 2465, the Secretary of the Army may obligate funds appropriated or otherwise available to the Secretary of the Army to enter into memoranda of understanding, cooperative agreements, and contracts for fire fighting that shall reimburse the Secretary of the Interior for costs incurred under this subsection.

(e) USE OF MINERAL MATERIALS. Notwithstanding any other provisions of this title or the Act of July 31, 1947 (commonly known as the Materials Act of 1947, 30 U.S.C. § 601 *et seq.*), the Secretary of the Army may use sand, gravel, or similar mineral material resources of the type subject to disposition under the Materials Act from the lands withdrawn and reserved by this title if the use of such resources is required for construction needs of the National Training

Center.

(f) CONSULTATION WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION. The Secretary of the Army shall consult with the Administrator of the National Aeronautics and Space Administration in the preparation and implementation of all plans, reports, assessments, surveys, opinions, and impact statements of the Secretary of the Army that propose Army actions that have the potential to affect the operations or the environmental management of the Goldstone Deep Space Communications Complex. Such plans, reports, assessments, surveys, opinions, and impact statements shall include, but not be limited to:

(1) plans for military training, military equipment testing, or related activities that have the potential of impacting Goldstone Deep Space Communications Complex communications with space flight missions or other Goldstone Deep Space Communications Complex transmission or receipt of signals from outer space;

(2) the integrated natural resources management plan referred to in subsection (d) of this section;

(3) the West Mojave Coordinated Management Plan referred to in section 3007 of this title; and

(4) documents prepared in compliance with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

SEC. 3005. WATER RIGHTS.

(a) NO RESERVED WATER RIGHT ESTABLISHED. Nothing in this title shall be construed—

(1) to establish a reserved right in favor of the United States with respect to any

water on the lands withdrawn and reserved by this title; or

(2) as authorizing the appropriation of water on lands withdrawn and reserved under this title by the United States after the date of the enactment of this title, except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS. This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this title, and the Army shall have the right to exercise any such previously acquired or reserved water rights.

SEC. 3006. ENVIRONMENTAL COMPLIANCE AND ENVIRONMENTAL RESPONSE REQUIREMENTS.

(a) ENVIRONMENTAL RESPONSE AND RESTORATION REQUIREMENTS. The Secretary of the Army shall have the responsibility to conduct environmental response activities on the withdrawn and reserved lands and to conduct appropriate restoration of the natural resources, as determined by agreement between the Secretary of the Interior and the Secretary of the Army at the time of termination and relinquishment and in accordance with applicable laws and regulations. The Secretary of the Army shall conduct and fund environmental response and restoration activities consistent with the reasonably anticipated future land use identified by the Secretary of the Interior in consultation with the Secretary of the Army at the time of termination or relinquishment. To the extent practicable, all such response and restoration actions shall take place before the termination of such withdrawal and reservation. The Secretary of the Army shall retain any obligation or other liability of the United States under applicable laws or

regulations with respect to environmental contamination of the property that occurs during the period of the withdrawal and reservation or that arises directly or indirectly from activities of the Secretary of the Army. Nothing in this subsection is intended to prevent the United States from bringing a cost recovery, contribution, or other action against third persons or parties that the United States believes may have contributed to environmental contamination on the withdrawn and reserved lands.

(b) PROTECTIONS FOR THE SECRETARY OF INTERIOR. The Secretary of the Interior shall not be liable for environmental contamination that arises from the activities of the Secretary of the Army on the withdrawn and reserved lands, or any party acting under the authority of the Secretary of the Army.

(c) ENVIRONMENTAL BASELINE CONDITIONS. The Secretary of the Army shall prepare, in consultation with the Secretary of the Interior, an environmental baseline survey, characterizing the environmental conditions, at the time of the withdrawal, of the lands withdrawn and reserved by this title.

(d) RELINQUISHMENT OR TERMINATION.

(1) ENVIRONMENTAL REVIEW. Upon notifying the Secretary of the Interior that the Secretary of the Army intends, pursuant to Section 3012 of this title, to relinquish jurisdiction over the lands withdrawn and reserved by this title, the Secretary of the Army shall prepare, in consultation with the Secretary of the Interior, an environmental baseline survey, military range assessment, or other environmental review characterizing the environmental conditions, at the time of termination, of the lands withdrawn and reserved

by this title.

(2) MEMORANDUM OF UNDERSTANDING. The Secretary of the Army and the

Secretary of the Interior shall use their best efforts to enter into a memorandum of understanding for the Army to implement the environmental response and restoration requirements of this section.

(3) CONSULTATION. If the Secretary of the Interior accepts the relinquishment of jurisdiction over any of the lands withdrawn and reserved by this title before all necessary response actions have been completed, the Secretary of the Interior shall consult with the Secretary of the Army before undertaking or authorizing any activities on the withdrawn and reserved lands that may affect existing releases, interfere with the installation, maintenance, or operation of any response action, or expose any person to a safety or health risk associated with either the release or the response action being undertaken.

SEC. 3007. WEST MOJAVE COORDINATED MANAGEMENT PLAN.

(a) The Secretary of the Interior shall—

(1) Make every effort to complete the West Mojave Coordinated Management Plan no later than two years from the date of enactment of this title;

(2) Ensure that the West Mojave Coordinated Management Plan analyzes the impacts of the availability or nonavailability of the lands withdrawn by this title on the Plan as a whole;

(b) The Secretary of the Army shall participate in the development of the West Mojave Coordinated Management Plan.

(c) The Administrator of the National Aeronautics and Space Administration shall participate in the development of the West Mojave Coordinated Management Plan.

SEC. 3008. RELEASE OF WILDERNESS STUDY AREAS.

The Congress hereby finds and directs that lands within the Fort Irwin Expansion have been adequately studied for wilderness designation pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 3009. UTILITY CORRIDORS.

All military ground activity training shall remain at least 500 meters from any currently existing utility system in Utility Planning Corridor D as described in the California Desert Conservation Area Plan, dated 1980, as amended, except that this section does not modify the use of any lands currently used by the National Training Center for training, nor does it alter any right of access granted by interagency agreement.

SEC. 3010. DURATION OF WITHDRAWAL AND RESERVATION.

(a) TERMINATION DATE. Unless extended pursuant to section 3011, or unless relinquishment is postponed by the Secretary of the Interior pursuant to section 3012(b), the withdrawal and reservation made by this title shall terminate 25 years after the date of the

enactment of this Act, except as otherwise provided in section 3012(d).

(b) AVAILABILITY FOR APPROPRIATION. At the date of termination, the previously withdrawn lands shall not be open to any forms of appropriation under the general land laws, including the mining, mineral leasing, and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order that shall state the date upon which such lands shall be restored to the public domain and opened.

SEC. 3011 EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

(a) NOTIFICATION REQUIREMENT. Not later than three years prior to the termination date of the withdrawal and reservation made by this title, the Secretary of the Army shall notify Congress and the Secretary of the Interior concerning whether the Army will have a continuing military need, beyond the termination date of such withdrawal, for all or any portion of the lands withdrawn.

(b) PROCESS FOR EXTENSION OF WITHDRAWAL AND RESERVATION. If the Secretary of the Army determines that there will be a continuing military need for any of the lands withdrawn by this title, the Secretary of the Army shall—

(1) consult with the Secretary of the Interior concerning any adjustments to be made to the areal extent of, or to the allocation of management responsibility for, such needed lands; and

(2) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such

needed lands. The Department of the Interior's general procedures for processing Federal land withdrawals notwithstanding, any application for extension shall be considered complete if it includes the information required by section 3 of the Engle Act (43 U.S.C. § 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and only to the extent, the Secretary of the Army proposes to use or develop such resources during the period of extension.

(c) DEADLINE FOR SUBMISSION OF PROPOSED EXTENSION TO CONGRESS. The Secretary of the Interior and the Secretary of the Army may submit to Congress a legislative proposal for the extension of the withdrawal and reservation. The legislative proposal shall be accompanied an appropriate analysis of environmental impacts associated with the proposal as required by section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(C)).

SEC. 3012. TERMINATION AND RELINQUISHMENT.

(a) NOTICE OF TERMINATION. At any time during the withdrawal and reservation, but not later than three years prior to the termination date of the withdrawal and reservation effected by this title, if the Secretary of the Army determines that there is no continuing military need for the lands withdrawn and reserved by this title, or any portion of these lands, the Secretary of the Army shall notify the Secretary of the Interior of an intention to relinquish jurisdiction over such lands, which notice shall specify the proposed date of relinquishment.

(b) ACCEPTANCE OF JURISDICTION. The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intention to relinquish jurisdiction under this section if the Secretary of the Interior determines that the Secretary of the Army has taken or will take all

environmental response and restoration activities required under applicable laws and regulations.

(c) NOTICE OF ACCEPTANCE. If the Secretary of the Interior accepts jurisdiction over lands covered by a notice of intention to relinquish jurisdiction under this section before the termination date of withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order that shall—

(1) terminate the withdrawal and reservation of such lands under this title;

(2) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining, mineral leasing and geothermal leasing laws, if appropriate.

(d) RETAINED ARMY JURISDICTION. Notwithstanding the termination date, unless and until the Secretary of the Interior accepts jurisdiction of land proposed for relinquishment pursuant to this section, such land shall remain withdrawn and reserved for Secretary of the Army for the limited purposes of:

(1) environmental response and restoration actions under section 3006; and

(2) continued land management responsibilities pursuant to the integrated natural resources management plans required under section 3004 until such environmental response and restoration activities on those lands are completed.

(e) SEVERABILITY OF FUNCTIONS. All functions described under this section, including transfers, relinquishments, extensions, and other determinations, may be made on a parcel-by-

parcel basis.

SEC. 3013. DELEGATIONS OF AUTHORITY.

(a) SECRETARY OF THE ARMY. Unless otherwise provided in this title, the Secretary of the Army may further delegate to officials in the Department of the Army such functions as he may determine appropriate.

(b) SECRETARY OF THE INTERIOR. The functions of the Secretary of the Interior under this title may be delegated, except that the order described in section 3012(c) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.