

Union Calendar No. 88

113TH CONGRESS
1ST SESSION

H. R. 1676

[Report No. 113–123, Part I]

To designate the Johnson Valley National Off-Highway Vehicle Recreation Area in San Bernardino County, California, to authorize limited military use of the area, to provide for the transfer of the Southern Study Area to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Marine Corps Air Ground Combat Center Twentynine Palms, and by recreational users, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2013

Mr. COOK (for himself and Mr. McKEON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 24, 2013

Additional sponsor: Mr. RUIZ

JUNE 24, 2013

Reported from the Committee on Natural Resources with an amendment

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

JUNE 24, 2013

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

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

A BILL

To designate the Johnson Valley National Off-Highway Vehicle Recreation Area in San Bernardino County, California, to authorize limited military use of the area, to provide for the transfer of the Southern Study Area to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Marine Corps Air Ground Combat Center Twentynine Palms, and by recreational users, 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 “Johnson Valley National*
5 *Off-Highway Vehicle Recreation Area Establishment Act”.*

6 **SEC. 2. DESIGNATION OF JOHNSON VALLEY NATIONAL OFF-**
7 **HIGHWAY VEHICLE RECREATION AREA.**

8 (a) *DESIGNATION.*—*The approximately 188,000 acres*
9 *of public land and interests in land administered by the*
10 *Secretary of the Interior through the Bureau of Land Man-*
11 *agement in San Bernardino County, California, as gen-*
12 *erally depicted as the “Johnson Valley Off-Highway Vehicle*
13 *Recreation Area” on the map titled “Johnson Valley Na-*
14 *tional Off-Highway Vehicle Recreation Area and Transfer*
15 *of the Southern Study Area” and dated April 11, 2013, are*
16 *hereby designated as the “Johnson Valley National Off-*
17 *Highway Vehicle Recreation Area”.*

18 (b) *RECREATIONAL AND CONSERVATION USE.*—*The*
19 *Johnson Valley National Off-Highway Vehicle Recreation*
20 *Area is designated for the following purposes:*

21 (1) *Public recreation (including off-highway ve-*
22 *hicle use, camping, and hiking) when the lands are*
23 *not used for military training as authorized by sec-*
24 *tion 3.*

25 (2) *Natural resources conservation.*

1 (c) *WITHDRAWAL.*—*The public land and interests in*
2 *land included in the Johnson Valley National Off-Highway*
3 *Vehicle Recreation Area are hereby withdrawn from all*
4 *forms of appropriation under the public land laws, includ-*
5 *ing the mining laws and the mineral leasing and geo-*
6 *thermal leasing laws.*

7 (d) *TREATMENT OF EXISTING RIGHTS.*—*The designa-*
8 *tion of the Johnson Valley National Off-Highway Vehicle*
9 *Recreation Area and the withdrawal of the public land and*
10 *interests in land included in the Recreation Area are subject*
11 *to valid existing rights.*

12 **SEC. 3. LIMITED BIENNIAL MARINE CORPS AIR GROUND**
13 **COMBAT CENTER TWENTYNINE PALMS USE**
14 **OF JOHNSON VALLEY NATIONAL OFF-HIGH-**
15 **WAY VEHICLE RECREATION AREA.**

16 (a) *USE FOR MILITARY PURPOSES AUTHORIZED.*—
17 *Subject to subsection (b), the Secretary of the Interior shall*
18 *authorize the Secretary of the Navy to utilize portions of*
19 *Johnson Valley National Off-Highway Vehicle Recreation*
20 *Area twice in each calendar year for up to a total of 60*
21 *days per year for the following purposes:*

22 (1) *Sustained, combined arms, live-fire, and ma-*
23 *neuver field training for large-scale Marine air-*
24 *ground task forces.*

25 (2) *Individual and unit live-fire training ranges.*

1 (3) *Equipment and tactics development.*

2 (4) *Other defense-related purposes consistent*
3 *with the purposes specified in the preceding para-*
4 *graphs.*

5 (b) *CONDITIONS ON MILITARY USE.—*

6 (1) *CONSULTATION AND PUBLIC PARTICIPATION*
7 *REQUIREMENTS.—Before the Secretary of the Navy*
8 *requests the two time periods for military use of the*
9 *Johnson Valley National Off-Highway Vehicle Recre-*
10 *ation Area in a calendar year, the Secretary of the*
11 *Navy shall—*

12 (A) *consult with the Secretary of the Inte-*
13 *rior regarding the best times for military use to*
14 *reduce interference with or interruption of non-*
15 *military activities authorized by section 2(b);*
16 *and*

17 (B) *provide for public awareness of and*
18 *participation in the selection process.*

19 (2) *PUBLIC NOTICE.—The Secretary of the Navy*
20 *shall provide advance, wide-spread notice before any*
21 *closure of public lands for military use under this sec-*
22 *tion.*

23 (3) *PUBLIC SAFETY.—Military use of the John-*
24 *son Valley National Off-Highway Vehicle Recreation*
25 *Area during the biannual periods authorized by sub-*

1 *section (a) shall be conducted in the presence of suffi-*
2 *cient range safety officers to ensure the safety of mili-*
3 *tary personnel and civilians.*

4 (4) *CERTAIN TYPES OF ORDNANCE PROHIB-*
5 *ITED.—The Secretary of the Navy shall prohibit the*
6 *use of dud-producing ordnance in any military train-*
7 *ing conducted under subsection (a).*

8 (c) *IMPLEMENTING AGREEMENT.—*

9 (1) *AGREEMENT REQUIRED; REQUIRED*
10 *TERMS.—The Secretary of the Interior and the Sec-*
11 *retary of the Navy shall enter into a written agree-*
12 *ment to implement this section. The agreement shall*
13 *include a provision for periodic review of the agree-*
14 *ment for its adequacy, effectiveness, and need for revi-*
15 *sion.*

16 (2) *ADDITIONAL TERMS.—The agreement may*
17 *provide for—*

18 (A) *the integration of the management*
19 *plans of the Secretary of the Interior and the*
20 *Secretary of the Navy;*

21 (B) *delegation to civilian law enforcement*
22 *personnel of the Department of the Navy of the*
23 *authority of the Secretary of the Interior to en-*
24 *force the laws relating to protection of natural*

1 *and cultural resources and of fish and wildlife;*
2 *and*

3 *(C) the sharing of resources in order to most*
4 *efficiently and effectively manage the lands.*

5 *(d) DURATION.—Any agreement for the military use*
6 *of the Johnson Valley National Off-Highway Vehicle Recre-*
7 *ation Area shall terminate not later than March 31, 2039.*

8 **SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
9 **SOUTHERN STUDY AREA, MARINE CORPS AIR**
10 **GROUND COMBAT CENTER TWENTYNINE**
11 **PALMS, CALIFORNIA.**

12 *(a) TRANSFER REQUIRED.—Not later than September*
13 *30, 2014, the Secretary of the Interior shall transfer, with-*
14 *out reimbursement, to the administrative jurisdiction of the*
15 *Secretary of the Navy certain public land administered by*
16 *the Bureau of Land Management consisting of approxi-*
17 *mately 20,000 acres in San Bernardino County, California,*
18 *as generally depicted as the “Southern Study Area” on the*
19 *map referred to in section 2.*

20 *(b) USE OF TRANSFERRED LAND.—Upon the receipt*
21 *of the land under subsection (a), the Secretary of the Navy*
22 *shall include the land as part of the Marine Corps Air*
23 *Ground Combat Center Twentynine Palms, California, and*
24 *authorize use of the land for military purposes.*

25 *(c) LEGAL DESCRIPTION AND MAP.—*

1 (1) *PREPARATION AND PUBLICATION.*—*The Sec-*
2 *retary of the Interior shall publish in the Federal*
3 *Register a legal description and map of the public*
4 *land to be transferred under subsection (a).*

5 (2) *FORCE OF LAW.*—*The legal description and*
6 *map filed under paragraph (1) shall have the same*
7 *force and effect as if included in this Act, except that*
8 *the Secretary of the Interior may correct clerical and*
9 *typographical errors in the legal description and*
10 *map.*

11 (d) *REIMBURSEMENT OF COSTS.*—*The Secretary of the*
12 *Navy shall reimburse the Secretary of the Interior for any*
13 *costs incurred by the Secretary of the Interior to carry out*
14 *this section.*

15 **SEC. 5. WATER RIGHTS.**

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

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

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

24 (b) *EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED*
25 *WATER RIGHTS.*—*This section shall not be construed to af-*

- 1 *fect any water rights acquired or reserved by the United*
- 2 *States before the date of the enactment of this Act.*

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