

CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE
TRANSFER ACT OF 2013

JUNE 24, 2013.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 1691]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resource, to whom was referred the bill (H.R. 1691) to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Chocolate Mountain Aerial Gunnery Range, California, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chocolate Mountain Aerial Gunnery Range Transfer Act of 2013”.

SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION, CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE, CALIFORNIA.

(a) **TRANSFER REQUIRED.**—The Secretary of the Interior shall transfer to the administrative jurisdiction of the Secretary of the Navy certain public land administered by the Bureau of Land Management in Imperial and Riverside Counties, California, consisting of approximately 226,711 acres, as generally depicted on the map titled “Chocolate Mountain Aerial Gunnery Range Proposed–Withdrawal” dated 1987 (revised July 1993), and identified as WESTDIV Drawing No. C–102370, which was prepared by the Naval Facilities Engineering Command of the Department of the Navy and is on file with the California State Office of the Bureau of Land Management.

(b) **VALID EXISTING RIGHTS.**—The transfer of administrative jurisdiction under subsection (a) shall be subject to any valid existing rights, including any property, easements, or improvements held by the Bureau of Reclamation and appurtenant to the Coachella Canal. The Secretary of the Navy shall provide for reasonable ac-

cess by the Bureau of Reclamation for inspection and maintenance purposes not inconsistent with military training.

(c) **TIME FOR CONVEYANCE.**—The transfer of administrative jurisdiction under subsection (a) shall occur pursuant to a schedule agreed to by the Secretary of the Interior and the Secretary of the Navy, but in no case later than the date of the completion of the boundary realignment required by section 4.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **PREPARATION AND PUBLICATION.**—The Secretary of the Interior shall publish in the Federal Register a legal description of the public land to be transferred under subsection (a).

(2) **SUBMISSION TO CONGRESS.**—The Secretary of the Interior shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(A) a copy of the legal description prepared under paragraph (1); and

(B) a map depicting the legal description of the transferred public land.

(3) **AVAILABILITY FOR PUBLIC INSPECTION.**—Copies of the legal description and map filed under paragraph (2) shall be available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Office of the Commanding Officer, Marine Corps Air Station Yuma, Arizona;

(C) the Office of the Commander, Navy Region Southwest; and

(D) the Office of the Secretary of the Navy.

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

(5) **REIMBURSEMENT OF COSTS.**—The transfer required by subsection (a) shall be made without reimbursement, except that the Secretary of the Navy shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior to prepare the legal description and map under this subsection.

SEC. 3. MANAGEMENT AND USE OF TRANSFERRED LAND.

(a) **USE OF TRANSFERRED LAND.**—Upon the receipt of the land under section 2, the Secretary of the Navy shall administer the land as the Chocolate Mountain Aerial Gunnery Range, California, and continue to authorize use of the land for military purposes.

(b) **PROTECTION OF DESERT TORTOISE.**—Nothing in the transfer required by section 2 shall affect the prior designation of certain lands within the Chocolate Mountain Aerial Gunnery Range as critical habitat for the desert tortoise (*Gopherus agassizii*).

(c) **WITHDRAWAL OF MINERAL ESTATE.**—Subject to valid existing rights, the mineral estate of the land to be transferred under section 2 are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, for as long as the land is under the administrative jurisdiction of the Secretary of the Navy.

(d) **INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.**—Not later than one year after the transfer of the land under section 2, the Secretary of the Navy, in cooperation with the Secretary of the Interior, shall prepare an integrated natural resources management plan pursuant to the Sikes Act (16 U.S.C. 670a et seq.) for the transferred land and for land that, as of the date of the enactment of this Act, is under the jurisdiction of the Secretary of the Navy underlying the Chocolate Mountain Aerial Gunnery Range.

SEC. 4. REALIGNMENT OF RANGE BOUNDARY AND RELATED TRANSFER OF TITLE.

(a) **REALIGNMENT; PURPOSE.**—The Secretary of the Interior and the Secretary of the Navy shall realign the boundary of the Chocolate Mountain Aerial Gunnery Range, as in effect on the date of the enactment of this Act, to improve public safety and management of the Range, consistent with the following:

(1) The northwestern boundary of the Chocolate Mountain Aerial Gunnery Range shall be realigned to the edge of the Bradshaw Trail so that the Trail is entirely on public land under the jurisdiction of the Department of the Interior.

(2) The centerline of the Bradshaw Trail shall be delineated by the Secretary of the Interior in consultation with the Secretary of the Navy, beginning at its western terminus at Township 8 South, Range 12 East, Section 6 eastward to Township 8 South, Range 17 East, Section 32 where it leaves the Chocolate Mountain Aerial Gunnery Range.

(b) **TRANSFERS RELATED TO REALIGNMENT.**—The Secretary of the Interior and the Secretary of the Navy shall make such transfers of administrative jurisdiction as

may be necessary to reflect the results of the boundary realignment carried out pursuant to subsection (a).

(c) **APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to any transfer of land made under subsection (b) or any decontamination actions undertaken in connection with such a transfer.

(d) **DECONTAMINATION.**—The Secretary of the Navy shall maintain, to the extent funds are available for such purpose and consistent with applicable Federal and State law, a program of decontamination of any contamination caused by defense-related uses on land transferred under subsection (b). The Secretary of Defense shall include a description of such decontamination activities in the annual report required by section 2711 of title 10, United States Code.

(e) **TIMELINE.**—The delineation of the Bradshaw Trail under subsection (a) and any transfer of land under subsection (b) shall occur pursuant to a schedule agreed to by the Secretary of the Interior and the Secretary of the Navy, but in no case later than two years after the date of the enactment of this Act.

SEC. 5. EFFECT OF TERMINATION OF MILITARY USE.

(a) **NOTICE AND EFFECT.**—Upon a determination by the Secretary of the Navy that there is no longer a military need for all or portions of the land transferred under section 2, the Secretary of the Navy shall notify the Secretary of the Interior of such determination. Subject to subsections (b), (c), and (d), the Secretary of the Navy shall transfer the land subject to such a notice back to the administrative jurisdiction of the Secretary of the Interior.

(b) **CONTAMINATION.**—Before transmitting a notice under subsection (a), the Secretary of the Navy shall prepare a written determination concerning whether and to what extent the land to be transferred are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination shall be transmitted with the notice. Copies of the notice and the determination shall be published in the Federal Register.

(c) **DECONTAMINATION.**—The Secretary of the Navy shall decontaminate any contaminated land that is the subject of a notice under subsection (a) if—

(1) the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that—

(A) decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land); and

(B) upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws; and

(2) funds are appropriated for such decontamination.

(d) **ALTERNATIVE.**—The Secretary of the Interior is not required to accept land proposed for transfer under subsection (a) if the Secretary of the Interior is unable to make the determinations under subsection (c)(1) or if Congress does not appropriate a sufficient amount of funds for the decontamination of the land.

SEC. 6. TEMPORARY EXTENSION OF EXISTING WITHDRAWAL PERIOD.

Notwithstanding subsection (a) of section 806 of the California Military Lands Withdrawal and Overflights Act of 1994 (title VIII of Public Law 103–433; 108 Stat. 4505), the withdrawal and reservation of the land transferred under section 2 of this Act shall not terminate until the date on which the land transfer required by section 2 is executed.

SEC. 7. WATER RIGHTS.

(a) **WATER RIGHTS.**—Nothing in this Act shall be construed—

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

(2) to authorize the appropriation of water on lands transferred by this Act 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 Act.

PURPOSE OF THE BILL

The purpose of H.R. 1691, as ordered reported, is to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Chocolate Mountain Aerial Gunnery Range, California.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1691 directs the Secretary of the Interior to transfer approximately 226,711 acres of Bureau of Land Management land in Imperial and Riverside Counties, California, to the Secretary of the Navy for the Chocolate Mountain Ariel Gunnery Range (CMAGR). The bill also requires the realignment of the CMAGR boundary to exclude a current overlap with the Bradshaw Trail and retain desert tortoise critical habitat.

Enacted in 1994, the California Desert Protection Act (CDPA) included the California Military Lands Withdrawal and Overflights Act of 1994. CMAGR is one of several areas withdrawn for military use under the CDPA and scheduled to expire on October 31, 2014. CMAGR is a live-fire training range that is used for developing and maintaining the readiness of Marine Corps and Navy aviators. The range is also used for training select Marine Corps and Navy land combat forces, including Naval Special Warfare forces. H.R. 1691 will permanently transfer the approximately 226,711 acres for the Navy's continued need for the critical national security benefits of the CMAGR.

COMMITTEE ACTION

H.R. 1691 was introduced on April 23, 2013, by Congressman Juan Vargas (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. The bill was also referred to the Committee on Armed Services. On April 26, 2013, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On May 15, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1691—Chocolate Mountain Aerial Gunnery Range Transfer Act of 2013

H.R. 1691 would require the Secretary of the Interior to transfer administrative jurisdiction over 227,000 acres of land to the Secretary of the Navy. Those lands would be used by the Navy as a gunnery range. Based on information provided by the Bureau of Land Management, CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 1691 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under current law, the affected lands are temporarily withdrawn for military use. H.R. 1691 would prohibit certain new activities that could generate receipts on the affected lands in the future; however, because CBO expects that those lands would not generate any new receipts over the next 10 years, we estimate that enacting the bill would not affect direct spending. In addition, because those lands are already managed by the federal government, we estimate that implementing the legislation would not affect the costs of managing the lands. Finally, CBO estimates that any additional costs to prepare the legal description of the affected lands, as required under the bill, would total less than \$10,000.

H.R. 1691 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Bureau of Land Management, CBO estimates that implementing the legislation would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Chocolate Mountain Aerial Gunnery Range, California.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

EXCHANGE OF LETTERS

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 19, 2013

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The Honorable Howard "Buck" McKeon
 Chairman, Committee on Armed Services
 House of Representatives
 2120 Rayburn House Office Building
 Washington, D.C. 20515

Dear Mr. Chairman:

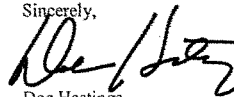
On May 15, 2013, the Committee on Natural Resources ordered reported a slate of bills that were ultimately included as part of H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. These bills were referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Armed Services.

Specifically, these bills are H.R. 910, Sikes Act Reauthorization Act of 2013; H.R. 1299, White Sands Missile Range Security Enhancement Act; H.R. 1672, Limestone Hills Training Area Withdrawal Act; H.R. 1673, To provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in Naval Air Weapons Station China Lake, California; H.R. 1676, Johnson Valley National Off-Highway Vehicle Recreation Area Establishment Act; and H.R. 1691, Chocolate Mountain Aerial Gunnery Range Transfer Act of 2013.

I ask that you allow the Armed Services Committee to be discharged from further consideration of the bills in order for bill reports to be filed. These discharges in no way affect your jurisdiction over the subject matter of the bills, and it will not serve as precedent for future referrals. In addition, should a conference on any of the bills be necessary, I would support your request to have the Committee on Armed Services represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill reports filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,



Doc Hastings
 Chairman

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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED THIRTEENTH CONGRESS

June 19, 2013

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Chairman Doc Hastings
 House Committee on Natural Resources
 1324 Longworth House Office Building
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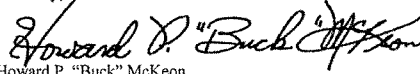
Dear Chairman Hastings:

Thank you for your letter regarding six bills that were referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Armed Services, and included as part of H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. This includes H.R. 910, Sikes Act Reauthorization Act of 2013; H.R. 1299, White Sands Missile Range Security Enhancement Act; H.R. 1672, Limestone Hills Training Area Withdrawal Act; H.R. 1673, To provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in Naval Air Weapons Station China Lake, California; H.R. 1676, Johnson Valley National Off-Highway Vehicle Recreation Area Establishment Act; and H.R. 1691, Chocolate Mountain Aerial Gunnery Range Transfer Act of 2013.

Our committee recognizes the importance of these bills, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over these pieces of legislation, I do not intend to request sequential referrals. By waiving consideration of the bills, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bills which fall within its Rule X jurisdiction. Further, should a conference on any of the aforementioned bills be necessary, I request that the Committee on Armed Services be represented during any conference negotiations.

Thank you for your attention to these matters.

Sincerely,


 Howard P. "Buck" McKeon
 Chairman

cc: The Honorable John A. Boehner
 The Honorable Adam Smith
 The Honorable Edward J. Markey
 The Honorable Thomas J. Wickham, Jr.