

115TH CONGRESS
1ST SESSION

H. R. 2596

To designate the Castner Range in the State of Texas, to establish the
Castner Range National Monument, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2017

Mr. O'ROURKE (for himself, Mr. VEASEY, Mr. VELA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CASTRO of Texas, Mr. CUELLAR, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. DOGGETT, and Mr. GONZALEZ of Texas) 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

A BILL

To designate the Castner Range in the State of Texas,
to establish the Castner Range National Monument, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Castner Range National Monument Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.
 Sec. 3. Establishment of Castner Range National Monument, Texas.
 Sec. 4. Access and buffer zones.
 Sec. 5. Management of Federal lands within the National Monument.
 Sec. 6. Water.
 Sec. 7. Border security.
 Sec. 8. Department of Army responsibility and authority.
 Sec. 9. Castner Range National Monument Advisory Council.
 Sec. 10. Land conveyance, Castner Range, Fort Bliss, Texas.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY COUNCIL.**—The term “advisory
 4 council” means the Castner Range National Monu-
 5 ment Advisory Council.

6 (2) **NATIONAL MONUMENT.**—The term “Na-
 7 tional Monument” means the Castner Range Na-
 8 tional Monument.

9 (3) **SECRETARY.**—The term “Secretary” means
 10 the Secretary of the Interior.

11 (4) **STATE.**—The term “State” means the State
 12 of Texas.

13 **SEC. 3. ESTABLISHMENT OF CASTNER RANGE NATIONAL**
 14 **MONUMENT, TEXAS.**

15 (a) **ESTABLISHMENT.**—Subject to valid existing
 16 rights, there is hereby established the Castner Range Na-
 17 tional Monument in the State.

18 (b) **AREA INCLUDED.**—The National Monument con-
 19 sists of Federal land and interests in Federal land within

1 El Paso County, Texas, as depicted on the map entitled
2 “Castner Range National Monument”.

3 (c) EXCLUSION OF NON-FEDERAL LAND.—The Na-
4 tional Monument includes only Federal land and interests
5 in Federal land and does not include or apply to private
6 property or other non-Federal land and interests in land
7 within the exterior boundaries of the National Monument.

8 (d) PURPOSE.—The purpose of the National Monu-
9 ment is to conserve, protect, and enhance for the benefit
10 and enjoyment of present and future generations the eco-
11 logical, scenic, wildlife, recreational, cultural, historical,
12 natural, educational, and scientific resources of the lands
13 included in the National Monument, including Castner
14 Range and its—

15 (1) relationship to the Department of the Army;

16 (2) role as a water conservation sanctuary
17 through a dozen natural canyons, arroyos (“gullies,
18 washes”) and alluvial fans which efficiently trans-
19 port run-off from the heights through seepage into
20 the large underground Hueco Bolsón (“aquifer”,
21 which along with the West Side Mesilla Bolsón sup-
22 plies much of El Paso’s water);

23 (3) historical significance, as it contains numer-
24 ous archaeological and historical resources that date
25 as far back as the Paleo-Indian, Archaic and historic

1 Indian groups, lasted from about 8000 B.C. to 4000
2 B.C. and was initially characterized by big-game
3 hunting;

4 (4) significance as a habitat for an extremely
5 diverse aggregation of wildlife and plant species of
6 special concern that are thought to inhabit Castner
7 Range, including the sand prickly pear, the Texas
8 lyre snake, and the western burrowing owl; and

9 (5) significance as a one-of-a-kind vegetation
10 region that includes a mountainous area, cactus
11 lechuguilla region, and draw-yucca grassland region.

12 **SEC. 4. ACCESS AND BUFFER ZONES.**

13 (a) ACCESS.—The Secretary shall continue to provide
14 historical and adequate access to private inholdings within
15 the exterior boundaries of the National Monument.

16 (b) BUFFER ZONES.—Nothing in this Act creates a
17 protective perimeter or buffer zone around the National
18 Monument. The fact that any activities or uses outside
19 of areas designated by this Act can be seen or heard within
20 the National Monument shall not preclude the activities
21 or uses outside of the National Monument.

22 (c) USE OF EASEMENTS.—Nothing in this Act shall
23 affect currently used easements located within the Na-
24 tional Monument, including the use of Trans Mountain

1 Highway, the National Border Patrol Museum, El Paso
2 Museum of Archaeology, and the El Paso Water Utilities.

3 **SEC. 5. MANAGEMENT OF FEDERAL LANDS WITHIN THE NA-**
4 **TIONAL MONUMENT.**

5 (a) BASIS OF MANAGEMENT.—

6 (1) APPLICABLE LAWS.—The Secretary shall
7 manage the National Monument in a manner that
8 conserves, protects, and enhances the natural re-
9 sources and values of the National Monument, in ac-
10 cordance with—

11 (A) this Act;

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

14 (C) the Act of June 17, 1902 (commonly
15 known as the Reclamation Act of 1902; 32
16 Stat. 388), and Acts amendatory thereof and
17 supplemental thereto.

18 (2) RESOLUTION OF CONFLICTS.—If there is a
19 conflict between a provision of this Act and a provi-
20 sion of one of the other laws specified in paragraph
21 (1), the more restrictive provision shall control.

22 (b) TRIBAL CULTURAL USES.—Nothing in this Act
23 shall be construed to enlarge or diminish the rights of any
24 Indian Tribe.

25 (c) MANAGEMENT PLAN.—

1 (1) IN GENERAL.—The Secretary shall develop
2 a comprehensive plan for the protection and man-
3 agement of the National Monument that fulfills the
4 purposes specified in section 3. In implementing the
5 management plan and in considering any rec-
6 ommendations from the advisory council, the Sec-
7 retary shall consult with the advisory council on a
8 regular basis.

9 (2) PURPOSES.—The management plan shall—

10 (A) describe the appropriate uses and
11 management of the National Monument;

12 (B) identify short-term and long-term
13 management actions and prioritize management
14 actions based on projected availability of re-
15 sources;

16 (C) include a habitat restoration opportu-
17 nities component;

18 (D) include a recreational opportunity en-
19 hancement component; and

20 (E) include a component that addresses
21 the Secretary of Army’s remediation of haz-
22 ardous substances or munitions and explosives
23 of concern within the National Monument.

24 (3) PUBLIC PARTICIPATION AND SPECIAL CON-
25 siderations.—In developing the management plan,

1 and to the extent consistent with this section, the
2 Secretary—

3 (A) shall solicit extensive public input;

4 (B) shall take into consideration any infor-
5 mation developed in studies of the land within
6 the National Monument;

7 (C) shall assess available climate change
8 information pertinent to the National Monu-
9 ment;

10 (D) shall include standards and practices
11 to ensure the preservation of wildlife corridors
12 and facilitate species migration; and

13 (E) may incorporate any provision from a
14 resource management plan, land and resource
15 management plan, or any other plan applicable
16 to the National Monument.

17 (d) COOPERATIVE AGREEMENTS.—In carrying out
18 this Act, the Secretary may make grants to, or enter into
19 cooperative agreements with, State, Tribal, and local gov-
20 ernmental entities and private entities to conduct re-
21 search, develop scientific analyses, and carry out any other
22 initiative relating to the restoration or conservation of the
23 National Monument.

24 (e) MOTORIZED AND MECHANIZED VEHICLES.—Ex-
25 cept where needed for administrative purposes or to re-

1 spond to an emergency, the use of motorized and mecha-
2 nized vehicles on lands within the National Monument
3 shall be permitted only on roads and trails designated for
4 their use.

5 (f) ACQUISITION AND INCORPORATION OF LANDS
6 AND INTERESTS.—

7 (1) AUTHORITY.—The Secretary may acquire
8 non-Federal land within the exterior boundaries of
9 the National Monument only through exchange, do-
10 nation, or purchase from a willing seller.

11 (2) MANAGEMENT.—Any land or interest in
12 land that is located within the National Monument
13 that is acquired by the United States shall—

14 (A) become part of the National Monu-
15 ment; and

16 (B) be managed in accordance with this
17 Act.

18 (g) WITHDRAWAL.—Subject to valid existing rights,
19 all Federal land within the National Monument is with-
20 drawn from—

21 (1) entry, appropriation, or disposal under the
22 public land laws;

23 (2) location, entry, and patent under the mining
24 laws; and

1 (3) leasing or disposition under all laws relating
2 to operation of the mineral leasing, mineral mate-
3 rials, and geothermal leasing laws.

4 (h) LIMITED CONVEYANCE AUTHORITY.—The Sec-
5 retary may authorize the conveyance of Federal land with-
6 in the National Monument if—

7 (1) the purpose for which the land is to be con-
8 veyed is consistent with the purposes specified in
9 section 3;

10 (2) the conveyance would benefit the National
11 Monument and is in the public interest, as deter-
12 mined by the Secretary; and

13 (3) the conveyance is made in accordance with
14 applicable laws (including regulations).

15 (i) WILDLAND FIRE OPERATIONS.—Nothing in this
16 section prohibits the Secretary, in cooperation with other
17 Federal, State, and local agencies, as appropriate, from
18 conducting wildland fire operations in the National Monu-
19 ment consistent with the purposes specified in section 3.

20 **SEC. 6. WATER.**

21 Nothing in this Act—

22 (1) affects the use or allocation, in existence on
23 the date of enactment of this Act, of any water,
24 water right, or interest in water;

1 (2) affects any vested absolute or decreed condi-
2 tional water right in existence on the date of enact-
3 ment of this Act, including any water right held by
4 the United States;

5 (3) affects any interstate water compact in ex-
6 istence on the date of the enactment of this Act;

7 (4) authorizes or imposes any new reserved
8 Federal water rights; or

9 (5) relinquishes or reduces any water rights re-
10 served or appropriated by the United States in the
11 State on or before the date of the enactment of this
12 Act.

13 **SEC. 7. BORDER SECURITY.**

14 (a) IN GENERAL.—Nothing in this Act—

15 (1) prevents the Secretary of Homeland Secu-
16 rity from conducting—

17 (A) undertaking law enforcement and bor-
18 der security activities, in accordance with sec-
19 tion 4(c) of the Wilderness Act (16 U.S.C.
20 1133(c)), including the ability to use motorized
21 access within an area while in pursuit of a sus-
22 pect; or

23 (B) any low-level flights over the area that
24 may be necessary for law enforcement and bor-
25 der security purposes; or

1 (2) affects the 2006 Memorandum of Under-
2 standing among the Department of Homeland Secu-
3 rity, the Department of the Interior, and the De-
4 partment of Agriculture regarding cooperative na-
5 tional security and counterterrorism efforts on Fed-
6 eral lands along the borders of the United States.

7 (b) WITHDRAWAL AND ADMINISTRATION OF CER-
8 TAIN AREA.—Nothing in this section precludes the Sec-
9 retary from allowing within the area described in sub-
10 section (a)(1)(A) the installation and maintenance of com-
11 munication or surveillance infrastructure necessary for law
12 enforcement or border security activities.

13 **SEC. 8. DEPARTMENT OF ARMY RESPONSIBILITY AND AU-**
14 **THORITY.**

15 (a) RESPONSIBILITY.—Nothing in this Act shall af-
16 fect—

17 (1) the responsibility of the Department of the
18 Army under applicable environmental laws, including
19 the remediation of hazardous substances or muni-
20 tions and explosives of concern within the National
21 Monument boundaries;

22 (2) the statutory authority of the Department
23 of the Army to control public access or statutory re-
24 sponsibility to make other measures for environ-

1 mental remediation, monitoring, security, safety, or
2 emergency preparedness purposes;

3 (3) the activities of the Department of the
4 Army on lands not included within the National
5 Monument; or

6 (4) the responsibility of the Department of the
7 Army, in consultation with the Secretary (acting
8 through the Bureau of Land Management), to con-
9 tinue to manage the lands and interests in lands
10 under the Secretary's jurisdiction within the Na-
11 tional Monument boundaries until the Army trans-
12 fers administrative jurisdiction of those lands and
13 interests in lands to the Bureau of Land Manage-
14 ment.

15 (b) AUTHORITY.—The Secretary of the Army and the
16 Secretary may enter into a memorandum of understanding
17 whereby the Secretary of the Army—

18 (1) may relinquish administrative jurisdiction
19 over the Castner Range, Fort Bliss, Texas, to the
20 Secretary of the Interior; and

21 (2) may not relinquish or diminish the responsi-
22 bility of the Secretary of the Army of responsibilities
23 referred to in subsection (a).

1 **SEC. 9. CASTNER RANGE NATIONAL MONUMENT ADVISORY**
2 **COUNCIL.**

3 (a) ESTABLISHMENT.—Not less than 180 days after
4 the date of the enactment of this Act, the Secretary shall
5 establish an advisory council to be known as the “Castner
6 Range National Monument Advisory Council”.

7 (b) DUTIES.—The advisory council shall advise the
8 Secretary with respect to the preparation and implementa-
9 tion of the management plan for the National Monument.

10 (c) APPLICABLE LAW.—The advisory council shall be
11 subject to—

12 (1) the Federal Advisory Committee Act (5
13 U.S.C. App.);

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

16 (3) all other applicable law.

17 (d) MEMBERS.—The advisory council shall include 11
18 members, to be appointed by the Secretary, of whom, to
19 the extent practicable—

20 (1) one member shall be appointed after consid-
21 ering the recommendations of the El Paso County
22 Commissioners Court;

23 (2) one member shall be appointed after consid-
24 ering the recommendations of the head of the Texas
25 Parks and Wildlife Department;

1 (3) one member shall be appointed to represent
2 Native American Tribes;

3 (4) one member shall be appointed to represent
4 Fort Bliss; and

5 (5) seven members shall reside in, or within
6 reasonable proximity to, the county specified in
7 paragraphs (1) through (4) with backgrounds that
8 reflect—

9 (A) the purposes specified in section 3; and

10 (B) the interest of persons affected by the
11 planning and management of the National
12 Monument, including persons representing the
13 agricultural, private land-ownership, environ-
14 mental, recreational, tourism, or other non-Fed-
15 eral land interests.

16 (e) REPRESENTATION.—The Secretary shall ensure
17 that the membership of the advisory council is fairly bal-
18 anced in terms of the points of view represented and the
19 functions to be performed by the advisory council.

20 (f) TERMS.—

21 (1) STAGGERED TERMS.—Members of the advi-
22 sory council shall be appointed for terms of 3 years,
23 except that, of the members first appointed, 5 of the
24 members shall be appointed for a term of one year

1 and 5 of the members shall be appointed for a term
2 of 2 years.

3 (2) REAPPOINTMENT.—A member may be re-
4 appointed to serve on the advisory council upon the
5 expiration of the member's current term.

6 (3) VACANCY.—A vacancy on the advisory
7 council shall be filled in the same manner as the
8 original appointment.

9 (g) QUORUM.—A quorum shall be 7 members of the
10 advisory council. The operations of the advisory council
11 shall not be impaired by the fact that a member has not
12 yet been appointed as long as a quorum has been attained.

13 (h) CHAIRPERSON AND PROCEDURES.—The advisory
14 council shall elect a chairperson and establish such rules
15 and procedures as it deems necessary or desirable.

16 (i) SERVICE WITHOUT COMPENSATION.—Members of
17 the advisory council shall serve without pay.

18 (j) TERMINATION.—The advisory committee shall
19 cease to exist—

20 (1) on the date that is 5 years after the date
21 on which the management plan is officially adopted
22 by the Secretary; or

23 (2) on such later date as the Secretary con-
24 siders appropriate.

1 **SEC. 10. LAND CONVEYANCE, CASTNER RANGE, FORT**
2 **BLISS, TEXAS.**

3 Section 2844 of the National Defense Authorization
4 Act for Fiscal Year 2013 is repealed.

○