

**Statement of  
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House Natural Resources Committee  
Subcommittee on Public Lands & Environmental Regulation  
H.R. 4253,  
Bureau of Land Management Withdrawn Military Lands Efficiency and Savings Act  
March 25, 2014**

Thank you for the opportunity to testify on behalf of the Department of the Interior (DOI) on H.R. 4253, which would eliminate the termination date on certain withdrawals of Bureau of Land Management (BLM) lands used for military purposes in Alaska, Nevada, and New Mexico. The Administration supports the continued use of the lands identified in H.R. 4253 by the Department of Defense (DOD). However, the Administration cannot support H.R. 4253 as it would indefinitely extend these withdrawals without the very important periodic review by the DOD and DOI that is a part of the legislative withdrawal process. The Administration believes that this periodic review – by the two Departments, as well as the Congress and the public – is vital to promoting the high quality stewardship and management of the public lands.

DOI appreciates the importance of military installations and the areas needed for military training to secure the Nation and supports the multiple missions of our Armed Forces. We are proud to coordinate with the DOD to facilitate responsible use of public lands to support military readiness, training, and testing, and are pleased to be able to assist the military in meeting their mission needs. Throughout the country we have established productive partnerships with the military.

At the same time, the process of withdrawing lands for a finite period of time takes into account a much longer and broader view of the national interest in the lands the BLM manages on behalf of the public. While certain needs may be determined to be the most important use of the public lands in the short-term, or even what many may consider to be long-term, 20 years, the Congress created BLM's withdrawal process to look well beyond that timeframe and account for the changing needs of the American people. In 20, 40, or even 60 years, DOD's needs and interests in particular public lands could change. The withdrawal process allows for consideration of these changes and the land to be returned for multiple use and sustained yield management on behalf of the public. In fact, public lands are withdrawn for many Federal agencies for many priority purposes and in many instances, changes in needs have occurred over time. After

termination of these withdrawals, the BLM has been able to make the lands available for other priorities identified by the public through the land use planning process.

## **Background**

Public lands are managed by DOI through the BLM. Public land withdrawals are formal land actions that set aside, withhold, or reserve public land by statute or administrative order from operation of the public land laws. Withdrawals are established for a wide variety of purposes that include power site reserves, military reservations, administrative sites, recreation sites, and reclamation projects. Withdrawals are most often used to preserve major Federal investments in facilities or other improvements, to support national security, and to provide for public health and safety. The withdrawal and reservation of public lands for military use requires coordination between DOI and DOD. DOD has a number of installations, training areas, and ranges that are located partially or wholly on withdrawn public lands. The BLM continually works with various Federal agencies on withdrawals needed to facilitate the broader needs of the Federal government on behalf of the public. A number of these withdrawals support military needs, including installations that are critical to the nation's ability to provide for the readiness of the Armed Forces. Approximately 16 million acres of public lands are currently withdrawn and reserved for military purposes.

Prior to 1958, there was no limit on the amount of public land that could be withdrawn administratively at a single location for military use. The Engle Act (P.L. 85-337), enacted in 1958, requires an Act of Congress to authorize military land withdrawals aggregating 5,000 acres or more for any one defense project or facility. Similarly, there was no limit on the time period of administrative withdrawals until 1976 when the Federal Land Policy and Management Act (FLPMA) (P.L. 94-579) became law. FLPMA allows the Secretary of the Interior to make withdrawals, administratively, aggregating 5,000 acres or more for purposes other than military use, for a period of not more than 20 years. Legislative military withdrawals have traditionally included similar time limits, with some requiring renewal every 15, 20 or 25 years, depending on the terms of the legislation.

On October 5, 1999, the National Defense Authorization Act for Fiscal Year 2000 extended the withdrawals for the Naval Air Station Fallon Ranges and Nellis Air Force Range in Nevada; Fort Greely and the Yukon Range at Fort Wainwright (Army) in Alaska; McGregor Range, associated with Fort Bliss (Army) in New Mexico; and the Barry M. Goldwater Range (Air Force and Marine Corps) in Arizona.

### **Naval Air Station Fallon Ranges, Nevada**

Naval Air Station Fallon is a Navy air-to-air and air-to-ground training facility consisting of approximately 234,124 acres of land in Churchill County, Nevada. Of this total area, 204,953 acres are public lands withdrawn and reserved for use by the Secretary of the Navy under the National Defense and Authorization Act of Fiscal Year 2000 (P.L. 106-65), expiring November 6, 2021. In addition, 3,527 acres are public lands administratively withdrawn and reserved under three Public Land Orders (PLOs) for an unspecified period of time: PLO 275 withdrew and reserved 160 acres in 1945; PLO 788 withdrew and reserved 2,400 acres in 1952; and PLO 2635 withdrew and reserved approximately 967 acres in 1962. Finally, in 1991, PLO 6834 withdrew 400 acres of public land for use by the Navy as a housing area and safety arc for an explosive ordnance handling facility; the area that was subject to this withdrawal remains in use by the Navy under separate FLPMA authority.

### **Nellis Air Force Range, Nevada**

Nellis Air Force Range, also known as the Nevada Test and Training Range, consists of approximately 2.9 million acres in Clark, Lincoln, and Nye counties, Nevada. These lands were withdrawn from all forms of the public land laws, including the mining laws and mineral leasing and geothermal leasing laws, under P.L. 106-65 which expires on November 6, 2021. Nellis Air Force Range is used for defense related purposes such as high hazard testing, an armament of equipment and tactic development and testing, and other defense related purposes. The area includes a substantial portion of the Desert National Wildlife Refuge that the Secretary of the Interior, through the U.S. Fish and Wildlife Service, retains jurisdiction over for wildlife conservation purposes. Nellis Air Force Range includes the 394,000-acre Nevada Wild Horse Range, established in 1962 by a Cooperative Agreement between the Nellis Air Force Base and the BLM. The BLM has responsibility for all land and resource management activities in this area, which currently has about 600 horses and 50 to 100 burros.

### **Fort Greely and Fort Wainwright Training Ranges, Alaska**

Fort Greely and Fort Wainwright Army Training Ranges total approximately 869,862 acres of withdrawn public lands in the Fairbanks North Star Borough and an adjacent Unorganized Borough about 100 miles southeast of Fairbanks near the community of Delta Junction, Alaska. The lands have been continuously withdrawn from appropriation under the public land laws, including mining and mineral leasing and, more recently, geothermal leasing, by a series of Public Laws and Public Land Orders since 1961. The current withdrawal and reservation created by P.L. 106-65 expires on November 6, 2026. DOD and DOI co-manage these withdrawn lands, for the primary uses of military maneuvering, training, and equipment development and testing, training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support

and other defense related purposes. Under the applicable withdrawal legislation, BLM retains forest management responsibility, which is done in coordination with the Army. The Secretary of the Interior may issue rights-of-way, leases or authorize other non-military uses of the lands with the concurrence of the Secretary of the Army.

### **McGregor Range, Fort Bliss, New Mexico**

McGregor Range is the principal training facility for air defense systems, a part of military operational readiness for national defense, consisting, in part, of approximately 608,000 acres of withdrawn public land in Otero County, New Mexico. It is part of the U.S. Army's Fort Bliss Military Reservation, which comprises over 1,700 square miles in El Paso County, Texas, and Dona Ana / Otero counties, New Mexico. Public land on McGregor Range has been withdrawn and reserved for use by the U.S. Army as a missile testing range since 1957 under the following authorities: PLO 1470, for a 10-year period, issued in 1957 and renewed in 1967; P.L. 99-606, for a 15-year period; and P.L. 106-65, which expires November 6, 2026. These lands, open to the public only under Army permit and closed during Army training exercises, are jointly managed by the BLM and the U.S. Army. The BLM is responsible for natural resource management on the withdrawn public land, including livestock grazing and wildland fire response, while avoiding impacts to Fort Bliss' use of the range for military training and testing missions. Popular big game hunting for mule deer, oryx and elk also occurs on these lands, managed through the New Mexico Department of Game and Fish with permits from the military. An important historic pipeline used for watering livestock and wildlife also crosses McGregor Range.

### **H.R. 4253**

H.R. 4253 would make permanent the current withdrawal and reservation of certain BLM lands for military purposes in Alaska, Nevada, and New Mexico (under P.L. 106-65), unless otherwise determined by the Secretary of the military department concerned, or until the Secretary of the Interior can permanently transfers administrative jurisdiction of the lands to DOD. While the Administration supports the continued military use of public lands at all five locations covered by H.R. 4253, it cannot support the approach proposed in the bill.

The Administration believes that the comprehensive periodic review that is a part of the traditional legislative withdrawal process is vital to promoting the highest quality stewardship and management of the public lands. This process provides regular opportunities for DOD and the military branches to evaluate their continued use of the lands and formally coordinate with DOI on resource management. This helps to ensure that the lands are being managed in ways that could allow their eventual return to the public domain for broader public use if and when appropriate. Regular review also enables Congress and the public to provide input and oversight.

For example, the resources on McGregor Range in New Mexico exemplify the need for the 20-year withdrawal process, which allows the BLM to seek military and public input regarding resource activities managed by the BLM and coordinated with the BLM's Land Use Planning process. The varied and multiple uses on McGregor Range – including livestock grazing, big game hunting, wildfire management, rights-of-way, and military use – necessitate comprehensive coordination between DOI and DOD, as well as public input. The process allows for the continued beneficial use of the land, by both the public and the military.

The coordination between DOI and DOD is especially important when lands are returned to DOI after military use. For example, under the National Defense Authorization Act of 2000, four areas totaling approximately 111,479 acres of public land in the Barry M. Goldwater Range withdrawal authorization were remanded back to the BLM for public use. Of this, approximately 83,554 acres are now part of the BLM Sonoran Desert National Monument – a popular hunting, hiking, and camping area - and the other three areas are under general BLM management, with restrictions because of the potential for unexploded ordnance.

The BLM manages a variety of uses across withdrawn lands, including protection of cultural sites, timber harvest, suppression of wildfires, recreational use and use of lands for traditional purposes for Native Americans. While it appears that the regular and coordinated review of mining and mineral leasing under existing regulations would continue under the bill, the Administration believes that the indefinite extension provided in H.R. 4253 would preclude the review of both military and multiple uses which has been valuable to all parties in the past.

Additionally, it should be noted, that under the Engle Act and FLPMA, the Secretary of the Interior does not have the administrative authority to permanently transfer administrative jurisdiction of the lands, as proposed in the bill.

## **Conclusion**

Thank you for this opportunity to present testimony on H.R. 4253. The Department of the Interior, which has always been part of the Nation's national defense team, is committed to supporting military missions and training needs, while protecting natural resources and other uses of the public lands.