

113TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2013

Mr. VARGAS 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 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.

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 “Chocolate Mountain
5 Aerial Gunnery Range Transfer Act of 2013”.

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

4 (a) **TRANSFER REQUIRED.**—The Secretary of the In-
5 terior shall transfer to the administrative jurisdiction of
6 the Secretary of the Navy the surface estate in certain
7 public land administered by the Bureau of Land Manage-
8 ment in Imperial and Riverside Counties, California, con-
9 sisting of approximately 226,711 acres, as generally de-
10 picted on the map titled “Chocolate Mountain Aerial Gun-
11 nery Range Proposed–Withdrawal” dated 1987 (revised
12 July 1993), and identified as WESTDIV Drawing No. C–
13 102370, which was prepared by the Naval Facilities Engi-
14 neering Command of the Department of the Navy and is
15 on file with the California State Office of the Bureau of
16 Land Management.

17 (b) **VALID EXISTING RIGHTS.**—The transfer of ad-
18 ministrative jurisdiction under subsection (a) shall be sub-
19 ject to any valid existing rights, including any property,
20 easements, or improvements held by the Bureau of Rec-
21 lamation and appurtenant to the Coachella Canal. The
22 Secretary of the Navy shall provide for reasonable access
23 by the Bureau of Reclamation for inspection and mainte-
24 nance purposes not inconsistent with military training.

25 (c) **TIME FOR CONVEYANCE.**—The transfer of admin-
26 istrative jurisdiction under subsection (a) shall occur pur-

1 suant to a schedule agreed to by the Secretary of the Inte-
2 rior and the Secretary of the Navy, but in no case later
3 than the date of the completion of the boundary realign-
4 ment required by section 4.

5 (d) MAP AND LEGAL DESCRIPTION.—

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

10 (2) SUBMISSION TO CONGRESS.—The Secretary
11 of the Interior shall file with the Committee on En-
12 ergy and Natural Resources of the Senate and the
13 Committee on Natural Resources of the House of
14 Representatives—

15 (A) a copy of the legal description pre-
16 pared under paragraph (1); and

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

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

23 (A) the Bureau of Land Management;

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

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

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

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

11 (5) REIMBURSEMENT OF COSTS.—The transfer
12 required by subsection (a) shall be made without re-
13 imbursement, except that the Secretary of the Navy
14 shall reimburse the Secretary of the Interior for any
15 costs incurred by the Secretary of the Interior to
16 prepare the legal description and map under this
17 subsection.

18 **SEC. 3. MANAGEMENT AND USE OF TRANSFERRED LAND.**

19 (a) USE OF TRANSFERRED LAND.—Upon the receipt
20 of the land under section 2, the Secretary of the Navy
21 shall administer the land as the Chocolate Mountain Aer-
22 ial Gunnery Range, California, and continue to authorize
23 use of the land for military purposes.

24 (b) PROTECTION OF DESERT TORTOISE.—Nothing in
25 the transfer required by section 2 shall affect the prior

1 designation of certain lands within the Chocolate Moun-
2 tain Aerial Gunnery Range as critical habitat for the
3 desert tortoise (*Gopherus Agassizii*).

4 (c) WITHDRAWAL OF MINERAL ESTATE.—Subject to
5 valid existing rights, the mineral estate of the land to be
6 transferred under section 2 are withdrawn from all forms
7 of appropriation under the public land laws, including the
8 mining laws and the mineral and geothermal leasing laws.

9 (d) INTEGRATED NATURAL RESOURCES MANAGE-
10 MENT PLAN.—Not later than one year after the transfer
11 of the land under section 2, the Secretary of the Navy,
12 in cooperation with the Secretary of the Interior, shall pre-
13 pare an integrated natural resources management plan
14 pursuant to the Sikes Act (16 U.S.C. 670a et seq.) for
15 the transferred land and for land that, as of the date of
16 the enactment of this Act, is under the jurisdiction of the
17 Secretary of the Navy underlying the Chocolate Mountain
18 Aerial Gunnery Range.

19 **SEC. 4. REALIGNMENT OF RANGE BOUNDARY AND RE-**
20 **LATED TRANSFER OF TITLE.**

21 (a) REALIGNMENT; PURPOSE.—The Secretary of the
22 Interior and the Secretary of the Navy shall realign the
23 boundary of the Chocolate Mountain Aerial Gunnery
24 Range, as in effect on the date of the enactment of this

1 Act, to improve public safety and management of the
2 Range, consistent with the following:

3 (1) The northwestern boundary of the Choco-
4 late Mountain Aerial Gunnery Range shall be re-
5 aligned to the edge of the Bradshaw Trail so that
6 the Trail is entirely on public land under the juris-
7 diction of the Department of the Interior.

8 (2) The centerline of the Bradshaw Trail shall
9 be delineated by the Secretary of the Interior in con-
10 sultation with the Secretary of the Navy, beginning
11 at its western terminus at Township 8 South, Range
12 12 East, Section 6 eastward to Township 8 South,
13 Range 17 East, Section 32 where it leaves the Choc-
14 olate Mountain Aerial Gunnery Range.

15 (b) TRANSFERS RELATED TO REALIGNMENT.—The
16 Secretary of the Interior and the Secretary of the Navy
17 shall make such transfers of administrative jurisdiction as
18 may be necessary to reflect the results of the boundary
19 realignment carried out pursuant to subsection (a).

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

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

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

16 **SEC. 5. EFFECT OF TERMINATION OF MILITARY USE.**

17 (a) NOTICE AND EFFECT.—Upon a determination by
18 the Secretary of the Navy that there is no longer a mili-
19 tary need for all or portions of the land transferred under
20 section 2, the Secretary of the Navy shall notify the Sec-
21 retary of the Interior of such determination. Subject to
22 subsections (b), (c), and (d), the Secretary of the Navy
23 shall transfer the land subject to such a notice back to
24 the administrative jurisdiction of the Secretary of the Inte-
25 rior.

1 (b) CONTAMINATION.—Before transmitting a notice
2 under subsection (a), the Secretary of the Navy shall pre-
3 pare a written determination concerning whether and to
4 what extent the land to be transferred are contaminated
5 with explosive, toxic, or other hazardous materials. A copy
6 of the determination shall be transmitted with the notice.
7 Copies of the notice and the determination shall be pub-
8 lished in the Federal Register.

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

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

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

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

21 (2) funds are appropriated for such decon-
22 tamination.

23 (d) ALTERNATIVE.—The Secretary of the Interior is
24 not required to accept land proposed for transfer under
25 subsection (a) if the Secretary of the Interior is unable

1 to make the determinations under subsection (c)(1) or if
2 Congress does not appropriate a sufficient amount of
3 funds for the decontamination of the land.

4 **SEC. 6. TEMPORARY EXTENSION OF EXISTING WITH-**
5 **DRAWAL PERIOD.**

6 Subsection (a) of section 806 of the California Mili-
7 tary Lands Withdrawal and Overflights Act of 1994 (title
8 VIII of Public Law 103–433; 108 Stat. 4505) is amended
9 to read as follows:

10 “(a) DURATION.—The withdrawal and reservation
11 established by subsection (a) of section 803 shall termi-
12 nate on October 31, 2014. The withdrawal and reservation
13 established by subsection (b) of such section shall not ter-
14 minate until the date on which the land transfer required
15 by section 2 of the Chocolate Mountain Aerial Gunnery
16 Range Transfer Act of 2013 is executed.”.

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