

RECORD VERSION

STATEMENT BY

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BEFORE THE

**U.S. SENATE
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Thank you, Chairman Manchin, Ranking Member Barrasso and other distinguished Members of the Committee for the opportunity to provide comments on S. 1169, legislation to withdraw public lands in Montana for use by the Army, and S. 753, legislation to withdraw public lands in New Mexico.

Limestone Hills Training Area Withdrawal Act of 2013

Senate Bill 1169, the Limestone Hills Training Area Withdrawal Act, would withdraw and reserve approximately 18,644 acres of federal land that comprises the Limestone Hills Training Area (LHTA) for use by the Army, and assign primary management of the property from the Department of the Interior to the Department of the Army for a 25-year period.

The lands comprising the LHTA are public domain lands, currently under the control of the Bureau of Land Management (BLM). The legislation would enable continued training on the land by the Montana National Guard (MTNG) and other active and reserve components of the armed forces that have used the property for training purposes for several decades. In order for the Army to continue occupying the property, the land must be “withdrawn from the public domain,” which can only be accomplished by an Act of Congress. Unless legislation is passed, the Army’s current authority to use the property will end in March 2014.

The LHTA is operated by the MTNG and is their only large-scale live fire and maneuver training area. It is a critically important training asset for the MTNG, used by approximately 3,800 Guardsmen annually, for diverse training involving small arms, crew-served weapons, mortars, and demolition activities. The LHTA represents a realistic, open training environment within a reasonable travel distance for most Guardsmen and for equipment, which is maintained off site. This regional training asset allows us to avoid the expenditures of time, money, and fuel that would result if training had to be located elsewhere.

The LHTA is also used by the active and reserve components of the other branches of the military and is made available in some cases for use by other federal, state, and local agencies. Some 10,000 personnel from other services use the site each year. Many of those personnel are from special operations units who are preparing

for rotations in Afghanistan and other forward locations. The LHTA is especially valuable because of the variety of training conducted there, which is reflected in the number and diversity of organizations that train there.

There are a number of other, non-federal activities that occur at the LHTA, and the Army is respectful of the multiple uses of the property. We are particularly proud of the collaborative relationship among the MTNG, the BLM, and the other stakeholders in the area. The Army closely coordinates with the operators of an active limestone mine within the withdrawal area. The Army firmly supports allowing existing mining claims to proceed to development in accordance with previously approved plans of operations, and we are confident this can occur. The MTNG plans meticulously to ensure that training and mining operations are held at a safe distance, and that any unexploded ordnance (UXO) is removed from the mining area. Training activities are also deconflicted with grazing operations, wildlife habitat, and use of two public roads that traverse the property. There is a proven track record of accommodating multiple uses of the property while fulfilling military training and mission needs.

The MTNG is party to an existing agreement with the BLM and with Graymont Western US, Inc., the current mine operator. This agreement specifies the procedures that the parties follow to coordinate and deconflict their respective activities. As provided for in the legislation, the Army is prepared to enter into a new agreement to update those procedures during the withdrawal period. We do not foresee any difficulty in maintaining procedures to ensure that training and readiness are maintained while accommodating the needs of other parties.

While the Army supports withdrawal of the property to enable its continued use for military training, the Army has significant concerns with certain language in the bill that would legislatively expand certain rights for mineral disposition or exploration. The Army opposes inclusion of Subsection 4(a)(3), which would provide an opportunity for certain mining claimants to amend or relocate mining claims and to reinstate expired claims. This provision would give unprecedented latitude to these claimants, which could impact land required for military training – including live fire impact areas. This would severely limit the ability of the Army to plan and conduct training on the property.

The Army supports allowing existing mining claims to proceed to development in accordance with previously approved plans of operations and in accordance with applicable law and regulation. However, the Army strongly objects to this Subsection as it would grant particular mining claimants the ability to operate without regard for the withdrawal and reservation. There is no clear precedent for this provision, which stands in opposition to the normal purpose and effect of military land withdrawals. By granting unique privileges to certain mining claimants, this provision is also contrary to the normal operation of mining laws and regulations, which provide equal treatment for all claimants who are similarly situated.

The LHTA is an important asset for the readiness of the armed forces. If the land is not withdrawn, Limestone Hills will be returned to the BLM and the MTNG would be forced to conduct its primary training events at other locations. Changing training venues could markedly increase the costs to the MTNG over current expenditures. Additionally, UXO contamination would need to be mitigated if the range were closed. Since funding for UXO removal from active ranges is controlled and prioritized differently from funding for cleanup of closed ranges, if the range is closed, Army priorities and schedules for UXO removal would be affected. We appreciate the effort to keep this important training asset open and available.

Noting the strong objection to Subsection 4(a)(3), we support S. 1169 with the exclusion of that provision. The Department of Defense has submitted a legislative proposal to the Congress for consideration that would also address the withdrawal requirements for LHTA. The proposal, introduced as S. 1309, is fully coordinated and agreed to within the Administration, and would provide urgent and necessary authority to continue training and operations.

S 753, a bill to provide for national security benefits for White Sands

Missile Range and Fort Bliss

The other legislation I would like to discuss is S. 753, which involves the withdrawal of 42,700 acres of public lands in New Mexico and reservation of 5,100 of those acres for use by the Department of the Army. The bill would also transfer administration of 2,050 acres from the Army to the Department of Interior. These lands

are directly adjacent to Fort Bliss and the White Sands Missile Range (WSMR). As the two largest military installations in the United States, Fort Bliss and WSMR consist of nearly 5,000 square miles of land that accommodates military training, research, development, and test and evaluation. In addition to Army test activities, WSMR hosts several other federal tenants, including NASA and the National Reconnaissance Office (NRO).

A portion of the withdrawal, totaling 37,600 acres, is adjacent to the Dona Ana tank gunnery and artillery range complex at Fort Bliss. Training in this location can generate significant noise, vibration, and dust, which can all migrate off the installation. Army analysis has determined that noise levels occurring in the area to be withdrawn are higher than is recommended for various categories of use and development. The Army is concerned that residential and commercial development may occur in that area. The legislation would ensure that incompatible development does not occur in that area. In doing so, the legislation would establish an enduring buffer for the live-fire ranges in the Dona Ana training area.

A separate 5,100 acre portion of the land that would be withdrawn by this legislation is adjacent to tenant operations at WSMR: the NASA White Sands Test Facility; the NASA Goddard Space Flight Center Tracking and Data Relay Satellite Systems facility; and the NRO Aerospace Data Facility – Southwest. These operations are co-located and have special security and safety requirements. The land set aside for their use, while large enough to handle the mission, no longer resides in a remote location. As with many locations in the southwest, this area has seen a large increase in population in recent years. The facilities sit close to the border of a public access area, and a number of security incidents in the area have highlighted the value of having a controlled stand-off area. This legislation would reserve for military control a one-mile stand-off area between those tenant activities and the public access area, which would improve the security for these facilities.

The bill would also return administration of a small area at Fort Bliss from the Department of the Army to the Department of the Interior. The 2,050 acre parcel, previously withdrawn for military use, would be transferred to the BLM. This parcel has

relatively limited training value for Fort Bliss due to its limited access from the installation. The Army does not object to the return of this land to BLM, but we offer one technical comment on the provision. Since the parcel was originally withdrawn by Public Land Order 833, a partial legislative revocation of that Public Land Order would ensure a clear interpretation of congressional intent.

The Army has worked cooperatively with the Bureau of Land Management and other neighbors and stakeholders in addressing land use issues in this area. We appreciate the cooperation and interest of all parties who support the various missions at Fort Bliss and WSMR. The Army supports this legislation, which would protect those important national security missions.

Thank you for the opportunity to discuss these topics, I look forward to any questions you have.