

**Statement of
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House Natural Resources Committee
Subcommittee on Public Lands & Environmental Regulation
H.R. 4458, Naval Air Weapons Station China Lake Security Act
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Thank you for the opportunity to testify on behalf of the Department of the Interior (DOI) on H.R. 4458, which would eliminate the termination date on the Naval Air Weapons Station (NAWS) China Lake withdrawal, and withdraw and reserve additional public lands administered by the Bureau of Land Management (BLM) for military purposes in California.

The Administration supports the continued use of the NAWS China Lake lands under withdrawal as identified in H.R. 4458 by the Department of Defense (DOD), and as identified in the National Defense Authorization Act for Fiscal Year 14, P.L. 113-66. However, the Administration cannot support H.R. 4458 as written, as it would indefinitely extend the China Lake withdrawal 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 high-quality stewardship and management of the public lands.

DOI appreciates the importance of military installations and the lands 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, the Congress created BLM's withdrawal process to look well beyond the 20-year timeframe to account for the changing needs of the American people.

In 20, 40, or even 60 years, DOD's mission 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 the 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 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. 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. 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.

NAWS China Lake

NAWS China Lake consists of more than 1.1 million acres of land in Inyo, Kern, and San Bernardino Counties, California, of which 92 percent are withdrawn public lands. Under a Memorandum of Understanding between the Navy and DOI, the Commanding Officer of NAWS China Lake is responsible for managing the withdrawn land. The installation is home to approximately 4,300 DOD personnel and its primary tenant is the Naval Air Warfare Center Weapons Division.

On December 26, 2013, the President signed the National Defense Authorization Act for Fiscal Year 2014 (P.L. 113-66), which renewed the withdrawal of approximately 1 million acres of land from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, for 25 years, for NAWS China Lake. The withdrawal renewal continues the management scheme instituted as part of the California Military Lands Withdrawal and Overflights Act of 1994, which allowed the DOD and DOI to combine their unique capabilities and assets for the benefit of the resources and the public, by cooperatively managing natural and cultural resources, recreational resources, grazing, wild horses and burros, and geothermal resources. For example, the Navy manages the wild horses and burros on-the-ground at NAWS China Lake and the BLM manages the gathering, holding and adoption of the animals.

Cuddeback Lake Air Force Range

Cuddeback Lake Air Force Bomb and Gunnery Range, San Bernardino County, California – originally comprising 7,546 acres – has in the past been withdrawn and reserved for use as a bombing and gunnery range. On June 21, 1963, Public Law 88-46 withdrew these lands from all appropriations and other forms of disposition under the public land laws, including the mining and mineral leasing laws and disposals. The withdrawal expired in March 1980. Consistent with the terms of the 1963 withdrawal, the Air Force has responsibility for removing unexploded ordnance and conducting other cleanup actions, prior to consideration of return of the lands for public use. In August 2012, the BLM received from the Air Force a “Notice of Intent to Relinquish,” since the lands were no longer needed for military use. Currently, the BLM is determining the suitability of the lands for return to public use.

H.R. 4458

H.R. 4458 would make permanent the current withdrawal and reservation of NAWS China Lake unless otherwise determined by the Secretary of the military department concerned, or until the Secretary of the Interior can permanently transfer administrative jurisdiction of the lands to DOD. While the Administration supports the continued military use of public lands currently withdrawn for NAWS China Lake as identified in H.R. 4458 and P.L. 113-66, 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 to 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.

The resources on NAWS China Lake, the Cuddeback Lake Air Force Range, and the proposed additional 18,933 acres exemplify the need for the 25-year withdrawal process. The varied and multiple uses on these lands – including military use, geothermal energy production, wild horses and burros, grazing, management of natural and cultural resources, and recreation – necessitate comprehensive coordination between DOI and DOD, as well as public input. And while the Departments regularly coordinate regarding their respective management needs, the Administration believes that the indefinite extension provided in H.R. 4458 is likely to preclude the regular, thorough review of both military and multiple uses, a review that has been valuable to all parties in the past.

Cuddeback Lake Air Force Range

H.R. 4458 would also include permanent withdrawal for the Cuddeback Lake Air Force Range. The BLM has been in preliminary discussions with the Air Force to develop a joint restoration strategy for the Cuddeback Lake Air Force Range, which would allow for clean-up of hazardous waste and provide additional desert wildlife habitat. The Department of the Interior and the Department of Defense have not yet had an opportunity to engage in discussions concerning a proposal to include the Cuddeback Lake AF Range in the existing China Lake withdrawal, and we look forward to doing so.

Additional 18,933 Acres of Public Land

H.R. 4458 also proposes withdrawal of an additional 18,933 acres of BLM-managed public land for use and management by the Navy. These lands are contiguous to the southwest boundary of NAWS China Lake South Range. The BLM cannot support this provision of H.R. 4458 because the agency manages this area for a variety of activities which may be in conflict with military use. This is a popular recreation area, with off-highway vehicle trail riding, three well-established camp sites, and two wildlife guzzlers which offer hunting and nature viewing opportunities. The historic Twenty Mule Team Road also crosses the area. Additionally, the lands include cultural sites and are used for traditional purposes by Native Americans. The area is an important natural wildlife corridor, encompassing critical desert tortoise habitat and habitat for other special status species.

Other Issues

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 H.R. 4458, and the bill, as proposed, does not actually contain the necessary legislative authorization and direction to allow such a transfer to be accomplished.

Additionally, the BLM has a number of more technical concerns with the bill, which would need to be resolved if our larger issues were addressed. Finally, we would be happy to develop for the sponsor and the Committee a map depicting the various parcels referenced to enhance the clarity of H.R. 4458.

Conclusion

Thank you for this opportunity to present testimony on H.R. 4458. 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.