

The Engle Act of 1958

(Public Law 85-337, H. R. 5538)

An Act to provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, except in time of war or national emergency hereafter declared by the President or the Congress, on and after the date of enactment of this Act the provisions, hereof shall apply to the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States, including public lands in the Territories of Alaska and Hawaii:

Provided, That-

- (1) for the purposes of this Act, the term "public lands" shall be deemed to include, without limiting the meaning thereof, Federal lands and waters of the Outer Continental Shelf, as defined in section 2 of the Outer Continental Shelf Lands Act (67 Stat. 462), and Federal lands and waters off the coast of the Territories of Alaska and Hawaii;
- (2) nothing in this Act shall be deemed to be applicable to the withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves;
- (3) nothing in this Act shall be deemed to be applicable to the warning areas over the Federal lands and waters of the Outer Continental Shelf and Federal lands and waters off the coast of the Territory of Alaska reserved for use of the military departments prior to the enactment of the Outer Continental Shelf Lands Act (67 Stat. 462) ; and
- (4) nothing in sections 1, 2, or 3 of this Act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the naval gunnery ranges in the State of Nevada designated as Basic Black Rock and Basic Sawhawe Mountain.

SEC. 2. No public land, water, or land and water area shall, except by Act of Congress, hereafter be:

- (1) withdrawn from settlement, location, sale, or entry for the use of the Department of Defense for defense purposes;
- (2) reserved for such use; or
- (3) restricted from operation of the mineral leasing provisions of the Outer Continental Shelf Lands Act (67 Stat. 462), if such withdrawal, reservation, or restriction would result in the withdrawal, reservation, or restriction of more than five thousand acres in the aggregate for any one defense project or facility of the Department of Defense since the date of enactment of this Act or since the last previous Act of Congress which withdrew, reserved, or restricted public land, water, or land and water area for that project or facility, whichever is later.

SEC. 3. Any application hereafter filed for a withdrawal, reservation, or restriction, the approval of which will, under section 2 of this Act, require an Act of Congress, shall specify-

- (1) the name of the requesting agency and intended using agency;

- (2) location of the area involved, to include a detailed description of the exterior boundaries and excepted areas, if any, within such proposed withdrawal, reservation, or restriction;
- (3) gross land and water acreage within the exterior boundaries of the requested withdrawal, reservation, or restriction, and net public land, water, or public land and water acreage covered by the application;
- (4) the purpose or purposes for which the area is proposed to be withdrawn, reserved, or restricted, or if the purpose or purposes are classified for national security reasons, a statement to that effect;
- (5) whether the proposed use will result in contamination of any or all of the requested-withdrawal, reservation, or restriction area, and if so, whether such contamination will be permanent or temporary;
- (6) the period during which the proposed withdrawal, reservation, or restriction will continue in effect;
- (7) whether, and if so to what extent, the proposed use will affect continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, grazing resources, fish and wildlife resources, water resources, and scenic, wilderness, and recreation and other values; and
- (8) if effecting the purpose for which the area is proposed to be withdrawn, reserved, or restricted, will involve the use of water in any State, whether, subject to existing rights under law, the intended using agency has acquired, or proposes to acquire, rights to the use thereof in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

SEC. 4. Chapter 159 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end:

"§2671. Military reservations and facilities: hunting, fishing, and trapping

"(a) The Secretary of Defense shall, with respect to each military installation or facility under the jurisdiction of any military department in a State or Territory-

"(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located;

"(2) require that an appropriate license for hunting, fishing, or trapping on that installation -or facility be obtained, except that with respect to members of the Armed Forces, such a license may be required only if the State or Territory authorizes the issuance of a license to a member on active duty for a period of more than thirty days at an installation or facility within that State or Territory, without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State or Territory; and

"(3) develop, subject to safety requirements and military security and in cooperation with the Governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon, have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

"(b) The Secretary of Defense shall prescribe regulations to carry out this section.

"(c) Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a) (1) or (2), which act or omission would be punishable if committed

or omitted within the jurisdiction of the State- or Territory in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

" (d) This section does not modify any rights granted by treaty or otherwise to any Indian tribe or to the members thereof."

(2) By adding the following new item at the end of the analysis:

"2671. Military reservations and facilities: hunting, fishing, and trapping."

SEC. 5. The Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended-, is hereby further amended by revising section 3 (d) to read as follows:

“(d) The term property means any interest in property except

1) the public domain; lands reserved or dedicated for national forest or national park purpose; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public land laws because such lands are substantially changed in character by improvements or otherwise;

(2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and

(3) records of the Federal Government."

SEC. 6. All withdrawals or reservations of public lands for the use of any agency of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals, including oil and gas, in the lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior and there shall be no disposition of, or exploration for, any minerals in such lands except under the applicable public land mining and mineral leasing laws: *Provided*, That no disposition of, or exploration for, any minerals in such lands shall be made where the Secretary of Defense, after consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved.

Approved February 28, 1958.