

Union Calendar No. 36

103D CONGRESS
1ST SESSION

H. R. 194

[Report No. 103-56 Parts I and III]

A BILL

To withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

MAY 6, 1993

Reported from the Committee on Armed Services with an amendment, committed to the Committee of the Whole House and ordered to be printed

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To withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. HEFLEY introduced the following bill; which was referred jointly to the Committees on Natural Resources and Armed Services

APRIL 19, 1993

Reported from the Committee on Natural Resources with amendments
[Omit the part struck-through in brackets and insert the part printed in italic]

MAY 6, 1993

Reported from the Committee on Armed Services with an amendment, committed to the Committee of the Whole House and ordered to be printed
[Strike out all after the enacting clause and insert the part printed in boldface roman]
[For text of introduced bill, see copy of bill as introduced on January 5, 1993]

A BILL

To withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, 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,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Fort Carson-Pinon Canyon Military Lands Withdrawal
4 Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Withdrawal and reservation of lands at Fort Carson Military Reservation.
- Sec. 3. Withdrawal and reservation of lands at Pinon Canyon Maneuver Site.
- Sec. 4. Maps and legal descriptions.
- Sec. 5. Management of withdrawn lands.
- Sec. 6. Management of withdrawn and acquired mineral resources.
- Sec. 7. Hunting, fishing, and trapping.
- Sec. 8. Termination of withdrawal and reservation and effect of contamination.
- Sec. 9. Delegation.
- Sec. 10. Hold harmless.
- Sec. 11. Amendment to military lands withdrawal act of 1986.
- Sec. 12. Authorization of appropriations.

7 **SEC. 2. WITHDRAWAL AND RESERVATION OF LANDS AT**
8 **FORT CARSON MILITARY RESERVATION.**

9 (a) **WITHDRAWAL.**—Subject to valid existing rights
10 and except as otherwise provided in this Act, the lands
11 at the Fort Carson Military Reservation that are described
12 in subsection (c) are hereby withdrawn from all forms of
13 appropriation under the public land laws, including the
14 mining laws and the mineral and geothermal leasing laws.

15 (b) **RESERVATION.**—The lands withdrawn under sub-
16 section (a) are reserved for use by the Secretary of the
17 Army—

18 (1) for military maneuvering, training and
19 weapons firing; and

1 (2) for other defense related purposes consist-
2 ent with the uses specified in paragraph (1).

3 (c) **LAND DESCRIPTION.**—The lands referred to in
4 subsection (a) comprise 3,133.02 acres of public land and
5 11,415.16 acres of federally-owned minerals in El Paso,
6 Pueblo, and Fremont Counties, Colorado, as generally de-
7 picted on the map entitled “Fort Carson Proposed With-
8 drawal—Fort Carson Base”, dated February 1992, and
9 filed in accordance with section 4.

10 **SEC. 3. WITHDRAWAL AND RESERVATION OF LANDS AT**
11 **PINON CANYON MANEUVER SITE.**

12 (a) **WITHDRAWAL.**—Subject to valid existing rights
13 and except as otherwise provided in this Act, the lands
14 at the Pinon Canyon Maneuver Site that are described in
15 subsection (c) are hereby withdrawn from all forms of ap-
16 propriation under the public land laws, including the min-
17 ing laws and the mineral and geothermal leasing laws.

18 (b) **RESERVATION.**—The lands withdrawn under sub-
19 section (a) are reserved for use by the Secretary of the
20 Army—

21 (1) for military maneuvering and training; and
22 (2) for other defense related purposes consist-
23 ent with the uses specified in paragraph (1).

24 (c) **LAND DESCRIPTION.**—The lands referred to in
25 subsection (a) comprise 2,517.12 acres of public lands and

1 130,139 acres of federally-owned minerals in Las Animas
2 County, Colorado, as generally depicted on the map enti-
3 tled “Fort Carson Proposed Withdrawal—Fort Carson
4 Maneuver Area—Pinon Canyon site”, dated February
5 1992, and filed in accordance with section 4.

6 **SEC. 4. MAPS AND LEGAL DESCRIPTIONS.**

7 (a) PREPARATION.—As soon as practicable after the
8 date of enactment of this Act, the Secretary of the Interior
9 shall—

10 (1) publish in the Federal Register a notice
11 containing the legal description of the lands with-
12 drawn and reserved by this Act; and

13 (2) file maps and a legal description of the
14 lands withdrawn and reserved by this Act with the
15 Committee on Energy and Natural Resources of the
16 Senate and with the Committee on Interior and In-
17 sular Affairs of the House of Representatives.

18 (b) LEGAL EFFECT.—Such maps and legal descrip-
19 tions shall have the same force and effect as if they were
20 included in this Act, except that the Secretary of the Inte-
21 rior may correct clerical and typographical errors in such
22 maps and legal descriptions.

23 (c) LOCATION OF COPIES.—Copies of such maps and
24 legal descriptions shall be available for public inspection
25 in the offices of the Colorado State Director and the

1 Canon City District Manager of the Bureau of Land Man-
2 agement, and the Commander, Fort Carson, Colorado.

3 (d) COSTS.—The Secretary of the Army shall reim-
4 burse the Secretary of the Interior for the costs of imple-
5 menting this section.

6 **SEC. 5. MANAGEMENT OF WITHDRAWN LANDS.**

7 (a) MANAGEMENT GUIDELINES.—(1) Except as pro-
8 vided in section 6, during the period of withdrawal, the
9 Secretary of the Army shall manage for military purposes
10 the lands covered by this Act and may authorize use of
11 the lands by the other military departments and agencies
12 of the Department of Defense, and the National Guard,
13 as appropriate.

14 (2) When military operations, public safety, or na-
15 tional security, as determined by the Secretary of the
16 Army, require the closure of roads and trails on the lands
17 withdrawn by this Act commonly in public use, the Sec-
18 retary of the Army is authorized to take such action, ex-
19 cept that such closures shall be limited to the minimum
20 areas and periods required for the purposes specified in
21 this subsection. Appropriate warning notices shall be kept
22 posted during closures.

23 (3) The Secretary of the Army shall take necessary
24 precautions to prevent and suppress brush and range fires
25 occurring within and outside the lands as a result of mili-

1 tary activities and may seek assistance from the Bureau
2 of Land Management in suppressing such fires. The
3 memorandum of understanding required by this section
4 shall provide for Bureau of Land Management assistance
5 in the suppression of such fires, and for a transfer of
6 funds from the Department of the Army to the Bureau
7 of Land Management as compensation for such assistance.

8 (b) MANAGEMENT PLAN.—The Secretary of the
9 Army, with the concurrence of the Secretary of the Inte-
10 rior, shall develop a plan for the management of acquired
11 lands and lands withdrawn under sections 2 and 3 for the
12 period of withdrawal. The plan shall—

13 (1) be consistent with applicable law;

14 (2) include such provisions as may be necessary
15 for proper resource management and protection of
16 the natural, cultural, and other resources and values
17 of such lands;

18 (3) identify those withdrawn and acquired
19 lands, if any, which are to be open to mining or min-
20 eral and geothermal leasing, including mineral mate-
21 rials disposal; and

22 (4) be developed not later than 5 years after
23 the date of enactment of this Act.

24 (c) LISTING OF LANDS SUITABLE FOR MINING.—On
25 completion of the management plan prepared pursuant to

1 subsection (b), the Secretary of the Interior shall publish
2 a notice in the Federal Register listing the lands deter-
3 mined under such subsection to be suitable for opening
4 to mining, and mineral and geothermal leasing, including
5 mineral materials disposal, and specifying the opening
6 date.

7 (d) IMPLEMENTATION OF MANAGEMENT PLAN.—(1)
8 The Secretary of the Army and the Secretary of the Inte-
9 rior shall enter into a memorandum of understanding to
10 implement the management plan described in subsection
11 (b).

12 (2) The duration of any such memorandum of under-
13 standing shall be the same as the period of withdrawal
14 under section 8.

15 (3) The memorandum of understanding may be
16 amended by agreement of both Secretaries.

17 (e) REEXAMINATION OF LANDS FOR SUITABILITY
18 FOR MINING.—At least every five years after the initial
19 identification of lands suitable for opening to mining re-
20 quired by subsection (b)(3), the Secretary of the Army and
21 the Secretary of the Interior shall determine those with-
22 drawn lands, if any, which the Secretaries consider suit-
23 able for opening to mining, mineral and geothermal leas-
24 ing, or mineral material disposal, and those acquired
25 lands, if any, which the Secretaries consider suitable for

1 opening to mineral and geothermal leasing or mineral ma-
2 terial disposal. The Secretary of the Interior shall publish
3 a notice in the Federal Register listing the lands deter-
4 mined suitable for opening and specifying the opening
5 date.

6 (f) USE OF CERTAIN RESOURCES.—The Secretary of
7 the Army is authorized to utilize sand, gravel, or similar
8 mineral or mineral material resources when the use of
9 such resources is required for construction needs of the
10 Fort Carson Reservation or Pinon Canyon Maneuver Site.

11 **SEC. 6. MANAGEMENT OF WITHDRAWN AND ACQUIRED**
12 **MINERAL RESOURCES.**

13 (a) AUTHORITY OF SECRETARY OF THE INTERIOR.—
14 Notwithstanding any other provision of law, and except
15 as provided in section 5 of this Act, the Secretary of the
16 Interior shall manage all withdrawn and acquired mineral
17 resources contained within the boundaries of the Fort Car-
18 son Reservation and Pinon Canyon Maneuver Site.

19 (b) EFFECT OF IDENTIFICATION OF LANDS AS SUIT-
20 ABLE FOR MINING.—On the day specified by the Sec-
21 retary of the Interior in the notice published in the Fed-
22 eral Register pursuant to subsections (c) and (e) of section
23 5, the land identified as suitable for opening to the oper-
24 ation of the mining, mineral, and geothermal leasing and
25 the mineral material disposal laws shall automatically be

1 open to the operation of such laws without the necessity
2 for further action by either the Secretary of the Interior
3 or the Congress.

4 (c) EXCEPTION FROM CERTAIN LAWS.—No deposit
5 of minerals or materials of the types identified by section
6 3 of the Act of July 23, 1955 (30 U.S.C. 611; 69 Stat.
7 368), whether or not included in the term “common vari-
8 eties” in that Act, shall be subject to location under the
9 Act of May 10, 1872 (commonly known as the Mining
10 Law of 1872)(30 U.S.C. 22 et seq.); or any other law pro-
11 viding for the location of mining claims, on lands described
12 in sections 2 and 3.

13 (d) REGULATIONS.—On lands identified for opening
14 to mining, mineral, and geothermal leasing or mineral ma-
15 terial disposal by section 5(b)(3), or by subsequent amend-
16 ments to the management plan described in section 5, all
17 minerals contained in those lands shall be subject to min-
18 ing, mineral, and geothermal leasing or mineral material
19 disposal under such rules and regulations as the Secretary
20 of the Interior may promulgate pursuant to the terms and
21 conditions of section 12 of the Military Lands Withdrawal
22 Act of 1986 (Public Law 99-606; 100 Stat. 3466).

23 (e) CLOSURE OF LANDS UNDER CERTAIN CIR-
24 CUMSTANCES.—In the event of a national emergency or
25 for purposes of national defense or security, the Secretary

1 of the Interior, at the request of the Secretary of the
2 Army, shall close any lands that have been opened to min-
3 ing, mineral, and geothermal leasing or mineral material
4 disposal pursuant to this section.

5 (f) MINING CLAIMS.—(1) Except as otherwise pro-
6 vided in this Act, mining claims located pursuant to this
7 Act shall be subject to the provisions of the Act of May
8 10, 1872 (commonly known as the Mining Law of 1872)
9 [~~(30 U.S.C. 22 et seq.)~~. In the event of a conflict between
10 that law and this Act, this Act shall prevail.] *(30 U.S.C.*
11 *22 et seq.)*, or to the provisions of other laws enacted here-
12 after (including provisions for payments to the United
13 States) that are applicable to similar claims on the public
14 domain.

15 (2) All mining claims located under the terms of this
16 Act shall be subject to the provisions of the Federal Land
17 Policy and Management Act of 1976 (43 U.S.C. 1701 et
18 seq.).

19 (g) PATENTS FOR LOCATABLE MINERALS.—(1) Pat-
20 ents issued pursuant to this Act for locatable minerals
21 shall convey title to the locatable minerals only, and shall
22 be issued together with an appropriate authorization for
23 use of so much of the surface as may be necessary for
24 purposes incident to mineral activities under the guidelines

1 for such use established by the Secretary of the Interior
2 by regulation.

3 ~~(2) All such patents shall contain a reservation to the~~
4 ~~United States of the surface of all lands patented and of~~
5 ~~all nonlocatable minerals on those lands.~~

6 [~~(3) For the purposes of this section, all minerals~~
7 ~~subject to location under the Act of May 10, 1872 (com-~~
8 ~~monly known as the Mining Law of 1872) (30 U.S.C. et~~
9 ~~seq.), are referred to as “locatable minerals”.~~]

10 *(3)(A) For the purposes of this Act, the term “locatable*
11 *minerals” means any mineral not subject to disposition*
12 *under any of the following:*

13 *(i) The Mineral Leasing Act (30 U.S.C. 181 et*
14 *seq.);*

15 *(ii) The Geothermal Steam Act of 1970 (30*
16 *U.S.C. et seq.);*

17 *(iii) The Act of July 31, 1947, commonly known*
18 *as the Materials Act of 1947 (30 U.S.C. 601 et seq.);*
19 *and*

20 *(iv) The Mineral Leasing for Acquired Lands*
21 *Act (30 U.S.C. 351 et seq.).*

22 *(B) For the purposes of this Act, the term “mineral*
23 *activities” means any activity for, related to, or incidental*
24 *to mineral exploration, mining, beneficiation, and process-*
25 *ing activities for any locatable mineral, including access.*

1 **SEC. 7. HUNTING, FISHING, AND TRAPPING.**

2 All hunting, fishing, and trapping on the lands with-
3 drawn and reserved by this Act shall be conducted in ac-
4 cordance with section 2671 of title 10, United States
5 Code.

6 **SEC. 8. TERMINATION OF WITHDRAWAL AND RESERVATION**
7 **AND EFFECT OF CONTAMINATION.**

8 (a) **TERMINATION DATE.**—The withdrawal and res-
9 ervation established by this Act shall terminate 15 years
10 after the date of the enactment of this Act.

11 (b) **DETERMINATION OF CONTINUING MILITARY**
12 **NEED.**—(1) At least three years prior to the termination
13 under subsection (a) of the withdrawal and reservation es-
14 tablished by this Act, the Secretary of the Army shall ad-
15 vise the Secretary of the Interior as to whether or not the
16 Department of the Army will have a continuing military
17 need for any of the lands after the termination date.

18 (2) If the Secretary of the Army concludes under
19 paragraph (1) that there will be a continuing military need
20 for any of the lands after the termination date established
21 by subsection (a), the Secretary of the Army, in accord-
22 ance with applicable law, shall evaluate the environmental
23 effects of renewal of such withdrawal and reservation,
24 shall hold at least one public hearing in Colorado concern-
25 ing such evaluation, and shall thereafter file an application
26 for extension of the withdrawal and reservation of such

1 lands in accordance with the regulations and procedures
2 of the Department of the Interior applicable to the exten-
3 sion of withdrawals for military uses. The Secretary of the
4 Interior shall notify the Congress concerning such filing.
5 [and thereafter may take necessary steps, in accordance
6 with applicable law, to prevent uses inconsistent with such
7 extension for a period not in excess of 2 years after the
8 termination of the withdrawal and reservation made by
9 this Act.]

10 (3) If the Secretary of the Army concludes under
11 paragraph (1) that prior to the termination date estab-
12 lished by subsection (a), there will be no military need for
13 all or any of the lands withdrawn and reserved by this
14 Act, or if, during the period of withdrawal, the Secretary
15 of the Army decides to relinquish any or all of the lands
16 withdrawn and reserved under this Act, the Secretary of
17 the Army shall file a notice of intention to relinquish with
18 the Secretary of the Interior.

19 (c) DETERMINATION OF CONTAMINATION.—Prior to
20 the filing of a notice of intention to relinquish pursuant
21 to subsection (b)(3), the Secretary of the Army shall pre-
22 pare a written determination as to whether and to what
23 extent the lands are contaminated with explosive, toxic,
24 or other hazardous materials. A copy of the determination
25 made by the Secretary of the Army shall be supplied with

1 the notice of intention to relinquish. Copies of both the
2 notice of intention to relinquish and the determination
3 concerning the contaminated state of the lands shall be
4 published in the Federal Register by the Secretary of the
5 Interior.

6 (d) EFFECT OF CONTAMINATION.—(1) If any land
7 which is the subject of a notice of intention to relinquish
8 under subsection (b)(3) is contaminated, and the Sec-
9 retary of the Interior, in consultation with the Secretary
10 of the Army, determines that decontamination is prac-
11 ticable and economically feasible, taking into consideration
12 the potential future use and value of the land, and that
13 upon decontamination, the land could be opened to the
14 operation of some or all of the public land laws, including
15 the mining laws, the Secretary of the Army shall decon-
16 taminated the land to the extent that funds are appro-
17 priated for such purpose.

18 (2) If the Secretaries of the Army and the Interior
19 conclude either that decontamination of any or all of the
20 lands proposed for relinquishment is not practicable or
21 economically feasible, or that the lands cannot be decon-
22 taminated sufficiently to allow them to be opened to the
23 operation of the public land laws, or if Congress declines
24 to appropriate funds for decontamination of the lands, the

1 Secretary of the Interior shall not be required to accept
2 the lands proposed for relinquishment.

3 ~~(3)~~ If, because of their contaminated state, the Sec-
4 retary of the Interior declines under paragraph ~~(2)~~ to ac-
5 cept jurisdiction of the lands proposed for relinquishment,
6 or if at the expiration of the withdrawal made by this Act
7 the Secretary of the Interior determines that some of the
8 lands withdrawn by this Act are contaminated to an extent
9 which prevents opening such contaminated lands to oper-
10 ation of the public land laws—

11 (A) the Secretary of the Army shall take appro-
12 priate steps to warn the public of the contaminated
13 state of such lands and any risks associated with
14 entry onto such lands;

15 ~~(B)~~ after the expiration of the withdrawal, the
16 Secretary of the Army shall undertake no activities
17 on such lands except in connection with decon-
18 tamination of such lands; and

19 (C) the Secretary of the Army shall report to
20 the Secretary of the Interior and to the Congress
21 concerning the status of such lands and all actions
22 taken in furtherance of the subsection.

23 ~~(4)~~ If the lands are subsequently decontaminated,
24 upon certification by the Secretary of the Army that the
25 lands are safe for all nonmilitary uses, the Secretary of

1 the Interior shall reconsider accepting jurisdiction over the
2 lands.

3 ~~(e) PROGRAM OF DECONTAMINATION.~~—Throughout
4 the duration of the withdrawal and reservation made by
5 this Act, the Secretary of the Army, to the extent funds
6 are made available, shall maintain a program of decon-
7 tamination of the lands withdrawn by this Act at least
8 at the level of effort carried out during fiscal year 1992.

9 ~~(f) ACCEPTANCE OF LANDS PROPOSED FOR RELIN-~~
10 ~~QUISHMENT.~~—Notwithstanding any other provision of
11 law, the Secretary of the Interior, upon deciding that it
12 is in the public interest to accept jurisdiction over the
13 lands proposed for relinquishment, is authorized to revoke
14 the withdrawal and reservation established by this Act as
15 it applies to the lands proposed for relinquishment. Should
16 the decision be made to revoke the withdrawal and res-
17 ervation, the Secretary shall publish in the Federal Reg-
18 ister an appropriate order which shall—

- 19 (1) terminate the withdrawal and reservation;
- 20 (2) constitute official acceptance of full jurisdic-
21 tion over the lands by the Secretary of the Interior;
- 22 and
- 23 (3) state the date upon which the lands will be
24 opened to the operation of the public land laws, in-
25 cluding the mining laws if appropriate.

1 **SEC. 9. DELEGATION.**

2 The functions of the Secretary of the Army under
3 this Act may be delegated. The functions of the Secretary
4 of the Interior under this Act may be delegated, except
5 that the order referred to in section 8(f) may be approved
6 and signed only by the Secretary of the Interior, the Dep-
7 uty Secretary of the Interior, or an Assistant Secretary
8 of the Department of the Interior.

9 **SEC. 10. HOLD HARMLESS.**

10 The United States and all departments or agencies
11 thereof shall be held harmless and shall not be liable for
12 any injuries or damages to persons or property suffered
13 in the course of any mining, mineral activity, or geo-
14 thermal leasing activity conducted on lands comprising the
15 Fort Carson Reservation or Pinon Canyon Maneuver Site.

16 **SEC. 11. AMENDMENT TO MILITARY LANDS WITHDRAWAL**
17 **ACT OF 1986.**

18 Section 3(f) of the Military Lands Withdrawal Act
19 of 1986 (Public Law 99-606; 100 Stat. 3461) is amended
20 by adding at the end a new paragraph (2) as follows:

21 “(2) The Secretary of the military department con-
22 cerned may utilize sand, gravel, or similar mineral or ma-
23 terial resources when the use of such resources is required
24 for construction needs on the respective lands withdrawn
25 by this Act.”.

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

2 There are hereby authorized to be appropriated such
3 sums as may be necessary to carry out the purposes of
4 this Act.

5 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

6 **(a) SHORT TITLE.—This Act may be cited as**
7 **the “Fort Carson-Pinon Canyon Military**
8 **Lands Withdrawal Act”.**

9 **(b) TABLE OF CONTENTS.—The table of con-**
10 **tents for this Act is as follows:**

Sec. 1. Short title and table of contents.

**Sec. 2. Withdrawal and reservation of lands at Fort Carson
Military Reservation.**

**Sec. 3. Withdrawal and reservation of lands at Pinon Canyon
Maneuver Site.**

Sec. 4. Maps and legal descriptions.

Sec. 5. Management of withdrawn lands.

**Sec. 6. Management of withdrawn and acquired mineral re-
sources.**

Sec. 7. Hunting, fishing, and trapping.

**Sec. 8. Termination of withdrawal and reservation and effect
of contamination.**

Sec. 9. Delegation.

Sec. 10. Hold harmless.

Sec. 11. Amendment to military lands withdrawal act of 1986.

Sec. 12. Authorization of appropriations.

11 **SEC. 2. WITHDRAWAL AND RESERVATION OF LANDS AT**
12 **FORT CARSON MILITARY RESERVATION.**

13 **(a) WITHDRAWAL.—Subject to valid existing**
14 **rights and except as otherwise provided in**
15 **this Act, the lands at the Fort Carson Military**
16 **Reservation that are described in subsection**
17 **(c) are hereby withdrawn from all forms of ap-**
18 **propriation under the public land laws, in-**

1 **cluding the mining laws and the mineral and**
2 **geothermal leasing laws.**

3 **(b) RESERVATION.—The lands withdrawn**
4 **under subsection (a) are reserved for use by**
5 **the Secretary of the Army—**

6 **(1) for military maneuvering, training**
7 **and weapons firing; and**

8 **(2) for other defense related purposes**
9 **consistent with the uses specified in**
10 **paragraph (1).**

11 **(c) LAND DESCRIPTION.—The lands referred**
12 **to in subsection (a) comprise 3,133.02 acres of**
13 **public land and 11,415.16 acres of federally-**
14 **owned minerals in El Paso, Pueblo, and Fre-**
15 **mont Counties, Colorado, as generally de-**
16 **picted on the map entitled “Fort Carson Pro-**
17 **posed Withdrawal—Fort Carson Base”, dated**
18 **February 1992, and filed in accordance with**
19 **section 4.**

20 **SEC. 3. WITHDRAWAL AND RESERVATION OF LANDS AT**
21 **PINON CANYON MANEUVER SITE.**

22 **(a) WITHDRAWAL.—Subject to valid existing**
23 **rights and except as otherwise provided in**
24 **this Act, the lands at the Pinon Canyon Ma-**
25 **neuver Site that are described in subsection**

1 **(c) are hereby withdrawn from all forms of ap-**
2 **propriation under the public land laws, in-**
3 **cluding the mining laws and the mineral and**
4 **geothermal leasing laws.**

5 **(b) RESERVATION.—The lands withdrawn**
6 **under subsection (a) are reserved for use by**
7 **the Secretary of the Army—**

8 **(1) for military maneuvering and**
9 **training; and**

10 **(2) for other defense related purposes**
11 **consistent with the uses specified in**
12 **paragraph (1).**

13 **(c) LAND DESCRIPTION.—The lands referred**
14 **to in subsection (a) comprise 2,517.12 acres of**
15 **public lands and 130,139 acres of federally-**
16 **owned minerals in Las Animas County, Colo-**
17 **rado, as generally depicted on the map enti-**
18 **tled “Fort Carson Proposed Withdrawal—Fort**
19 **Carson Maneuver Area—Pinon Canyon site”,**
20 **dated February 1992, and filed in accordance**
21 **with section 4.**

22 **SEC. 4. MAPS AND LEGAL DESCRIPTIONS.**

23 **(a) PREPARATION.—As soon as practicable**
24 **after the date of enactment of this Act, the**
25 **Secretary of the Interior shall—**

1 **(1) publish in the Federal Register a**
2 **notice containing the legal description of**
3 **the lands withdrawn and reserved by this**
4 **Act; and**

5 **(2) file maps and a legal description**
6 **of the lands withdrawn and reserved by**
7 **this Act with the Committee on Energy**
8 **and Natural Resources of the Senate and**
9 **with the Committee on Interior and Insu-**
10 **lar Affairs of the House of Representa-**
11 **tives.**

12 **(b) LEGAL EFFECT.—Such maps and legal**
13 **descriptions shall have the same force and ef-**
14 **fect as if they were included in this Act, ex-**
15 **cept that the Secretary of the Interior may**
16 **correct clerical and typographical errors in**
17 **such maps and legal descriptions.**

18 **(c) LOCATION OF COPIES.—Copies of such**
19 **maps and legal descriptions shall be available**
20 **for public inspection in the offices of the Colo-**
21 **rado State Director and the Canon City Dis-**
22 **trict Manager of the Bureau of Land Manage-**
23 **ment, and the Commander, Fort Carson, Colo-**
24 **rado.**

1 **(d) COSTS.—The Secretary of the Army**
2 **shall reimburse the Secretary of the Interior**
3 **for the costs of implementing this section.**

4 **SEC. 5. MANAGEMENT OF WITHDRAWN LANDS.**

5 **(a) MANAGEMENT GUIDELINES.—(1) Except**
6 **as provided in section 6, during the period of**
7 **withdrawal, the Secretary of the Army shall**
8 **manage for military purposes the lands cov-**
9 **ered by this Act and may authorize use of the**
10 **lands by the other military departments and**
11 **agencies of the Department of Defense, and**
12 **the National Guard, as appropriate.**

13 **(2) When military operations, public safe-**
14 **ty, or national security, as determined by the**
15 **Secretary of the Army, require the closure of**
16 **roads and trails on the lands withdrawn by**
17 **this Act commonly in public use, the Sec-**
18 **retary of the Army is authorized to take such**
19 **action, except that such closures shall be lim-**
20 **ited to the minimum areas and periods re-**
21 **quired for the purposes specified in this sub-**
22 **section. Appropriate warning notices shall be**
23 **kept posted during closures.**

24 **(3) The Secretary of the Army shall take**
25 **necessary precautions to prevent and sup-**

1 **press brush and range fires occurring within**
2 **and outside the lands as a result of military**
3 **activities and may seek assistance from the**
4 **Bureau of Land Management in suppressing**
5 **such fires. The memorandum of understand-**
6 **ing required by this section shall provide for**
7 **Bureau of Land Management assistance in the**
8 **suppression of such fires, and for a transfer**
9 **of funds from the Department of the Army to**
10 **the Bureau of Land Management as com-**
11 **ensation for such assistance.**

12 **(b) MANAGEMENT PLAN.—The Secretary of**
13 **the Army, with the concurrence of the Sec-**
14 **retary of the Interior, shall develop a plan for**
15 **the management of acquired lands and lands**
16 **withdrawn under sections 2 and 3 for the pe-**
17 **riod of withdrawal. The plan shall—**

18 **(1) be consistent with applicable law;**

19 **(2) include such provisions as may be**
20 **necessary for proper resource manage-**
21 **ment and protection of the natural, cul-**
22 **tural, and other resources and values of**
23 **such lands;**

24 **(3) identify those withdrawn and ac-**
25 **quired lands, if any, which are to be open**

1 to mining or mineral and geothermal
2 leasing, including mineral materials dis-
3 posal; and

4 (4) be developed not later than 5
5 years after the date of enactment of this
6 Act.

7 (c) LISTING OF LANDS SUITABLE FOR MIN-
8 ING.—On completion of the management plan
9 prepared pursuant to subsection (b), the Sec-
10 retary of the Interior shall publish a notice in
11 the Federal Register listing the lands deter-
12 mined under such subsection to be suitable
13 for opening to mining, and mineral and geo-
14 thermal leasing, including mineral materials
15 disposal, and specifying the opening date.

16 (d) IMPLEMENTATION OF MANAGEMENT
17 PLAN.—(1) The Secretary of the Army and the
18 Secretary of the Interior shall enter into a
19 memorandum of understanding to implement
20 the management plan described in subsection
21 (b).

22 (2) The duration of any such memoran-
23 dum of understanding shall be the same as
24 the period of withdrawal under section 8.

1 **(3) The memorandum of understanding**
2 **may be amended by agreement of both Sec-**
3 **retaries.**

4 **(e) REEXAMINATION OF LANDS FOR SUIT-**
5 **ABILITY FOR MINING.—At least every five years**
6 **after the initial identification of lands suit-**
7 **able for opening to mining required by sub-**
8 **section (b)(3), the Secretary of the Army and**
9 **the Secretary of the Interior shall determine**
10 **those withdrawn lands, if any, which the Sec-**
11 **retaries consider suitable for opening to min-**
12 **ing, mineral and geothermal leasing, or min-**
13 **eral material disposal, and those acquired**
14 **lands, if any, which the Secretaries consider**
15 **suitable for opening to mineral and geo-**
16 **thermal leasing or mineral material disposal.**
17 **The Secretary of the Interior shall publish a**
18 **notice in the Federal Register listing the**
19 **lands determined suitable for opening and**
20 **specifying the opening date.**

21 **(f) USE OF CERTAIN RESOURCES.—The Sec-**
22 **retary of the Army is authorized to utilize**
23 **sand, gravel, or similar mineral or mineral**
24 **material resources when the use of such re-**
25 **sources is required for construction needs of**

1 **the Fort Carson Reservation or Pinon Canyon**
2 **Maneuver Site.**

3 **SEC. 6. MANAGEMENT OF WITHDRAWN AND ACQUIRED**
4 **MINERAL RESOURCES.**

5 **(a) AUTHORITY OF SECRETARY OF THE INTE-**
6 **RIOR.—Notwithstanding any other provision**
7 **of law, and except as provided in section 5 of**
8 **this Act, the Secretary of the Interior shall**
9 **manage all withdrawn and acquired mineral**
10 **resources contained within the boundaries of**
11 **the Fort Carson Reservation and Pinon Can-**
12 **yon Maneuver Site.**

13 **(b) EFFECT OF IDENTIFICATION OF LANDS AS**
14 **SUITABLE FOR MINING.—On the day specified**
15 **by the Secretary of the Interior in the notice**
16 **published in the Federal Register pursuant to**
17 **subsections (c) and (e) of section 5, the land**
18 **identified as suitable for opening to the oper-**
19 **ation of the mining, mineral, and geothermal**
20 **leasing and the mineral material disposal**
21 **laws shall automatically be open to the oper-**
22 **ation of such laws without the necessity for**
23 **further action by either the Secretary of the**
24 **Interior or the Congress.**

1 **(c) EXCEPTION FROM CERTAIN LAWS.—No**
2 **deposit of minerals or materials of the types**
3 **identified by section 3 of the Act of July 23,**
4 **1955 (30 U.S.C. 611; 69 Stat. 368), whether or**
5 **not included in the term “common varieties”**
6 **in that Act, shall be subject to location under**
7 **the Act of May 10, 1872 (commonly known as**
8 **the Mining Law of 1872)(30 U.S.C. 22 et seq.),**
9 **or any other law providing for the location of**
10 **mining claims, on lands described in sections**
11 **2 and 3.**

12 **(d) REGULATIONS.—On lands identified for**
13 **opening to mining, mineral, and geothermal**
14 **leasing or mineral material disposal by sec-**
15 **tion 5(b)(3), or by subsequent amendments to**
16 **the management plan described in section 5,**
17 **all minerals contained in those lands shall be**
18 **subject to mining, mineral, and geothermal**
19 **leasing or mineral material disposal under**
20 **such rules and regulations as the Secretary of**
21 **the Interior may promulgate pursuant to the**
22 **terms and conditions of section 12 of the Mili-**
23 **tary Lands Withdrawal Act of 1986 (Public**
24 **Law 99–606; 100 Stat. 3466).**

1 **(e) CLOSURE OF LANDS UNDER CERTAIN CIR-**
2 **CUMSTANCES.—In the event of a national emer-**
3 **gency or for purposes of national defense or**
4 **security, the Secretary of the Interior, at the**
5 **request of the Secretary of the Army, shall**
6 **close any lands that have been opened to min-**
7 **ing, mineral, and geothermal leasing or min-**
8 **eral material disposal pursuant to this sec-**
9 **tion.**

10 **(f) MINING CLAIMS.—(1) Except as other-**
11 **wise provided in this Act, mining claims lo-**
12 **cated pursuant to this Act shall be subject to**
13 **the provisions of the Act of May 10, 1872 (com-**
14 **monly known as the Mining Law of 1872)(30**
15 **U.S.C. 22 et seq.), or to the provisions of other**
16 **laws enacted hereafter (including provisions**
17 **for payments to the United States) that are**
18 **applicable to similar claims on the public do-**
19 **main.**

20 **(2) All mining claims located under the**
21 **terms of this Act shall be subject to the provi-**
22 **sions of the Federal Land Policy and Manage-**
23 **ment Act of 1976 (43 U.S.C. 1701 et seq.).**

24 **(g) PATENTS FOR LOCATABLE MINERALS.—(1)**
25 **Patents issued pursuant to this Act for**

1 **locatable minerals shall convey title to the**
2 **locatable minerals only, and shall be issued**
3 **together with an appropriate authorization**
4 **for use of so much of the surface as may be**
5 **necessary for purposes incident to mineral ac-**
6 **tivities under the guidelines for such use es-**
7 **tablished by the Secretary of the Interior by**
8 **regulation.**

9 **(2) All such patents shall contain a res-**
10 **ervation to the United States of the surface of**
11 **all lands patented and of all nonlocatable**
12 **minerals on those lands.**

13 **(3) For the purposes of this Act:**

14 **(A) The term “locatable minerals”**
15 **means any mineral not subject to disposi-**
16 **tion under any of the following:**

17 **(i) The Mineral Leasing Act (30**
18 **U.S.C. 181 et seq.).**

19 **(ii) The Geothermal Steam Act of**
20 **1970 (30 U.S.C. 1001 et seq.).**

21 **(iii) The Act of July 31, 1947, com-**
22 **monly known as the Materials Act of**
23 **1947 (30 U.S.C. 601 et seq.).**

1 **(iv) The Mineral Leasing for Ac-**
2 **quired Lands Act (30 U.S.C. 351 et**
3 **seq.).**

4 **(B) The term “mineral activities”**
5 **means any activity for, related to, or inci-**
6 **dental to mineral exploration, mining,**
7 **beneficiation, and processing activities**
8 **for any locatable mineral, including ac-**
9 **cess.**

10 **SEC. 7. HUNTING, FISHING, AND TRAPPING.**

11 **All hunting, fishing, and trapping on the**
12 **lands withdrawn and reserved by this Act**
13 **shall be conducted in accordance with section**
14 **2671 of title 10, United States Code.**

15 **SEC. 8. TERMINATION OF WITHDRAWAL AND RESERVATION**
16 **AND EFFECT OF CONTAMINATION.**

17 **(a) TERMINATION DATE.—The withdrawal**
18 **and reservation established by this Act shall**
19 **terminate 15 years after the date of the enact-**
20 **ment of this Act.**

21 **(b) DETERMINATION OF CONTINUING MILI-**
22 **TARY NEED.—(1) At least three years prior to**
23 **the termination under subsection (a) of the**
24 **withdrawal and reservation established by**
25 **this Act, the Secretary of the Army shall ad-**

1 **wise the Secretary of the Interior as to wheth-**
2 **er or not the Department of the Army will**
3 **have a continuing military need for any of the**
4 **lands after the termination date.**

5 **(2) If the Secretary of the Army concludes**
6 **under paragraph (1) that there will be a con-**
7 **tinuing military need for any of the lands**
8 **after the termination date established by sub-**
9 **section (a), the Secretary of the Army, in ac-**
10 **cordance with applicable law, shall evaluate**
11 **the environmental effects of renewal of such**
12 **withdrawal and reservation, shall hold at**
13 **least one public hearing in Colorado concern-**
14 **ing such evaluation, and shall thereafter file**
15 **an application for extension of the with-**
16 **drawal and reservation of such lands in ac-**
17 **cordance with the regulations and procedures**
18 **of the Department of the Interior applicable**
19 **to the extension of withdrawals for military**
20 **uses. The Secretary of the Interior shall notify**
21 **the Congress concerning such filing.**

22 **(3) If the Secretary of the Army concludes**
23 **under paragraph (1) that prior to the termi-**
24 **nation date established by subsection (a),**
25 **there will be no military need for all or any**

1 of the lands withdrawn and reserved by this
2 Act, or if, during the period of withdrawal, the
3 Secretary of the Army decides to relinquish
4 any or all of the lands withdrawn and re-
5 served under this Act, the Secretary of the
6 Army shall file a notice of intention to relin-
7 quish with the Secretary of the Interior.

8 (c) DETERMINATION OF CONTAMINATION.—
9 Prior to the filing of a notice of intention to
10 relinquish pursuant to subsection (b)(3), the
11 Secretary of the Army shall prepare a written
12 determination as to whether and to what ex-
13 tent the lands are contaminated with explo-
14 sive, toxic, or other hazardous materials. A
15 copy of the determination made by the Sec-
16 retary of the Army shall be supplied with the
17 notice of intention to relinquish. Copies of
18 both the notice of intention to relinquish and
19 the determination concerning the contami-
20 nated state of the lands shall be published in
21 the Federal Register by the Secretary of the
22 Interior.

23 (d) EFFECT OF CONTAMINATION.—(1) If any
24 land which is the subject of a notice of inten-
25 tion to relinquish under subsection (b)(3) is

1 **contaminated, and the Secretary of the Inte-**
2 **rior, in consultation with the Secretary of the**
3 **Army, determines that decontamination is**
4 **practicable and economically feasible, taking**
5 **into consideration the potential future use**
6 **and value of the land, and that upon decon-**
7 **tamination, the land could be opened to the**
8 **operation of some or all of the public land**
9 **laws, including the mining laws, the Secretary**
10 **of the Army shall decontaminate the land to**
11 **the extent that funds are appropriated for**
12 **such purpose.**

13 **(2) If the Secretaries of the Army and the**
14 **Interior conclude either that decontamina-**
15 **tion of any or all of the lands proposed for re-**
16 **linquishment is not practicable or economi-**
17 **cally feasible, or that the lands cannot be de-**
18 **contaminated sufficiently to allow them to be**
19 **opened to the operation of the public land**
20 **laws, or if Congress declines to appropriate**
21 **funds for decontamination of the lands, the**
22 **Secretary of the Interior shall not be required**
23 **to accept the lands proposed for relinquish-**
24 **ment.**

1 **(3) If, because of their contaminated state,**
2 **the Secretary of the Interior declines under**
3 **paragraph (2) to accept jurisdiction of the**
4 **lands proposed for relinquishment, or if at the**
5 **expiration of the withdrawal made by this Act**
6 **the Secretary of the Interior determines that**
7 **some of the lands withdrawn by this Act are**
8 **contaminated to an extent which prevents**
9 **opening such contaminated lands to oper-**
10 **ation of the public land laws—**

11 **(A) the Secretary of the Army shall**
12 **take appropriate steps to warn the public**
13 **of the contaminated state of such lands**
14 **and any risks associated with entry onto**
15 **such lands;**

16 **(B) after the expiration of the with-**
17 **drawal, the Secretary of the Army shall**
18 **undertake no activities on such lands ex-**
19 **cept in connection with decontamination**
20 **of such lands; and**

21 **(C) the Secretary of the Army shall**
22 **report to the Secretary of the Interior**
23 **and to the Congress concerning the sta-**
24 **tus of such lands and all actions taken in**
25 **furtherance of the subsection.**

1 **(4) If the lands are subsequently decon-**
2 **taminated, upon certification by the Sec-**
3 **retary of the Army that the lands are safe for**
4 **all nonmilitary uses, the Secretary of the Inte-**
5 **rior shall reconsider accepting jurisdiction**
6 **over the lands.**

7 **(e) PROGRAM OF DECONTAMINATION.—**
8 **Throughout the duration of the withdrawal**
9 **and reservation made by this Act, the Sec-**
10 **retary of the Army, to the extent funds are**
11 **made available, shall maintain a program of**
12 **decontamination of the lands withdrawn by**
13 **this Act at least at the level of effort carried**
14 **out during fiscal year 1992.**

15 **(f) ACCEPTANCE OF LANDS PROPOSED FOR**
16 **RELINQUISHMENT.—Notwithstanding any other**
17 **provision of law, the Secretary of the Interior,**
18 **upon deciding that it is in the public interest**
19 **to accept jurisdiction over the lands proposed**
20 **for relinquishment, is authorized to revoke**
21 **the withdrawal and reservation established**
22 **by this Act as it applies to the lands proposed**
23 **for relinquishment. Should the decision be**
24 **made to revoke the withdrawal and reserva-**
25 **tion, the Secretary shall publish in the Fed-**

1 **eral Register an appropriate order which**
2 **shall—**

3 **(1) terminate the withdrawal and res-**
4 **ervation;**

5 **(2) constitute official acceptance of**
6 **full jurisdiction over the lands by the**
7 **Secretary of the Interior; and**

8 **(3) state the date upon which the**
9 **lands will be opened to the operation of**
10 **the public land laws, including the min-**
11 **ing laws if appropriate.**

12 **SEC. 9. DELEGATION.**

13 **The functions of the Secretary of the**
14 **Army under this Act may be delegated. The**
15 **functions of the Secretary of the Interior**
16 **under this Act may be delegated, except that**
17 **the order referred to in section 8(f) may be ap-**
18 **proved and signed only by the Secretary of**
19 **the Interior, the Deputy Secretary of the Inte-**
20 **rior, or an Assistant Secretary of the Depart-**
21 **ment of the Interior.**

22 **SEC. 10. HOLD HARMLESS.**

23 **The United States and all departments or**
24 **agencies thereof shall be held harmless and**
25 **shall not be liable for any injuries or damages**

1 **to persons or property suffered in the course**
2 **of any mining, mineral activity, or geothermal**
3 **leasing activity conducted on lands compris-**
4 **ing the Fort Carson Reservation or Pinon**
5 **Canyon Maneuver Site.**

6 **SEC. 11. AMENDMENT TO MILITARY LANDS WITHDRAWAL**
7 **ACT OF 1986.**

8 **Section 3(f) of the Military Lands With-**
9 **drawal Act of 1986 (Public Law 99-606; 100**
10 **Stat. 3461) is amended by adding at the end**
11 **a new paragraph (2) as follows:**

12 **“(2) The Secretary of the military depart-**
13 **ment concerned may utilize sand, gravel, or**
14 **similar mineral or material resources when**
15 **the use of such resources is required for con-**
16 **struction needs on the respective lands with-**
17 **drawn by this Act.”.**

18 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

19 **There are hereby authorized to be appro-**
20 **priated such sums as may be necessary to**
21 **carry out the purposes of this Act.**

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