

113TH CONGRESS
1ST SESSION

H. R. 1672

To withdraw and reserve certain public lands administered by the Bureau of Land Management for exclusive military use as part of the Limestone Hills Training Area, Montana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2013

Mr. DAINES (for himself and Mr. BISHOP of Utah) 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 withdraw and reserve certain public lands administered by the Bureau of Land Management for exclusive military use as part of the Limestone Hills Training Area, Montana, 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 “Limestone Hills Train-
5 ing Area Withdrawal Act”.

1 **SEC. 2. WITHDRAWAL AND RESERVATION OF PUBLIC**
2 **LANDS FOR LIMESTONE HILLS TRAINING**
3 **AREA, MONTANA.**

4 (a) **WITHDRAWAL.**—The public lands and interests in
5 lands described in subsection (c), and all other areas with-
6 in the boundaries of such lands as depicted on the map
7 provided for by subsection (d) that may become subject
8 to the operation of the public land laws, are hereby with-
9 drawn from all forms of appropriation under the public
10 land laws, including the mining laws and the mineral leas-
11 ing and geothermal leasing laws.

12 (b) **RESERVATION; PURPOSE.**—Subject to the limita-
13 tions and restrictions contained in section 4, the public
14 lands withdrawn by subsection (a) are reserved for use by
15 the Secretary of the Army for the following purposes:

16 (1) The conduct of training for regular and re-
17 serve components of the Armed Forces.

18 (2) The construction, operation, and mainte-
19 nance of organizational support and maintenance fa-
20 cilities for component units conducting training.

21 (3) The conduct of training by the Montana
22 Department of Military Affairs, except that any such
23 use may not interfere with purposes specified in
24 paragraphs (1) and (2).

25 (4) The conduct of training by State and local
26 law enforcement agencies, civil defense organiza-

1 tions, and public education institutions, except that
2 any such use may not interfere with military train-
3 ing activities.

4 (5) Other defense-related purposes consistent
5 with the purposes specified in the preceding para-
6 graphs.

7 (c) LAND DESCRIPTION.—The public lands and in-
8 terests in lands withdrawn and reserved by this section
9 comprise approximately 18,644 acres in Broadwater
10 County, Montana, as generally depicted as “Proposed
11 Land Withdrawal” on the map titled “Limestone Hills
12 Training Area Land Withdrawal”, dated April 10, 2013.

13 (d) LEGAL DESCRIPTION AND MAP.—

14 (1) IN GENERAL.—As soon as practicable after
15 the date of the enactment of this Act, the Secretary
16 of the Interior shall publish in the Federal Register
17 a legal description of the public land withdrawn
18 under subsection (a) and a copy of a map depicting
19 the legal description of the withdrawn land.

20 (2) FORCE OF LAW.—The legal description and
21 map published under paragraph (1) shall have the
22 same force and effect as if included in this Act, ex-
23 cept that the Secretary of the Interior may correct
24 errors in the legal description.

1 (3) REIMBURSEMENT OF COSTS.—The Sec-
2 retary of the Army shall reimburse the Secretary of
3 the Interior for any costs incurred by the Secretary
4 of the Interior in implementing this subsection.

5 (e) VALID EXISTING RIGHTS.—The withdrawal and
6 reservation of public land under subsection (a) shall be
7 subject to valid existing rights.

8 (f) INDIAN TRIBES.—Nothing in this Act shall be
9 construed as altering any rights reserved for an Indian
10 tribe for tribal use of lands within the military land with-
11 drawal by treaty or Federal law. The Secretary of the
12 Army shall consult with any Indian tribes in the vicinity
13 of the military land withdrawal before taking action within
14 the military land withdrawal affecting tribal rights or cul-
15 tural resources protected by treaty or Federal law.

16 **SEC. 3. MANAGEMENT OF WITHDRAWN AND RESERVED**
17 **LANDS.**

18 During the period of the withdrawal and reservation
19 specified in section 6, the Secretary of the Army shall
20 manage the public lands withdrawn by section 2 for the
21 purposes specified in subsection (b) of such section, sub-
22 ject to the limitations and restrictions contained in section
23 4.

1 **SEC. 4. SPECIAL RULES GOVERNING MINERALS MANAGE-**
2 **MENT.**

3 (a) INDIAN CREEK MINE.—

4 (1) IN GENERAL.—Locatable mineral activities
5 in the approved Indian Creek Mine plan of oper-
6 ations, MTM-78300, shall be regulated pursuant to
7 subparts 3715 and 3809 of title 43, Code of Federal
8 Regulations. The land area subject to the approved
9 plan of operations shall permanently remain open to
10 the amendment or relocation of mining claims (or
11 both) under the Act of May 10, 1872 (commonly
12 known as the General Mining Act of 1872; 30
13 U.S.C. 22 et seq.) to the extent necessary to pre-
14 serve the mining operations described in the ap-
15 proved plan of operations.

16 (2) RESTRICTIONS ON SECRETARY OF THE
17 ARMY.—The Secretary of the Army shall make no
18 determination that the disposition of or exploration
19 for minerals as provided for in the approved plan of
20 operations is inconsistent with the defense-related
21 uses of the lands covered by the military land with-
22 drawal. The coordination of such disposition of and
23 exploration for minerals with defense-related uses of
24 such lands shall be determined pursuant to proce-
25 dures in an agreement provided for under subsection
26 (c).

1 (b) REMOVAL OF UNEXPLODED ORDNANCE ON
2 LANDS TO BE MINED.—

3 (1) REMOVAL ACTIVITIES.—The Secretary of
4 the Army shall request funding for and, subject to
5 the availability of such funds, shall remove
6 unexploded ordnance on lands withdrawn by section
7 2 that are subject to mining under subsection (a),
8 consistent with applicable Federal and State law.
9 The Secretary of the Army may engage in such re-
10 moval of unexploded ordnance in phases to accom-
11 modate the development of the Indian Creek Mine
12 pursuant to subsection (a).

13 (2) REPORT ON REMOVAL ACTIVITIES.—The
14 Secretary of the Army shall annually submit to the
15 Secretary of the Interior a report regarding the
16 unexploded ordnance removal activities for the pre-
17 vious fiscal year performed pursuant to this sub-
18 section. The report shall include—

19 (A) the amounts of funding expended for
20 unexploded ordnance removal on the lands with-
21 drawn by section 2; and

22 (B) the identification of the lands cleared
23 of unexploded ordnance and approved for min-
24 ing activities by the Secretary of the Interior.

1 (c) IMPLEMENTATION AGREEMENT FOR MINING AC-
2 TIVITIES.—The Secretary of the Interior and the Sec-
3 retary of the Army shall enter into an agreement to imple-
4 ment this section with regard to coordination of defense-
5 related uses and mining and the ongoing removal of
6 unexploded ordnance. The agreement shall provide the fol-
7 lowing:

8 (1) That Graymont Western US, Inc., or any
9 successor or assign of the approved Indian Creek
10 Mine mining plan of operations, MTM-78300, is in-
11 vited to be a party to the agreement.

12 (2) Provisions regarding the day-to-day joint-
13 use of the Limestone Hills Training Area, which
14 shall include the following limitations and restric-
15 tions:

16 (A) Military and other authorized uses of
17 the withdrawn lands shall only occur between
18 the second Monday in April and November 30
19 unless otherwise authorized by the Secretary of
20 the Interior.

21 (B) Military use for mortar target practice
22 or training with respect to other weapons sys-
23 tems containing explosive material shall be lim-
24 ited to the area described on the map referred
25 to in section 2(c) as the “high explosive active

1 impact area” and shall not include any lands
2 within the approved Indian Creek Mine plan of
3 operations. Immediately after any exercise dur-
4 ing which live rounds are fired the military unit
5 or other organization utilizing the area will take
6 all reasonable action to locate and remove or
7 destroy any undetonated rounds impacting any
8 of the withdrawn land (other than withdrawn
9 land in the “high explosive active impact
10 area”).

11 (C) Training activities conducted within
12 the withdrawn area that restrict mining activi-
13 ties will be scheduled for no more than 16
14 weeks in any year and for no longer than three
15 successive weeks without a recess of two weeks.
16 In order to schedule annual mining operations
17 prior to February 1st each year the Secretary
18 of the Army shall provide the Secretary of the
19 Interior and Graymont Western US, Inc. with
20 an annual schedule of training activities to take
21 place within the withdrawn area during the
22 year. The annual schedule shall specify the
23 weapons systems to be used and the “surface
24 danger zone” applicable to the weapon system
25 identified in the schedule. Any proposed

1 changes to the schedule shall be provided to
2 Graymont Western US, Inc. at least 90 days
3 prior to the anticipated change and shall be
4 subject to the approval of Graymont Western
5 US, Inc. if the proposed change could impact
6 mining operations.

7 (D) The military unit or other organization
8 utilizing lands within the approved Indian
9 Creek Mine plan of operations for training ac-
10 tivities will bear full liability to the extent of the
11 law for any injury caused to employees and
12 guests of Graymont Western US, Inc., or a
13 member of the public or for damage to any
14 mining equipment or facility of Graymont West-
15 ern US, Inc., its successors and assigns, caused
16 by the training activity.

17 (3) Procedures for access through mining oper-
18 ations covered by this section to training areas with-
19 in the boundaries of the Limestone Hills Training
20 Area.

21 (4) Procedures for scheduling of the removal of
22 unexploded ordnance.

23 **SEC. 5. GRAZING.**

24 (a) **ISSUANCE AND ADMINISTRATION OF PERMITS**
25 **AND LEASES.**—The issuance and administration of graz-

1 ing permits and leases, including their renewal, on the
2 public lands withdrawn by section 2 shall be managed by
3 the Secretary of the Interior consistent with all applicable
4 laws, regulations, and policies of the Secretary of the Inte-
5 rior relating to such permits and leases.

6 (b) SAFETY REQUIREMENTS.—With respect to any
7 grazing permit or lease issued after the date of the enact-
8 ment of this Act for lands withdrawn by section 2, the
9 Secretary of the Interior and the Secretary of the Army
10 shall jointly establish procedures that are consistent with
11 Department of the Army explosive and range safety stand-
12 ards and that provide for the safe use of any such lands.

13 (c) ASSIGNMENT.—The Secretary of the Interior
14 may, with the agreement of the Secretary of the Army,
15 assign the authority to issue and to administer grazing
16 permits and leases to the Secretary of the Army, except
17 that such an assignment may not include the authority
18 to discontinue grazing on the lands withdrawn by section
19 2.

20 **SEC. 6. DURATION OF WITHDRAWAL AND RESERVATION.**

21 The military land withdrawal made by section 2 shall
22 terminate on March 31, 2039.

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