

**Statement for the Record
Department of the Army**

**House Committee on Natural Resources
Subcommittee on Indian and Alaska Native Affairs
H.R. 3822, Fort Wingate Land Division Act of 2014
March 27, 2014**

Thank you, Chairman Young, Ranking Member Hanabusa, and other distinguished Members of the Committee, for inviting the Department of the Army to testify on H. R. 3822, a bill to provide for implementation of the property division regarding the former Fort Wingate Depot Activity in McKinley County, New Mexico.

An Executive Order of February 18, 1870, withdrew the Fort Wingate military reservation from operation of some of the public land laws and reserved the lands for military purposes associated with Fort Wingate. An Executive Order of March 21, 1881, withdrew and reserved additional lands for Fort Wingate.

In January 1993, the active mission of the Fort Wingate Depot Activity ceased and the installation was closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526).

The Army has long been aware, and supportive, of the intention that future uses of the property should benefit the Zuni Tribe and Navajo Nation. At the time of its closure, Fort Wingate comprised approximately 21,125 acres of withdrawn public land. Pursuant to the Base Realignment and Closure Act of 1988 and in accordance with applicable regulations, the Army filed a notice of intent to relinquish its reservation of the lands with the Secretary of the Interior. By letter dated June 3, 1994, Secretary of the Interior Bruce Babbitt advised Secretary of Defense William Perry that the Department of the Interior anticipated reversion of the property to the jurisdiction of the Secretary of the Interior for natural resources management, cultural resources protection, and economic benefits to the Navajo Nation and the Pueblo of Zuni. By letter dated June 29, 1995, Assistant Secretary of the Interior Bonnie Cohen informed Deputy Assistant

Secretary of the Army Paul Johnson that, once Interior has taken the necessary legal steps, "the lands will be managed by the Bureau of Indian Affairs to meet its mission in serving the two local tribes, the Navajo Nation and the Pueblo of Zuni." This was followed by a letter dated January 6, 1998, wherein Advisor to the Secretary of the Interior William Brown wrote to Deputy Assistant Secretary of the Army Paul Johnson that after satisfactory environmental restoration by the Army, "The lands will be held by the BIA for the benefit of the Navajo Nation and Pueblo of Zuni indefinitely."

Prior to its closure, the mission at Fort Wingate consisted of storing, testing, and demilitarizing munitions. The Army has been conducting environmental cleanup activities under applicable laws and regulations in order to remediate conditions attributable to those operations and enable the future intended uses of the property. The Army conducts that cleanup under the oversight of the State of New Mexico Environmental Department.

As cleanup is completed on individual parcels the Army provides to Interior the required regulatory documentation to enable Interior to accept administrative jurisdiction for the property. This documentation includes approvals from the State on the completion of environmental remediation. Following this process, in 2000 and 2001 the Department of the Interior accepted jurisdiction over approximately 5,855 acres.

The Army has subsequently completed environmental remediation of an additional 1,586 acres and provided the necessary documentation with State approvals to the Department of the Interior in 2009 and 2012. Transfer of administrative jurisdiction is currently pending acceptance by the Department of the Interior.

Remediation of the remaining 13,684 acres is continuing on a plan and schedule that has been approved by the New Mexico Environmental Department, and coordinated with Department of the Interior, the Navajo Nation and Zuni Tribe. Within that remaining acreage, the Missile Defense Agency is currently using approximately 6,460 acres for purposes related to its mission.

The Army supports the purpose of H.R. 3822 to facilitate the longstanding intention that future uses of the former Fort Wingate property should benefit the Zuni Tribe and Navajo Nation by implementing a fair division of the property. The bill contains additional provisions regarding procedures by which property transfers will occur, retention of necessary easements and access, and environmental remediation. The Army believes certain technical amendments to those aspects of the bill should be considered that would conform to other generally applicable laws and regulations, and would help accomplish the intended property transfers without undue delay as remediation of property is completed under applicable environmental laws and regulations. The Army would appreciate the opportunity to consult further with the Committee and the bill sponsors on those aspects during further consideration of the bill.

Thank you for the opportunity to provide our views on H. R. 3822.