

RECORD VERSION

STATEMENT BY

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BEFORE THE

**U.S. HOUSE OF REPRESENTATIVES
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Thank you, Chairman Bishop, Ranking Member Grijalva and other distinguished Members of the Committee for the opportunity to provide some comments on HR 1672, legislation to withdraw public lands in Montana for use by the Army, and HR 1299, legislation to transfer public lands in New Mexico to the Army.

Limestone Hills Training Area Withdrawal Act

The Limestone Hills Training Area Withdrawal Act would withdraw and reserve approximately 18,644 acres of federal land which comprises the Limestone Hills Training Area (LHTA) for use by the Army, and assign primary management of the property from the Department of the Interior to the Department of the Army for a 25-year period. The lands comprising the LHTA are public domain lands, currently under the control of the Bureau of Land Management (BLM). The legislation would enable continued training on the land by the Montana National Guard (MTNG) and other active and reserve components of the armed forces which have used the property for training purposes for several decades. In order for Army to continue occupying the property, the land must be “withdrawn from the public domain,” which can only be accomplished by an Act of Congress. Unless legislation is passed, the Army’s current authority to use the property will end in March 2014.

The LHTA is operated by the MTNG and is their only large-scale live fire and maneuver training area. It is a critically important training asset for the MTNG, used by approximately 3,800 Guardsmen annually, for diverse training involving small arms, crew-served weapons, mortars, and demolition activities. The LHTA represents a realistic, open training environment within a reasonable travel distance for most Guardsmen and for equipment which is maintained off site. This regional training asset allows us to avoid the expenditures of time, money, and fuel which would result if training had to be located elsewhere.

The LHTA is also used by the active and reserve components of the other branches of the military and is made available in some cases for use by other federal, state, and local agencies. Some 10,000 personnel from other services use the site each year. Many of those personnel are from special operations units who are preparing for rotations in Afghanistan and other forward locations. The LHTA is especially

valuable because of the variety of training which can be conducted there, which is reflected in the number and diversity of organizations which train there.

There are a number of other, non-federal activities which occur at the LHTA, and the Army is respectful of the multiple uses of the property. We are particularly proud of the collaborative relationship among the MTNG, the BLM, and the other stakeholders in the area. The Army closely coordinates with the operators of an active limestone mine within the withdrawal area. The Army firmly supports allowing existing mining claims to proceed to development in accordance with previously approved plans of operations, and we are confident that this can occur. The MTNG plans meticulously to ensure that training and mining operations are held at a safe distance, and that any unexploded ordnance (UXO) is removed from the mining area. Training activities are also deconflicted with grazing operations, wildlife habitat, and use of two public roads which traverse the property. There is a proven track record of accommodating multiple uses of the property while fulfilling military training and mission needs. The MTNG is party to a Memorandum of Agreement (MOA) with the BLM and with Greymont Western US, Inc., the current mine operator. This MOA specifies the procedures that the parties follow to coordinate and deconflict their respective activities. As provided for in the legislation, the Army is prepared to enter into a new agreement which would update those procedures. We do not foresee any difficulty in maintaining procedures which ensure that training and readiness are maintained while accommodating the needs of other parties.

While the Army supports withdrawal of the property to enable its continued use for military training, the Army has significant concerns with certain language in the bill which would legislatively limit the Army's capability to use the property to meet current and future military readiness requirements. The Army must be able to respond to varied and constantly evolving threats – as such, Army training, operations, and organization are likewise constantly evolving. While we are committed to compatible non-military use of the property, legislative provisions which would set specific limitations on the time, location, and duration of military training throughout the length of the 25 year withdrawal are highly problematic. Provisions that may expand the rights for mineral disposition or exploration would also be of concern.

We have similar concerns with any provisions which would subject Army training and operations to potential disclosure of sensitive information and approval from Graymont, a private mining entity. These requirements raise potential constitutional concerns regarding executive privilege and military command. Inclusion of these provisions would substantially undermine the ability of the active and reserve military components to train on the property, and may create conflicts with the application of existing federal law regarding environmental and tort liabilities. The Army stands ready to work with the Committee and the sponsor of this proposal to further address these concerns.

The LHTA is an important asset for the readiness of the armed forces. If the land is not withdrawn, Limestone Hills will be returned to the BLM and the MTNG would be forced to conduct its primary training events at other locations. Changing training venues could markedly increase the costs to the MTNG over current expenditures. Additionally, UXO contamination would need to be mitigated if the range were closed. Since funding for UXO removal from active ranges is controlled and prioritized differently from funding for cleanup of closed ranges, if the range is closed Army priorities and schedules for UXO removal would be affected. We appreciate the effort to keep this important training asset open and available.

The Department of Defense has submitted a legislative proposal to the Congress for consideration that would address the withdrawal requirements for LHTA. The proposal is fully coordinated and agreed to within the Administration, and would provide urgent and necessary authority to continue training and operations.

White Sands Missile Range Security Enhancement Act

The other legislation I would like to discuss involves the transfer of 5,100 acres of public lands in New Mexico from the Department of the Interior to the Department of the Army. These lands are directly adjacent to the White Sands Missile Range, America's premier test range. As the largest military installation in the United States, WSMR consists of some 3,200 square miles which accommodates research, development, test and evaluation of state of the art military weapons and other technology. In addition to

Army test activities, WSMR hosts several other DOD and federal tenants, including NASA and the National Reconnaissance Office (NRO).

The land which is subject of this legislation is adjacent to NASA and NRO tenant operations: the NASA White Sands Test Facility; the NASA Goddard Space Flight Center Tracking and Data Relay Satellite Systems facility; and the NRO Aerospace Data Facility – Southwest. These operations are co-located and have special security and safety requirements. The land set aside for their use, while large enough to handle the mission, no longer resides in a remote location. As with many locations in the southwest, this area has seen a large increase in population in recent years. The facilities sit close to the border of a public access area, and a number of security incidents in the area have highlighted the value of having a controlled stand-off area. This legislation would enable the creation of approximately a one-mile stand-off area between those tenant activities and the public access area.

The Army has worked cooperatively with the Bureau of Land Management and other neighbors and stakeholders in addressing land use issues in this area. We appreciate the cooperation and interest of all parties who support the various missions at WSMR. The Army supports the goals of this legislation, and we would be happy to work with the committee and the bill sponsor to address any issues such as whether a withdrawal of the lands would be more appropriate than a transfer.

Thank you for the opportunity to discuss these topics, I look forward to any questions you have.