SEC. ___. WHITE SANDS MISSILE RANGE LAND WITHDRAWAL FOR NORTHERN AND WESTERN EXTENSION AREAS.

(a) WITHDRAWAL.—Section 2951(a) of the Military Land Withdrawals Act of 2013 (title XXIX of Public Law 113–66; 127 Stat. 1025) is amended by striking "the Federal land described in subsection (b) is withdrawn from—" and inserting "the public land (including interests in land) described in subsection (b), and all other areas within the boundaries of the land as depicted on the maps referred to in such subsection that may become subject to actions identified in paragraphs (1), (2), and (3), including land under the administrative jurisdiction of the Secretary of the Army, is withdrawn from all forms of—".

(b) DESCRIPTION OF LAW.—Section 2951(b) of such Act is amended—

(1) in the subsection heading, by striking "FEDERAL";

(2) by striking "The Federal land referred to in subsection (a) consists of approximately" and inserting "The public land (including interests in land) referred to in subsection (a) is the Federal land comprising—

"(1) approximately";

(3) by striking the period at the end of paragraph (1), as designated by paragraph (1) of this subsection, and inserting "; and"; and

(4) by inserting the following new paragraph after paragraph (1), as designated by paragraph (1) of this subsection:

"(2) approximately 341,415 acres in Socorro and Torrance Counties, New Mexico, and 352,115 acres in Sierra, Socorro, and Doña Ana Counties, New Mexico, depicted as Northern Call-Up Area and Western Call-Up Area, respectively, on the maps

entitled ‘WSMR Northern Call-Up Area’ and ‘WSMR Western Call-Up Area’, both dated August 16, 2016, and filed in accordance with section 2912.”.

(c) RESERVATION.—Section 2951(c) of such Act is amended—

(1) by striking “The Federal land described in subsection (b)” and inserting “(1) The Federal land described in subsection (b)(1)”; and

(2) by inserting the following new paragraphs after paragraph (1), as designated by paragraph (1) of this subsection:

“(2) The Federal land described in subsection (b)(2), less the approximately 10,775 acres under the administrative jurisdiction of the Secretary of the Army, is reserved for use by the Secretary of the Army for military purposes consisting of overflight research, development, test, and evaluation and training but does not extend to the surface estate below 50 feet above the surface, except that structures above 50 feet in height above the surface may be allowed with the concurrence of the Secretary of the Army on a case-by-case basis . The approximately 10,775 acres under the administrative jurisdiction of the Secretary of the Army is reserved for military purposes as determined by the Secretary of the Army.

“(3) Sections 2914, 2915, and 2916 shall not apply to the lands identified in subsection (b)(2).”.

(d) TERMINATION.—Subtitle D of such Act is amended by inserting the following new section after section 2952:

“**SEC. 2953. TERMINATION OF RESERVATION FOR OVERFLIGHT RESEARCH, DEVELOPMENT, TEST, AND EVALUATION AND TRAINING.**

“The reservation made by section 2951(c)(2) shall terminate on October 1, 2046.”.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such Act is amended by inserting after the item relating to section 2952 the following new item:

"2953. Termination of reservation for overflight research, development, test, and evaluation and training.".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would withdraw certain public lands in New Mexico from application of the public land laws and reserve the airspace above 50 feet for use by the Department of Defense's testing and training activities at White Sands Missile Range (WSMR) for 25 years. The proposal would make no change to existing land uses.

WSMR is the Army's premier testing range and an essential element of the DoD's Major Range and Test Facility Base. This proposal would withdraw the Northern Call-up Area and the Western Call-up Area (also known as the Northern and Western Extension Areas (NEA and WEA)) from operation of the public land laws. In particular, it would prevent structures being emplaced that would interfere with the use of the airspace by DoD testing activities. The nature of modern weapons testing is that they require increasingly large areas of airspace. The Army currently has evacuation agreements with the private users of the NEA and WEA to pay them to evacuate the areas during those times when the Army is conducting testing overhead. This is a standard safety measure. The evacuation generally lasts for less than a day.

The utility of the NEA and WEA are contingent, however, on their having unobstructed airspace. There is an increasing danger of structures, particularly wind turbines, being placed in the NEA and the WEA. The presence of such structures would severely degrade, if not destroy, the utility of WSMR as a testing range. This proposal is designed to prevent the emplacement of such structures while not interfering with the current land uses by the local citizens. Consequently, while the proposal would withdraw the public lands from operation of the public land laws, it would only reserve the airspace above 50 feet for use by the DoD, with an exception for structures above 50 feet with the concurrence of the Secretary of the Army on a case-by-case basis, for 25 years. The DoD would obtain no reservation of use of the surface estate and the lands would continue to be managed by the Bureau of Land Management in accordance with its standard procedures.

This proposal is essential to protect a premier DoD testing area in support of the National Defense Strategy. It protects the existing livelihoods of the local residents by preventing encroachment on their current land uses while safeguarding the ability of DoD to protect the Nation.

Budget Implications: This proposal has no budget impact. The proposal would protect current operations, not expand them. DoD gains no additional management obligations for the lands in the proposal.

Changes to Existing Law: This proposal would amend the Military Land Withdrawals Act of 2013 (title XXIX of Public Law 113–66), as contained in the National Defense Authorization Act for Fiscal Year 2014, as follows:

Subtitle D—White Sands Missile Range, New Mexico, and Fort Bliss, Texas

SEC. 2951. WITHDRAWAL AND RESERVATION OF PUBLIC LAND.

(a) WITHDRAWAL.—Subject to valid existing rights, ~~the Federal land described in subsection (b) is withdrawn from~~ the public land (including interests in land) described in subsection (b), and all other areas within the boundaries of the land as depicted on the maps referred to in such subsection that may become subject to actions identified in paragraphs (1), (2), and (3), including land under the administrative jurisdiction of the Secretary of the Army, is withdrawn from all forms of—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) DESCRIPTION OF ~~FEDERAL~~ LAND.—The ~~Federal land referred to in subsection (a) consists of~~ public land (including interests in land) referred to in subsection (a) is the Federal land comprising—

(1) approximately 5,100 acres of land depicted as "Parcel 1" on the map entitled "White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal", dated April 3, 2012, and filed in accordance with section 2912~~.~~; and

(2) approximately 341,415 acres in Socorro and Torrance Counties, New Mexico, and 352,115 acres in Sierra, Socorro, and Doña Ana Counties, New Mexico, depicted as Northern Call-Up Area and Western Call-Up Area, respectively, on the maps entitled "WSMR Northern Call-Up Area" and "WSMR Western Call-Up Area", both dated August 16, 2016, and filed in accordance with section 2912.

(c) RESERVATION.—(1) The Federal land described in subsection (b)(1) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 27, 1952 (17 Fed. Reg. 4822).

(2) The Federal land described in subsection (b)(2), less the approximately 10,775 acres under the administrative jurisdiction of the Secretary of the Army, is reserved for use by the Secretary of the Army for military purposes consisting of overflight research, development, test, and evaluation and training but does not extend to the surface estate below 50 feet above the surface, except that structures above 50 feet in height above the surface may be allowed with the concurrence of the Secretary of the Army on a case-by-case basis. The approximately 10,775 acres under the administrative jurisdiction of the Secretary of the Army is reserved for military purposes as determined by the Secretary of the Army.

(3) Sections 2914, 2915, and 2916 shall not apply to the lands identified in subsection (b)(2).

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SEC. 2953. TERMINATION OF RESERVATION FOR OVERFLIGHT RESEARCH, DEVELOPMENT, TEST, AND EVALUATION AND TRAINING.

The reservation made by section 2951(c)(2) shall terminate on October 1, 2046.