

117TH CONGRESS  
1ST SESSION

# H. R. 2752

To designate the Castner Range in the State of Texas, to establish the  
Castner Range National Monument, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2021

Ms. ESCOBAR 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

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## A BILL

To designate the Castner Range in the State of Texas,  
to establish the Castner Range National Monument, 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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Castner Range National Monument Act”.

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

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

Sec. 3. Establishment of Castner Range National Monument, Texas.  
 Sec. 4. Access and buffer zones.  
 Sec. 5. Management of Federal lands within the National Monument.  
 Sec. 6. Water.  
 Sec. 7. Border security.  
 Sec. 8. Department of Army responsibility and authority.  
 Sec. 9. Castner Range National Monument Advisory Council.  
 Sec. 10. Land conveyance, Castner Range, Fort Bliss, Texas.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY COUNCIL.**—The term “advisory  
 4 council” means the Castner Range National Monu-  
 5 ment Advisory Council.

6 (2) **NATIONAL MONUMENT.**—The term “Na-  
 7 tional Monument” means the Castner Range Na-  
 8 tional Monument.

9 (3) **SECRETARY.**—The term “Secretary” means  
 10 the Secretary of the Interior.

11 (4) **STATE.**—The term “State” means the State  
 12 of Texas.

13 **SEC. 3. ESTABLISHMENT OF CASTNER RANGE NATIONAL**  
 14 **MONUMENT, TEXAS.**

15 (a) **ESTABLISHMENT.**—Subject to valid existing  
 16 rights, there is hereby established the Castner Range Na-  
 17 tional Monument in the State.

18 (b) **AREA INCLUDED.**—The National Monument con-  
 19 sists of Federal land and interests in Federal land within  
 20 El Paso County, Texas, generally depicted as “Proposed  
 21 Castner Range National Monument” on the map entitled

1 “Proposed Castner Range National Monument” and dated  
2 April 19, 2021.

3 (c) EXCLUSION OF NON-FEDERAL LAND.—The Na-  
4 tional Monument shall include only Federal land and in-  
5 terests in Federal land and shall not include or apply to  
6 private property or other non-Federal land and interests  
7 in land within the exterior boundaries of the National  
8 Monument.

9 (d) PURPOSE.—The purpose of the National Monu-  
10 ment is to conserve, protect, and enhance for the benefit  
11 and enjoyment of present and future generations the eco-  
12 logical, scenic, wildlife, recreational, cultural, historical,  
13 natural, educational, and scientific resources of the lands  
14 included in the National Monument, including Castner  
15 Range and its—

16 (1) relationship to the Department of the Army;

17 (2) role as a water conservation sanctuary  
18 through a dozen natural canyons, arroyos (also  
19 known as gullies or washes) and alluvial fans which  
20 efficiently transport run-off from the heights  
21 through seepage into the large underground Hueco  
22 Bolsón aquifer, which along with the West Side  
23 Mesilla Bolsón supplies much of El Paso’s water;

24 (3) historical significance, as it contains numer-  
25 ous archaeological and historical resources that date

1 as far back as the Paleo-Indian, Archaic and historic  
2 Indian groups, lasted from about 8000 B.C. to 4000  
3 B.C. and was initially characterized by big-game  
4 hunting;

5 (4) significance as a habitat for an extremely  
6 diverse aggregation of wildlife and plant species of  
7 special concern that are thought to inhabit Castner  
8 Range, including the sand prickly pear, the Texas  
9 lyre snake, and the western burrowing owl; and

10 (5) significance as a one-of-a-kind vegetation  
11 region that includes a mountainous area, cactus  
12 lechuguilla region, and draw-yucca grassland region.

13 **SEC. 4. ACCESS AND BUFFER ZONES.**

14 (a) ACCESS.—The Secretary shall continue to provide  
15 historical and adequate access to private inholdings within  
16 the exterior boundaries of the National Monument.

17 (b) BUFFER ZONES.—Nothing in this Act creates a  
18 protective perimeter or buffer zone around the National  
19 Monument. The fact that any activities or uses outside  
20 of areas designated by this Act can be seen or heard within  
21 the National Monument shall not preclude the activities  
22 or uses outside of the National Monument.

23 (c) USE OF EASEMENTS.—Nothing in this Act shall  
24 affect easements located within the National Monument  
25 on the date of the enactment of this Act, including the

1 use of Trans Mountain Highway, the National Border Pa-  
2 trol Museum, El Paso Museum of Archaeology, and the  
3 El Paso Water Utilities.

4 **SEC. 5. MANAGEMENT OF FEDERAL LANDS WITHIN THE NA-**  
5 **TIONAL MONUMENT.**

6 (a) BASIS OF MANAGEMENT.—

7 (1) APPLICABLE LAWS.—The Secretary shall  
8 manage the National Monument in a manner that  
9 conserves, protects, and enhances the natural re-  
10 sources and values of the National Monument, in ac-  
11 cordance with—

12 (A) this Act;

13 (B) the Federal Land Policy and Manage-  
14 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

15 (C) the Act of June 17, 1902 (commonly  
16 known as the Reclamation Act of 1902; 32  
17 Stat. 388), and Acts amendatory thereof and  
18 supplemental thereto.

19 (2) RESOLUTION OF CONFLICTS.—If there is a  
20 conflict between a provision of this Act and a provi-  
21 sion of one of the other laws specified in paragraph  
22 (1), the more restrictive provision shall control.

23 (b) TRIBAL CULTURAL USES.—Nothing in this Act  
24 shall be construed to enlarge or diminish the rights of any  
25 Indian Tribe.

1 (c) MANAGEMENT PLAN.—

2 (1) IN GENERAL.—The Secretary shall develop  
3 a comprehensive plan for the protection and man-  
4 agement of the National Monument that fulfills the  
5 purposes specified in section 3. In implementing the  
6 management plan and in considering any rec-  
7 ommendations from the advisory council, the Sec-  
8 retary shall consult with the advisory council on a  
9 regular basis.

10 (2) PURPOSES.—The management plan shall—

11 (A) describe the appropriate uses and  
12 management of the National Monument;

13 (B) identify short-term and long-term  
14 management actions and prioritize management  
15 actions based on projected availability of re-  
16 sources;

17 (C) include a habitat restoration opportu-  
18 nities component;

19 (D) include a recreational opportunity en-  
20 hancement component; and

21 (E) include a component that addresses  
22 the Secretary of Army's remediation of haz-  
23 ardous substances or munitions and explosives  
24 of concern within the National Monument.

1           (3) PUBLIC PARTICIPATION AND SPECIAL CON-  
2           SIDERATIONS.—In developing the management plan,  
3           and to the extent consistent with this section, the  
4           Secretary—

5                   (A) shall solicit extensive public input;

6                   (B) shall take into consideration any infor-  
7                   mation developed in studies of the land within  
8                   the National Monument;

9                   (C) shall assess available climate change  
10                  information pertinent to the National Monu-  
11                  ment;

12                  (D) shall include standards and practices  
13                  to ensure the preservation of wildlife corridors  
14                  and facilitate species migration; and

15                  (E) may incorporate any provision from a  
16                  resource management plan, land and resource  
17                  management plan, or any other plan applicable  
18                  to the National Monument.

19       (d) COOPERATIVE AGREEMENTS.—In carrying out  
20       this Act, the Secretary may make grants to, or enter into  
21       cooperative agreements with, State, Tribal, and local gov-  
22       ernmental entities and private entities to conduct re-  
23       search, develop scientific analyses, and carry out any other  
24       initiative relating to the restoration or conservation of the  
25       National Monument.

1       (e) **MOTORIZED AND MECHANIZED VEHICLES.**—Ex-  
2   cept where needed for administrative purposes or to re-  
3   spond to an emergency, the use of motorized and mecha-  
4   nized vehicles on lands within the National Monument  
5   shall be allowed only on roads and trails designated for  
6   their use.

7       (f) **ACQUISITION AND INCORPORATION OF LANDS**  
8   **AND INTERESTS.**—

9           (1) **AUTHORITY.**—The Secretary may acquire  
10   non-Federal land and interests in land within the ex-  
11   terior boundaries of the National Monument only  
12   through exchange, donation, or purchase from a will-  
13   ing seller.

14          (2) **MANAGEMENT.**—Any land or interest in  
15   land that is located within the National Monument  
16   that is acquired by the United States shall—

17           (A) become part of the National Monu-  
18   ment; and

19           (B) be managed in accordance with this  
20   Act.

21       (g) **WITHDRAWAL.**—Subject to valid existing rights,  
22   all Federal land within the National Monument is with-  
23   drawn from—

24           (1) entry, appropriation, or disposal under the  
25   public land laws;



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

3           (3) leasing or disposition under all laws relating  
4       to operation of the mineral leasing, mineral mate-  
5       rials, and geothermal leasing laws.

6       (h) LIMITED CONVEYANCE AUTHORITY.—The Sec-  
7       retary may authorize the conveyance of Federal land with-  
8       in the National Monument if—

9           (1) the purpose for which the land is to be con-  
10       veyed is consistent with the purposes specified in  
11       section 3;

12           (2) the conveyance would benefit the National  
13       Monument and is in the public interest, as deter-  
14       mined by the Secretary; and

15           (3) the conveyance is made in accordance with  
16       applicable laws (including regulations).

17       (i) WILDLAND FIRE OPERATIONS.—Nothing in this  
18       section prohibits the Secretary, in cooperation with other  
19       Federal, State, and local agencies, as appropriate, from  
20       conducting wildland fire operations in the National Monu-  
21       ment consistent with the purposes specified in section 3.

22       **SEC. 6. WATER.**

23       Nothing in this Act—

1           (1) affects the use or allocation, in existence on  
2           the date of enactment of this Act, of any water,  
3           water right, or interest in water;

4           (2) affects any vested absolute or decreed condi-  
5           tional water right in existence on the date of enact-  
6           ment of this Act, including any water right held by  
7           the United States;

8           (3) affects any interstate water compact in ex-  
9           istence on the date of the enactment of this Act;

10          (4) authorizes or imposes any new reserved  
11          Federal water rights; or

12          (5) relinquishes or reduces any water rights re-  
13          served or appropriated by the United States in the  
14          State on or before the date of the enactment of this  
15          Act.

16 **SEC. 7. BORDER SECURITY.**

17          (a) IN GENERAL.—Nothing in this Act—

18               (1) prevents the Secretary of Homeland Secu-  
19               rity from conducting—

20                       (A) undertaking law enforcement and bor-  
21                       der security activities, in accordance with sec-  
22                       tion 4(c) of the Wilderness Act (16 U.S.C.  
23                       1133(c)), including the ability to use motorized  
24                       access within an area while in pursuit of a sus-  
25                       pect; or

1 (B) any low-level flights over the area that  
2 may be necessary for law enforcement and bor-  
3 der security purposes; or

4 (2) affects the 2006 Memorandum of Under-  
5 standing among the Department of Homeland Secu-  
6 rity, the Department of the Interior, and the De-  
7 partment of Agriculture regarding cooperative na-  
8 tional security and counterterrorism efforts on Fed-  
9 eral lands along the borders of the United States.

10 (b) WITHDRAWAL AND ADMINISTRATION OF CER-  
11 TAIN AREA.—Nothing in this section precludes the Sec-  
12 retary from allowing the installation and maintenance of  
13 communication or surveillance infrastructure necessary for  
14 law enforcement or border security activities within the  
15 National Monument boundaries.

16 **SEC. 8. DEPARTMENT OF ARMY RESPONSIBILITY AND AU-**  
17 **THORITY.**

18 (a) RESPONSIBILITY.—Nothing in this Act shall af-  
19 fect—

20 (1) the responsibility of the Department of the  
21 Army under applicable environmental laws, including  
22 the remediation of hazardous substances or muni-  
23 tions and explosives of concern within the National  
24 Monument boundaries;

1           (2) the statutory authority of the Department  
2           of the Army to control public access or statutory re-  
3           sponsibility to make other measures for environ-  
4           mental remediation, monitoring, security, safety, or  
5           emergency preparedness purposes;

6           (3) the activities of the Department of the  
7           Army on lands not included within the National  
8           Monument; or

9           (4) the responsibility of the Department of the  
10          Army, in consultation with the Secretary (acting  
11          through the Bureau of Land Management), to con-  
12          tinue to manage the lands and interests in lands  
13          under the Secretary's jurisdiction within the Na-  
14          tional Monument boundaries until the Army trans-  
15          fers administrative jurisdiction of those lands and  
16          interests in lands to the Bureau of Land Manage-  
17          ment.

18          (b) AUTHORITY.—The Secretary of the Army and the  
19          Secretary may enter into a memorandum of understanding  
20          whereby the Secretary of the Army—

21               (1) may relinquish administrative jurisdiction  
22               over the Castner Range, Fort Bliss, Texas, to the  
23               Secretary of the Interior; and

1           (2) may not relinquish or diminish the responsi-  
2           bility of the Secretary of the Army of responsibilities  
3           referred to in subsection (a).

4 **SEC. 9. CASTNER RANGE NATIONAL MONUMENT ADVISORY**  
5 **COUNCIL.**

6           (a) ESTABLISHMENT.—Not more than 180 days after  
7 the date of the enactment of this Act, the Secretary shall  
8 establish an advisory council to be known as the “Castner  
9 Range National Monument Advisory Council”.

10          (b) DUTIES.—The advisory council shall advise the  
11 Secretary with respect to the preparation and implementa-  
12 tion of the management plan for the National Monument.

13          (c) APPLICABLE LAW.—The advisory council shall be  
14 subject to—

15               (1) the Federal Advisory Committee Act (5  
16 U.S.C. App.);

17               (2) the Federal Land Policy and Management  
18 Act of 1976 (43 U.S.C. 1701 et seq.); and

19               (3) all other applicable law.

20          (d) MEMBERS.—The advisory council shall include 11  
21 members, to be appointed by the Secretary, of whom, to  
22 the extent practicable—

23               (1) one member shall be appointed after consid-  
24 ering the recommendations of the El Paso County  
25 Commissioners Court;

1           (2) one member shall be appointed after consid-  
2           ering the recommendations of the head of the Texas  
3           Parks and Wildlife Department;

4           (3) one member shall be appointed to represent  
5           Indian Tribes;

6           (4) one member shall be appointed to represent  
7           Fort Bliss; and

8           (5) seven members shall reside in, or within  
9           reasonable proximity to, the county specified in  
10          paragraphs (1) through (4) with backgrounds that  
11          reflect—

12                   (A) the purposes specified in section 3; and

13                   (B) the interest of persons affected by the  
14          planning and management of the National  
15          Monument, including persons representing the  
16          agricultural, private land-ownership, environ-  
17          mental, recreational, tourism, or other non-Fed-  
18          eral land interests.

19          (e) REPRESENTATION.—The Secretary shall ensure  
20          that the membership of the advisory council is fairly bal-  
21          anced in terms of the points of view represented and the  
22          functions to be performed by the advisory council.

23          (f) TERMS.—

24                   (1) STAGGERED TERMS.—Members of the advi-  
25          sory council shall be appointed for terms of 3 years,

1       except that, of the members first appointed, 5 of the  
2       members shall be appointed for a term of one year  
3       and 5 of the members shall be appointed for a term  
4       of 2 years.

5           (2) REAPPOINTMENT.—A member may be re-  
6       appointed to serve on the advisory council upon the  
7       expiration of the member's current term.

8           (3) VACANCY.—A vacancy on the advisory  
9       council shall be filled in the same manner as the  
10      original appointment.

11      (g) QUORUM.—A quorum shall be 7 members of the  
12      advisory council. The operations of the advisory council  
13      shall not be impaired by the fact that a member has not  
14      yet been appointed as long as a quorum has been attained.

15      (h) CHAIRPERSON AND PROCEDURES.—The advisory  
16      council shall elect a chairperson and establish such rules  
17      and procedures as it deems necessary or desirable.

18      (i) SERVICE WITHOUT COMPENSATION.—Members of  
19      the advisory council shall serve without pay.

20      (j) TERMINATION.—The advisory committee shall  
21      cease to exist—

22           (1) on the date that is 5 years after the date  
23           on which the management plan is officially adopted  
24           by the Secretary; or

1           (2) on such later date as the Secretary con-  
2       siders appropriate.

3 **SEC. 10. LAND CONVEYANCE, CASTNER RANGE, FORT**  
4 **BLISS, TEXAS.**

5       Section 2846 of the 2018 National Defense Author-  
6 ization Act is repealed.

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