

**Statement of
Michael Nedd
Deputy Director, Operations
Bureau of Land Management
U.S. Department of the Interior**

**Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 241, Colorado Outdoor Recreation and Economy Act**

November 18, 2020

Thank you for the opportunity to testify on S. 241, the Colorado Outdoor Recreation and Economy Act, which provides direction for the future management of certain Federal lands in southwestern Colorado. S. 241 designates the McKenna Peak Wilderness on lands managed by the Bureau of Land Management (BLM) and releases the remainder of the Dominguez Canyon Wilderness Study Area (WSA) from further wilderness study under section 603(c) of the Federal Land Policy and Management Act of 1976 (FLPMA), thereby making these lands available for other multiple uses.

In addition, the bill withdraws approximately 244,500 acres of Federal lands near Carbondale and east of Paonia, Colorado — including Thompson Divide — from operation of the public land, mining, and mineral leasing laws, subject to valid existing rights, and provides for the relinquishment of certain mineral leases within this area. The bill further requires the BLM to inventory coal mine methane emissions from coal mines, and creates a commercial coal mine methane emission capture program.

The bill also establishes a legislative boundary for the existing Curecanti National Recreation Area managed by the National Park Service (NPS), expands the area to encompass a total of approximately 50,700 acres, directs the transfer of certain lands currently managed by the BLM and Bureau of Reclamation (BOR) to the NPS for inclusion into this area, and adjusts the potential wilderness area boundary of the NPS-managed Rocky Mountain National Park.

Finally, the bill designates one new recreation area comprising approximately 17,000 acres, two new wildlife conservation areas comprising approximately 11,700 acres, two new special management areas comprising approximately 22,500 acres, and creates or expands seven wilderness areas by approximately 55,900 acres on lands managed by the U.S. Forest Service (USFS).

The Department of the Interior (Department) has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship through Secretarial Orders 3347, 3356, 3366, and 3373. S. 241, however, would not achieve these goals in a balanced way, and the Administration opposes it as currently drafted.

We would like the opportunity to work with the sponsor and the Subcommittee to determine if wilderness, withdrawal, and special management designations are the best mechanism for managing these important resources and uses in this part of Colorado. The Department defers to the Department of Agriculture regarding provisions in the bill concerning the lands and interests administered by the USFS.

Background

Southwestern Colorado is characterized by high mountain ranges, scenic valleys, and arid, slick rock canyon country. Energy development, agriculture, and recreation drive the local economy, as well as world-famous resort areas like Aspen and Telluride. The public lands managed by the BLM and NPS in this region serve as popular destinations for outdoor enthusiasts, including off-highway vehicle users, hikers, mountain bikers, rock climbers, hunters, and fishers. BLM-managed public lands in these areas also provide important opportunities for grazing, energy development and jobs, and other important commercial activities.

McKenna Peak WSA

The McKenna Peak WSA covers nearly 20,000 acres of BLM-managed public lands in San Miguel and Dolores Counties in southwestern Colorado. The Department notes that this area generally serves as habitat for a diversity of plant and animal life, including mule deer, elk, pronghorn antelope, mountain lions, and bald and golden eagles. The WSA also provides important opportunities for hunting, hiking, horseback riding, snowshoeing, and cross-country skiing.

Thompson Divide

Thompson Divide and the North Fork Valley connect the Elk Mountains and Grand Mesa. These rugged areas of Colorado are near the mountain resort communities of Aspen and Glenwood Springs. The North Fork Valley is also home to a more than century-old coal mining area, as well as an emerging organic farming movement centered in Paonia. This area of Colorado is characterized by steep, forested terrain and large areas of congressionally designated wilderness, including the Raggeds and West Elk wildernesses. Higher elevations include big game habitat, particularly mule deer and elk, while lower elevations are primarily used for agriculture, including vineyards, orchards, and ranching. Oil and gas development has occurred in the Thompson Divide and North Fork Valley for decades. In addition, the Thompson Divide includes a natural gas storage unit, where natural gas stored for later use in nearby communities.

Curecanti National Recreation Area

The NPS-managed Curecanti National Recreation Area includes a series of three BOR reservoirs along the Gunnison River. The reservoirs that make up Curecanti today are a destination for water-based recreation high in the Rocky Mountains. Best known for kokanee salmon and lake trout fishing, Curecanti also offers opportunities for hiking, boating, camping, and bird watching. BLM-managed public lands border Curecanti at lower elevations, with National Forest Lands in higher elevations.

S. 241

Title I — Continental Divide

Section 109 would provide for the maintenance and use of the Trail River Ranch in Rocky Mountain National Park by excluding approximately a 15.5-acre area from the Rocky Mountain National Park Wilderness. This area is currently part of the park and managed as potential wilderness in accordance with the Omnibus Public Land Management Act of 2009 (Public Law 111-11). By policy, areas listed as potential wilderness are managed as wilderness until a final determination can be made. This tract contains a historic ranch consisting of a home, guest cabin and outbuildings. The ranch is dedicated to unique environmental educational programs currently run by partner groups, The Friends of Trail River Ranch and Rocky Mountain Conservancy.

Stakeholders believe the area can be used as a more robust education center, accommodating year-round programs while expanding visitor opportunities on the west side of the Park. In order to accomplish this, several repairs and upgrades are needed to the existing facilities, as well as repairs to the bridge used to access the area. The necessary upgrades and improved educational uses for the Trail River Ranch are not feasible while the tract is being managed as wilderness. In 2015, the park conducted public scoping to gather input on the future vision of Trail River Ranch. The park received 119 pieces of correspondence which demonstrated overwhelming support for the outdoor education center and the requisite change to non-wilderness status. By removing the Trail River Ranch from the potential wilderness designation, the NPS can upgrade the facilities, and allow for year-round educational uses supported by the partner groups, community and local stakeholders. The Department supports this removal.

Title II — San Juan Mountains

Section 203 of the bill designates approximately 8,900 acres of the existing BLM-managed McKenna Peak WSA as wilderness. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The McKenna Peak WSA has been pending final resolution by Congress since October 1991. The Department supports Congressional action to settle the status of these lands, which would provide certainty to public land users in Colorado.

We note, however, that section 203 covers only those areas of the WSA in San Miguel County. The other almost 11,000 acres of the WSA in Dolores County are not addressed in the legislation. These acres would remain in WSA status, pending Congressional action. The Department recommends that the sponsor and the Subcommittee consider addressing this portion of the WSA as well. Based on the Department's 1991 Colorado Statewide Wilderness Study Report, we recommend that this area be released from WSA status. In addition, we would like to work with the sponsor on certain modifications to this section, including adjusting the boundary to follow existing natural resource and topographical features instead of the county line, which would enhance manageability.

Section 205 of S. 241 provides for the release from WSA status of those portions of the Dominguez Canyon WSA that were not designated as wilderness under Title II, Subtitle E of Public Law 111-11, the Omnibus Public Land Management Act of 2009. Section 2403 of that Act designated the Dominguez Canyon Wilderness Area. However, small portions of the

underlying WSA totaling approximately 3,035 acres were neither designated wilderness nor released from WSA status. This release would benefit the BLM's ongoing management by removing narrow strips and scattered tracts of remaining WSA. These areas remain within the Dominguez-Escalante National Conservation Area (NCA), also designated by Public Law 111-11, and would be managed consistent with the rest of the NCA.

In addition to this needed WSA release, the Department recommends that the sponsor consider releasing other small WSAs and Instant Study Areas (ISAs) in Colorado that were not included in previous wilderness designations, including the Black Ridge Canyons, Bill Hare Gulch, North Sand Hills, Needle Rock, and High Mesa Grassland areas. Each of these areas are challenging for the BLM to manage because of their small size and proximity to existing development. Release of these areas would provide additional opportunities for multiple uses and recreational access, including hunting and fishing, hiking, camping, and horseback riding, among others.

Title III — Thompson Divide

Section 303 of the bill withdraws approximately 244,500 acres of Federal land near Carbondale and east of Paonia, Colorado, from operation of the public land, mining, mineral leasing, mineral materials, and geothermal leasing laws, subject to valid existing rights. This area is locally known as the Thompson Divide. The surface of these lands is managed by the USFS (approximately 187,900 acres) and the BLM (approximately 15,200 acres), with the remainder of the surface managed by the State of Colorado and the Bureau of Reclamation or in private ownership.

Under the current BLM and USFS land use plans, some of the lands proposed for withdrawal — which range from very low to very high oil and gas potential — are currently open to oil, gas, and coal development. The lands overlap with four existing BLM oil and gas units. The Thompson Divide proposed withdrawal largely avoids the historic North Fork Valley coal mine development area, although some coal reserves would be withdrawn.

Finally, under section 305 of the bill, the Department would be required to complete, within one year of enactment, a coal mine methane inventory. This inventory would include an assessment of methane emissions from active, inactive, and abandoned coal mines in the Lower North Fork Valley. Section 305 also requires the Department to develop a program to offer for lease Federal methane from active, inactive, and abandoned coal mines, subject to valid existing rights. In addition, section 305 requires the Department to establish a program to facilitate the sale and delivery of methane from such coal mines to a power provider within 100 miles of Paonia, Colorado, to generate electricity.

The Department would like the opportunity to work with the sponsor and the Subcommittee on the best mechanism for managing the resources within the Thompson Divide and the upper North Fork Valley. Alternative management approaches could protect recreational opportunities and conserve resources while still accommodating the full range of uses and activities permitted on other BLM-managed lands. Under FLPMA, for example, the BLM currently manages public lands within this area for a variety of uses, such as conservation, watershed protection, hunting, fishing, and other forms of recreation, livestock grazing, and oil and gas development. While much of the withdrawal area proposed by section 303 is open to development of oil, gas, and

coal resources, the BLM minimizes impacts through lease stipulations and conditions of approval that protect wildlife habitat, water quality, and visual impacts.

If Congress chooses to proceed with the proposed withdrawal, the Department would like to work with the sponsor on a number of modifications, including language clarifying the status of the Wolf Creek Storage Unit and the State of Colorado's share of all Federal revenue from the leasing process.

In addition, the Department is concerned with some aspects of the technical feasibility posed by the methane inventory required by section 305, which could make it difficult to complete within one year. For example, methane emissions occur naturally in many areas like the North Fork Valley, making identifying coal mine emissions more challenging. As such, it may be difficult to determine whether a particular emission is associated with an active, inactive, or legacy coal mine. As a result, other State or Federal regulatory agencies may be more appropriate to inventory and evaluate coal mine methane emissions from abandoned coal mines since the BLM does not regulate air quality.

Finally, the Department's understanding is that methane from non-operating coal mines within the Lower North Fork Valley may not comprise a commercially viable energy source, largely because of its composition (less than 50 percent methane and greater than 30 percent nitrogen). As such, the Department recommends that the sponsor consider authorizing a study to determine the market viability of waste methane electricity generation in this area before establishing the leasing program proposed in section 305.

Title IV— Curecanti National Recreation Area

Curecanti National Recreation Area is located in southwestern Colorado, stretching approximately 40 miles along the Gunnison River basin in Gunnison and Montrose counties. Curecanti is one of the few units of the National Park System that does not have a legislated boundary.

In cooperation with the BOR, the NPS manages Curecanti National Recreation Area under Section 8 of the Colorado River Storage Project Act of 1956 and a 1965 Memorandum of Agreement (MOA) between the BOR and the NPS. At Curecanti, the BOR manages three reservoirs, including the dams, power plants, access roads, and other related facilities; while the NPS manages the natural and cultural resources, as well as visitor recreation and associated visitor facilities. Additionally, the NPS maintains cooperative agreements with the BLM and with USFS for various program areas at Curecanti. The Department notes that the BLM and the NPS currently have cooperative agreements in place for multiple program areas, including invasive species management, BLM management of NPS's remaining grazing leases, and Gunnison Sage-Grouse inventory and monitoring, among others.

P.L. 106-76, enacted in 1999, required the NPS to conduct a study and make recommendations to Congress for alternatives that would better conserve the natural, cultural, recreational and scenic resources within and surrounding Curecanti National Recreation Area. The NPS, with the BOR as a cooperating agency, conducted the study, which included preparing an Environmental Impact Statement.

The study, which was transmitted in 2009, recommended that Congress legislatively establish Curecanti as a National Recreation Area (NRA) unit within the National Park System with a legislated boundary, and that the 1965 MOA between the BOR and the NPS be revised accordingly. Title IV of S. 241 addresses the recommendations of the 2009 report in several ways. First, the bill transfers administrative jurisdiction of lands withdrawn or acquired by the BOR to the NPS within one year of the enactment of the bill, while allowing the BOR to retain lands and all necessary access required for reclamation purposes. The bill also requires that a Memorandum of Understanding governing this access be entered into between the NPS and BOR within one year of enactment. Additionally, the bill transfers approximately 2,560 acres of USFS land and approximately 5,040 acres of BLM land to the NPS, and provides authority to acquire additional land within the boundary by donation, purchase from willing sellers, transfer from a Federal agency, or exchange. The legislation requires that any existing grazing leases on BLM lands will be honored after transfer to NPS. Furthermore, hunting and fishing opportunities would be allowed on these lands after inclusion in the recreation area. Additionally, the bill transfers 800 acres currently managed by the BOR to the BLM. These Gunnison County parcels include the 6-site Gateview campground, which lies at the north end of recreation lands currently managed by the BLM's Gunnison Field Office.

The report further recommended that the NPS expand efforts to support conservation of the natural, cultural, recreational and scenic resources on lands, both within and surrounding Curecanti NRA. Specifically, the report recommended that Congress authorize the NPS to work in partnership with adjacent landowners to implement a variety of tools that would enhance the long-term conservation of natural, cultural, recreational, and scenic resources. These recommendations are addressed in Section 402(c), paragraphs (3), (4), and (5); authorizing new or modified management agreements between Federal agencies and State agencies for management of the NRA, allowing recreation access including boating, hunting, and fishing within the NRA, and authorizing landowner assistance and partnership efforts with private landowners located within 3 miles of the NRA boundary.

Section 402(c), paragraphs (7), (8), and (9) maintains existing grazing rights, existing water rights, and existing fishing easement access and programs, while Section 404 requires that the NPS prepare a General Management Plan for the NRA, in consultation with the Commissioner of Reclamation, within 3 years of funds being provided for the purpose.

Conclusion

Thank you for the opportunity to testify. The Department looks forward to continuing to work with the sponsor and the Subcommittee as this bill moves forward through the legislative process. The Department is committed to managing public lands as a good neighbor to the local communities and to the Americans who live and work in close proximity to them. Rural communities have raised concerns about the land-use restrictions included in S. 241. The Department, therefore, opposes S. 241 in its current form, but is willing to work with Congress to improve it if the bill is considered further.