

**Statement of  
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**Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests, & Mining  
S. 173, Colorado Outdoor Recreation and Economy Act  
June 16, 2021**

Thank you for the opportunity to testify on S. 173, the Colorado Outdoor Recreation and Economy Act, which provides direction for the future management of certain Federal lands in southwestern Colorado. S. 173 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.

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, mineral materials, and geothermal 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 emissions 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 encompassing approximately 55,900 acres on lands managed by the U.S. Forest Service (USFS).

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities that America's lands and waters offer and outlines a historic and ambitious challenge to the nation to conserve at least 30 percent of our lands and waters by 2030. S. 173 aligns with the Administration's conservation goals and the BLM supports the bill. The Department of the Interior (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. Recreation, agriculture, and energy development 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 anglers.

### ***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, 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***

The Thompson Divide and 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 is 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. 173**

### ***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 15.5-acres from the Rocky Mountain National Park Wilderness. This tract contains a historic ranch, which is dedicated to unique environmental programs currently run by partner groups, The Friends of Trail River Ranch and Rocky Mountain Conservancy. By policy, areas listed as potential wilderness are managed as wilderness until a final determination can be made. 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. The necessary upgrades and improved educational uses for the Trail River Ranch are not feasible while the tract is being managed as wilderness. 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, the community, and local stakeholders. The Department supports this adjustment.

### ***Title II — San Juan Mountains***

Section 202 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 permanent protection of this area as wilderness, which is consistent with the Administration's conservation goals. We note, however, that section 202 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. The Department recommends that the sponsor and the Subcommittee consider addressing this portion of the WSA as well.

### ***Title III — Thompson Divide Withdrawal / Methane Inventory & Leasing***

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 BOR or in private ownership.

Under the current BLM and USFS land use plans, some of the lands proposed for withdrawal 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.

Section 305 of the bill would require the Department to complete, within one year of enactment, a fugitive coal mine methane inventory. This inventory would include an assessment of "significant" 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 to authorizing holders of valid existing Federal coal leases in the area to capture for use, or destroy by flaring, fugitive methane emissions.

Section 305 also provides for bid qualifications and a royalty rate for leasing fugitive methane emissions. Bids must specify whether the prospective lessee intends to capture the emissions for beneficial use, such as generating electrical power; destroy the emissions by flaring; or a combination of capturing for use and destroying by flaring. If there is more than one qualified bid for a lease, the Secretary of the Interior is required to select the bid determined to be most likely to significantly advance the public interest.

The Department supports the Thompson Divide withdrawal provided in this section, as it is consistent with the Administration's conservation goals. The Department also supports the sponsor's goals to reduce methane waste coming from public lands, as President Biden has made it clear reducing greenhouse gas emissions is a top priority. The Department would like to work with the sponsor to aid in the implementation 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. Specifically, it is not clear whether the State of Colorado would be obligated to refund the revenue it has received from these leases.

In order to meet the sponsor's ultimate goal of reducing methane emissions, the BLM suggests that Congress consider amending the bill to allow for immediate implementation of the coal mine methane leasing and sequestration program. The BLM notes that a mine methane capture facility currently operating at the Elk Creek Mine near Somerset, Colorado, demonstrates the feasibility of using methane emissions from coal mines to generate electric power. If Congress chooses to move forward with an inventory program, the BLM suggests adding language clarifying that the inventory be limited to methane emissions from coal mines, since there are potentially thousands of natural sources of methane emissions in the specified area. We would also welcome the opportunity to work with the sponsor to determine which agency is best suited to implement this inventory.

To add further clarity to the requirements posed by the bill, the BLM recommends that the legislation clearly define what constitutes a "significant" source of methane. Using a term consistent with air quality standards currently in use by the BLM, such as in the context of National Environmental Policy Act analysis, could be appropriate. Regarding the leasing program created by the bill, Congress may want to consider limiting the applicability of the leasing provisions to methane that is commercially viable for capture and sale.

#### ***Title IV— Curecanti National Recreation Area***

Curecanti National Recreation Area (NRA) 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 NRA 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. Additionally, the NPS maintains cooperative agreements with the BLM and with USFS for various program areas at Curecanti NRA.

Title IV of S. 173 addresses the recommendations of a 2009 NPS study on management alternatives for the resources within and surrounding Curecanti NRA 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 2009 study further recommended that the NPS expand efforts to support conservation of the natural, cultural, recreational, and scenic resources on lands within and surrounding Curecanti NRA. 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**

The Department supports this legislation, which furthers the Administration's goals of restoring balance to the management of our public lands and waters, creating jobs, and increasing recreational opportunities. The Department looks forward to continuing to work with the sponsor and the Subcommittee as this bill moves forward through the legislative process.