

**STATEMENT OF JIM HUGHES
DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT
HEARING OF THE SENATE ENERGY SUBCOMMITTEE ON
PUBLIC LANDS AND FORESTS**

**H.R. 417, An Act to revoke a Public Land Order with respect to certain lands
erroneously included in the Cibola National Wildlife Refuge, California.**

June 4, 2003

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to testify today in support of H.R. 417, which will revoke a small portion of Public Land Order 3442, dated August 21, 1964. This Public Land Order withdrew approximately 16,600 acres of public domain lands along the Colorado River in California and Arizona for the Cibola NWR. The withdrawal erroneously included a small area of approximately 140 acres in Imperial County at the southern boundary of the California portion of the refuge. A similar bill, H.R. 3937, was passed by the House last year, but was not acted upon by the Senate.

Prior to 1964, this property fell under the jurisdiction of the Bureau of Land Management (BLM) and, beginning in 1962, the BLM issued a permit for a public recreation concession on the lands now in question. Because neither the Fish and Wildlife Service nor the BLM recognized the mistake in legal descriptions on the ground, the BLM continued to renew the original permit and the recreational concession use has continued, unbroken, to the present time. The current lease expires on July 13, 2003. The concession and location are commonly known as "Walter's Camp," which consists of a recreational vehicle park, a small marina, and a store, and the BLM estimates that Walter's Camp receives 11,000 visitors per year.

The National Wildlife Refuge System Administration Act of 1966, as amended, (Act) requires that all uses of refuge lands be compatible with the purpose for which the refuge was established. Section 4(a) of the Act and section 204(j) of the Federal Land Policy and Management Act both prohibit the Secretary of the Interior from revoking withdrawals of land within NWRs. For this reason, Congressional action is required to remove these lands from the Refuge System.

Since the inclusion of these lands in the Public Land Order was certainly a mistake, due to the prior existence of the concession, we believe the most equitable solution is removal of the lands from the refuge. There are no listed species inhabiting the 140 acres and the area in question is, at best, marginal wildlife habitat. Removal of the 140 acres of land from the refuge would free-up the area necessary for the continuation of the recreational concession, while still affording more than adequate protection for the nearest significant wildlife habitat feature, Three Fingers Lake.

We believe that withdrawal of these lands will benefit all parties involved — the concessionaire, the Service, the BLM and, ultimately, the public. For this reason, we support the bill and urge prompt action on enactment of H.R. 417.