

**Statement of
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Bureau of Land Management
Department of the Interior
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands, Forests & Mining
S. 841, Hermosa Creek Watershed Protection Act of 2013
November 20, 2013**

Thank you for the opportunity to testify on S. 841, the Hermosa Creek Watershed Protection Act. The legislation primarily concerns land designations within the San Juan National Forest. The Department of the Interior defers to the Department of Agriculture on provisions pertaining to lands administered by the U.S. Forest Service. Sections 7, 8, and 9 of the bill concern lands administered by the Department of the Interior (Department). These sections would withdraw approximately 13,000 acres of BLM-managed lands from mining and mineral leasing laws; convey approximately 111 acres of BLM-managed land to La Plata County, Colorado; and release approximately 461 acres of the West Needles Contiguous Wilderness Study Area. The Department supports these sections with amendments to ensure manageability.

Background

In southwestern Colorado, the BLM administers more than 664,000 acres of public lands through the Tres Rios Field Office. These lands provide a wide variety of uses, ranging from livestock grazing and mineral exploration to world class recreational opportunities and critical wildlife habitat. The BLM works closely with the State of Colorado, tribal governments, counties and cities, as well as local communities to ensure the sustainable management of these lands and their multiple uses.

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The following is a discussion of the bill's provisions which apply to lands managed by the Department of the Interior.

Section 7, Durango Area Mineral Withdrawal

The area surrounding the City of Durango, Colorado, contains many popular recreation areas situated on Federal lands, including Animas Mountain and Perins Peak (8,557 acres), Lake Nighthorse (3,281 acres), and Horse Gulch (708 acres). Section 7 of S. 841 would withdraw approximately 13,000 acres across these three areas from location, entry, and patent under mining laws as well as disposition under laws relating to mineral leasing, geothermal leasing, or mineral materials. There are no active leases or mining claims in these areas, and the Department supports this withdrawal. S. 841 would also withdraw these areas from all entry, appropriation, or disposal under public land laws. To ensure the BLM retains discretionary authority to manage any potential future land transfers or conveyances of the withdrawn lands, the Department recommends deleting the withdrawal provision concerning disposal under public land laws under Section (a), Subsection (1).

Section 8, La Plata County Land Conveyance

Section 8 of S. 841 directs the Secretary of the Interior to convey a parcel of approximately 111 acres managed by the BLM to La Plata County for uses consistent with the Recreation and Public Purposes Act (R&PP) and subject to valid existing rights. La Plata County, in southwest Colorado, has submitted an application to the BLM for conveyance of a parcel of land under the R&PP for the purpose of developing a new multi-event and fairgrounds facility.

The R&PP Act authorizes the Secretary of the Interior to lease or convey public lands at nominal costs for recreational and public purposes, including for educational facilities. The Department generally supports appropriate legislative conveyances at no cost if the lands are to be used for purposes consistent with the R&PP Act, and if the conveyances have a reversionary clause to enforce this requirement.

The Department supports the conveyance of these lands for important public purposes. Under the bill, the County would pay all costs associated with the transaction. Currently, a gravel pit is in operation on the parcel under a mineral materials contract, and the bill would require conveyance of the land following expiration of that contract in February 2019. Since the land proposed for conveyance is currently encumbered by Federal oil and gas leases and would be conveyed without consideration, the BLM recommends all minerals be reserved to the United States. The BLM would like to work with the sponsor on a boundary modification to enhance manageability of both the conveyed parcel and the lands retained by the BLM, and avoid creating an isolated parcel remaining under BLM administration. We would also like to work with the sponsor on additional amendments to the bill language, particularly regarding the addition of a reversionary clause and conservation easement to protect cultural resources in the area.

Section 9, Release of Wilderness Study Areas

Section 9 of S. 841 provides for the release from Wilderness Study Area status of approximately 461 acres of the West Needles Contiguous Wilderness Study Area. This WSA is bordered on the west by a State Highway and on the east by the Durango-Silverton Narrow Gauge Railroad (a popular tourist route), making the remnant WSA a challenge to manage for non-impairment. In 1983, Public Law 98-141 transferred portions of the West Needles Contiguous WSA to the Forest Service, which are now part of the Weiminuche Wilderness. The remaining BLM-managed acres continue in WSA status. The area proposed for release by the legislation would leave 499 acres of BLM-managed lands in WSA status, creating interim management difficulties associated with narrow portions of WSA land, recreational use conflicts, and artificial management boundaries. This area is valued by local recreationists for many uses, including winter snowmobiling, fishing, camping, and hiking. The BLM recommends the release of the entire 960-acre West Needles Contiguous WSA. This will benefit the BLM's ongoing management of the area as well as reduce public confusion as BLM continues to manage the area for its resource values.

Conclusion

The Department supports sections 7, 8, and 9 and would like to work with the sponsor and the Committee on these amendments. Thank you again for the opportunity to discuss this legislation, and I would be glad to answer any questions.