

PENDING LEGISLATION

HEARING
BEFORE THE
SUBCOMMITTEE ON
PUBLIC LANDS, FORESTS, AND MINING
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

ON

S. 242 S. 499
S. 258 S. 526
S. 434 S. 1079
S. 490 S. 1262

MAY 14, 2019



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PENDING LEGISLATION

TUESDAY, MAY 14, 2019

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:46 p.m. in Room SD-366, Dirksen Senate Office Building, Hon. Mike Lee, presiding.

OPENING STATEMENT OF HON. MIKE LEE, U.S. SENATOR FROM UTAH

Senator LEE. The Subcommittee will come to order. The Subcommittee on Public Lands, Forests, and Mining is now holding its first legislative hearing for the 116th Congress, and I would like to welcome all of you.

As my colleagues know, the Subcommittee has jurisdiction over public lands administered by the Bureau of Land Management and the U.S. Forest Service. This includes oversight of activities on such lands including recreation, hard rock mining, mineral leasing, the establishment of wilderness areas and mineral policy in the Outer Continental Shelf.

Today's hearing agenda includes eight bills that together cover each of these issues in several Western states and offshore of all five U.S. territories. It is an example of the Subcommittee's broad oversight over large swaths of federal land and is a reminder of the fact that public lands policy has a direct impact on the daily lives of many, many millions of Americans.

Indeed, the Federal Government controls almost one-third of the entire land mass of the United States making it, far and away, the largest landowner in the nation and over 90 percent of its holdings are located in 11 states in the West. In contrast, the Federal Government owns 4 percent of the land East of the Mississippi.

My home State of Utah is ranked second among all states for the percentage of land owned and managed by the Federal Government. In fact, two-thirds of Utah is the property of Uncle Sam and the estate, the federal estate, within the country is growing. Over the past five years, Congress has appropriated more than \$1 billion for land acquisition, this, in addition to the land already held by the Federal Government.

The most recent data produced by the Congressional Research Service (CRS) estimates that the Federal Government owns more than 640 million acres with a maintenance backlog of \$19 billion, with a B—though the CRS notes that these estimates are incomplete. So that is one of the issues you run into when you have a

single entity owning this much land, you have to rely on estimates about how large the estate is and even those estimates are known and conceded to be incomplete.

Today I would like to highlight a bill sponsored by my colleague from Indiana, Senator Braun, S. 434, that responds to this very issue. S. 434 directs the U.S. Department of the Interior to produce and submit a report to Congress on its land holdings and on the cost of maintaining such lands. I believe S. 434 will help ensure that Congress and the American taxpayers will have a better understanding of the land that is owned by the Federal Government, and I look forward to discussing that bill today.

We will also hear testimony from the Administration on three bills, that combined, would withdraw more than 700,000 acres of federal land from mineral development in Nevada and New Mexico.

Another bill, S. 1262, the Oregon Recreation Enhancement Act, would establish approximately 59,000 acres of new wilderness and designate another 130,000 acres as special management areas for recreation on O&C lands, lands originally set aside for timber production through federal grants.

Only two bills on today's agenda would remove federal restrictions on public land for the benefit of local communities. The first, S. 242, would remove outdated Forest Service timber interest on 640 acres of land in Arizona to support public enjoyment of a historical observatory. The other bill, S. 490, sponsored by my colleague, Senator Daines, authorizes local residents to install a memorial plaque on a mountain ridge in Montana to honor the death of four servicemen who perished there in an Air Force bomber crash.

I would also like to highlight this bill which represents life in a public land state. A community needs to go cap in hand to Congress to ask Congress for permission to simply have a plaque to honor servicemen who died there while serving their country. This is the burden of having the Federal Government own a large portion of your state. This is the burden specific to a state where most of the land is owned by the Federal Government. This should not be the case. This is silly. And it ought not require an Act of Congress to do something like that, but we will do it if that is what it takes. It is an insult to the American people, particularly those servicemen and women and particularly to the residents of states like that that we have to go through this exercise.

Both S. 242 and S. 490 highlight that public lands must be made more accessible for local uses, recognizing that there are a whole lot of people close to where those lands are that are more affected by how those lands are used, how they are managed, than the people here in Washington, DC, who dictate how they will be used.

With that, I would be turning to Senator Wyden for his opening remarks. It looks like he is not here yet. We are also going to give a chance to members of the Subcommittee to make introductory remarks. While we await Senator Wyden, we are going to hear from Senator Udall and later from Senator Braun.

Senator Udall has another committee assignment so with consent of the Committee members, I would like to go to Senator Udall first. And I am not just doing that because he is my cousin, but also because I really like him.

[Laughter.]
Go ahead, Senator Udall.

**STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Chairman Lee and Ranking Member Wyden and all of the members, thank you for your courtesies.

Thank you for the opportunity to speak in favor of the Chaco Cultural Heritage Area Protection Act and the Buffalo Tract Protection Act, both introduced by me and Senator Heinrich.

The Chaco Protection Act would withdraw federal lands from future minerals development within an approximately ten-mile radius of the boundaries of Chaco Cultural National Historic Park in New Mexico. The entire New Mexico delegation supports this legislation, with a companion bill introduced in the House of Representatives by our three House members, Representatives Luján, Haaland and Torres Small.

Let me first briefly explain why the Chaco Canyon area is so special. Chaco is known around the world as the heart of a culture that inhabited the Four Corners area for hundreds of years. The Chacoan people reached astounding architectural, cultural and economic heights for 300 years from 850 to 1150 AD. They were master builders and engineers constructing over 150 great houses with hundreds of rooms and kivas throughout the region. A network of roads spread in all directions and trade relations extended into Southern Mexico. More than 3,500 archaeological sites have yielded over 1.5 million artifacts. The remains of sites stand today, and they are magnificent.

The starkly beautiful land and mountains within the area and the cultural sites and artifacts that pepper the landscape are sacred to many pueblos and tribes in the Four Corners area. These tribal nations' deep roots to the Chacoan people live on in their communities across the Southwest, and we have several Pueblo governors here representing all of the pueblos in New Mexico.

Chaco has been a UNESCO world heritage site since 1987, one of only 23 such sites in our nation. This culture represents one of our nation's greatest pre-Columbian civilizations.

But the park covers only a fraction of the archaeological and culturally significant sites and artifacts. Protection of the area surrounding the national park is imperative. This area is at real and continued risk.

Over the last three years, the Bureau of Land Management (BLM) has proposed new oil and gas leasing in the Greater Chaco Canyon landscape area. Each time, BLM has withdrawn the proposals as a result of overwhelming protests from the public and pressure from elected officials like Senator Heinrich and me. This sacred area, home to critically important archaeological sites and objects, should not be under constant threat. Indeed, the Tenth Circuit recently concluded that the Department had not adequately evaluated impacts from leases both within and outside this ten-mile buffer. The time to act is now.

Our bill grew from a ground swell of community-based work over a number of years. Residents and tribal and surrounding communities sought greater input into BLM decisions on development in

and around the area, and pueblos and tribes wanted the meaningful government-to-government consultation the Federal Government is obligated to conduct.

We have worked very closely with the all-Pueblo Council of Governors, the Navajo Nation, community members and others to craft a bill that balances cultural protection and existing rights, including those of tribal allottees. This legislation would withdraw only minerals owned by the Federal Government within approximately 333,000 acres.

I also want to be clear, this bill would not affect existing federal leases or minerals owned by private individuals, the State of New Mexico, or tribes.

Importantly, the New Mexico State Land Office Commissioner has issued an Executive Order placing a moratorium on new mineral development on approximately 72,000 acres of state trust lands within an approximately ten-mile radius of the National Park. The State of New Mexico has aligned with our legislation. Other private parties and tribes will be able to make those decisions for themselves. This bill is important to my state, our pueblos and tribes, our nation and to future generations.

I look forward to the Subcommittee moving this bill out of the Committee as quickly as possible so we protect this special area for generations to come.

I also fully support the Buffalo Tract Protection Act, S. 1526, and hope it can also be reported favorably, as quickly as possible. This legislation would withdraw four parcels of BLM lands, including the Buffalo Tract and the Crest of Montezuma, from mineral development.

This bill would also maintain BLM's authority over the surface rights to the parcels. And if the surface rights are transferred and the mineral rights will remain under federal management and will remain withdrawn.

Like our Chaco legislation, this bill is supported by an array of community members and tribes including the Town of Bernalillo, Santa Ana Pueblo, San Felipe Pueblo, Las Placitas Association, Ranchos de Placitas Property Owners Association and La Mesa Homeowners Association.

Thank you very much for considering my views. Sorry, Ranking Member Wyden, for jumping in front of you here, but I am going to end.

I thank all the Committee members for their courtesies and excuse myself to meet with my Chairman, Senator Murkowski, who is probably mad at me at this point.

[Senator Udall's written statement follows:]

Chairman Lee, Ranking Member Wyden, members of the Subcommittee -- thank you for the opportunity to speak in favor of the Chaco Cultural Heritage Area Protection Act and the Buffalo Tract Protection Act, both introduced by me and Senator Heinrich.

The Chaco Protection Act would withdraw federal lands from future minerals development within an approximate 10-mile radius of the boundaries of the Chaco Culture National Historical Park in New Mexico.

The entire New Mexico delegation supports this legislation, with a companion bill introduced in the House of Representatives by Representatives Lujan, Haaland, and Torres Small.

Let me first briefly explain why the Chaco Canyon area is so special.

Chaco is known around the world as the heart of a culture that inhabited the Four Corners area for hundreds of years.

The Chacoan people reached astounding architectural, cultural, and economic heights for 300 years -- between 850 and 1150 A.D.

They were master builders and engineers -- constructing over 150 great houses, with hundreds of rooms and kivas, throughout the region. A network of roads spread in all directions and trade relations extended into southern Mexico. More than 3,500 archeological sites have yielded over 1.5 million artifacts. The remains of sites stand today -- and are magnificent.

The starkly beautiful land and mountains within the area, and the cultural sites and artifacts that pepper the landscape, are sacred to many Pueblos and Tribes in the Four Corners area. These Tribal nations' deep roots to the Chacoan people live on in their communities across the Southwest.

Chaco has been a UNESCO World Heritage site since 1987, only one of 23 such sites in our nation. This culture represents one of our nation's greatest pre-Colombian civilizations.

But the park covers only a fraction of the archeologically and culturally significant sites and artifacts. Protection of the area **surrounding** the National Park is imperative.

This area is at real and continued risk. Over the last three years, the Bureau of Land Management has proposed new oil and gas leasing in the Greater Chaco Canyon Landscape area.

Each time, BLM has withdrawn the proposals as a result of overwhelming protest from the public and pressure from elected officials like Senator Heinrich and myself.

This sacred area, home to critically important archeological sites and objects, should not be under constant threat. Indeed, the Tenth Circuit recently concluded that the Department had not adequately evaluated impacts from leases both within and outside this 10-mile buffer. The time to act is now.

Our bill grew from a groundswell of community-based work over a number of years.

Residents in tribal and surrounding communities sought greater input into BLM decisions on development in and around the area. And Pueblos and Tribes wanted the meaningful government-to-government consultation the federal government is obligated to conduct.

We have worked very closely with the All Pueblo Council of Governors, the Navajo Nation, community members, and others to craft a bill that balances cultural protection and existing rights, including those of tribal allottees.

This legislation would withdraw only minerals owned by the U.S. government within approximately 333,000 acres. I also want to be clear: this bill would not affect existing federal leases or minerals owned by private individuals, the State of New Mexico, or Tribes.

Importantly, the New Mexico State Land Commissioner has issued an executive order placing a moratorium on new mineral development on approximately 72,000 acres of state trust lands within an approximate 10-mile radius of the National Park. The State of New Mexico is aligned with our legislation. Other private parties and Tribes will be able to make those decisions for themselves.

This bill is important to my state, our Pueblos and Tribes, our nation, and to future generations. I look forward to the Subcommittee moving this bill out of committee as quickly as possible so we protect this special area for generations to come.

I also fully support the Buffalo Tract Protection Act, S. 526, and hope it can also be reported favorably as quickly as possible. This legislation would withdraw four parcels of BLM lands, including the Buffalo Tract and the Crest of Montezuma, from mineral development.

The bill would also maintain BLM's authority over the surface rights to the parcels. And if the surface rights are transferred, the mineral rights will remain under federal management and will remain withdrawn.

Like our Chaco legislation, this bill is supported by an array of community members and tribes, including the Town of Bernalillo, Santa Ana Pueblo, San Felipe Pueblo, Las Placitas Association, Ranchos de Placitas Property Owners Association, and La Mesa Homeowners Association.

Thank you for considering my views on these important conservation measures.

Senator LEE. I am sure she will be very understanding, and you did a great job serving as the warm-up band for Senator Wyden. Senator Wyden.

**STATEMENT OF HON. RON WYDEN,
U.S. SENATOR FROM OREGON**

Senator WYDEN. Thank you, Chairman Lee and Senator Manchin, in particular, and all of my colleagues. This is a pretty hectic day by Senate standards.

I appreciate the chance to discuss legislation that Senator Merkley and I have authored to protect and enhance three of my state's most iconic recreation destinations.

S. 1262, the Oregon Recreation Enhancement Act would establish two new recreation areas on the Rogue and Molalla Rivers. These rivers are home to some of the world's most extraordinary salmon and steelhead runs which are the backbone of Oregon's local recreation economies.

This legislation would expand the current Wild Rogue Wilderness Area in the rugged canyons and steep cliffs off the Rogue River. This is truly one of the wildest and most remote landscapes in Southern Oregon with efforts to protect and conserve these lands persisting for over a half century when Congress passed the Wild and Scenic Rivers Act and designated 44.5 miles of the Rogue.

Lastly, the bill permanently protects several sources of clean drinking water from hazardous mining. The special headwaters for the Smith and Illinois Rivers provide thousands of Oregon families with clean drinking water and are critical salmon habitats.

Based on the support of the local community, the Forest Service and Bureau of Land Management issued a temporary 20-year ban on new mining claims in the region in 2017. The temporary ban gives Congress more time to pursue a permanent solution. That is what this bill does. And the legislation builds on what I call the Oregon way, our traditional conservation ethic that has been fundamental to the livability of my home state. The areas the legislation seeks to protect are truly public treasures and should remain places to recreate for generations to come.

That is why, based on local concerns, this bill ensures that public land managers can do important preemptive forest health and wildfire resiliency work within the recreation areas and wilderness expansion. Making sure these landscapes are around for future generations means hazardous fuels and thinning work can and must continue.

I have heard all these stories about how you can't protect special places in the West because all you are doing is getting short shrift to the effort to deal with fire. Nothing could be further from the truth. This Committee led the effort on trailblazing approaches like ending fire borrowing and the list goes on and on. But what this legislation does is it protects special places and also makes it clear that we are going to be all in in the fight against fire; thinning work and hazardous fuels work can continue.

Mr. Chairman, thank you very much for the chance to be able to jump in front of some of my colleagues. I want to thank you and Senator Manchin and my colleagues for their courtesy. Something tells me Senator Heinrich and I are going to end up in the same

place here shortly. I appreciate my colleagues and ask that my full statement be part of the record.

Senator LEE. Without objection.

[Senator Wyden's full statement follows:]

**Public Lands Subcommittee, 5/14/2019
Ranking Member, Senator Ron Wyden
Opening Statement**

- I want to thank Chairman Lee for holding this hearing on several important public lands bills.
- I particularly appreciate the opportunity to discuss legislation I and Senator Merkley authored to protect and enhance three of Oregon's most iconic recreation destinations.
- S. 1262, the Oregon Recreation Enhancement Act, would establish two new recreation areas on the Rogue and Molalla Rivers.
- These two rivers are home to some of the world's most iconic salmon and steelhead runs, which are the backbone of Oregon's local recreation economies.
- The ORE Act would expand the current Wild Rogue Wilderness Area in the rugged canyons and steep cliffs of the Rogue River.
- This is truly one of the wildest and most remote landscapes in southern Oregon, with efforts to protect and conserve these lands persisting for more than 50 years -- when Congress passed the Wild and Scenic Rivers Act and designated 44-and-a-half miles of the Rogue River.
- Lastly, the bill permanently protects several sources of clean drinking water from hazardous mining.
- The pristine headwaters for the Smith and Illinois Rivers provide thousands of Oregon families with clean drinking water, and are critical salmon habitats.
- Based on the support of the local community, the Forest Service and Bureau of Land Management issued a temporary, 20-year ban on new mining claims in the region in 2017. That temporary ban gave Congress more time to pursue permanency, which is what this bill would do.
- This bill builds on Oregon's traditional conservation ethic that has been fundamental to the livability of my home state.

- The areas the ORE Act seeks to protect are truly public treasures and should remain places to recreate at for generations to come.
- That is why, based on local concerns, this bill ensures that public land managers can do important, preemptive forest health and wildfire resiliency work within the recreation areas and wilderness expansion.
- Making sure these landscapes are around for future generations means hazardous fuels and thinning work can -- and should -- continue.
- These natural treasures generate awe from everybody who visits them and jobs for many Oregonians in our state's growing recreation economy.
- The Oregon Recreation Enhancement Act recognizes these special areas in southwestern Oregon and on the Molalla need protections while maintaining proven forest management strategies that reduce the risk of wildfire.
- Wildfire resiliency with forest health and wilderness protection are not an either-or type of thing. They are compatible and I am proud this bill achieves both vital goals.
- I look forward to working with the subcommittee and advancing these proposals.

Senator LEE. We will now recognize the Ranking Member of the full Committee, Senator Manchin.

Senator MANCHIN. I yield my time to Senator Heinrich, because I know he has to go to another meeting.

**STATEMENT OF HON. MARTIN HEINRICH,
U.S. SENATOR FROM NEW MEXICO**

Senator HEINRICH. Thank you very much. We have a markup in the Intel Committee meeting, so that is why some of us will be coming and going.

But I want to thank the Subcommittee for hearing two bills today on issues of incredible importance to New Mexico, and I want to thank Senator Udall for his leadership and partnership on these two bills.

First, the Chaco Culture Heritage Area Protection Act would protect the area immediately surrounding the Chaco Culture National Historic Park from federal development of oil and natural gas. This landscape is sacred to tribes across the Southwest and tribal leaders are united in their opposition to new development within ten miles of the park. And New Mexico's governor, state land commissioner and the entire Congressional delegation agree that this is the wrong place for oil and gas production.

As development in the San Juan Basin moves further and further south, the air pollution, dust and light pollution at the sacred sites inside the park will only increase. And fragile historical and cultural sites outside of the park boundaries are directly threatened by new wells drilled without the benefit of a cultural resource survey based on the traditional knowledge of Pueblo and Navajo experts.

We cannot rush into development in a place this culturally important and this complex. Preventing development in the immediate surroundings of the park will protect irreplaceable cultural sites and ensure that the Greater Chaco landscape remains intact.

Mr. Nedd, in your testimony you state that it would be premature for the Department of the Interior to take a position on permanent protection for this area before you complete the planning process. If that is the case, I also hope that the BLM takes the same approach to development decisions that would have a permanent impact on this landscape. If protection is premature at this time, then surely development is also premature. I hope that the BLM's plan will give this landscape's irreplaceable cultural resources the protection that they truly deserve.

Secondly, the Buffalo Tract Protection Act would withdraw four small parcels of BLM land just north of Albuquerque for mineral development. This area is already home to three gravel mines which have negatively impacted the air and water quality of the area. These BLM parcels act as a critical connection for wildlife moving between the Sandia Mountains to the south and the Sangre de Cristo Mountains to the north. These parcels also provide invaluable recreational open space in a growing area.

The two neighboring pueblos, the county, the nearest town, neighborhood associations and local residents all agree that these parcels are not the right place for yet another gravel mine.

As demonstrated by the BLM's testimony today, they are determined to sell the gravel resource here over the objection of local stakeholders. A legislative withdrawal will permanently protect the wildlife habitat and recreation resources for this community.

Thank you, again, to the Subcommittee and I yield back the remainder of my time, Mr. Chair.

Senator LEE. Senator McSally.

**STATEMENT OF HON. MARTHA MCSALLY,
U.S. SENATOR FROM ARIZONA**

Senator MCSALLY. Thank you, Chairman Lee, Ranking Member Wyden for holding this hearing today on my bill, S. 242, the Lowell Observatory Conveyance Act.

This is a very simple bill that will allow the Observatory to make the infrastructure improvements necessary to update its research capacity, enhance educational opportunities and address important public safety concerns.

The Lowell Observatory is a world-class research and educational observatory founded in 1894 in Flagstaff, Arizona. The Observatory has earned global recognition for its significant astronomical discoveries and accomplishments, including the discovery of Pluto, mapping the moon for the Apollo program and the first detection of the expanding nature of the universe.

In 1910, Congress granted Lowell Observatory ownership of the plot of land it sits on. The legislation maintained reversionary interest on the land that stated the property would revert back to the Federal Government if the observatory ceased operations as well as the right to cut merchantable timber from the plot. That is a new word I have never used before in a sentence.

These conditions made sense in 1910 when the Observatory was young. Flagstaff was a frontier timber town, and the land it sat on was in the middle of the Coconino National Forest. However, conditions today are vastly different. The Lowell Observatory is well established with more than a century of globally recognized research and discovery under its belt. The property is now nearly encircled by the City of Flagstaff.

My simple, straight-forward and bipartisan bill with Senator Sinema will remove the technical encumbrances so that the Observatory can make the infrastructure improvements needed for another 100 years of scientific discovery, education and community enrichment. I am pleased to see strong community support for my legislation and a future for the Lowell Observatory.

Mr. Chairman, I would like to ask for unanimous consent to enter into the record these six letters of support from community leaders and organizations.

Senator LEE. Without objection.

Senator MCSALLY. This includes Flagstaff Mayor Coral Evans, Flagstaff City Manager Barbara Goodrich, STEM City Flagstaff, the Economic Collaborative of Northern Arizona, Northern Arizona Leadership Alliance and the Coconino County Sheriff's Office.

[Letters of support for the Lowell Observatory Conveyance Act follow:]



City of Flagstaff

11/27/2017

Dear Jeff,

Thank you for meeting with us to discuss all that is going on at Lowell Observatory and your plans for the growth of the Observatory and Section 17. I am so pleased to see how much the Observatory is growing both in science and visitors. Lowell has always been a point of pride in our community, and it is clear that it will continue to be into the future.

Your offer to involve the City in the development plans for Section 17 is welcome and typical of the "good neighbor" that the Observatory has been since Percival Lowell founded it in 1894. Properly developed, this section can help solve a number of problems of access, create new areas for growth, and help keep the quality of life that Flagstaff is justifiably proud of.

The growth in visitors to Mars Hill is taxing the one road that goes to the Observatory, and I understand and agree with your concerns about safety and access as you look to grow your visitor levels by 50% or more. In addition, the community is looking for access solutions for the lands to the immediate west of the section and for a resolution of the traffic flow issues to and from Snowbowl. Your offer to use Section 17 to help resolve these is much appreciated.

No community I know of has an undeveloped, and unzoned, 640 acre site within its borders. It is an incredible opportunity for planning that can attract new businesses, create jobs, and improve our tax base. Your requirements that we keep (or even enhance) the FUTS system and Flagstaff's open spaces, as well as maintain dark sky quality, will only increase the value of this land.

I look forward to working with you to make all this come to pass, and thank you once again for being the quality organization that Lowell has always been.

Sincerely,

Mayor Coral J. Evans MBA
cevens@flagstaffaz.gov
 928-213-2015

Arizona Relay Service 7-1-1
 211 West Aspen Avenue, Flagstaff, Arizona 86001
 Main & TDD (928) 774-5281 • Fax (928) 779-7696





City of Flagstaff

February 23, 2018

Mr. Paul Babbitt
Office of the Honorable Tom O'Halleran
126 Cannon House Office Building
Washington, DC 20515

Dear Mr. Babbitt:

I am writing to express support for Lowell Observatory's request to the United States Forest Service to remove deed restrictions on Lowell's ownership of the 640-acre parcel identified as "Section 17, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona" (Section 17). I understand that Section 17 was granted to Lowell in 1910, by the United States Congress, with certain restrictions related to the permitted use of this land. These restrictions are now preventing Lowell and the community from taking full advantage of Section 17.

Lowell's storied history of research and education has long been a point of pride in the Flagstaff community. Lowell and the City of Flagstaff frequently collaborate on issues which benefit our community, including Lowell's granting the City an easement to expand its Flagstaff Urban Trails System. For the past 25 years, Lowell has been an outstanding partner with the City in allowing Section 17 forest thinning for community wildfire protection. In that same spirit, Lowell has offered to involve the City and Coconino County in the future development of Section 17. Lowell and the City see a unique opportunity to collaborate for the advancement of both Lowell's goals related to research and education and the City's goals of providing economic development and the best possible services to our citizens.

Lowell is situated on the top of Mars Hill and, while only being about a mile from City Hall in downtown Flagstaff, is relatively secluded in its forest environment. There is only one, narrow two-lane road providing access in and out of the Lowell Observatory facilities. Lowell currently hosts nearly 100,000 visitors per year; those visitors all access Lowell via this single road. The City's goal to provide the best emergency response service possible is particularly relevant. This limited access poses safety risks to visitors, staff, and emergency response personnel alike. Such risks are particularly acute if there ever were something blocking the road, such as a car accident, downed tree, or a wildland forest fire.

Additionally, Section 17 may provide solutions to other community concerns, such as those related to the limited access to the City owned Open Space property adjacent to Section 17. As Lowell continues to master plan Section 17, the City and many other agencies will coordinate access, utility, connectivity and land use issues. We are very excited to partner with Lowell in this endeavor.

Arizona Relay Service 7-1-1
211 West Aspen Avenue, Flagstaff, Arizona 86001
Main & TDD (928) 774-5281 • Fax (928) 779-7696





City of Flagstaff

The City of Flagstaff is extremely supportive of Lowell Observatory's proposal to the United States for the transfer of unrestricted title of Section 17.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Goodrich".

Barbara Goodrich
Interim City Manager
Flagstaff, Arizona
928-213-2015
bgoodrich@flagstaffaz.gov



Arizona Relay Service 7-1-1
211 West Aspen Avenue, Flagstaff, Arizona 86001
Main & TDD (928) 774-5281 • Fax (928) 779-7696



December 1, 2017

RE: Letter of Support – Section 17

Dear Jeff,

Lowell Observatory is a shining star in Flagstaff's STEM community and it is exciting to hear of your expansion plans and the potential for development of the square mile of land that comprises Section 17 west of your campus.

An expanded Lowell Observatory campus and newly developed infrastructure to support "America's First STEM City" would bring invaluable assets to our community. Currently, Lowell's community outreach programs engage, enlighten and excite our citizens and the multitude of international visitors who visit our community. It is easy to imagine the exponential impact additional assets could have on the ability to expand the scope and impact of Lowell Observatory's outreach efforts and the efforts of our entire STEM community. Properly and thoughtfully done, it could be a major enhancement to our community's reputation as a hub for science and technological advancement.

STEM City works with community partners to strengthen STEM literacy, promote STEM organizations and sustain STEM initiatives. Core to our mission is a focus on efforts that bring additional assets to our community, allowing our community to grow and thrive. STEM City would be delighted to be part of the community conversation that leads to a vision and implementation of new STEM assets. Especially exciting is the idea of engaging our K-12 community partners in the development of new and unique student learning opportunities made available through the development of Section 17.

We endorse your efforts to secure full use of the Section and look forward to future discussions that turn this vision into reality.

Sincerely,

Brigid Dineen
Executive Director
STEM City



- John Stigmon
ECoNA President / CEO
- Chris Bavasi
Chairman of the Board
- Julie Pastrick
Greater Flagstaff Chamber
of Commerce President /
CEO
- Casey Hansen
Nestle Purina Plant Manger
- David Bentler
APS Manager of Statewide
Economic Development
Programs
- Eva Putzova
Flagstaff City Councilmember
- Josh Copley
Flagstaff City Manager
- Art Babbott
Coconino County Supervisor
- Neal Young
Deputy County Manager
- Rita Cheng
Northern Arizona University
President
- Colleen Smith
Coconino Community
College President
- David Hirsch
Goodwill Industries of
Northern Arizona President/
CEO

November 22, 2017

Mr. Jeff Hall, Director
Lowell Observatory
1400 W. Mars Hill Road
Flagstaff, AZ 86001

Dear Jeff,

Thank you for sharing your plans for the expansion of Lowell Observatory campus, including the undeveloped area on Section 17 west of the Lowell campus. We can see Section 17 could be used to support a variety of progressive uses that support the Flagstaff community, including new high tech or research facilities to contribute the community's reputation as a STEM City and providing high-paying jobs for the region.

The section also provides the possibility of improved access routes to provide better ingress/egress to Mars Hill and the possibility to relieve times of heavy traffic congestion in and around Flagstaff.

ECoNA fully supports Lowell's vision to be the premier destination in the Americas for informal astronomy education.

We look forward to working with Lowell, the City, County and interested stakeholders to make this vision a reality.

All the best,

John Stigmon
President and CEO





P.O. Box 30010
Flagstaff, AZ 86003
naleaders.org

Dear Jeff,

Thank you for the information regarding Lowell's plans for development of its campus, as well as for Section 17 just west of the campus.

As you well know as a member of NALA yourself, our organization is fully supportive of projects that enhance the economic vitality of Flagstaff and the surrounding region. We are pleased that the strong attendance at Lowell's outreach programs has grown your program into one of Flagstaff's largest tourist attractions, but we also appreciate the capacity problems this has created, both in your visitor center and on Mars Hill Road. Your plan to create a destination-level visitor center is exciting and entirely in line with our vision for Flagstaff.

At the same time, the potential for development of the one-square-mile Section 17 represents a unique opportunity for our community. The combination of research facilities and high-tech assets that might be located there could be an enormous boon for Flagstaff, as well as a model for communities around the state and the nation to emulate.

NALA is pleased to provide its endorsement of your long-range plan, and we support your efforts to secure full latitude to develop Section 17 in this exciting and visionary manner. Assuming you can soon move ahead, NALA would look forward to working with you and the community to realize the best possible vision for this unique space.

Sincerely,

T Paul Thomas, CEO

Board of Directors

Officers

Board Chair
David Engelthaler
TGen North

Vice Chair
Carrie Heimonen
Museum of Northern Arizona

Secretary
Brandon Kavanagh
Magnum, Sloops,
Wall & Warden, PLLC

Treasurer
Tim Kinney
Kinney Construction
Services, Inc.

Directors
Kerry Blume
Kerry Blume Consulting

Jeff Hall
Lowell Observatory

Maury Herman
Coast & Mountain
Properties





**Coconino County
SHERIFF'S OFFICE**

Jim Driscoll, Sheriff

February 5, 2018

To Whom It May Concern,

My name is Jim Driscoll and I am the Sheriff of Coconino County. I am writing to express support for Lowell Observatory's request to the United States to remove restrictions on Lowell's ownership of the 640-acre parcel identified as "Section 17, Township 21 North, Range 7 East of the Gila and Slat River Base and Meridian, Coconino County, Arizona" (hereinafter, "Section 17"). I understand that Section 17 was granted to Lowell in 1910 by the United States Congress, with certain restrictions relating to the permitted use of Section 17. It appears now that such restrictions prevent Lowell and the community from taking full advantage of Section 17.

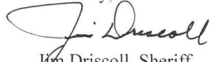
Lowell Observatory's history of research and education has long been a point of pride in the Flagstaff community. Despite Lowell being a private organization, it has frequently collaborated with the city and county, including granting the city an easement to expand its Flagstaff Urban Trails System. In that same spirit, Lowell has offered to involve the city and county in the future development of Section 17. This opportunity to collaborate can benefit both Lowell's goals related to research and education and our local government's goal to provide the best possible services our citizens and visitors.

The city and county's goals to provide emergency response is particularly relevant. Currently, there is only one road accessing the Lowell Observatory facilities. Lowell is situated on the top of Mars Hill and, while only being about 1.5 miles from downtown Flagstaff, is relatively secluded, being substantially surrounded by forest. This limited access poses safety risks to visitors, staff, and emergency response personnel. The ability of Lowell to use Section 17 for access improvements is something I support. Additionally, collaborative efforts between the city, county and Lowell Observatory regarding Section 17 may provide much needed solutions to other community traffic and safety concerns.

For these reasons, I submit my support for Lowell Observatory's proposal to the United States for the transfer of unrestricted title of Section 17 to Lowell.

Thank you for your consideration. If you have any questions, please feel free to contact me at (928) 226-5009.

Sincerely,


Jim Driscoll, Sheriff



"SERVICE TO COMMUNITY"

Senator MCSALLY. I want to say thanks again for holding this hearing, and I hope we can move this bill forward.

I yield back.

Senator LEE. Thank you, Senator McSally.

Senator Manchin.

Senator MANCHIN. I am going to defer my time to my friend, Senator Cortez Masto.

Senator LEE. Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you.

I would like to thank the Chairman and our Ranking Member for holding today's Subcommittee hearing and for including my bill on today's agenda, Senate bill 258, which is the Ruby Mountains Protection Act.

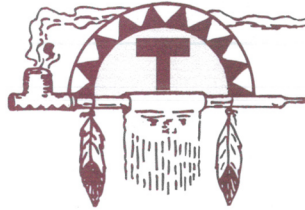
This bill would prohibit oil and gas development within the Ruby Mountains area of the Humboldt-Toiyabe National Forest which is located in Elko and White Pine Counties in Nevada. The bill was created after the Forest Service received a request by an out of state member of the public to develop 54,000 acres of land within the Ruby Mountains. The prospect of oil and gas leasing in the Rubies sparked a public outcry from people of all walks of life and across the political spectrum.

The Ruby Mountains, often referred to as Nevada's Swiss Alps, are treasured by all Nevadans with an overwhelming majority advocating for the prohibition of oil and gas activities. The bill is supported by the Te-Moak Tribe, Backcountry Hunters and Anglers, Nevada Conservation League, the Wilderness Society, Sierra Club, Patagonia, Friends of Nevada Wilderness, and the Sportsmen for the Rubies which is a coalition of several hunting and fishing groups, including Trout Unlimited and the Theodore Conservation Partnership.

Mr. Chairman, I would like to ask a unanimous consent to have the letters of support from these organizations entered into the record.

Senator LEE. Without objection.

[Letters of support for the Ruby Mountains Protection Act follow:]



TE-MOAK TRIBE OF WESTERN SHOSHONE

**RESOLUTION OF THE GOVERNING BODY
OF THE
TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA**

Opposing Oil & Gas Exploration

Resolution No. 19-TM-01

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIAN OF NEVADA, THAT:

WHEREAS, this organization is a recognized Indian organization as defined under the Indian Reorganization Act of 1937, as amended, and exercises rights of home rule and is responsible for the promotion of the economic, health and welfare of its members; and

WHEREAS, the region encompassing the Harrison Pass and the Ruby Mountains known to the Bands of the Te-Moak Tribe of Western Shoshone as Duka-doya, which remain central to the lives of Shoshone peoples. These lands are known to contain traditional and ceremonial use along with traditional gathering and collection locations for Shoshone peoples. The region contains abundant ecological resources and significant places that are crucial in the continuity of Shoshone culture, religion and society; and

WHEREAS, the Ruby Mountains are lands considered sacred to the Te-Moak Tribe of Western Shoshone, where, since time immemorial, Shoshone peoples have lived and traveled across these lands. They carried their stories on through the generations, having lived their lives in unison with the land, and thrived in this beautiful Great Basin and mountain environment. These lands, plants, and wildlife are the living objects of antiquity that tell the story of the Te-Moak Tribe of Western Shoshone and other Shoshone peoples; of how we thrived on the land and of how our homelands were stolen by white colonizers. We cannot forget this history; and

WHEREAS, the Ruby Mountains provide the water supply for the South Fork Band of the Te-Moak Tribe of Western Shoshone Reservation, the Franklin Lake Wildlife Management Area, and the water for the surrounding communities and people of greater area around the Ruby Mountains; and

WHEREAS, the potential oil and gas exploration in and around the Ruby Mountains would possibly and irreversibly damage waters, streams, springs, and aquifers, wildlife habitat, traditional gathering sites of the Te-Moak Tribe of Western Shoshone and potentially limit access to the Harrison Pass.

NOW, THEREFORE, BE IT RESOLVED, that the governing Council of the Te-Moak Tribe of Western Shoshone asks that the U. S. Forest Service not offer a single parcel of the Ruby Mountains for any Oil or Gas Leasing now or at any time in the future.

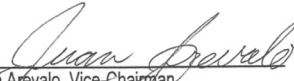
BE IT FURTHER RESOLVED THAT, the U.S. Forest Service increase coordination directly with the Bands of the Te-Moak Tribe of Western Shoshone and all Indigenous peoples to ensure the perpetual stewardship of the Ruby Mountains and ensuring that future generations of Shoshone peoples will be able to maintain the continuity of Shoshone culture, religion, history, and society.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned, as Vice-Chairman of the Te-Moak Tribal Council, do hereby certify that the Tribal Council is composed of 9 members of whom 6 were present at the meeting which constituted a quorum held on the 2nd day of January, 2019, and the foregoing resolution was adopted at such meeting by a vote of 5 FOR; 0 AGAINST; 0 ABSTENTION pursuant to the authority of Article 4, Section 3 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.

INVALID IF NO SEAL APPEARS BELOW:





Juan Arevalo, Vice-Chairman
Te-Moak Tribe of Western Shoshone



Recording Secretary
Te-Moak Tribal Council



Nevada Chapter of Backcountry Hunters & Anglers
"The sportsmen's voice for our wild public lands, waters and wildlife"
www.backcountryhunters.org

May 10, 2019

Senator Lisa Murkowski, Chair
U.S. Senate Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Dear Senator Murkowski & Members of the Committee,

Backcountry Hunters & Anglers (BCHA) is the voice for our wild public lands, waters and wildlife. BCHA seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting, through education and work on behalf of wild public lands and waters. We appreciate the opportunity to provide support for S.258, the Ruby Mountains Protection Act.

The Ruby Mountains are the crown jewel of the Great Basin region and they provide crucial habitat for coveted game species such as mountain goats, bighorn sheep, sage grouse and Lahontan cutthroat trout. The area provides summer and winter range for the largest mule deer herd in the state and sportsmen & women come from all over the country for the superior backcountry hunting experiences offered there. Oil and gas drilling on the Ruby Mountains is incompatible with the protection of these important wildlife resources and recreational opportunities, and is a threat to the outdoor recreation economy in Northeastern Nevada. The Ruby Mountains are an ecological and recreational treasure and deserve permanent protection by the U.S. Congress.

Thank you again for the opportunity to provide comment. Please feel free to contact us with any questions or concerns.

Sincerely,

Karen Boeger
Conservation Chair
Backcountry Hunters & Anglers, Nevada Chapter



May 9, 2019

Senator Lisa Murkowski, Chair
U.S. Senate Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Dear Senator Murkowski & Members of the Committee,

The Nevada Conservation League (NCL) is pleased to be able to offer this letter in support of S.258, the Ruby Mountains Protection Act. NCL works to protect Nevada's climate, air, water, lands, and health so that all of Nevada's communities can thrive and succeed. This legislation offered by Senator Catherine Cortez-Masto will help to protect Nevada's precious natural resources. We commend and thank her for her leadership protecting Nevada's resources and communities.

The Ruby Mountains are the crown jewel of the Great Basin region and a source of pride for Nevadans from throughout the state. Rising to heights of over 11,000 feet, the mountains provide crucial habitat for species such as mule deer, mountain goats, bighorn sheep, sage grouse and Lahontan cutthroat trout. Oil and gas drilling on the Ruby Mountains is not only a risk to these important wildlife resources, it also risks the livelihoods of Nevadans who rely on our state's outdoor economy and the experience enjoyed by the thousands of annual visitors from around the world that boost the economies of Elko and White Pine counties. The Ruby Mountains are an ecological and recreational treasure and deserve permanent protection by the U.S. Congress.

We thank you for the opportunity to offer our feedback for your meeting. Thank you again for your work on these issues and attention to the needs of the State of Nevada.

Sincerely,

A handwritten signature in black ink that reads "Andy Maggi".

Andy Maggi
Executive Director
Nevada Conservation League

2275-A Renaissance Drive
Las Vegas, NV 89119
www.nevadaconservationleague.org



May 10, 2019

The Honorable Catherine Cortez-Masto
United States Senator
516 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Jackie Rosen
United States Senator
144 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators Cortez-Masto and Rosen:

Thank you for sponsoring the Ruby Mountains Protection Act, S. 258. The Wilderness Society strongly supports this important legislation to protect one of Nevada's crown jewels—the Ruby Mountains—from oil and gas leasing and drilling.

The Ruby Mountains are celebrated in Nevada and across the country for their renowned wilderness and wildlife. Snow-capped peaks, glaciated valleys, aspen groves, alpine lakes and trout-filled streams draw people to the Rubies to hike, camp, ski, hunt and fish. As the Forest Service noted in its recent decision to not allow new oil and gas leasing in the area, the Ruby Mountains provide “outstanding recreational opportunities, high quality scenery, biodiversity, watershed values, and grazing resources.” The Forest Service based its decision in part on the importance of these amenities to the local community, State residents, and tourists, as articulated in the public comments received.

Our last remaining wild places are under tremendous threat from pressures for oil, gas and mineral extraction on public lands. Places like the Ruby Mountains are too wild to drill, and it is imperative that we protect this special place for future generations.

Sincerely,

A handwritten signature in cursive script that reads "Scott K. Miller".

Scott Miller
Senior Regional Director



13 May 2019

The Honorable Senator Catherine Cortez Masto
516 Hart Senate Office Building
Washington, DC 20510
P: (202) 224-3542

Re: Ruby Mountains Protection Act

Dear Senator Cortez Masto,

On behalf of more than 30,000 Sierra Club members and supporters in Nevada (more than 3 million nationwide), I am writing to express our support for S.258, the *Ruby Mountains Protection Act*.

According to the most recent data available from the Nevada Division of Minerals (2017), gas production in Elko County was zero. In 2014, (the last year production was reported), oil wells in Elko County produced 2,756 barrels. At \$70 per barrel, this represents \$192,920 in revenue.

By comparison, outdoor recreation in Elko County generated \$165 million annually between 2006 and 2008 (the last years for which we could find data). Statewide, outdoor recreation in Nevada generates \$12.6 billion annually, according to the Outdoor Industry Association.

Based on these figures, the more prudent economic-development strategy is to protect the wild, natural, and beautiful integrity of the Ruby Mountains.

Beyond the limited scope of economics, we believe the Rubies' habitats for mule deer, sage grouse, native cutthroat trout and other wildlife; their incredible opportunities to hike, hunt, fish and enjoy the majesty (and the money outdoor recreation brings to the region); their watersheds that provide clean water for Elko and other communities; and their cultural importance to indigenous tribes in the region far outweigh the paltry, unlikely, and toxic returns from oil & gas exploration.

For these reasons, we support S. 258.

Thank you for your leadership.

Sincerely,

A handwritten signature in black ink that reads "Brian Beffort". The signature is written in a cursive, slightly slanted style.

Brian Beffort, Toiyabe Chapter Director

13 May 2019

The Honorable Senator Catherine Cortez Masto
516 Hart Senate Office Building
Washington, DC 20510
P: (202) 224-3542



Re: Ruby Mountains Protection Act

Dear Senator Cortez Masto,

On behalf of Patagonia, our nearly 756 employees in Nevada, we support S.258, the *Ruby Mountains Protection Act*.

The Rubies are a vast and amazing natural resource for citizens to experience all kinds of world-class outdoor recreation, especially hunting, hiking, camping and skiing.

Outdoor recreation activities are an important economic driver; they draw tourists to the region and bring new residents for our workforce. As businesses, we rely on the benefits public lands and recreation bring to our region. As Nevada moves to diversify our economy and lure more employers to the state, attention is turning to our many and varied outdoor recreation opportunities. A 2018 survey of Western state residents' views of public lands, "Conservation in the West," found that nearly two-thirds of Nevadans think that Western states' public lands and outdoor recreation opportunities give our region an advantage over other parts of the country. Significant majorities also agree that public lands help nearby economies, conserve national treasures for future generations, and must be protected so their children and grandchildren can experience them one day.

The Outdoor Industry Association released an analysis in 2018 that highlights the economic benefits to maintaining access to and funding for our public lands. In Nevada, the outdoor recreation economy generates 87,000 direct jobs, \$4 billion in wages and salaries, \$12.6 billion in consumer spending, and \$1.1 billion in state and local tax revenue. In fact, outdoor recreation sustains three times as many jobs as the mining industry.

We, on the business side, want you to know our economies, urban and rural alike, can benefit from protecting our public lands rather than privatizing, developing, or in this case, extracting from them.

Patagonia support S.258 to prohibit oil and gas leasing on the National Forest System lands in the Ruby Mountains Ranger District.

Thank you for your work on behalf of Nevadans and our public lands heritage.

Sincerely,



Meghan Sural Wolf, Environmental Activism Manager

Written Testimony of Friends of Nevada Wilderness for the
U.S. Senate Subcommittee on Public Lands, Forests and Mining Hearing May 14, 2019

Testimony presented in support of:
S. 258 Ruby Mountains Protection Act.

Submitted by:
Friends of Nevada Wilderness
Shaaron Netherton, Executive Director
1360 Greg Street Suite 111
Sparks, Nevada 89431
(775) 324-7667



Friends of Nevada Wilderness wishes to thank the committee for hearing S258 on May 14, 2019 and we encourage you to let this measure proceed to the Senate floor for a vote.

Friends of Nevada Wilderness began in 1974 and officially received its non-profit status in 1985. Over the years, Friends of Nevada Wilderness has helped empower Nevadans to work with their members of Congress to successfully enact a number of public land laws including the Nevada Wilderness Protection Act of 1989 that designated the Ruby Mountains as Wilderness. Friends of Nevada Wilderness operates state-wide with offices in Reno and Las Vegas with over 10,000 members/supporters who care deeply about wild places like the Ruby Mountains.

The iconic Ruby Mountains Wilderness and the surrounding non-Wilderness portions of the Ruby Mountains are one of Nevada's crown jewels. Rich in wildlife, recreation opportunities and the stunning beauty, the Rubies are an amazing place. The idea that this unique and remarkable range would be considered for oil and gas leasing is unconscionable.

We wish to thank Senator Cortez Masto for her leadership in introducing S258, the Ruby Mountains Protection Act to ensure that the Ruby Mountains will forever stay free of destructive oil and gas activities for present and future generations. It is clear that the world class recreation and wildlife values far outweigh speculative oil and gas leasing.



On behalf of our Friends of Nevada Wilderness members and volunteers we strongly support S258 and the balance it strikes to keep existing uses in place while prohibiting future oil and gas leasing and keeping the Ruby Mountains as they are for residents and visitors alike.

As the Outdoor Recreation Industry grows in Nevada, places like the Ruby Mountains are critical for sustainable for our outdoor recreation economy.

We are proud to join the many other local, regional and national voices from diverging groups that don't always align on public lands issues but who all agree that the Rubies are worthy of permanent protection.

Dear Chair Murkowski and Ranking Member Manchin;

The undersigned organizations, as “Sportsmen for the Rubies”, write to you in strong support of S. 258, the Ruby Mountains Protection Act, introduced recently by Senator Cortez Masto (D-NV). This legislation conserves the iconic Ruby Mountains by permanently withdrawing portions of the landscape from oil and gas exploration. Our organizations, which represent thousands of Nevada sportsmen and women, would like to thank the Subcommittee on Public Lands, Forests, and Mining for this May 14, 2019 hearing. The Sportsmen for the Rubies also urge the Senate Energy and Natural Resources Committee to hold a markup on this issue and move this legislation forward to the Senate floor.

The Ruby Mountains are unique to Nevada’s landscape. Known as the “Swiss Alps of Nevada,” this area is arguably one of the most important tourism and recreational destinations in all of Nevada. The area has valuable wildlife resources, some found nowhere else in the lower 48.

The Ruby Mountains are home to the largest mule deer herd in Nevada. Each year this herd uses generations old migration corridors from summer range in the Ruby Mountains to and from wintering ranges, often traveling more than 50 miles. Due to the thriving mule deer herd, this hunting unit is one of the most celebrated and popular in the state, with profound economic importance. Hunters, anglers, backpackers, hikers and bird watchers come to the Rubies and help contribute to the \$165 million outdoor recreation economy in Elko County.

The Rubies are also a treasured place for important wildlife. Greater Sage Grouse habitat is abundant in the Ruby Mountains with bird numbers that allow an annual “Sage Grouse Experience” for birders far and wide to come view these iconic western birds. Habitat for this species is shrinking due to a number of factors including wildfire, invasive species and development. Additionally, the cold, clear water of many Ruby Mountain streams provide the best habitat in the state for threatened Lahontan Cutthroat Trout recovery.

The Rubies aren’t just a thriving boost to our economy and place to experience world-class wildlife, they are also sacred to the constituent Bands of the Te-Moak Tribe. The undersigned groups stand with the Tribe and urge passage of S.258 to protect their sacred mountain and this irreplaceable treasure in the State of Nevada.

Respectfully,

Sportsmen for the Rubies

Coalition for Nevada’s Wildlife
Elko Bighorns Unlimited
Fraternity of the Desert Bighorn
Nevada Bighorns Unlimited
Nevada Bighorns Unlimited, Midas Chapter
Nevada Bighorns Unlimited, Fallon Chapter
Nevada Chapter of Backcountry Hunters and Anglers
Nevada Chukar Chasers

Nevada Muleys
Nevada Sporting Dog Alliance
Nevada Waterfowl Association
Ruby Mountain Fly Fishers
Theodore Roosevelt Conservation Partnership
Trout Unlimited

cc: Senator Cortez-Masto, Senator Rosen, Representative Amodei



May 13, 2019

Cavanaugh-Bill Law Offices, LLC
401 Railroad Street, Third Floor
Elko, Nevada 89801

The Cavanaugh-Bill Law Offices wishes to thank the Senate Committee on Energy and Natural Resources for hearing S.258 on May 14, 2019. We want to take this opportunity to voice our support for this critical legislation introduced by our Senior Senator Cortez Masto, and encourage the Committee to let this measure proceed to the Senate floor for a vote. Our law offices have worked with Western Shoshone communities for many years, as well as with local and national environmental organizations. We have heard a loud outcry regarding any type of exploration let alone actual drilling in this most important area.

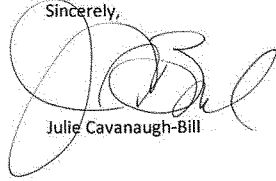
The iconic Ruby Mountains is among the most pristine land in Nevada. Known as the "Swiss Alps" of the West, it is an area rich in cultural history, wildlife and stunning landscapes. The Ruby Mountains provide critical habitat for a number of game species coveted by sportsmen and women from around the world including mountain goats, bighorn sheep, Sage Grouse and Lahontan cutthroat trout. Additionally, the area is home to the largest mule deer herd in the state and includes numerous migratory pathways for various animals and birds. Protecting this treasure is of critical importance to all Nevadans now and for generations to come.

The Ruby Mountains also has significant value to the Northeastern Nevada economy. The outdoor recreation industry attracts sportsmen, anglers, hunters, and outdoor recreation enthusiasts from across America and around the world who want to experience all the area has to offer. Outdoor recreation generates millions in economic benefit to many towns and communities in the surrounding areas providing critical support to hundreds of small businesses and employing thousands of Nevadans.

We have heard from clients and members of the community both about the impact by any decision to open these sacred lands to oil and gas exploration. The Ruby Mountains are intertwined with the history and story of the Shoshone people who must have access to the land that has sustained them since the beginning of time.

There is no evidence that there is any benefit to opening the Ruby Mountains for oil and gas leasing, and there is overwhelming evidence that doing so would be devastating to the land, the region and the Te-Moak Tribe. We urge this Committee to support S.258 and allow the bill to move to the Senate floor for a vote.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Cavanaugh-Bill', written in a cursive style.

Julie Cavanaugh-Bill



May 13, 2019

The Honorable Senator Catherine Cortez Masto
516 Hart Senate Office Building
Washington, DC 20510

Re: Ruby Mountains Protection Act

Dear Senator Cortez Masto,

The Center for Biological Diversity greatly appreciates your work to protect Nevada's crown jewel, the Ruby Mountains, and we strongly support S.258, the Ruby Mountains Protection Act.

The Ruby Mountains are among the most biodiverse regions in Nevada. The range boasts every ungulate in the state, including mule deer, elk, bighorn sheep, pronghorn, and mountain goats. The mule deer herd which calls the Rubies home is the largest in the state, at times numbering above 10,000 animals. The mountains provide critically important summer range and brood rearing habitat for greater sage-grouse, as well as numerous active leks. The streams are designated recovery waters for the federally protected threatened Lahontan cutthroat trout. And Ruby Lakes National Wildlife Refuge provides a haven for dozens of species of migratory birds and waterfowl, essential for the survival of migrating species. In short, the Rubies rank as perhaps Nevada's most important resource for wildlife.

The Rubies are also important for Nevada's clean water. As the highest range in the northeastern Great Basin Desert, the Rubies capture a tremendous amount of precipitation, especially as snow in the winter. The melt-off powers springs and creeks which ultimately feed the tributaries of the Humboldt River as well as groundwater aquifers. Maintaining the sanctity of these water resources is essential for the natural and human environments of northeast Nevada.

The Ruby Mountains Protection Act would permanently protect this irreplaceable landscape from oil drilling and fracking. Fossil fuel development has well-documented impacts to wildlife and clean water, fragmenting habitat, fouling watersheds, and industrializing pastoral landscapes. A recent proposal to lease the Rubies for oil drilling and fracking inspired a huge uproar, with unanimous opposition from across the political spectrum. Nevadans do not want fracking in the Rubies, and we encourage Congress to act expeditiously to pass the Ruby Mountains Protection Act and protect our crown jewel for future generations.

Patrick Donnelly
Nevada State Director
Center for Biological Diversity
Las Vegas, NV 89113
702.483.0449
pdonnelly@biologicaldiversity.org

Coalition for Nevada's Wildlife
P. O. Box 70143
Reno, Nevada 89570

May 13, 2019

Senator Catherine Cortez Masto
400 S. Virginia Street, Suite 902
Reno, NV 89501

Attn: Jennifer Crowe
Jennifer_Crowe@cortezmastose.nv.gov

Re: Ruby Mountains Protection Act

Dear Senator Masto:

The Coalition for Nevada's Wildlife (Coalition) wishes to express our strong support for the proposed Ruby Mountain Protection Act. The Coalition was formed in 1991 as the issue and lobbying arm of northern Nevada sportsmen. Our board of directors is typically present or past directors and presidents of our largest sportsmen/wildlife conservation organizations representing big game, fishing, upland game, waterfowl, trapping, and sporting dog interests. Our mission is to protect and enhance our wildlife resources while perpetuating our sporting tradition.

Nevada sportsmen hold the Ruby Mountains as next to "Godliness". While Nevada is blessed with a number of magnificent mountain ranges, the Rubies are truly the "Crown Jewel" of the entire state. The wildlife resources are both diverse and numerous. In addition to abundant fishing and hunting opportunities, it is one of only two locations in the state that we can observe mountain goats, and only one of two locations in the western hemisphere that we can observe and hunt Himalayan Snow Partridge! The back packing, bird watching, fishing, and breathtaking vistas are enjoyed by visitors across the nation and around the world. The Ruby Mountains are one of those few special places that deserve every level of protection possible.

We wish to thank you, Senator Masto, for your recognition and support of this issue. We greatly look forward to the successful passage of this legislation.

Sincerely

Coalition for Nevada's Wildlife

Larry J. Johnson – President (also Director of Nevada Outdoorsmen in Wheelchairs, and 30 yr. past director, Nevada Bighorns Unlimited)

Tom Smith – Vice President (also Director, Truckee River Flyfishers)

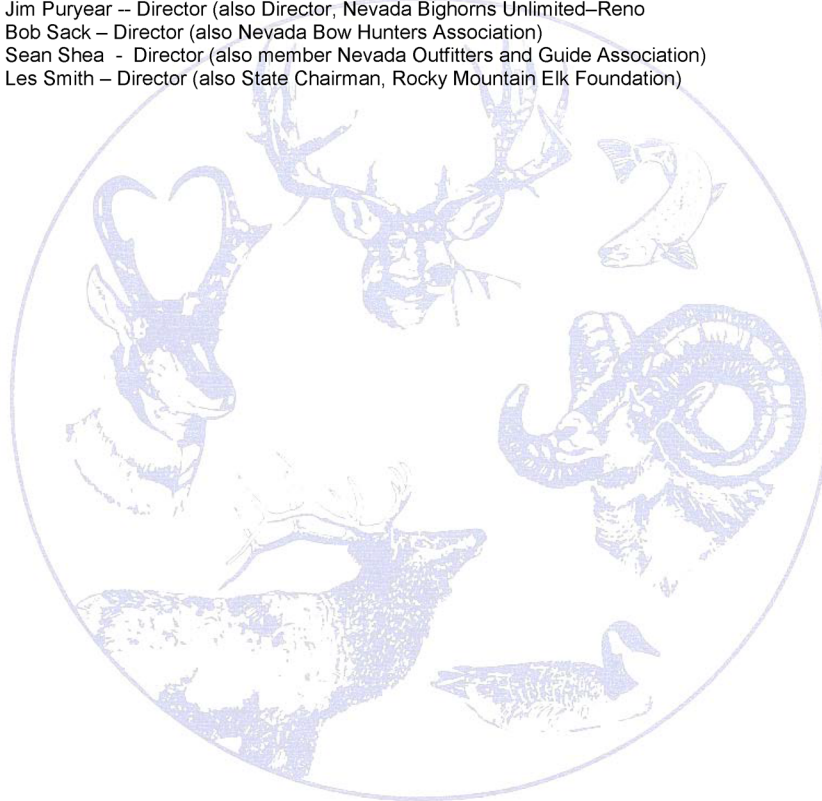
Joel Blakeslee – Director (also President, Nevada Trapper's Association)

Karen Boeger – Director (also Director, Back Country Hunters and Anglers)

Brunner, Bob - Director

**NEVADA SPORTSMEN AND CONSERVATIONISTS WORKING FOR
THE ENHANCEMENT OF WILDLIFE AND HABITAT**

Judi Caron – Director (also past President, Northern Nevada SCI)
Mike Cassiday – Director (also past President, Northern Nevada SCI)
Rex Flowers – Director (also former Washoe County Advisory Board)
John Hillenbrand – Director (also Director, Carson Valley Chukar Club)
Johnathan Lesperance – Director (also President, Nevada Sporting Dog Alliance)
Linda Linton, Esq. - Director
Willie Molini – Director (President, Nevada Waterfowl Association, and past Director of Nevada Department of Wildlife)
Jim Puryear -- Director (also Director, Nevada Bighorns Unlimited–Reno)
Bob Sack – Director (also Nevada Bow Hunters Association)
Sean Shea - Director (also member Nevada Outfitters and Guide Association)
Les Smith – Director (also State Chairman, Rocky Mountain Elk Foundation)



**NEVADA SPORTSMEN AND CONSERVATIONISTS WORKING FOR
THE ENHANCEMENT OF WILDLIFE AND HABITAT**

ELKO BAND COUNCIL

1745 Silver Eagle Drive • Elko, Nevada 89801
775-738-8889 • Fax 775-753-5439

May 13, 2019

TO IT MAY CONCERN:

The Elko Band Tribal Council of the Te-Moak Tribe of Western Shoshone Indians of Nevada wishes to thank the Senate Committee on Energy and Natural Resources for hearing S.258 on May 14, 2019. We want to take this opportunity to voice our support for this critical legislation introduced by our Senior Senator Cortez Masto, and encourage the Committee to let this measure proceed to the Senate floor for a vote.

The iconic Ruby Mountains is among the most pristine land in Nevada. Known as the “Swiss Alps” of the West, it is an area rich in cultural history, wildlife and stunning landscapes. The Ruby Mountains attract sportsmen, anglers, hunters, and outdoor recreation enthusiasts from across America and around the world who want to experience all the area has to offer. Protecting this treasure is of critical importance to all Nevadans.

The Ruby Mountains also has significant importance to Western Shoshone peoples. The area has been home to the Te-Moak Western Shoshone Tribe for tens of thousands of years – we call the area the Duka-Doya Mountains. In this area, the Western Shoshones have gathered food and medicines and tracked the passage of wildlife for generations. The Ruby Mountains are intertwined with the history and story of the Te-Moak Western Shoshones. The Te-Moak Tribal Shoshone Membership continue to use this land in concert with the Tribe’s cultural heritage, cultivating plants, gathering seeds and honoring the land that has sustained the Tribe since the beginning of time.

The area designated for protection in Sen. Cortez Masto’s legislation includes land both within and adjacent to the South Fork Band reservation in the foothills, and not to forget the Treaty of the Western Shoshone Indians and the United States of America was signed in the southern eastern foothills of the Ruby Mountains. While the Ruby Valley Indian Reservation and the South Fork Band is most closely located to the area, all four bands of the Te-Moak – South Fork Indian Reservation, Wells, Battle Mountain and Elko colonies – would be impacted by any decision to open these sacred lands to oil and gas exploration.

The Te-Moak’s Indian Reservation lands in this area does not provide protection to many sites of cultural and spiritual significance. As it stands today, Tribal Western Shoshone members must receive permission to access sacred sites for various ceremonies. Allowing any of this land into private hands would further restrict the rights of the Western Shoshoni’s to access these areas

Constituent Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada

of significance. As such, we offer our whole-hearted support for Sen. Cortez Masto's bill as it would permanently protect and preserve this land for future generations.

There is no evidence that there is any benefit to opening the Ruby Mountains for oil and gas leasing, and overwhelming evidence that doing so is would be devastating to the land, the region and the Te-Moak Tribe. We urge this Committee to support S.258 and allow the bill to move to the Senate floor for a vote.

Wilderness and the surrounding non-Wilderness portions of the Ruby Mountains are one of Nevada's crown jewels. Rich in wildlife, recreation opportunities and the stunning beauty, the Rubies are an amazing place. The idea that this unique and remarkable range would be considered for oil and gas leasing is unconscionable.

We wish to thank Senator Cortez Masto for her leadership in introducing S258, the Ruby Mountains Protection Act to ensure that the Ruby Mountains will forever stay free of destructive oil and gas activities for present and future generations. It is clear that the world class recreation and wildlife values far outweigh speculative oil and gas leasing.



A handwritten signature in cursive script that reads "Davis Gonzalez".

Davis Gonzalez, Chairman

ELKO BAND COUNCIL



203 S. Arlington Ave. • Reno, NV 89501 • (775) 348-7557 • Fax: (775) 348-7707
2330 Paseo Del Prado C109 • Las Vegas, NV 89102 • (702) 791-1965 • Fax: (702) 791-1992

May 13, 2019

To Whom It May Concern:

The Progressive Leadership Alliance of Nevada was founded in 1994 by community leaders in Northern Nevada to build a more fair and just Nevada that puts people and planet first.

PLAN supports the Ruby Mountains Protection Act introduced by United States Senator Catherine Cortez-Masto. The 450,000 acres of land this bill protects is a place of irreplaceable cultural significance to Western Shoshone people, natural beauty, and provides economic benefits to north eastern Nevada through outdoor recreation. PLAN supports the protection of this region, and believes that there are better ways to produce energy security. Where oil and gas resources in Nevada are known to be rare, we have significant solar energy generating potential.

In Solidarity,

Laura Martin
Executive Director

May 13, 2019

To: United States Senate Energy and Natural Resources Committee

From: Dr. John Patrick Rice, Member Elko City Council, 2007-2018

Re: Hearing, S.258

As a former member of the Elko, Nevada, City Council, I wish to thank the Senate Committee on Energy and Natural Resources for hearing S.258 on May 14, 2019. I am happy to lend my support to this critical piece of legislation introduced by our Senior Senator Cortez Masto. I encourage the Committee to let this measure proceed to the Senate floor for a vote.

Landscape has always been important to me. It inspires us creatively and critically, and helps to define the people who live in it. The Ruby Mountains have provided inspiration to rural Nevadans throughout our state's history. They are some of the most pristine lands in Nevada, rich in beauty, wildlife and cultural significance.

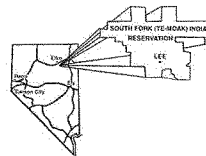
The Rubies provide critical habitat for a variety of game. They attract people of all ages from around the world who hunt or who wish to simply trek the mountains to sight the amazing wildlife. Great Basin Bighorn and Dall Sheep traverse the steep cliffs of Lamoille Canyon. Rare Himalayan Gamecock attract birders to the high plateaus, and Lohatan Cutthroat Trout frustrate fly-fishing men and women in the clear streams and alpine ponds. One of the largest mule deer herds in the state browse the mountainsides, forests and meadows. The cliffs and riparian areas provide shelter for many other animals, water-fowl and birds of prey as they follow their migratory paths. Protecting the Ruby Mountains is critical to the preservation of Nevada's spectacular portfolio of landscapes.

As a member of the Elko City Council I have a clear understanding of the value the Ruby Mountains bring to the northeastern Nevada economy. The outdoor recreation industry is an important and meaningful component of our economy, providing good jobs in every season of the year, producing millions of dollars in direct and indirect revenues, and generating vital room tax revenue, which remains in our community and helps to develop even more recreational opportunities for residents and visitors alike. It is also important to note that in a community that has historically benefitted from production of natural resources, objections to oil and gas development in the Rubies were overwhelming among the citizens and local governments of northeast Nevada.

Finally, the Rubies are critical to our indigenous populations and have long been a part of the culture of Te-Moak tribes of northeastern Nevada. The South Fork Band lies adjacent to the Rubies. The impact of oil and gas exploration would cause irreparable harm to the culture of the South Fork Band and the three other bands in the region, the Wells, Battle Mountain and Elko colonies. The landscape of the Ruby Mountains is part of the fabric of the story of the Te-Moak. Access to the same sort of landscape that has sustained them since the beginning of time must be continued.

There is no evidence of any benefit to opening the Ruby Mountains for oil and gas leasing, and there is overwhelming evidence that doing so would be devastating to the land, the region and the Te-Moak Tribe. I urge this Committee to support S.258 and allow the bill to move to the Senate floor for a vote.

SOUTH FORK INDIAN RESERVATION
SOUTH FORK BAND COUNCIL
21 LEE, UNIT - 13
SPRING CREEK, NEVADA 89815
775-744-4273 FAX 775-744-4523
sforkcouncil.adm@gmail.com



**RESOLUTION OF THE GOVERNING BODY
OF THE
SOUTH FORK BAND INDIAN RESERVATION**

Resolution No: 19-SF-08

BE IT RESOLVED BY THE SOUTH FORK BAND COUNCIL:

WHEREAS, this is a constituent Band of the Te-Moak Tribe, known as the South Fork Band Council, as defined by the Indian Reorganization Act of June 18, 1934, as amended, and operates and functions in accordance with the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada, and

WHEREAS, pursuant to the Constitution, the South Fork Band Council is both the Legislative and Executive Branch providing governance for the Band, the Reservation, and all those residing within the exterior boundaries of the South Fork Indian Reservation, and

WHEREAS, the South Fork Band Council has the obligation to protect and preserve the safety, welfare, and properties associated with the South Fork Indian Reservation members, and

WHEREAS, the region encompassing Harrison Pass and the Ruby Mountains known to Bands of the Te-Moak Tribe of Western Shoshone Indians of Nevada as "Takka Toiyapi" (Snow Mountain), which remain central to the lives of the Shoshone Peoples, and

WHEREAS, these lands are known to contain traditional gathering and collection locations for Shoshone Peoples, which contain abundant ecological resources and significant places that are crucial to the continuity of Shoshone culture, religion, and society, and

WHEREAS, the Ruby Mountains are lands considered sacred to the Te-Moak Tribe of Western Shoshone Indians of Nevada, where Shoshone Peoples have lived and traveled across these lands since time immemorial, and

WHEREAS, Shoshone Peoples have carried their stories on throughout the generations having lived their lives in unison with the land and thrived in the Great Basin and mountain environments, and

WHEREAS, these lands, plants, and wildlife are the living objects of antiquity that tell the story of Western Shoshone Peoples of how we thrived on the land and of how our homelands were stolen by White colonizers, which we cannot forget this history, and

WHEREAS, the Ruby Mountains provide the water supply for the South Fork Indian Reservation and the surrounding communities, ranchers, South Fork recreation area lake, and irrigation water all the way to Lovelock, Nevada, and

WHEREAS, the potential oil and gas exploration in and around the Ruby Mountains would irreversibly damage waters, streams, springs, and aquifers, wildlife habitats, and traditional gathering sites of the Shoshone Peoples, which would limit access to Harrison Pass.

NOW THEREFORE BE IT RESOLVED THAT the South Fork Band Council hereby requests the U. S. Forest Service to not offer a single parcel of the Ruby Mountains for any Oil or Gas Leasing now or at any time in the future.

BE IT FURTHER RESOLVED THAT the U. S. Forest Service increase coordination efforts directly with the Bands of the Te-Moak Tribe of Western Shoshone Indians of Nevada and all indigenous Peoples to ensure the perpetual stewardship of the Ruby Mountains and ensuring that future generations of Shoshone Peoples will be able to maintain the continuity of the Shoshone Culture, religion, history, and access to their medicine plants.

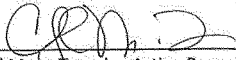
~Certification~

I, the undersigned, as Chairperson of the South Fork Band Council do hereby certify that the South Fork Band Council is composed of seven (7) members, of whom 7 constituting a quorum were present at a Special, Open Meeting duly held on the 08th day of December 2018, and that the foregoing resolution was duly adopted at such meeting by a vote of 7 For, 0 Against, and 0 Abstention(s) pursuant to Article 4 Section 12(a) and (b) and section 13 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.



Larson R. Bill, Chairperson
South Fork Band Council

Attest:



Cheryl Mose-Jemoke, Acting Recording Secretary
South Fork Band Council



May 13, 2019

Fermina Stevens, Western Shoshone
1911 Eagle Drive
Elko, NV 89801

I, Fermina Stevens wish to thank the Senate Committee on Energy and Natural Resources for hearing S.258 on May 14, 2019. We want to take this opportunity to voice our support for this critical legislation introduced by our Senior Senator Cortez Masto, and encourage the Committee to let this measure proceed to the Senate floor for a vote.

The iconic Ruby Mountains is among the most pristine land in Nevada. Known as the "Swiss Alps" of the West, it is an area rich in cultural history, wildlife and stunning landscapes. The Ruby Mountains provide critical habitat for a number of game species coveted by sportsmen and women from around the world including mountain goats, bighorn sheep, Sage Grouse and Lahontan cutthroat trout. Additionally, the area is home to the largest mule deer herd in the state and includes numerous migratory pathways for various animals and birds. Protecting this treasure is of critical importance to all Nevadans now and for generations to come.

The Ruby Mountains also has significant value to the Northeastern Nevada economy. The outdoor recreation industry attracts sportsmen, anglers, hunters, and outdoor recreation enthusiasts from across America and around the world who want to experience all the area has to offer. Outdoor recreation generates millions in economic benefit to many towns and communities in the surrounding areas providing critical support to hundreds of small businesses and employing thousands of Nevadans.

While the South Fork Band is most closely located to the area, all four bands of the Te-Moak – South Fork, Wells, Battle Mountain and Elko colonies – would be impacted by any decision to open these sacred lands to oil and gas exploration. The Ruby Mountains are intertwined with the history, story, culture and spirituality of the Western Shoshone people who must have access to the land that has sustained them since the beginning of time.

There is no evidence that there is any benefit to opening the Ruby Mountains for oil and gas leasing, and there is overwhelming evidence that doing so would be devastating to the land, the region and the Te-Moak Tribe. We urge this Committee to support S.258 and allow the bill to move to the Senate floor for a vote.

Sincerely,

A handwritten signature in cursive script that reads "Fermina Stevens". The signature is written in dark ink and is positioned below the word "Sincerely,".

Fermina Stevens



Western Watersheds Project

PO Box 70
Beatty, NV 89003
tel: (775) 513-1280
fax: (208) 475-4702
email: lcunningham@westernwatersheds.org
web site: www.westernwatersheds.org

Working to protect and restore Western Watersheds and Wildlife

Senator Catherine Cortez Masto
516 Hart Senate Office Building
Washington, DC 20510

Sent by email to: Jennifer_crowe@cortezmasto.senate.gov

May 13, 2019

RE: We support the Ruby Mountains Protection Act

Dear Senator Cortez Masto:

We are writing to support the Ruby Mountains Protection Act. We support permanently protecting the Ruby Mountains from oil and gas drilling in order to safeguard this magnificent landscape in Nevada for future generations. We are asking you to help protect this unique mountain range from lease sales in the Humboldt-Toiyabe National Forest's 450,000-acre Ruby Mountains Ranger District. Most of the range is in Elko County, with a portion in White Pine County.

Western Watersheds Project (WWP) is a conservation nonprofit with more than 9,500 members and followers, that works to protect and conserve the public lands, wilderness, wildlife, and natural resources of the American West through education, scientific study, public policy initiatives, and litigation. WWP has offices, staff, and members in Nevada and other western states.

Many of our staff and members have enjoyed hiking, birdwatching, camping, and wildlife-viewing in the Ruby Mountains since the early 2000s.



The snowy east-slope of the Ruby Mountains, May 2019, with a pronghorn antelope buck in the foreground. Photo by Laura Cunningham.

This spectacular mountain range matches the Sierra Nevada on a small scale, but with a unique Nevada feel. Glacially-carved U-shaped canyons are rare in the Great Basin, but present here: the visitor is inspired by viewscapes rivaling Yosemite National Park in places. Alpine lakes, cirques, soaring granite cliffs, mountain meadows full of wildflowers, and beautiful groves of colorful aspen, whitebark pine and limber pine forest make this mountain range stand out from surrounding ranges. The highest peak reaches to 11,387 feet in elevation (Ruby Dome).

Lamoille Canyon is especially famous for these scenic montane features, and is readily accessible for recreational visitors with a trail. The stream here pours over numerous waterfalls as it steps down towards the Elko region. Western Watersheds Project members and staff have also hiked portions of the Ruby Crest Trail, where the entire Great Basin opens up below in vistas.

Our members and staff have also hiked up Lamoille Canyon with binoculars to view the unusual population of Mountain goats that cling to the sheer granite cliffs, and have been rewarded with fantastic observations. This population of North American wild

goat was transplanted here in the 1960s¹, and is one of the few places outside of the Rocky Mountains and Cascade Range where this watchable wildlife species can be viewed. Mule deer, bighorn sheep, and pronghorn antelope can also be viewed in this area—a veritable “Yellowstone” of Nevada.



Mountain goat, [photo courtesy Nevada Division of Wildlife](#).

In addition, birdwatching in the Rubies is above-average. Our staff receive many emails each year asking where birders can go to view the Himalayan snowcock, a large partridge from central Asian mountains--“the mysterious bird from the Himalayas”-- that was transplanted to the Ruby Mountains as a game species. This beautiful gamebird took off here and has a local breeding population—the only such population in North America. Birders from all over the world travel to the Ruby Mountains in Nevada to make the hike up to the high country, to try to view these birds. Most succeed due to the generous help of the Nevada birdwatching community. Bird-watching tourism is a potential growth industry for many areas in Nevada, and the Rubies are a special destination. [Hunting these high-elevation gamebirds is also apparently the ultimate challenge.](#)

No other mountain range in Nevada—let alone the Western States--has this combination of unmatched recreational opportunities, watchable wildlife, and ecotourism potential. The Ruby Mountains are truly unique and need further protection.

¹ <http://www.backpackingintherubymountains.info/animals/mountaingoat.html>



Himalayan snowcock,
[photo courtesy of Audubon.](#)

Thank you Senator Cortez Masto for your work to protect Nevada's special places and wildlife by putting an end to oil and gas drilling in the Ruby Mountains.

Please contact us if you have questions or need clarifications about these comments.

Thank you,

Laura Cunningham

California Director
Western Watersheds Project
Cima CA 92323
Mailing: PO Box 70
Beatty NV 89003
775-513-1280
lcunningham@westernwatersheds.org
s/Paul Ruprecht
Nevada-Oregon Director
Western Watersheds Project
PO Box 12356
Reno, NV 89510

Senator CORTEZ MASTO. Thank you.

This area of my home state is truly a hidden gem. The landscape and outdoor recreation opportunities bring thousands of visitors from across the state, the country and the world.

After receiving over 10,000 comments in near unanimous opposition, the Forest Service, just last week, formally rejected the oil and gas development proposal saying that leasing is not an appropriate activity in the Rubies noting the very low potential for oil and gas in this particular area.

Our local Forest Service administrator noted that any economic benefits from the drilling would be limited compared to the money the natural resources contribute to the area economy through tourism, recreation and livestock grazing.

However, it is necessary to enact Senate bill 258 in order to permanently protect the Ruby Mountains from any future attempt to develop this land for oil and gas purposes. It is important that we recognize there are certain areas where certain development is not appropriate. It is not wanted and should be formally set aside for preservation and prioritization of other land management purposes, and that is exactly what this bill sets out to do.

Enacting the Ruby Mountains Protection Act will not only preserve these great public spaces and scenic landscapes enjoyed by thousands of Nevadans and visitors each year, but it also preserves the recreational opportunities, outdoor economy, rare wildlife and plant life and the local culture that these beloved mountains support. It is imperative that the Ruby Mountains be preserved from potential oil and gas development.

Thank you.

Senator LEE. Senator Manchin.

**STATEMENT OF HON. JOE MANCHIN III,
U.S. SENATOR FROM WEST VIRGINIA**

Senator MANCHIN. Thank you, Mr. Chairman, for holding this hearing this afternoon.

Most of the bills on today's agenda address issues of importance in the home states of the sponsoring senators, although two address broader policies. These bills cover a range of issues from protecting important wildlife habitat and cultural areas from potential mineral development to providing for important outdoor recreation and hunting opportunities, providing authority for renewable energy development in U.S. territories and addressing the local land management issues. I understand the Administration has expressed concerns with the bills proposing to withdraw certain public lands in New Mexico, Oregon and Nevada from mineral development. But I think the sponsors have identified important cultural areas and habitat that merit protection. I look forward to working with the sponsors and my colleagues to find a way to move these bills forward.

I was interested to see Senators Daines and Tester's bill to authorize a plaque to be installed on national forest land in Montana to honor four Air Force servicemen who were killed in a 1962 plane crash. One of them was Lieutenant Fred Hixenbaugh, and he was from West Virginia. I know the family, and there are an awful lot of Hixenbaughs in West Virginia. Authorizing a plaque to honor

these men is a fitting tribute, and I look forward to moving this bill through Committee also.

I wanted to come to the hearing this afternoon to let my colleagues know that I want to work with Chairman Murkowski and the bill sponsors to address any concerns that are raised during the hearing so that we can find a way to ultimately have these bills reported by the full Committee with bipartisan support.

Thank you, Mr. Chairman.

Senator LEE. Thank you, Senator Manchin.

We will now hear from Senator Mike Braun who is here to talk to us about his bill.

**STATEMENT OF HON. MIKE BRAUN,
U.S. SENATOR FROM INDIANA**

Senator BRAUN. Thank you, Mr. Chairman, for the opportunity to appear before the Subcommittee in support of my Senate bill 434 on Public Lands.

This legislation instructs the Department of Interior to produce a one-time report to Congress pertaining to federal ownership of lands and, most importantly, the resources the Federal Government spends on maintenance.

As a lifelong conservationist, I believe that we must be good stewards to our public lands. They provide immense opportunity for recreation, public education and conservation. However, the government does a poor job at maintaining this natural resource. Current estimates suggest that our nation has a backlog of maintenance on our public lands of more than \$19 billion, \$19 billion. The statistics currently included in government reports and budget requests are just inadequate.

For example, the '18 budget request for the Department of the Interior used a maintenance backlog number from 2016. That report estimated that the backlog across the Department was only \$15 billion, a number that likely greatly underestimates the true need.

This is why Congress needs to instruct the Department of the Interior to prepare a full report on this issue. This is why Congress should swiftly pass Senate bill 434.

Anything of proportion in this, anywhere across the spectrum of government or business with holdings this large and being uncertain about what it costs for the upkeep or the maintenance would be unheard of. And my proposals, Mr. Chairman, build off your strong record on this issue. In my opinion, Congress has an obligation to conduct comprehensive oversight of our federal lands, and I believe that my bill provides Congress the necessary information needed to fulfill this obligation.

Thank you.

[The written testimony of Senator Braun follows:]

Mr. Chairman,

Mr. Ranking member.

Thank you for this opportunity to appear before this Subcommittee in support of my bill on public lands.

This legislation instructs the Department of Interior to produce a one-time report to Congress pertaining to federal ownership of lands, and the resources the federal government expends on maintenance.

As a lifelong conservationist, I believe that we must be good stewards to our public lands. They provide immense opportunity for recreation, public education, and conservation.

However, the government does a poor job at maintaining this natural resource. Current estimates suggest that our nation has a backlog of maintenance on our public lands of more than \$19 billion.

However, the statistics currently included in government reports and budget request are inadequate.

For example, the 2018 Budget Request for the Department of Interior used a maintenance backlog number from 2016. That report estimated that the backlog across the department was only \$15 billion. A number that likely greatly underestimates the true need.

This is why Congress needs to instruct the Department of Interior to prepare a full report on this issue.

This is why Congress should swiftly pass S. 434.

Mr. Chairman, my proposal builds off of your strong record on this issue. In my opinion, Congress has an obligation to conduct comprehensive oversight of our federal lands, and I believe that my bill provides Congress the necessary information needed to fulfill this obligation.

Thank you.

Senator LEE. Thank you, Senator Braun.

It is now time for us to hear from our two witnesses. We have two witnesses appearing before the Subcommittee today. The first is Mr. Frank Beum, the Acting Associate Deputy Chief of the U.S. Forest Service, and the second is Mr. Mike Nedd, the Deputy Director for Operations at the U.S. Bureau of Land Management.

At the end of the witness testimonies, members will be able to ask questions so that the millions of viewers watching on TV will be able to watch that and we will be able to enter that for our record. Your full written testimony will be made part of the official Subcommittee record. Please keep your statements limited to five minutes so that we will have time for questions. I look forward to hearing your testimony.

Mr. Beum, we will go with you first.

STATEMENT OF FRANK R. BEUM, ACTING ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, USDA FOREST SERVICE

Mr. BEUM. Thank you.

Mr. Chairman and members of the Subcommittee, thank you for inviting me to share the Administration's position on several bills that would affect the Forest Service.

To start with, S. 242, the Lowell Observatory Conveyance Act, would direct us to convey land owned and occupied by the Lowell Observatory near Flagstaff, Arizona. Because of the timber reservation and reversionary clause established in the 1910 Act, there isn't an appropriate authority that would allow the agency to process the Observatory's request to remove the timber reservation and convey the United States' reversionary interest. If this bill were enacted, it would provide the authority needed to complete the conveyance to the Observatory. The Forest Service has no concerns with and does not oppose S. 242.

S. 258 would prohibit the Department of the Interior from issuing oil or gas leases on National Forest System land in the Ruby Mountains Ranger District on the Humboldt-Toiyabe National Forest in Nevada. In March the agency released a Draft Record of Decision, including that no leasing should occur on a portion of the Ruby Mountains Ranger District due to the low potential for oil and gas resources because of unfavorable geologic conditions. On May 7th, as has been mentioned, the "no leasing" decision was signed by the Forest Supervisor. The Department notes that administrative tools such as the environmental analysis completed on this proposal are available to inform these types of decisions. With such agency and community interaction leading to successful outcomes using existing authorities, the Department believes this bill is unnecessary.

S. 490 would designate a currently unnamed mountain ridge located on the Gallatin National Forest as the "B-47 Ridge." The bill would also authorize a plaque memorializing the 1962 crash of a B-47 to be placed on this ridge. The plaque would honor the four-man crew that perished in the crash. The Department supports honoring the brave individuals who served our country and died tragically in this ridgetop crash.

S. 1262, the Oregon Recreation Enhancement Act of 2019, would expand an existing wilderness boundary, establish two national

recreation areas and permanently withdraw two areas of federal land from the mining laws of the United States to protect them from new mining claims, other mineral leasing and geothermal leasing.

In Section 3, the national recreation areas would consist only of BLM lands so we defer to the Department of the Interior. We would like to better understand what lands are covered under Section 4, the Expansion of the Wild Rogue Wilderness Area. Given the scale of the map referenced in the bill, it is unclear if any acreage of National Forest System land is included in the proposed expansion. We would like to work with the Committee and the BLM to develop a detailed inset map in the legislation to ensure the boundaries between the BLM and the Forest Service parcels are clear and unambiguous. And then finally Section 5 proposes a mineral withdrawal for two areas known as Rough and Ready and Baldface Creeks, and Hunter Creek and Pistol River Watershed—Headwaters, that total nearly 96,000 acres of National Forest System lands.

In 2016, the Assistant Secretary of the Interior for Land and Minerals Management administratively withdrew these lands for a 20-year term so Congress might consider legislation to permanently withdraw these areas.

Now, the Forest Service is completing a Surface Use Determination as part of the process to determine valid existing rights within the withdrawal area. We expect to complete the determination by this August.

In conclusion, delivering dependable energy, economic benefits and providing jobs for rural communities while restoring ecosystems is a top priority of our agency. We would be interested in working with the sponsors and the Subcommittee to address the specific concerns noted in our testimony to accomplish our shared multiple use goals for National Forest System lands.

This concludes my testimony, Mr. Chairman. I would be happy to answer any questions.

[The prepared statement of Mr. Beum follows:]

**Statement of Frank R. Beum, Acting Associate Deputy Chief, National Forest System
USDA Forest Service
Before
The Senate Energy and Natural Resources Committee, Public Lands, Forests, and Mining
Subcommittee
On
S. 242, Lowell Observatory Conveyance Act
S. 258, Ruby Mountains Protection Act
S. 490, B-47 Ridge Designation Act
S. 1262, Oregon Recreation Enhancement Act
May 14 2019, 2:30 p.m.**

Mr. Chairman and members of the Subcommittee, thank you for inviting me to share the Administration's position on several bills that would affect the USDA Forest Service.

S. 242, Lowell Observatory Conveyance Act

S. 242 would direct the Secretary of Agriculture to convey, without consideration and by quitclaim deed, all right, title, and interest of the United States in land owned and occupied by the Lowell Observatory near Flagstaff, Arizona. Specifically, this land is owned by a Trust established by Percival Lowell and his heirs. However, the Forest Service retained a timber reservation and reversionary interest when the land was originally conveyed in 1910. The Forest Service has many legal authorities to convey lands. However none appears appropriate to process the Observatory's request to remove the timber-reservation and convey the United States' reversionary interest. If this bill were enacted, it would provide the authority needed to complete the conveyance to the Observatory. The USDA Forest Service has no concerns with and does not oppose S. 242.

S. 258, Ruby Mountains Protection Act

S. 258 would prohibit the Department of the Interior from issuing oil or gas leases, subject to valid existing rights, on National Forest System land in the Ruby Mountain Ranger District on the Humboldt-Toiyabe National Forest in Nevada. The Ruby Mountains, known as the "Alps of Nevada," offer extensive cultural, scenic and ecological values that help to support a \$165 million recreation industry in Elko County. Mapping of the area has determined that there is little to no potential for oil or gas resources because of unfavorable geologic conditions.

The USDA Forest Service recently conducted a detailed analysis for oil and gas leasing availability for nominations on a portion of lands within the Ruby Mountains. In March 2019 the agency released a draft Record of Decision and final Environmental Assessment concluding that no leasing should occur due to the low potential for oil and gas resources in the area and extensive citizen and community involvement with strong support for no leasing at this time. The decision notice was signed by the Humboldt-Toiyabe National Forest's, Forest Supervisor on May 7, 2019. The Department does not support S. 258. There are administrative tools, such as the environmental assessment that was completed on the Ruby Mountains that provide data to determine if prohibition on oil and gas leasing, or other withdrawals are needed.

S. 490, B-47 Ridge Designation Act

S. 490 would designate a currently unnamed mountain ridge located on the Gallatin National Forest near Emigrant Peak in Montana as the "B-47 Ridge." The bill would also authorize a plaque memorializing the 1962 crash of a B-47 to be placed on this ridge. The plaque would honor the four-man crew that perished in the crash. The proposed location of the memorial is within steep and rugged designated back country with no trail access near the top of Emigrant Peak. We have encouraged proponents to consider an alternate location such as the Old Chico Cemetery. The Department supports honoring the brave individuals who have served our country and died tragically in this ridgetop crash. The department has no concerns, and does not oppose S. 490.

S. 1262, Oregon Recreation Enhancement Act of 2019

This bill would expand an existing wilderness boundary, establish two national recreation areas, and would permanently withdraw two areas of federal land from the mining laws of the United States to protect them from new mining claims, other mineral leasing, and geothermal leasing. Restrictive land use designations can post significant challenges for land managers' ability to actively manage forest lands and reduce hazardous fuels around communities, create access issues for diverse land users and have impacts on rural economies. The Department would like to work with the bill's sponsor and the committee to address these potential challenges.

Section 3: Establishment of Rogue Canyon and Molalla National Recreation Areas

Molalla National Recreation Area: As the language and the map referenced in Section 3(a)(2) of the bill indicate, the establishment would consist only of Department of Interior Bureau of Land Management lands with no adjacent National Forest System land. The Department defers to the Department of the Interior regarding the establishment of this National Recreation Area.

Rogue Canyon National Recreation Area: As the language and the map referenced in Section 3(a)(1) of the bill indicate, the expansion of this area would consist only of Department of Interior Bureau of Land Management lands. The Department defers to the Department of Interior regarding the establishment of this National Recreation Area. However, the Department would like to work with the Committee to develop a detailed "inset map" in the legislation to ensure that the boundaries between the Bureau of Land Management and USDA Forest Service parcels are clear and unambiguous.

Section 4: Expansion of the Wild Rogue Wilderness Area

The Department has several concerns related to management of the expansion of this Wilderness area. The expansion would consist of 59,512 acres of federal land and directs the Secretaries of Agriculture and the Interior to administer lands under their jurisdiction within the expansion Section 4(b)(1)(A). However, given the scale of the map referenced in Section 4(a)(1), it is unclear if any acreage of National Forest System land is included in the proposed expansion

Under P.L. 95-237, the Forest Service has administered a portion of the existing Wild Rogue Wilderness that is otherwise under the jurisdiction of the Bureau of Land Management. Under Section 4(b)(1)(A), the administration of this portion would shift back to Bureau of Land Management. Given the proposed additions of contiguous Bureau of Land Management land to the Wild Rogue Wilderness, the Department supports having the Bureau of Land Management administer land under its jurisdiction. However, we would like to work with the Committee and Bureau of Land Management to develop a plan for administration and detailed "inset map" in the legislation to ensure that the boundaries between Bureau of Land Management and USDA Forest Service parcels are clear and unambiguous to mitigate management challenges associated with non-contiguous lands. Specifically, several non-contiguous portions of the Wild Rogue Wilderness under the management of the Forest Service lie adjacent to the Bureau of Land Management portion of the wilderness but outside the proposed wilderness expansion and outside the proposed National Recreation Area. These parcels are likely to pose management challenges (T31S, R10W, sect. 10, 11, 14, 15 and T32S, R10W, Sect. 19, 20, 21, & 22).

Section 5: Withdrawal

The maps referenced in Section 5(a)(2) of the bill depict National Forest System and Bureau of Land Management lands that would be subject to the mineral withdrawal in Section 5(b) which are subject to valid existing rights, entry, appropriation or disposal under the public land laws; location, entry, and patent under the mining laws; and operation under the mineral leasing and geothermal leasing laws. Acreage included in the two proposed withdrawal areas – known as Rough and Ready, Baldface and Hunter Creek Pistol River Headwaters – totals 95,806 acres located on National Forest System lands on the Rogue River-Siskiyou National Forest. The remaining 5,216 acres are located on public land managed by the Department of the Interior (DOI) Bureau of Land Management (BLM).

On December 30, 2016, the Assistant Secretary of the Interior for Land and Minerals Management issued Public Land Orders (PLO) 7859 withdrawing approximately 5,216 acres of public lands and 95,806 acres of National Forest System lands, subject to valid, existing rights, for a 20-year term while Congress considers legislation to permanently withdraw those areas. There were 279 existing mining claims in the withdrawn area that may be developed for mining if valid existing rights can be shown. Currently, the Forest Service is undergoing a Surface Use Determination (SUD) to ascertain the appropriateness of confirmation drilling locations and depth. The SUD is anticipated to be completed in August of 2019, which will determine if some or all of the drilling proposed can be approved under certain conditions associated with a valid existing rights determination.

Conclusion

Delivering dependable energy and providing jobs and economic benefits for rural communities while restoring ecosystems is a top priority of our agency. We would be interested in working with the sponsors and the Subcommittee to address the specific concerns noted in our testimony to accomplish our shared multiple use goals for National Forest System lands.

That concludes my testimony, Mr. Chairman. I would be happy to answer any questions you or the Subcommittee members have for me.

Senator LEE. Thank you very much.
Mr. Nedd.

STATEMENT OF MICHAEL NEDD, DEPUTY DIRECTOR FOR OPERATIONS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Mr. NEDD. Good afternoon, Mr. Chairman, certainly Mr. Ranking Member in his absence and Senator Cortez Masto, members of the Subcommittee.

Thank you for the opportunity to present testimony today. I am Michael Nedd, the Deputy Director for Operations of the Bureau of Land Management.

I will briefly summarize the written statements concerning the four BLM related bills on today's agenda.

S. 434 requires the Secretary of the Interior to prepare and submit to Congress a report that describes all federal land holdings under the jurisdiction of the Department and the total cost of maintaining these federal land holdings for each of Fiscal Years 2017 through 2019. The bill further requires that this report be submitted within 120 days of the delivery of the FY 2020 President's budget request to Congress. While the Department supports the bill's goals of ensuring accurate and timely data of federal land holdings, we would like to work with the sponsor and the Subcommittee on a few modifications that we believe would aid in implementation.

S. 526, the Buffalo Tract Protection Act, would subject to valid and existing right to withdraw approximately 4,200 acres of federal minerals estate near the growing population area of Placitas, New Mexico, from all form of mineral development. The Department notes that the population of the Albuquerque metro area, which includes Placitas, is expected to nearly double within the next 25 to 30 years and federal minerals will be an important source of minerals—of materials for future infrastructure needs. The Department supports approaches that could protect high-value resources while still accommodating uses and activities permitting on BLM managed land. We would like to work with the sponsor on modification to this bill in a way that would ensure a full range of uses for this area.

S. 1079, the Chaco Canyon Heritage Protection Act, would withdraw approximately 201,000 federal surface acres and approximately 334,000 acres of federal subsurface mineral estates surrounding the Chaco Cultural National Historical Park in Northwestern New Mexico from public land mining, minerals and geothermal leasing laws. In FY 2018 the total revenue generated from responsible mineral development on federal lands in New Mexico alone was over \$1.3 billion. The Secretary also recognizes there are some places that may benefit from protection. Striking the appropriate balance for public land use is an important mission that the Department takes seriously. We would like to work with the sponsors to identify the best approach to protecting this special area as the BLM continues to evaluate and update its land management plan.

S. 1262, the Oregon Recreation Enhancement Act, would establish two new recreation areas and expand the existing wilderness,

Rogue Wilderness, on intermixed O&C land and public domain forest managed by the BLM in Western Oregon. As required under existing law, the BLM manages its own land to provide a permanent source of timber, protected watersheds, contribute to economic stability for local community and provide recreational facilities. S. 1262 would also withdraw approximately 101,000 acres of federal land managed by the Forest Service and the BLM in Southwestern Oregon. The Department would like to work forward with the sponsor on modification to the bill to increase public access, facilitate outdoor recreational opportunities and reduce potential impacts to management and harvest of timber and other forest products.

Finally, the Department will submit a statement for the record on S. 499, the Offshore Wind and Territories Act. The Bureau of Ocean Energy Management would be happy to respond for the record to any question you may have on S. 499.

[The written statement referred to follows:]

Statement for the Record
U.S. Department of the Interior
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
S.499 - Offshore Wind for Territories Act

May 14, 2019

Thank you for the opportunity to present the Department of the Interior's views on S. 499, the Offshore Wind for Territories Act. The Department supports the effort to provide territories with an equal opportunity to conduct OCS wind leasing off their shores pursuant to the OCS Lands Act.

A comprehensive energy strategy should include consideration of all potential energy resources available to the Nation. Under the Outer Continental Shelf (OCS) Lands Act, the Secretary of the Interior (Secretary), through the Bureau of Ocean Energy Management (BOEM), has the authority to issue leases on the OCS "lying seaward and outside of the area of lands beneath navigable waters, and of which the subsoil and seabed appertain to the United States," as defined in Section 2 of the Submerged Lands Act, which limits its applicability to States of the Union. Because this authority currently does not include areas offshore U.S. territories and possessions, the people of the territories and possessions lack the opportunity to pursue the potential economic development, energy supply, and revenue associated with leasing and development of resources in these areas.

S. 499 would amend the OCS Lands Act to apply to the five U.S. territories: American Samoa; Guam; the Commonwealth of the Northern Mariana Islands; Puerto Rico; and the U.S. Virgin Islands. It would require the Secretary to conduct and make publicly available a comprehensive study on the feasibility of wind lease sales offshore all U.S. territories. If this study concludes that an area is feasible and suitable for wind energy development, the bill would direct the Secretary of the Interior to conduct at least one wind lease sale in the area following consultation with the Secretary of Defense and the Governor of the affected territory. Under the bill, 50 percent of the revenue generated from wind lease sales offshore the U.S. territories would be deposited in the Treasury while the territories would share 37.5 percent of revenues based on formula to be determined by the Secretary. The remaining 12.5 percent would be made available to the Secretary of Commerce for coral reef conservation. The Department notes that under the OCS Lands Act, coastal states currently receive 27 percent of revenue generated from offshore wind energy activities in the first three nautical miles of federal waters only. The effect of section 3 of S.499 would be that territories would receive a greater share of offshore wind energy revenue relative to the states.

The Department supports and looks forward to working with the committee on this important part of our Nation's energy strategy.

Mr. NEDD. Thank you again for the opportunity to testify, and I am happy to answer any questions you may have on the other four bills.

[The prepared statements of Mr. Nedd follow:]

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

**Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 434, “An Act to Provide for a Report on the
Maintenance of Federal Land Holdings”
May 14, 2019**

Thank you for the opportunity to testify on S. 434, which requires the preparation of a report on the maintenance of Federal land holdings under the jurisdiction of the Department of the Interior (Department). While the Department shares the bill’s goal of ensuring accurate and timely data on Federal land holdings, we would like to work with the sponsor and the Subcommittee on a few modifications to address the concerns outlined in this statement.

Background

According to the Congressional Research Service, the Federal government manages 635 to 640 million acres of the nearly 2.3 billion acres that constitute the United States. The largest land managers for the Federal government are the Departments of the Interior, Agriculture, Defense, and Energy. Within the Department of the Interior, the Bureau of Land Management (BLM) administers approximately 245 million acres; the National Park Service (NPS) manages approximately 80 million acres; the Fish and Wildlife Service (FWS) manages approximately 150 million acres as part of the Refuge System; and the Bureau of Reclamation (BOR) manages approximately 7.8 million acres of land and easements associated with BOR projects. The U.S. Forest Service, in the Department of Agriculture, manages approximately 193 million acres. Approximately 27.9 million acres in the United States are managed by the Department of Defense. Additionally, hundreds of thousands of buildings and structures are managed by a multitude of Federal agencies.

S. 434

S. 434 requires the Secretary of the Interior to prepare and submit to Congress a report that describes 1) all Federal land holdings under the jurisdiction of the Department; and 2) the total cost of maintaining these Federal land holdings for each of fiscal years 2017 through 2019, including an accounting of holdings and expenditures by each Federal agency with respect to the land holdings. The bill further requires that this report be submitted within 120 days of the delivery of the Fiscal Year (FY) 2020 President’s Budget request to Congress.

The Department is aware of and appreciates the concerns expressed by some Members of Congress about the accuracy of data on lands managed by the Federal government and specifically in the Department of the Interior. It is worth noting that the Federal government is making important strides in improving the accuracy, efficiency and level of data available on the Federal real property portfolio. The Federal Real Property Council (FRPC) works across agencies to determine opportunities to spread real property best practices, achieve short and

long-term cost savings, and realign real property inventories to agency mission and service delivery.

In addition, we note that much of the information that would be contained in the required report is already publicly available. For example, the BLM's Public Land Statistics (PLS) reports are published on an annual basis. Each PLS report provides information about a wide variety of multiple-use land management activities, including public land resources and information, commercial uses and revenues, recreation activities, special management designations, as well as information regarding public health, safety, and resource protection. The NPS Land Resources Division maintains acreage data for all units of the National Park System and publishes reports each year that include separate listings organized by park unit, park type, and by State. The FWS publishes an annual report of lands data that identifies land holdings by State and purpose. Similar reports are published pertaining to land managed by the Department's other land management bureaus

The Department also notes that information regarding the costs to manage and maintain lands and programs under the jurisdiction of the Secretary is contained in each of the annual budget requests, which are available on the Department's website. Interior's budget request covers a broad spectrum of activities to protect the Nation's resources and to ensure equity in their use. These activities include the operation of the NPS and FWS, land management responsibilities of the BLM, and water management projects of the BOR, among others.

If Congress opts to move forward with the proposed report, the Department would like to work further with the sponsor and the Subcommittee on a few modifications that we believe would aid implementation. Given that the FY 2020 budget request has already been submitted, for example, the Department is concerned that the 120-day deadline for submission of the report would not be achievable. We would like to work with the sponsor to ensure that the bill provides a timeframe sufficient for each of the Department's land management bureaus to identify land holdings and determine the cost to maintain them during the specified period.

Additionally, we would like to work with the sponsor and the Subcommittee on language clarifying some components of the required report. For example, it is unclear from the text whether the term "land holdings" encompasses solely the surface acreage or both the surface and mineral estate. Similarly, the Department recommends language clarifying which costs should be considered as part of the "total cost of maintaining" Federal land holdings. Many of the land management activities required by the Federal Land and Policy Management Act (FLPMA), including processing, authorizing, and monitoring rights-of-way, leases, and permits, as well as land tenure actions and resource protection activities, are necessary to ensure that public land resources remain available on a multiple use, sustained yield basis. Conversely, there are many individual parcels of BLM-managed public lands that do not have active management activities occurring in a particular fiscal year because management prescriptions may be applied on a broader basis.

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.

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

**Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 526, Buffalo Tract Protection Act
May 14, 2019**

Thank you for the opportunity to testify on S. 526, the Buffalo Tract Protection Act, which would withdraw about 4,200 acres of public lands managed by the Bureau of Land Management (BLM) near Placitas, New Mexico, from all forms of mineral development.

Under the leadership of President Trump and Secretary Bernhardt, the BLM has made environmentally responsible development of domestic minerals a priority. In communities across the country, mineral development of important commodities supports jobs, the American economy, and national security interests.

Striking the appropriate balance for public land use – whether it be mineral development, recreation, grazing, or conservation – can be a challenge, but it is a mission that the Department of the Interior (Department) takes seriously. The Mid-Region Council of Governments estimates that the population of the Albuquerque, New Mexico, metro area – which includes Placitas – is expected to nearly double within the next 25-30 years. Federal minerals will play an important role in providing materials to meet the future population demands for infrastructure in the area.

The Department is concerned that the bill as currently drafted could limit management and development of these important mineral sources. We would like to work with the sponsors and the Subcommittee on modifications to the bill to address this important issue.

Rio Puerco Planning Process

The BLM is in the process of finalizing the Resource Management Plan (RMP) with the associated Environmental Impact Statement (EIS) for public lands in six counties of central New Mexico, which include the tracts affected by the legislation. The BLM is projecting to release the final EIS later this year followed by the Record of Decision. Release of the FEIS and proposed RMP will initiate a 30-day protest period for any person who previously participated in the planning process and has an interest that may be affected by the proposed plan.

Mineral Operations on Public Lands

Non-energy mineral development on Federal lands is essential to the American economy. The BLM manages three major categories of non-energy minerals on Federal lands: locatable, saleable, and leasable. Locatable minerals are subject to the Mining Law of 1872 and typically include gold, silver, copper, and other hardrock minerals. Saleable minerals, such as sand and gravel, are subject to the Materials Act of 1947. Lastly, non-energy leasable minerals are

typically subject to the Mineral Leasing Act and include minerals such as phosphate, sodium, potassium, and sulphur.

Saleable materials are some of our most basic natural resources and are used in every day building and in other construction. Sand, gravel, soil, and rock are generally bulky and have low unit prices, while their weight makes transportation costs very high. This makes adequate local supplies of these basic resources vital to the economic life of any community. It is the BLM's policy to make these materials available to the public and local governmental agencies whenever possible, environmentally responsible, and economically acceptable.

S. 526, Buffalo Tract Protection Act

S. 526, the Buffalo Tract Protection Act would, subject to valid existing rights, withdraw four tracts totaling approximately 4,200 acres of Federal mineral estate near the growing population area of Placitas, New Mexico, from all forms of mineral development under all laws pertaining to mineral leasing or mineral materials.

The BLM estimates that there are approximately 36 million cubic yards of sand and gravel in the subject tracts and that the proposed legislation, as currently written, could cause a significant loss to the United States. In addition, there would be indirect costs to the BLM, other government agencies, and non-profit organizations that would no longer be able to receive free use permits for the sand and gravel to maintain roads and trails in the area, and would have to procure materials from other sources.

The Department would like the opportunity to work with the sponsor and the Subcommittee on the best mechanism for managing the resources within this area. Alternative management approaches could protect high value resources while still accommodating the full range of uses and activities permitted on other BLM-managed lands. Under the Federal Land Policy and Management Act (FLPMA), for example, the BLM currently manages public lands adjacent to this area for a variety of uses, such as hunting, recreation, livestock grazing, target shooting, and mineral materials development. In addition, existing uses within Tract A include a 368 Western Energy Corridor which contains transmission lines, as well as gas and liquid fuel pipelines.

If Congress chooses to proceed with the proposed withdrawal, the Department would like to work with the sponsors on modifications to the bill, in a way that would ensure that the BLM maintains authority for actions on valuable saleable minerals in the area. In addition, the Department would be happy to provide the sponsors with an updated map that more accurately identifies current land status.

Conclusion

Thank you again for the opportunity to testify on S. 526. We look forward to working with the sponsors and the Subcommittee to address the issues outlined above as this bill moves through the legislative process.

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

**Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 1079, Chaco Cultural Heritage Area Protection Act of 2019
May 14, 2019**

Thank you for the opportunity to present the views of the Department of the Interior (Department) on S. 1079, the Chaco Cultural Heritage Area Protection Act of 2019, which would withdraw approximately 200,652 Federal surface acres and approximately 333,827 acres of Federal subsurface mineral estate surrounding the Chaco Culture National Historical Park (CCNHP) in Northwestern New Mexico from public land laws, mining, mineral, and geothermal leasing laws.

Under President Trump and Secretary Bernhardt's leadership the Bureau of Land Management (BLM) has made it a top priority to responsibly develop the vast domestic energy resources on public lands to create jobs, lower costs for working Americans, and build a strong economy. In Fiscal Year (FY) 2018, the total revenue generated from responsible mineral development on Federal lands in the State of New Mexico alone was over \$1.3 billion, the vast majority of which came from oil and gas operations. The Federal disbursement to the State of New Mexico alone was over \$634 million; the remainder was directed to the U.S. Treasury for the benefit of all American taxpayers. The Secretary also recognizes there are some places that may benefit from protections. Striking the appropriate balance for public lands use – whether it be energy development, recreation, grazing, or historic preservation – can be a challenge, but it is a mission the Department takes seriously.

We would like to work with the sponsors to discuss and identify the best approach to protecting this special area as the BLM continues to evaluate and update its land management plan.

Oil & Gas Operations on Public Lands

Nationwide, the BLM has approximately 25.5 million surface acres currently under lease for oil and gas development, including over 94,000 active wells on about 24,000 producing leases. This is the smallest footprint of acreage under lease since BLM started collecting comparable data in FY 1985 (120,686,611 acres). The BLM oversees onshore oil and gas development on Federal lands and lands held in trust for the benefit of various tribes. Collectively, these lands contain world-class deposits of energy and mineral resources, which power millions of homes and businesses and support the broader economy. Sales of onshore oil and gas from Federal and Indian lands accounted for approximately 8 percent of all oil and 9 percent of all natural gas production in the United States in Fiscal Year (FY) 2018. The [U.S. Department of the Interior Economic Report for FY 2017](#) estimates the Federal onshore oil and natural gas program alone provides approximately \$59.6 billion in economic output and supported an estimated 284,000 jobs nationwide.

Further, the BLM is a key revenue producer for Federal and state governments by providing a significant non-tax source of funding to state and Federal treasuries, and is an important economic driver for local communities across the country. In 2018, production from Federal lands generated in excess of \$3 billion in Federal royalties, rental payments, and bonus bids. Nearly half of this revenue was shared with the state where the oil and gas activity is occurring, while the rest went to the U.S. Treasury. States and counties in turn often use these funds to support the building and maintaining of roads, schools, and other important community needs.

Farmington Planning Process

As a matter of policy, the BLM works closely with the Bureau of Indian Affairs (BIA) and Native American Tribes to conserve and protect cultural and natural resources on public lands. The BLM and BIA are currently preparing a Resource Management Plan (RMP) Amendment with an associated Environmental Impact Statement (EIS) in the Farmington area to address issues relating to oil and gas adjacent to the CCNHP. The initial scoping period, announced in February 2014, offered the public an opportunity to comment on planning criteria and issues related to the BLM's RMP Amendment/EIS. Due to the significant cultural resources in the area, the BIA formally joined the EIS process as a joint lead agency and will use the EIS as the analytical basis for decisions pertaining to the leasing of Tribal trust and individual Indian allotted minerals within the Planning Area. As part of the planning process, has placed a specific emphasis on engagement with more than 20 area Tribes on a variety of topics, including impacts to traditional cultural places and cultural resources, the auditory environment, and night skies.

More specifically, the RMP Amendment/EIS analyzes the impacts of additional development in what was previously considered a fully developed oil and gas play within the San Juan Basin in northwestern New Mexico. The Mancos Shale/Gallup Formation was analyzed in the 2002 Reasonable Foreseeable Development Scenario and current Farmington 2003 RMP/EIS. Subsequent improvements and innovations in horizontal drilling technology and multi-stage hydraulic fracturing have enhanced the economics of developing this stratigraphic horizon. The southern part of the BLM's Farmington Field Office (FFO) boundary continues to draw considerable interest. The RMP will update management of BLM-administered lands and mineral estate and evaluate alternatives and issues related to the BIA's authority over mineral leasing and associated activity decisions in the planning area.

Farmington Lease Sales

While BLM and the BIA continue to work on the Mancos-Gallup RMPA/EIS, parcels continue to be nominated near the CCNHP. In March, the BLM held a lease sale for 22 parcels of Federal minerals administered by the BLM FFO, covering approximately 7,010 acres. These 22 parcels are located more than 10 miles from the CCNHP and are administered by the BLM, BIA, and private landowners. Parcels that had been nominated within 10 miles of the CCNHP have been consistently deferred in lease sale notices.

S. 1079, Chaco Cultural Heritage Area Protection Act

S. 1079, Chaco Cultural Heritage Area Protection Act would withdraw approximately 200,652 Federal surface acres and approximately 333,827 acres of Federal subsurface mineral estate

surrounding the CCNHP from public land laws, mining and mineral, and geothermal leasing laws.

The Department understands the sensitivities of the cultural resources in this area, as well as the importance of tribal consultation in the oil and gas leasing program. The BLM places a strong emphasis on government-to-government relations with tribes and continues to work closely with tribes to protect cultural resources on public lands. As noted above, the BLM and BIA are currently in the process of developing the Mancos-Gallup RMPA/EIS, which is evaluating the appropriate actions and alternative management for this area. It would be premature for the Department to fully support or oppose a permanent legislative solution without fulfilling our obligations under the National Historic Preservation Act of 1996, which occurs under the RMP and lease sale administrative process.

This Administration is committed to being a good neighbor and building trust with tribal governments. As such, we welcome the opportunity to work with the sponsors to discuss and identify the best approach to protecting this special area.

Conclusion

Thank you for the opportunity to present the Department's views on S. 1079. I would be happy to answer any questions.

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

**Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 1262, Oregon Recreation Enhancement Act
May 14, 2019**

Thank you for the opportunity to testify on S. 1262, the Oregon Recreation Enhancement Act. S. 1262 would establish two new recreation areas and expand the Wild Rogue Wilderness on forest lands managed by the Bureau of Land Management (BLM) in western Oregon. The bill would also withdraw approximately 101,000 acres of Federal lands managed by the U.S. Forest Service (USFS) and the BLM in southwestern Oregon.

The Department of the Interior (Department) has pledged to expand access to America's public lands, increase hunting, fishing, and recreational opportunities nationwide, and enhance conservation stewardship through Secretarial Orders 3347, 3356, 3366, and 3373. To advance those goals, we are focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor. While the Department supports the goals of S. 1262 that align with these important priorities, we are concerned that the bill as currently written could ultimately decrease public access, limit outdoor recreational opportunities, impede management and harvest of timber and other forest products, and limit potential development of domestic critical minerals. For these reasons, we cannot support the bill as written. We would like to work with the sponsors and the Subcommittee on a number of modifications to the bill to address these issues. The Department defers to the Department of Agriculture regarding provisions in the bill concerning the lands and interests administered by the USFS.

Background

The Oregon and California Revested Lands Sustained Yield Management Act of 1937 (O&C Lands Act) placed 2.2 million checkerboard acres of Oregon and California Railroad and Coos Bay Wagon Road grant lands (the O&C lands) under the jurisdiction of the Department. Under the O&C Lands Act, the Department manages the O&C lands for "the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." The Act also provides that the 18 O&C counties receive yearly payments equal to 50 or 75 percent of receipts from timber harvests on O&C lands in these counties. In addition to the O&C lands, the BLM manages approximately 212,000 acres of public domain forests and other acquired lands in western Oregon. These and other BLM-managed lands in

western Oregon also provide outstanding recreational opportunities, with over 5 million people visiting each year to enjoy hiking, camping, hunting, and fishing.

Timber harvests and the associated payments to counties decreased significantly in the mid-1990s, after the historic highs experienced in the late 1980s. The decrease was caused, in part, by management measures seeking to address the conservation and recovery of threatened and endangered species such as the northern spotted owl, coho salmon, and marbled murrelet. The Department manages the O&C lands, public domain forests, and other acquired lands under the 2016 western Oregon Resource Management Plans (2016 RMPs), along with guidance and management recommendations derived from the 2011 Northern Spotted Owl Recovery Plan and 2012 Final Critical Habitat Rule, as well as a number of court decisions.

The 2016 RMPs provide direction for the management of approximately 2.5 million acres of BLM-administered lands and offer outcomes for tourism, recreation, and timber harvest, while still maintaining protections for the northern spotted owl, listed fish species, and water resources. With full implementation of the 2016 RMPs, the BLM estimates that it will be able to offer for sale 278 million board feet per year in total timber volume.

Oregon Recreation Areas (Section 3)

Section 3 of S. 1262 establishes the Rogue Canyon and Molalla Recreation Areas on nearly 128,000 acres of intermixed O&C lands and public domain forests in western Oregon and provides guidance for the management of each area. Although the Department strongly supports efforts to increase access to and facilitate and enhance recreational opportunities on BLM-managed lands in western Oregon, we have concerns with the potential impacts on forest production and public access if section 3 were to be implemented as written.

As discussed briefly above, the BLM's management of O&C lands and public domain forests is currently governed by a number of statutory requirements, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act, the O&C Lands Act, the Federal Land Policy and Management Act (FLPMA), and the relevant implementing regulations and plans. Under this framework, the BLM manages these lands for forest production in conformance with the principles of sustained yield and for other multiple uses.

While we appreciate the sponsors' work to improve to the management language for the proposed recreation areas, the Department notes that these designations involve O&C lands within the harvest land base established under the 2016 RMPs. We require additional time to conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber harvest levels. We would like the opportunity to work further with the sponsors and the Subcommittee on clarifying this aspect of the bill.

Because of the size of the proposed recreation areas, the bill's language related to road construction may also limit public access to any potential new or existing trailheads and scenic opportunities, and limit the extent to which forest health and wildfire resiliency activities could

be implemented, especially where these activities necessitate decreasing the density of commercially viable materials. Therefore, the Department is concerned this language is inconsistent with the goals of Secretarial Orders 3347, 3356, 3366, and 3372 and our commitment to sustaining and creating recreational access and improving forest health and reducing wildfire risk through active management.

Wilderness (Section 4)

Section 4 of S. 1262 would add approximately 60,000 acres of BLM-managed public lands to the existing Wild Rogue Wilderness in southwestern Oregon. The Department supports Congressional action to resolve wilderness designations across the West, and we welcome opportunities to further those efforts. Congress has the sole authority to designate lands to be managed permanently as wilderness, and we believe that such proposals should be considered as part of a locally driven process that incorporates the views of a wide range of stakeholders.

The Department notes that the lands proposed for wilderness designation by S. 1262 generally serve as habitat for a diversity of plant and animal life for forest-dependent species, including the northern spotted owl, Pacific salmon, steelhead trout, and green sturgeon, and provide important opportunities for fishing, rafting and boat tours, and hiking and backpacking, and other forms of outdoor recreation in the forested mountains of southwestern Oregon.

The Department would like the opportunity to work with the sponsors and the Subcommittee on the best mechanism for managing the resources on lands within the proposed wilderness expansion. 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 lands within this area for a variety of uses, such as conservation, endangered species recovery, visual resource management, watershed protection, hunting, fishing, and other forms of recreation. If Congress opts to proceed with designation of these lands as wilderness, we would like to work with the sponsors to ensure that the bill language is consistent with how the BLM manages other congressionally-designated Wilderness Areas.

As with the proposed recreation areas, the wilderness expansion outlined in this section involves O&C lands. We would need additional time to conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber-harvest levels and related county receipts associated with any prescribed forest health, species habitat, and wildfire resiliency treatments in the proposed area that were consistent with the RMP.

Withdrawal (Section 5)

Section 5 of S. 1262 permanently withdraws approximately 101,000 acres – encompassing approximately 5,200 acres of BLM-managed O&C lands and public domain forests and approximately 95,800 acres of USFS-managed National Forest System lands – from the public land, mining, mineral leasing, and geothermal leasing laws. These lands were administratively withdrawn for 20 years by Public Land Order 7859 on December 30, 2016.

Nickel and chromium, the latter of which has been determined by the U.S. Geological Survey to be a critical mineral, are the most important mineral resources in the lands proposed for permanent withdrawal. As directed by the President in Executive Order 13817, the Department is committed to ensuring access to and efficient development of critical minerals. The Department notes that there are approximately 279 existing mining claims located within this area (including both National Forest System lands and BLM-managed lands) but no active operations. As with other administrative and legislative withdrawals, these mining claims may be developed for mining if they are determined to be valid existing rights through a validity exam.

Since the withdrawal was put in place, the Red Flat Nickel Corporation has submitted a complete plan of operation to mine nickel on National Forest System lands within this area. The Department defers to the Department of Agriculture regarding the portions of the proposed permanent withdrawal affecting the lands and interests administered by the USFS.

Conclusion

The Department is committed to increasing public access, expanding outdoor recreational opportunities, and increasing management and harvest of timber and other forest products. Therefore, the Department cannot support S. 1262 as currently written. We would be interested in working with the sponsors and the Subcommittee to address the specific concerns noted in our testimony and to accomplish our shared multiple use goals for BLM-managed lands.

Senator LEE. Thank you very much to both of you. We will now begin alternating five-minute rounds of questions.

Mr. Nedd, I would like to start with you. You heard Senator Braun speak a moment ago about his bill, S. 434. You made reference to it. Senator Braun's proposal is something that I would support, because it will help the American taxpayer understand the cost of maintaining this massive federal estate. If the bill advances to markup, I would like to see the legislation amended so as to include Forest Service holdings as well as BLM holdings.

Now Senator Braun mentioned the Congressional Research Service tells us that the total amount of federal landownership in your respective agencies is not definitively known. I would like to ask each of you whether you agree with that statement and, if so, why is that the case? We will start with you, Mr. Nedd.

Mr. NEDD. Well, Senator, the BLM, or the Department of the Interior, I should say, certainly with the Bureau of Reclamation, the National Park Service, the Fish and Wildlife and BLM, we do have records that suggest at least closely the land holdings we have. So within the BLM we have about 245 million acres of land, and every year in our public land statistic we do publish those lands, including any lands that may have moved out of federal ownership or into ownership. Similarly, the Park Service and the Fish and Wildlife and BOR keeps records.

Senator LEE. So would you say that the amount of land under the management of BLM is, in fact, definitively known?

Mr. NEDD. I would say it is known, yes, Senator.

Senator LEE. Okay.

How about you, Mr. Beum?

Mr. BEUM. Yes, we manage 193 million acres, roughly, of National Forest System lands. And again, we publish on an annual basis our land status. I believe we know what our land status is, yes, sir.

Senator LEE. Okay.

So if I am understanding you both correctly, you would be saying that the uncertainty would not be as a result of Forest Service or BLM, it would be through some other federal agency, that that is where the uncertainty lies?

In other words, what you have both just told me is that the total number of land under your management in your respective agency is definitively known whereas CRS said the total amount of the federal estate, the total number of acres in the federal estate, is not definitively known.

Mr. NEDD. Well, Senator, in my testimony or in my written statement, certainly the Department listed in here where they knew what the lands for the Bureau of Reclamation at 7.8 million acres. The lands that are managed within the Fish and Wildlife at 150 million acres—I'm sorry, the Fish and Wildlife of 80 million acres and the Bureau of Reclamation at 7.8 and the BLM at 245. So I think in my statement there's those figures and I would say the Department of the Interior land management agency is aware of the lands they have.

Senator LEE. Okay.

Mr. Nedd, I want to move on to S. 1079, Senator Udall's bill. It is a bill that its message is protecting Native American cultural re-

sources from horizontal drilling. But within the proposed 1,400 square mile buffer zone it would set allotments of Navajo Tribal members. For some allottees, the mineral development may be a significant source of income in an otherwise economically disadvantaged region. For many, it certainly is a source of employment.

So first I would like to ask about the purported necessity for this legislation. As part of the regular administrative process for proposed oil and gas leases, isn't the BLM already required by law to consult with tribes and to conduct cultural resource clearances?

Mr. NEDD. Yes, Senator.

Senator LEE. And if that is the case, is there really any threat to those resources currently or anything inadequate about that process that is already in place?

Mr. NEDD. Senator, right now we're going through a land use or a land amendment process. And so, we're consulting with the tribe and at the end of that process it will reveal if there is any potential impact on how to mitigate it.

Senator LEE. Okay.

Do you know, does the BLM have any idea how many Navajo allotments might be inside of this proposed 1,400 square mile buffer zone?

Mr. NEDD. Senator, I don't have that information here with me, but I would love to take that back as a question for the record.

Senator LEE. Okay.

Do you know how tribal allottees and horizontal drilling on allotted lands might be affected by the protection zones and by this legislation that creates them?

Mr. NEDD. Senator, it's my understanding that tribal and allottees would not be affected by this withdrawal. However, there will be challenges given the intermixing of public, tribal and private land and, of course, the geography of the lands.

Senator LEE. Do you have any idea whether any economic analysis has been done to quantify or in any way estimate the impact the protection zone might have on local jobs, including the impact on the tribal economy?

Mr. NEDD. A social economic analysis would have been done for the plan, but I don't have that information with me here, Senator.

Senator LEE. Okay, but you believe one has been done?

Mr. NEDD. To some degree, I would believe, yes, Senator.

Senator LEE. Okay.

Alright, I see my time is expired.

Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. Thank you, Mr. Chairman.

Mr. Beum, I want to talk to you a little bit about Senate bill 258, which is the Ruby Mountains Protection Act. So help me understand how the Forest Service says one day that oil and gas leasing is not an appropriate activity there, but then the next day you oppose a bill that says oil and gas leasing in that same area is not appropriate activity?

Mr. BEUM. Yes, ma'am.

So we conducted an analysis on, as you mentioned, 54,000 acres of the Ranger District. That proposed action was brought to us by the BLM from an expression of interest from a member of the pub-

lic. So that's how we did our analysis based on that specific proposal.

So I guess what we're saying in our testimony is that we would use a similar proposal or similar process, environmental analysis or assessment, to analyze a substantive proposal, so—

Senator CORTEZ MASTO. Right. But you have already determined that oil and gas leasing is not appropriate there. In fact, you issued a press release saying the analysis revealed unfavorable geologic conditions in the area, meaning there is little to no potential of oil and gas resources in the area. So why not make it permanent? Why go through this process again? Because literally this Act in this legislation makes it permanent, correct?

Mr. BEUM. Correct.

Senator CORTEZ MASTO. And what you are doing does not necessarily make it permanent. You are going to have to go through the process all over again if a request is made to look into oil and gas, correct?

Mr. BEUM. Yes, that's correct.

Senator CORTEZ MASTO. And you are going to have to spend taxpayer funds to do that, correct?

Mr. BEUM. Correct.

Senator CORTEZ MASTO. Right.

So there is a difference between—this is not an unnecessary bill. This is necessary because it makes it permanent, what you have actually, already determined, correct?

Mr. BEUM. Yes, ma'am.

Senator CORTEZ MASTO. Okay.

So I guess that is why I am confused. Instead of coming in here either supporting it or remaining neutral, why are you coming in and saying it is unnecessary because that just does not make sense to me. I guess I am more concerned about this Administration, particularly, playing politics with this instead of doing the right thing.

Again, this is supported by Nevadans. It is supported by outdoorsmen and recreational folks. It is a benefit to the economy. It is something that even your Forest Service administrator on the ground has said. That is why you ruled oil and gas leasing is not appropriate.

Let me ask you this. The legislation that is before you does not prohibit mineral development, correct?

Mr. BEUM. Your legislation?

Senator CORTEZ MASTO. Correct.

Mr. BEUM. It withdraws the land from minerals.

Senator CORTEZ MASTO. For oil and gas leasing.

Mr. BEUM. For oil and gas, yes, ma'am.

Senator CORTEZ MASTO. But it does not prohibit mineral development if somebody decides they want to look into that, correct?

Mr. BEUM. Yes.

Senator CORTEZ MASTO. Right.

So the idea that I am hearing that somehow this also prohibits mineral development, that is an incorrect statement that I have heard today, correct? It is incorrect.

Mr. BEUM. I believe that's true.

Senator CORTEZ MASTO. Too many corrects for you.

Mr. BEUM. Yup.

Senator CORTEZ MASTO. Yes.

So let me just verify, just say this, the Act only talks about oil and gas leasing and it is the decision that you have already determined. It makes it permanent. What you are doing does not make it permanent. In fact, you would waste more taxpayer dollars if you are asked to review it and have to look at the same area again, correct?

Mr. BEUM. Yeah, the Department believes we have administrative tools to analyze a future proposal. That's where the Department's—

Senator CORTEZ MASTO. Which is unnecessary in this case. You have made a determination. This makes it permanent. And that is all I am asking for.

Thank you.

Mr. BEUM. I understand.

Senator LEE. Senator Daines.

Senator DAINES. Thank you, Chairman Lee.

Mr. Chairman, today I get the privilege to discuss an important bill to my state, Senate bill 490, the B-47 Ridge Designation Act.

This bill designates an unnamed ridge, B-47 Ridge, in honor of four servicemen who lost their life in a plane crash in Park County, Montana. That is not too far away where I grew up.

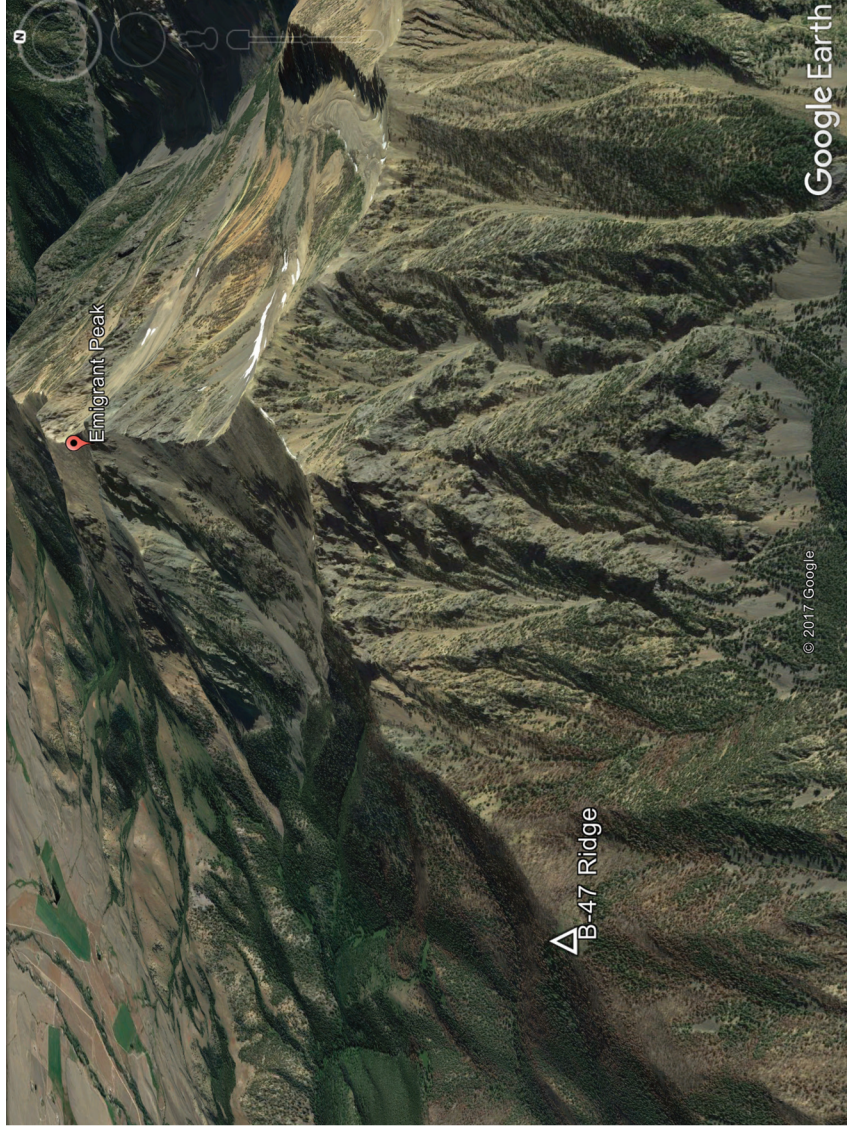
This is the same area, incidentally, that we protect through the Yellowstone Gateway Protection Act which was signed into law earlier this year by President Trump. This bill also allows the dedication of a memorial plaque at the site of the crash, so this accident will never be forgotten.

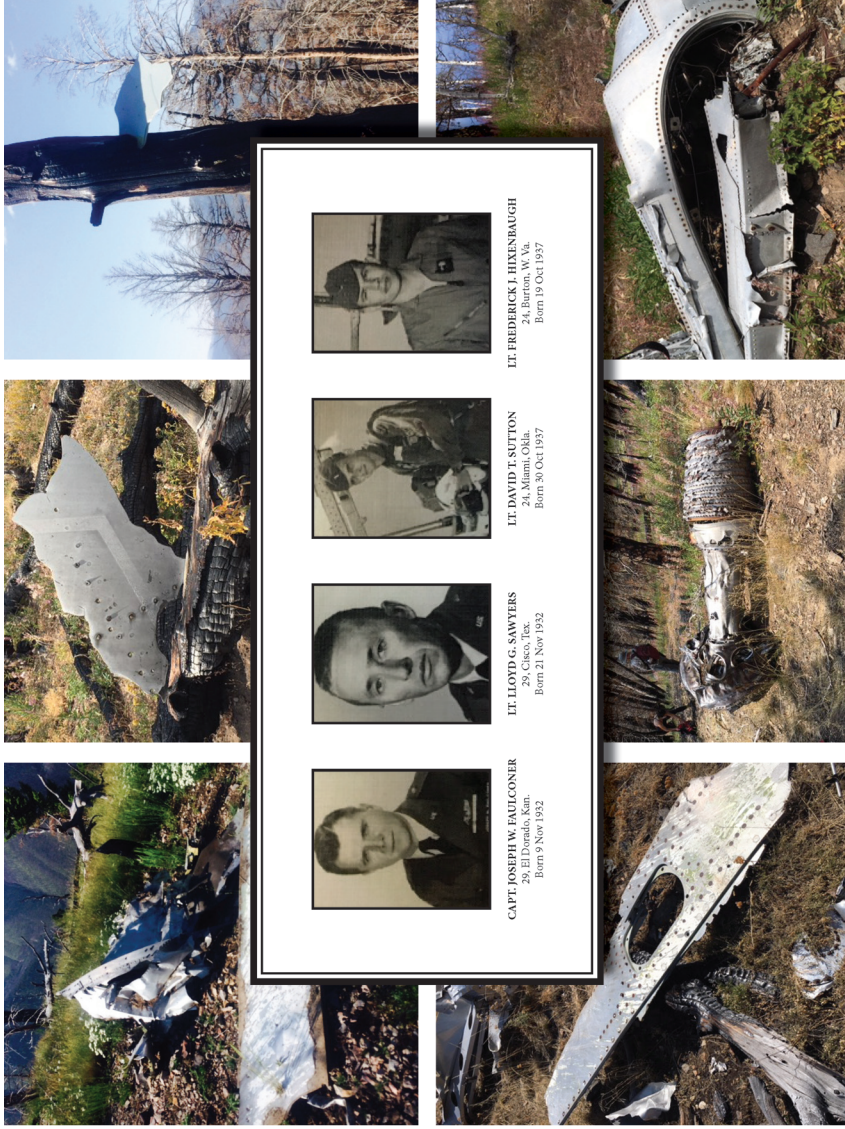
On July 23rd, 1962, a B-47E Strategic Air Command Bomber, originating from Dyess Air Force Base in Texas, was performing a routine training mission while over the skies at Paradise Valley in Montana, just south of Livingston. The normal routine flight plan had the plane at 23,000 feet over Dillon, Montana, when the last communication came in from the crew. Soon after, the B-47 bomber crashed into the southwest slope of Emigrant Peak, killing all on board. Captain Bill Faulconer, Lieutenant Lloyd Sawyers, Lieutenant David Sutton and Lieutenant Fred Hixenbaugh all tragically lost their lives serving our country that day in 1962. And these men came from all across our great nation, from West Virginia, from Kansas, from Texas, from Oklahoma. In fact, if you were to hike up to that site today you will still see debris scattered on the grounds and the still-scorched trees, but there is no designation plaque or explanation for the visitor to know the story of these brave men.

Only Congress and the U.S. Geological Survey have the power to name unnamed geological features. However, USGS cannot authorize a memorial plaque to honor the fallen. Congress can, and as we are doing here today. That is why I introduced the bipartisan B-47 Ridge Designation Act.

So you can see looking up here the pictures of the servicemen that lost their lives and some of the debris that is in the crash site.

[The photographs referred to follow:]





LT. FREDERICK J. HIXENBAUGH
 24, Barron, W. Va.
 Born 19 Oct 1937



LT. DAVID T. SUTTON
 24, Miami, Okla.
 Born 30 Oct 1937



LT. LLOYD G. SAWYERS
 29, Cisco, Tex.
 Born 21 Nov 1932



CAPT. JOSEPH W. FALCONER
 29, El Dorado, Kan.
 Born 9 Nov 1932

Senator DAINES. This tells the story of these brave men and ensures the sacrifice is never forgotten so their families, their friends, visitors to this ridge will see what happened on that tragic day. After over half a century, I believe it is time that these men are memorialized for their service.

This bill is supported by Montana's entire Congressional delegation, Senator Tester and myself as well as Congressman Gianforte, who is going to champion that bill on the House side. It is also supported by the families of the fallen men and, importantly, the local elected officials and the community as a whole.

Mr. Chairman, I ask unanimous consent to add their support letters to the record.

Senator LEE. Without objection.

[Letters of support for Senate bill 490 follow:]

DEC 13 2017

December 13, 2017

The Honorable Senator Steve Daines
United States Senate
Washington DC 20510

Dear Senator Daines:

I am writing to you in support of placing a memorial plaque on Emigrant Peak in the debris field of the B-47 accident which occurred in July of 1962.

I am the widow off Capt. Joseph W. Faulconer who was the instructor pilot on the aircraft that crashed there.

My late husband and I did not have children, but the other crew members did. Some of their children were very young at the time of the tragedy and may not remember their fathers. It is especially for those children that I write this letter. A remembrance of this sort would let them know that their fathers were well respected and honored for their service. Also, the designation of "B-47 Ridgeline" on flight maps and USGS maps would give these children and now their children, something to point to with pride and to know that their father's sacrifice was recognized and honored in a more permanent way.

I am most grateful for your efforts to get legislation passed that will accomplish the placement of this memorial and naming of the location as mentioned. I wish you success in that endeavor.

Sincerely,



Myrna Faulconer Fair
8928 W. Warren St.
Wichita, KS 67212
(316) 722-0011
befair@sbcglobal.net

DEC 9 7 2017

Sen. Steve Daines
13 South Wilson Ste.8
Bozeman, Montana 59718

2/DEC./2017

Greetings,

I am a member of the Park County Mt. Cemetery board and Unit Historian of the American Legion, Park Post #23. On July 23, 2015, we held a Memorial Services at the Chico Cemetery near Emigrant, Mt. for 4 Airman that died in a B-47 crash on Emigrant Peak in 1962 on a training mission. The Airmen's' Families came from around the world for the services, looking at the plaque honoring the airmen and at the ridge off Emigrant Peak where the crash occurred. They found closure and comfort from the experience and now have a location where they can come and remember their family member and look at the ridge where his body parts still rest.

If possible, we would like to rename the ridge to "B-47 Crash site Ridgeline" and place a Bronze Plaque at the crash site on the debris for those that climb the mountain on National Forest land to view the field. Could you help us with this project?

Thank You,



Wm Dean Gilbert
682 Adair Creek Rd.
Livingston Mt. 59047

Frederick Hixenbaugh
79 Chestnut Street
Rivesville WV 26588
December 11th 2017

DEC 11 2017

Senator Steve Daines;

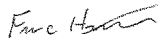
My name is Frederick Hixenbaugh and I am writing you in regards to the B-47E Tragedy on Emigrant Peak on July 23rd 1962.

As you probably gather, I am the namesake of Lt. Frederick Hixenbaugh one of the 4 young men who gave their lives for our country on that fateful morning. I was born the 4th child in May of 1963 to my Uncle Freddy's brother Joseph Charles, who unfortunately passed away this past year. I was told multiple times the story of my parents asking permission of my grandmother Pauline to name me after him and the obvious tears that followed. I have carried his name with pride now for 54 years. I also lived and worked near Washington DC for some years in the 80's, so I have visited and placed flowers on his headstone in Arlington National Cemetery many times. So, when I was contacted by my Aunt to reach out to you for help in getting the crash site officially named "B-47 Ridgeline" and get a bronze plaque placed, it was something I felt I had to get involved with. I feel deeply that even though his headstone is in Arlington, that the area in which these four young men, just beginning their lives, were lost should not only be remembered but memorialized as well.

My 3 siblings and I have made a concerted effort to ensure that even though he was not here to be a part of our, or our children's lives, that he is loved and remembered as a huge part of our family's proud history and traditions. As a matter of fact, I believe we need to go to great lengths to never allow any of our future generations to forget any of these men, Uncle Fred, Capt. Bill Faulconer, Lt. David Sutton and Lt. Lloyd Sawyers or any man who has paid the ultimate sacrifice for all of us left behind. I also believe we all should attempt to use his memory as a benchmark to strive for, not only in the lives of our friends and families, but support of the beliefs of our nation as they did.

I write this not only to support his Family but all the families and people involved in this most noble of efforts.

Thank You for all Your Valuable Time and Assistance,



Frederick Hixenbaugh

Subject : Support for Plaque at Crash Site
 From : Nancy Whippenbaugh Beasley
 To : Senator Steve Daines
 Date : Dec. 3, 2017

Senator Daines,

My name is Nancy Whippenbaugh Beasley, My brother 1st. Lieutenant Frederick J. Whippenbaugh was one of the four young men killed on that fateful day in July 1962 when their B-47 crashed into Emigrant Peak.

The "B-47 Redgeline" is a perfect name for the crash site. That plane altered the ridges of that mountain forever. Evidence of the wreckage will always be there. It needs to be recognized as a military plane crash and have a permanent plaque naming the site the "B-47 Redgeline."

I am so grateful to Bryan Wells making us aware of where the crash site is and that we could see the actual site without having to climb the mountain. He has been "the caretaker of the B-47 Redgeline" all of these years. This mountain is the burial ground for these four officers. There needs to be a plaque placed in the debris field. It is our duty and obligation to place a plaque to honor them for their service and making the ultimate sacrifice.

Thank you Senator Daines for all you are doing to get this very important piece of legislation passed. We are forever grateful to you and Bryan Wells.

Sincerely,
 Nancy Whippenbaugh Beasley

Senator Steve Daines
13 South Wilson Ave. Suite 8,
Bozeman, MT 59718.

May 22, 2018

Dear Senator Daines,

I am Keith Joiner, we met at the dedication of the memorial established to honor the airmen that gave their lives on July 23rd, 1962 on Emigrant Peak. I was the Master of Ceremonies at the dedication. Bryan Well is my wife, Joannette's, cousin. At the time of the Memorial dedication, I was the Commander of VFW Post 5159 in Hot Springs. I served in the United States Navy for 22 years and 8 months.

I would like to thank you for taking the time out of your busy schedule to attend that dedication. Your presence really meant the world to all of us involved as well as the family members and guests in attendance.

I would also like to offer my support for naming the ridge where the crash occurred "B-47 Ridge", and for the authorization to place a commemorative plaque naming and honoring those that gave their lives on that hallowed ground. I believe that it is long overdue. As an active member of the VFW, I see first hand, the importance of showing the loved ones of our fallen heroes that we, as a Nation, honor and remember those who have died in the defense of this great country.

Very Respectfully,

Keith Joiner
P.O. Box 752
Hot Springs, MT 59845
keithandjoanette@gmail.com



February 28, 2018

The Honorable Senator Steve Daines
United States Senate
Washington DC 20510

Dear Senator Daines:

Please accept this letter in support of community efforts to place a memorial plaque on Emigrant Peak in the debris field of the B-47 accident which occurred in July of 1962.

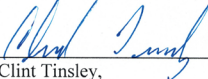
As a keynote speaker at the memorial service in the summer of 2016, you are familiar with the community effort to protect this place and honor the families that lost loved ones on Emigrant Peak.

We believe that cultural and historic resources in our community, like the B-47 crash site on Emigrant peak, should be protected and honored. We support naming the crashsite "B-47 Ridge." Further, we encourage you to work with local residents and the United States Forest Service to place a bronze plaque at the crash site in the debris field as a public service and also to honor the airmen that have their lives in service to our country.

Sincerely,



Steve Caldwell
Commission Chair



Clint Tinsley,
Commissioner



Bill Berg
Commissioner



PARK COUNTY ENVIRONMENTAL COUNCIL

February 28, 2018

The Honorable Senator Steve Daines
United States Senate
Washington DC 20510

Dear Senator Daines:

I am writing on behalf of the Park County Environmental Council (PCEC) in support of community efforts to place a memorial plaque on Emigrant Peak in the debris field of the B-47 accident which occurred in July of 1962.

PCEC has been working to protect and preserve Park County's vast natural resources since 1990. We are the only countywide membership group focusing exclusively on the issues affecting public lands, water and wildlife in Park County. PCEC works with people to preserve and restore the county's world-class rivers, diverse wildlife, rural landscapes, and outstanding natural beauty, while protecting the health and wellbeing of people who live and work here.

Initially formed by a small group of community members concerned about resource extraction on public lands, PCEC has grown to cover numerous issues related to the Yellowstone River and its tributaries, public and private land management and community engagement and values.

We believe that cultural and historic resources in our community, like the B-47 crash site on Emigrant peak, should be protected and honored. We support naming the crash site "B-47 Ridge." Further, we encourage you to work with local resident, Bryan Wells, to place a bronze plaque at the crash site in the debris field as a public service and also to honor the airmen that have their lives in service to our country.

Sincerely,
Michelle Uberuaga

Executive Director
Park County Environmental Council
PO Box 164
Livingston, MT 59047



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMB WING (AFGSC)
DYESS AIR FORCE BASE TEXAS

APR 18 2018

Colonel Brandon D. Parker
Commander, 7th Bomb Wing
7 Lancer Loop, Suite 107
Dyess AFB TX 79607

The Honorable Senator Steven D. Daines
13 South Wilson Ave., Suite 8
Bozeman MT 59718

Dear Senator Daines

As the Commander of the 7th Bomb Wing, I am humbled and grateful for this outpouring of patriotism. Our installation was the home of the B-47E bomber crew that flew the fateful training mission on July 23, 1962. The crew consisted of Captain Joseph Faulconer, an instructor pilot, and First Lieutenants Lloyd Sawyers, David Sutton, and Frederick Hixenbaugh. The crew originated from Dyess AFB and was assigned to the 96th Strategic Aerospace Wing. To their misfortune, their B-47E crashed into the southwest side along the ridgeline of Emigrant Peak, Paradise Valley, Montana.

We wholeheartedly feel it is appropriate to mark this significant historic event and provide the general public and aviators with the local history. Additionally, we support your efforts to have the crash site along the Emigrant Peak designated as the "B-47 Ridgeline." We also support your efforts to allow the United States Forest Service to issue a permit allowing the placement of a memorial monument at the crash site. This endeavor will ensure the memory of our four brave Airmen will never be forgotten.

Thank you for your efforts to memorialize our countries heroes. If I can be of further assistance or you required additional information, please contact me at 325-696-2121.

A handwritten signature in black ink, appearing to read "B. Parker".

BRANDON D. PARKER, Colonel, USAF

DEATH FROM ABOVE



MAY 29 2018

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE ALAN REDFIELD
HOUSE DISTRICT 59

HELENA ADDRESS:
CAPITOL BUILDING
PO BOX 200400
HELENA, MONTANA 59620-0400
PHONE: (406) 444-4800

COMMITTEES:
AGRICULTURE
HUMAN SERVICES
TAXATION

HOME ADDRESS:
538 MILL CREEK RD
LIVINGSTON, MT 59047
PHONE: (406) 220-1247

March 5, 2018

The Honorable Senator Steve Daines

United States Senate

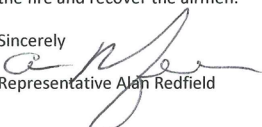
Washington DC 20510

Dear Senator Daines

I would like you to support the community efforts for a memorial plaque to be placed on Emigrant Peak in the debris field of the B-47 Accident which occurred in July of 1962.

I believe that cultural and historic sites should be protected and honored. I support naming the crash site B-47 Ridge. I would like you to work with local residents and the USFS to place a bronze plaque at the crash site as a public service which would honor the airmen that gave their lives in their service to our country. Many of us had family members that responded to the crash that night and worked to fight the fire and recover the airmen.

Sincerely


Representative Alan Redfield

Sharon Sawyers Wilcoxon
707 West 7th St
Cisco, TX 76437
May 22, 2018

Senator Daines
Washington DC, 20510

Dear Senator Daines:

My name is Sharon Sawyers Wilcoxon. My father was First Lieutenant Lloyd Sawyers and he was killed in the B-47 Bomber crash on Emigrant Peak on July 23, 1962. I was 4 and my sister Sheila Sawyers Johnson was 2 at the time of my father's death.

Two years ago, July 2016, my sister and I attended the memorial at the base of Emigrant Peak. This was the first time that she or I had been to the area. My nephews and brother-in-law actually hiked up to the crash site and took pictures and brought some small pieces of wreckage to us. I think we both finally found a sense of closure after that experience.

I am writing this letter in support of the B-47 Ridge Designation Act. I thank you for your dedication to the endeavor of pursuing the passing of this Act.

Sincerely,

Sharon Sawyers Wilcoxon

TO: Joshua Sizemore, Senator Daines Office
FROM: Gregory K. Sutton
SUBJECT: B-47 Ridge Crash Site

May 23, 2018

Mr. Sizemore,

My name is Greg K. Sutton, Ph.D. I am writing this missive/email in support of Senator Daines' legislation to name the crash site of my father's plane "B-47 Ridge" and to place a plaque commemorating their sacrifice on Emigrant Peak in Montana. Mr. Bryan Wells and Mr. Keith Joiner have worked hard the last several years to construct an appropriate memorial for the four men who died in the plane crash 23 July 1962. To both men, and all those who have helped them with this vision, we are eternally grateful. Not only does my family support their work to commemorate these airmen (my sister Melynda Karol Sutton Moyer and my mother Ella Louise Hembree Sutton Wenman) but so do the surviving family members of the other men killed in the crash. I have no doubt you will be hearing from them in the very near future.

It is our fervent hope that Senator Daines will introduce this legislation in the coming weeks and that it will have bipartisan support in the Senate. If you have any questions, please do not hesitate to contact me at this email address.

Respectfully,

Greg K. Sutton, Ph.D.
Dept. of History and NAS
East Central University
Ada, OK 74820

Senator DAINES. Mr. Beum, question.

My legislation allows the dedication of a memorial plaque at the site without using taxpayer dollars. It is my understanding the Forest Service was unable to approve a permit for a memorial as it was against policy.

With my legislation will the families now be able to place a memorial plaque to honor these men?

Mr. BEUM. Yes, Senator.

Senator DAINES. Thank you.

I look forward to voting this bill out of Committee, Mr. Chairman, and getting it signed into law as soon as possible.

I yield back my time.

Senator LEE. Thank you, Senator Daines.

Senator Heinrich.

Senator HEINRICH. Thank you, and Senator Daines, I look forward to supporting your legislation.

Mr. Nedd, do you believe the BLM's consultation with tribal officials thus far has been sufficient in the case of Chaco Canyon and the leasing in the area?

Mr. NEDD. Senator, based on the information I've been given, it's ongoing consultation. So, I'm not in a position to say if it's sufficient as yet since it's ongoing.

Senator HEINRICH. I appreciate that answer.

Mr. Chair, I would urge you, relating to your question to Mr. Nedd about the adequacy of the consultation process to also ask the tribes that same question, because I think they would share a different perspective than what you heard earlier in this hearing.

The unfortunate truth of our current consultation policy is that it only requires agency officials to meet with tribal leaders. It does not require the agency to listen to what they have to say or to incorporate their concerns into the management plan. So I would ask Mr. Nedd once again, how is the BLM incorporating the information that you have learned from tribal consultation meetings thus far into the upcoming management plan?

Mr. NEDD. Well, Senator, again, consultation is an ongoing process and so the BLM takes input from the tribes or the members and then would make adjustment accordingly. In terms of specific changes for this plan, I could not give you that right here since I'm not very familiar with the details of the plan.

Senator HEINRICH. So, Mr. Chair, once again, I would raise the issue that repeatedly we have seen parcels in this area offered up for lease, a huge hue and outcry from both elected and community officials across New Mexico, tribal officials across New Mexico and then those get pulled back. So the impression that that leaves many tribal leaders with is that they are not being listened to in this case. And I think that perspective informs why we have legislation proposed at this time.

I want to turn to the Buffalo Tract legislation. I think we can all agree that the parcels at issue in the Buffalo Tract Protection Act are not typical BLM parcels, at least in New Mexico. Three of the four are less than 1,000 acres in size and, more importantly, they are intermixed directly among residential development. So the consequences of mineral development, and I will be clear, my father and my grandfather both worked in mineral development and min-

ing in Nevada for many years, but including gravel mining are very different in a residential context than in more rural or, certainly, more unpopulated areas that the BLM largely manages. The health impacts are more concentrated, the impact on wildlife is more detrimental when most of the surrounding area is already built up.

So once again, Mr. Nedd, I would just ask how the BLM took into account the development pattern of this area when deciding that the best use of this area is a gravel mine rather than, for example, recreation or wildlife habitat?

Mr. NEDD. So, thank you for the question, Senator.

Normally, the BLM will start from a scoping and based on the scoping the local community or stakeholders will identify the issues. BLM will then proceed to do some analysis on that.

It is my understanding that with the cooperating agency with the inclusion of tribe, BLM has been going through this planning process to determine how best to manage the values in that area.

Senator HEINRICH. I think you very adequately described the NEPA process in terms of moving from scoping to action.

What concerns me is that when looking at the two local pueblos, both of them are vociferously opposed in this case. When looking at the community groups, they are opposed. The County is opposed. I am still looking for the community voice that is not opposed to this particular location for a gravel mine.

So I would just leave it at that, Mr. Chair, and I think you have a more complete picture now for why legislation is absolutely required in both of these instances.

Senator LEE. Thank you, Senator Heinrich. I appreciate your insight on that.

Mr. Nedd, let's go back to you for a minute.

Turning to Senator Wyden's bill, S. 1262, the title of this bill is the Oregon Recreation Enhancement Act. The bill would significantly create two new roadless recreation areas. Those are terms I don't often hear together, roadless and recreation area, but these would total 120,000 acres. The same bill, as I understand it, would also add 60,000 acres of new wilderness to an existing wilderness area that is 35,000 acres, known as the Wild Rogue Wilderness Area.

Your testimony mentioned that two of the proposed recreation areas cover O&C lands that are part of the timber harvest land base under the BLM's 2016 Resource Management Plan.

Under this legislation, the Wyden bill, new roads and also temporary roads would, if I understand it correctly, be prohibited in the recreation areas. Is that correct?

Mr. NEDD. That is correct, Mr. Chairman.

Senator LEE. Given those restrictions, the fact that we would be prohibiting new roads and temporary roads from this area, what impact might those restrictions have on needed forest management to address wildfire risk?

Mr. NEDD. Mr. Chairman, we believe the bill allows for the treatment or the dealing with wildfire. However, timber harvest and timber production, we think it would have a significant impact.

Senator LEE. What kind of impact? How would you describe what kind of loss both economically in terms of timber receipts would the recreation area designation pose?

Mr. NEDD. Well, I think from timber receipts, I don't have an exact number to give you, Mr. Chairman, but under the management plan, I believe, it was about 200 or 2.7 or 2.78 million board feet or something to that effect. So it would impact the development of that or the harvesting of that timber and without any roads, whether it's temporary or permanent, will not be able to get to that timber.

Senator LEE. Right. That, in turn, will have a pretty significant impact on people who live in and around that area and who depend on that as a source of employment. Is that correct?

Mr. NEDD. That's my understanding, Mr. Chairman.

Senator LEE. Will you be working with local counties and other stakeholders to continue to assess the economic impact this might have?

Mr. NEDD. Currently we're doing an analysis. So yes, it would include speaking with stakeholders, that would include county.

Senator LEE. Okay.

Interestingly enough, notwithstanding its name, in reviewing the purpose of these recreation areas, the purpose is measured by the intended effect of them, it does not appear to be focused on recreation. Based on BLM's reading of the legislation, does the BLM have a clear understanding of what recreation uses and purposes would be covered in those recreation areas?

Mr. NEDD. Mr. Chairman, I think we would like to work with the sponsor to clarify the language. However, we believe if it was designated, it would prohibit access to trailheads. It would prohibit access to scenic areas. And as America gets older, America needs to have a different way to reach to those destination points. So we would love to work with the sponsor to clarify and understand better what would be impacted.

Senator LEE. Right.

The bill also withdraws hundreds of thousands of acres from mineral exploration and mineral development. And while this excludes existing mineral rights, what can you tell me about what guarantees those leaseholders have that the other restrictions, especially the limited road access, would impact their ability to develop their claims?

Mr. NEDD. So, Mr. Chairman, the bill recognizes valid and existing rights, so a valid and existing right, assuming if it's a mineral and its validity is passed, the BLM will have to work with the client to provide access to it. So my understanding is if there's a valid and existing right, they would be able to develop that right.

Senator LEE. Okay. And that protection extends to and includes their ability to access it, notwithstanding the roadless provisions.

Mr. NEDD. If it's valid and existing, yes.

Senator LEE. Okay.

I want to talk to you next about the Buffalo Tract Protection Act, S. 526.

This is a bill that would withdraw about 4,000 acres of four parcels of BLM land, known as the Buffalo Tract, from sand mining and gravel mining. This is a small area that was appraised as including approximately 36 million tons of mainly red dog shale, the kind of rocks used for maintaining hiking trails and replacing grass

lawns with rock yards in the southwestern region of the United States.

Population growth in Albuquerque is booming which means that new homes and trails need nearby sources of gravel. If the gravel in the Buffalo Tract were put up for sale, would BLM expect it to be competitively bid?

Mr. NEDD. We believe, yes, Senator, yes, Mr. Chairman.

Senator LEE. In fact, do you know of companies that would likely be interested in it?

Mr. NEDD. My understanding is there is interest in the area.

Senator LEE. Okay. How much value is this resource? Is it something you would describe as substantial?

Mr. NEDD. I would call it significant.

Senator LEE. Certainly not de minimis, not something to be cast aside.

I also want to talk about the Ruby Mountains Protection Act, S. 258.

The Forest Service geological analysis of the Ruby Mountains determined that oil and gas potential for the area was one that they would describe as "low to no potential." Is that right?

Mr. BEUM. Yes, Mr. Chairman.

Senator LEE. And the Forest Service also recently rejected BLM's request to examine the suitability of the opening of the area to development. Is that accurate?

Mr. BEUM. Yes, the Forest Supervisor issued a decision last week confirming the "no leasing" alternative.

Senator LEE. Have any local interests objected to the Forest Service's rejection of the oil and gas leasing in the Ruby Mountains?

Mr. BEUM. Mr. Chairman, we have not. We did not receive any objection to the decision opposing the "no leasing" alternative.

Senator LEE. Okay.

This has been very helpful. I want to thank you both for coming here.

We will keep the record open for two weeks so that members can supplement the record or ask additional questions.

I want to thank you both for your service and for your willingness to come and testify today.

We stand adjourned.

[Whereupon, at 3:48 p.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

**U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
May 14, 2019 Hearing: *Pending Legislation*
Questions for the Record Submitted to Mr. Frank Beum**

Questions from Senator Martha McSally

Question 1: My bill, S. 242, would remove an outdated Federal government restriction on a 640 acre section of land (called Section 17) that was imposed by Congress when the land was conveyed to Percival Lowell and his heirs in 1910 for exclusive use of the Lowell Observatory. Legally speaking, who owns Section 17 today?

Section 17 is owned by Percival Lowell, his heirs and assigns.

Question 2: What was the Forest Service interest in the land back in 1910 when Congress originally conveyed the land?

Section 17 was part of the Coconino National Forest. Interest in the land was aligned with the Sundry Civil Appropriations Act of 1897, often referred to as the “Organic Act” which created the Forest Reserves. It directed that these lands be managed for timber production and watershed protection.

Question 3: Would you consider the timber on Section 17 merchandisable timber?

No. Agency timber staff conducted a google earth cruise of section 17, and, based on what they saw and costs from a recent sale in the area, a very rough estimate of \$17,000 worth of timber in section 17 was generated.

Question 4: Does the Forest Service intend to commercially harvest the timber on Section 17 now or in the foreseeable future?

The agency has no plans to commercially harvest this timber now or in the next 5-year program of work.

Question 5: If the land were to revert back to the Forest Service, would this be an orphaned section of Federal land—and if so—would it not cost the Forest Service additional time and resources to manage the reverted land, including for wildfire mitigation?

Yes, it would be an isolated parcel. It would cost the Forest Service additional time and resources to manage.

Questions for the Record Submitted to Mr. Michael Nedd
 U.S. Senate Committee on Energy and Natural Resources
 Subcommittee on Public Lands, Forests and Mining
 Legislative Hearing
 May 14, 2019

Questions from Chairman Lisa Murkowski

Question 1: S.1262, Oregon Recreation Enhancement Act, would establish two new recreation areas on intermixed O&C lands and public domain forests in western Oregon. These lands are currently within the timber harvest land base established under the 2016 Resource Management Plans. Please provide an analysis of the potential impacts to timber harvest levels (including board feet estimates) expected to result if S. 1262 were enacted.

Response: On average, the BLM is projected to harvest approximately 38.3 million board feet per decade on approximately 1,000 acres per decade from the proposed Molalla Recreation Area over the next 30 years. This volume and acre estimate comes almost entirely from the harvest land base and is a part of the Allowable Sale Quantity (ASQ) calculation for the Salem Sustained Yield Unit (SYU). The actual reduction in timber volume from the Salem SYU is currently unknown as the BLM's Northwest Oregon District may be able to shift the harvest to other locations in the short term. In the long-term, the reduction of 8,833 acres of harvest land base would likely reduce the SYU calculation for the Salem SYU.

On average, over the next three decades the BLM estimates that approximately 26 million board feet per decade will be harvested, on approximately 5,300 acres per decade from the proposed Rogue Canyon Recreation Area. This volume and acre estimate almost entirely comes from the reserve land-use allocations of the BLM's Medford District. The actual reduction in timber volume from the reserve land-use allocation is unknown.

Question 2: S.1262 allows for wildfire and vegetation management within the two proposed recreation areas to the extent that such activities are consistent with the purposes of the Act. The legislation also restricts the building of new permanent and temporary roads within the recreation areas. What impact could the road building restrictions and the management purposes have on hazardous fuels reduction and wildfire management within the proposed recreation areas?

Response: The lands within the proposed recreation areas are generally part of a fire-prone ecosystem on rugged ground. Vegetation consists of alder and big leaf maple bordering streams, and canyon live oak, ponderosa pine, and Douglas fir covering the steep slopes. As such, any fire that starts within the proposed recreation areas will likely be classified as full suppression because of the potential for the fire to run uphill and up drainages to the boundaries and beyond.

The BLM's 2016 Resource Management Plans (2016 RMPs) provide direction regarding wildfire response and hazardous fuels activities for the lands within the proposed recreation areas, including silvicultural treatments as needed to protect or maintain recreation setting characteristics or to achieve recreation objectives. Given the size of the proposed recreation areas and the resulting impacts to the timber harvest land base established in the 2016 RMPs, the BLM would likely need to complete a plan amendment.

Questions for the Record Submitted to Mr. Michael Nedd
 U.S. Senate Committee on Energy and Natural Resources
 Subcommittee on Public Lands, Forests and Mining
 Legislative Hearing
 May 14, 2019

The Department notes that S. 1262 would not preclude hazardous fuels reduction treatments within the proposed recreation areas. However, treatments could not include construction of new permanent or temporary roads—unless necessary for public safety—nor could they damage or degrade the purposes for which the areas would be established. S. 1262 allows for repair and maintenance of existing roads; therefore, proximity to existing roadways would be critical in determining the ability to conduct hazardous fuels reduction treatments. The BLM would need additional time to determine how much of the proposed recreation area could be treated from the existing roads.

Question 3: S.1262, designates and expands wilderness. Please explain the BLM's approach to managing wildfires within a wilderness area and how it differs from how fire is managed on non-wilderness lands.

Response: Section 4(d)(1) of the Wilderness Act states that “such measure[s] may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.” The management response to a wildfire within a wilderness may vary along a continuum from monitoring to suppression according to objectives outlined in the applicable Resource Management Plan, Wilderness Management Plan, or Fire Management Plan. The management response to a fire can change due to variations in weather, topography, fuels, and resources available. Consistent with BLM policy, all fires in wilderness are managed to provide for the safety of firefighters, the public, and the protection of property. Further, to the extent possible, wildfires:

- Are managed to play their natural role in the ecosystem, so as to provide the benefits of an untrammelled ecosystem including habitat maintenance and fuel reduction in ecosystems adapted to fire.
- When suppressed, are managed using minimum impact suppression techniques, where feasible, without equipment prohibited by Section 4(c) of the Wilderness Act, while providing for the safety of firefighters and the public and meeting fire management objectives.
- Have a resource advisor with knowledge and experience in wilderness stewardship assigned to the firefighting team to assist in the protection of wilderness character.

The BLM notes that historical caution regarding fuels treatments in wilderness and WSAs has created significant fuel loads; however, fuel treatment is allowed in wilderness to restore areas to a natural fire regime. Repeated low intensity prescribed fires are preferable where fuel treatment is contemplated. In rare circumstances fuel pretreatments by mechanical or chemical methods may be permitted when fire without these pretreatments will inevitably cause unacceptable risks to life, property, or wilderness character (including cultural resources). The ultimate goal of fuel treatment is to make the ecosystem compatible with natural fire resuming its natural role in the ecosystem, while continuing to provide for the safety of firefighters, the public, and the protection of property. A wider variety of projects to reduce hazardous fuel build up, including commercial harvest or construction of permanent mechanized fire containment lines, are available in non-wilderness lands.

Questions for the Record Submitted to Mr. Michael Nedd
 U.S. Senate Committee on Energy and Natural Resources
 Subcommittee on Public Lands, Forests and Mining
 Legislative Hearing
 May 14, 2019

Question 4: S.1079 would designate 909,000 acres (10 miles) as a protection zone around Chaco Culture National Historical Park. It is my understanding that this “protection zone” is a fractured landscape that includes lands and minerals owned by the federal government, private landowners, the state, the Navajo Nation and Indian allottees. Please provide a breakdown of land and mineral ownership within the protection zone, including the number of Indian allottees.

Response: The requested breakdown is as follows:

Chaco Cultural heritage Withdrawal Area, as depicted on the map dated April 2, 2019

- Total surface acreage: 949,941
 - Bureau of Land Management - 166,312 acres
 - Indian/Tribal Land - 660,864 acres
 - National Park Service - 34,344 acres
 - State Land - 52,423 acres
 - Private Land - 35,998 acres
- Federal subsurface
 - All Minerals - 325,075 acres
 - Coal Only - 3,344 acres
 - Oil, Gas and Coal Only - 2,119 acres
 - Oil and Gas Only - 727 acres
 - Other Minerals - 2,562 acres
 - No Minerals - 616,114 acres

Indian Allottees: 1,205

Question 5: What role, if any, does the Department of the Interior currently have regarding oil and gas development on Indian allotments and on Navajo Nation lands in the Greater Chaco Region? What impact would the Chaco protection zone proposed under S. 1079 have on access and development of oil and gas on Indian allotments and Navajo Nation land in the area? Would there be any effects on horizontal drilling from these lands? Please explain.

Response: Per DOI Onshore Energy and Minerals Lease Management Interagency Standard Operating Procedures, the Bureau of Indian Affairs (BIA), through the Federal Indian Minerals Office (FIMO) in Farmington, NM, takes on the following responsibilities:

- Verifying land ownership status for Trust properties, including allotted Lands,
- Leasing of the fluid minerals,
- Finalizing Communitization Agreement reviews,
- Providing Rights of Way, and
- Resolving Probate issues.

Questions for the Record Submitted to Mr. Michael Nedd
U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Legislative Hearing
May 14, 2019

The BLM is responsible for:

- Preparing Environmental Assessments in conjunction with BIA and FIMO for NEPA compliance,
- Reviewing Applications for Permit to Drill (APDs) to protect well bore integrity and preventing the risk of any downhole contamination,
- Inspection and enforcement activities to ensure compliance with the Onshore Orders,
- Active involvement in the drilling and completion stages of well development, and
- Training and overseeing the Navajo Nation's Inspection and Enforcement program through its Minerals program (under an Agreement with the Navajo Nation).

S. 1079 does not prohibit development of oil and gas on tribal lands. However, by withdrawing the Federal Mineral Estate, there is the possibility that a small portion of Indian Trust Lands and Indian Allotted Lands may be undevelopable. For instance, some of the parcels may be too small to be developed without the inclusion of Federal minerals in a unit. Further, Indian Trust Lands isolated by withdrawn Federal lands may not be possible to access. The current horizontal drilling range is approximately 2.5 miles. If Indian Trust Lands are isolated by greater than 2.5 miles of withdrawn Federal lands, current drilling technology would not be able to successfully traverse the withdrawn Federal lands to access resources on Tribal Lands. In these cases, vertical drilling could be used to access the resources. However, because drilling horizontally, parallel to the geologic layers in tight formations, allows producers to access more of the oil- and natural gas-bearing rock than drilling vertically, some operators are reluctant to drill vertical wells for economic reasons. Please note that the BLM only manages approximately 17.5 percent of the lands in the withdrawal area, and the vast majority of the remaining lands are held in trust.

Question 6: In the Department's testimony on S.499, the Department expresses concerns over the revenue distribution structure. How much money do you estimate has been allocated to U.S. territories under the existing Coral Reef Conservation Act in recent years?

Response: The Department is not currently authorized to carry out coral-related activities under the Coral Reef Conservation Act (CRCA). The CRCA is the authorizing legislation for the National Oceanic and Atmospheric Administration's Coral Reef Conservation Program.

Questions for the Record Submitted to Mr. Michael Nedd
 U.S. Senate Committee on Energy and Natural Resources
 Subcommittee on Public Lands, Forests and Mining
 Legislative Hearing
 May 14, 2019

Questions from Senator Ron Wyden

Question 1: Senator Lee mentioned that my bill, S. 1262 the Oregon Recreation Enhancement Act, would create two new “roadless recreation areas.” Would my bill, as written, close any roads or prevent the maintenance of existing roads?

Response: S. 1262 would establish the Rogue Canyon and Molalla Recreation Areas on nearly 128,000 acres of intermixed O&C lands and public domain forests in western Oregon and provides guidance for the management of each area. The bill does not contain language requiring the closure of existing roads within either area. S. 1262 does prohibit the construction of new permanent or temporary roads within either area.

Question 2: How many individual roads currently exist within the boundaries of each recreation area S. 1262 would establish? How many miles of roads?

Response: Approximately 25,204 acres of the approximately 29,884 total BLM acres of the proposed Molalla Recreation Area are included in reciprocal ROW agreements with adjacent private land owners, which are valid existing rights to use BLM roads for access to their lands and commercial use, including new road construction. Within this area, there are 175 miles of BLM roads, 2.2 miles of Marion County roads, 6.9 miles of private roads, 0.1 miles of Oregon Department of Forestry roads. Weyerhaeuser Company has been granted perpetual road use rights for commercial log hauling on most of the road miles inside the proposed area. Hardy Timber Company, Avison Lumber Company, Weyerhaeuser Columbia Timberlands, Port Blakely Tree Farm, Doubletrees Land & Timber LLC, and several other small private land in-holdings all use these existing BLM roads for access and for commercial haul from their lands.

Approximately 73,591 acres of the approximately 98,317 total BLM acres of the proposed Rogue Canyon Recreation Area are included in reciprocal ROW agreements with adjacent private landowners, which are valid existing rights to use BLM roads for access to their lands for commercial use, including new road construction. Within this area, there are 453 miles of BLM roads, 2 miles of roads held by another agency, and 18 miles of private roads. The BLM would need additional time to determine the holder of an additional 57 miles of roads.

Approximately 22,827 acres of the approximately 59,487 total BLM acres of the proposed addition to the Wild Rogue Wilderness Canyon Recreation Area are included in reciprocal ROW agreements with adjacent private landowners, which are valid existing rights to use BLM roads for access to their lands for commercial use, including new road construction. Within this area, there are 11 miles of BLM roads. The BLM would need additional time to determine the holder of an additional 4 miles of roads.

Question 3: You mention that the BLM is currently working on an economic analysis of S. 1262. Please outline what specific steps the BLM has taken, is taking, or will undertake to complete the economic impact analysis of the Oregon Recreation Enhancement Act. Specifically what sectors of the economy the BLM is analyzing.

Questions for the Record Submitted to Mr. Michael Nedd
 U.S. Senate Committee on Energy and Natural Resources
 Subcommittee on Public Lands, Forests and Mining
 Legislative Hearing
 May 14, 2019

Response: The Department expects that enactment of the legislation would result in a number of additional administrative costs to the BLM, including the completion of boundary surveys and the preparation, implementation, and monitoring of area-specific management plans. Given the size of the proposed recreation areas and the resulting impacts to the timber harvest land base established in the 2016 RMPs, the BLM may be required to complete a plan amendment.

During the summer of 2018, the BLM estimated the potential impacts to timber production associated with the proposed designations, in terms of acreage, volume, treatments, and revenue, which were included in S. 1548 from the 115th Congress.

Currently, there are approximately 54 “unique” and active mining claims within the proposed wilderness boundary. “Unique” in this context means that the BLM has not counted the same claim more than once, even though it may be located within two different sections. There are at least 150 rights-of-ways or easements within the proposed areas, although a more exhaustive search would likely result in a larger number.

Question 4: You mention that each of the recreation areas, if designated, would “limit access to trailheads and scenic areas.” How is that possible? As written, does the creation of the recreation areas in S. 1262 close any particular trails? Why does the BLM feel that the designation of a recreation area actually limits recreation in that area?

Response: S. 1262 charges the BLM with managing the recreation areas for the purpose of “protecting, conserving, and enhancing the unique and nationally important recreational, ecological, scenic, cultural, watershed, and fish and wildlife values of the areas.” As part of the land use planning process, the BLM may determine that the construction of additional trails would enhance the recreational opportunities within the areas. S. 1262 also provides that, “no new permanent or temporary roads shall be constructed (other than the repair and maintenance of existing roads) within a recreation area designated” with exceptions only for public safety and wildfire mitigation. The BLM interprets this language of the bill as effectively imposing a prohibition on the construction of new or temporary roads, which could limit the areas where new trails could be developed.

Question 5: Please give me specific examples of current and existing trailheads that the designation of the Rogue Canyon and Molalla Recreation Areas would prohibit or prevent access to?

Response: S. 1262 would likely limit the BLM’s ability to provide new access roads to existing trailheads and scenic opportunities. As part of the land use planning process, the BLM may determine that the construction of new roads are necessary to avoid conflicts between existing access and the objectives identified for protection in S. 1262.

Question 6: During the hearing, you acknowledged flexibility in both the vegetation management language of the recreation areas section and within the mineral withdrawal language, stating that

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the bill allows for both wildfire treatment and allows access to mining for those with valid and existing rights. Please confirm in writing that, as written, S. 1262 allows for such flexibility.

Response: S. 1262 does not preclude the BLM from conducting vegetation management projects, wildfire resiliency projects, and forest health projects within the proposed recreation areas, to the extent that these projects are consistent with the purposes of the recreation areas. However, treatments may be limited by the preclusion of the construction of new permanent or temporary roads—unless necessary for public safety. S. 1262 allows for repair and maintenance of existing roads; therefore, proximity to existing roadways would be critical in determining the ability to conduct hazardous fuels reduction treatments. The BLM would need additional time to determine how much of the proposed recreation area could be treated from the existing roads.

Milford Wayne Donaldson FAIA
Chairman

Leonard A. Forsman
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

May 21, 2019

The Honorable Lisa Murkowski
Chairman
Senate Committee on Energy and Natural Resources
Dirksen Senate Office Building, SD-304
Washington, DC 20510

The Honorable Joe Manchin
Ranking Member
Senate Committee on Energy and Natural Resources
Dirksen Senate Office Building, SD-304
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Manchin:

I am writing to the Committee to convey the support of the Advisory Council on Historic Preservation (ACHP) for S. 1079, the Chaco Cultural Heritage Area Protection Act of 2019. The ACHP has a long history of concern for the protection of the unique resources of the Greater Chaco region and is pleased to see the Congress take steps to promote their long-term preservation.

Charged by the National Historic Preservation Act of 1966 (NHPA) to advise the President and the Congress on historic preservation matters, the ACHP's perspective on the challenges facing Chaco is twofold. First, a primary mission of the ACHP is to oversee and frequently engage in the federal historic preservation review process, established by Section 106 of the NHPA. In that capacity, the ACHP has been involved in Section 106 reviews for oil and gas development in the Chaco region for over two decades. We are fully aware of the threats that such development can pose to the fragile historic properties that comprise the Chacoan cultural heritage. Recently, I wrote to the acting Secretary of the Interior, stressing the need for a comprehensive approach to protection and sound management that has long been unmet, as evidenced by the continued recurrence of proposed lease sales that threaten to damage these sites and encroachment from approved development.

Similarly, the NHPA directs the Secretary of the Interior to coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the ACHP. To meet this statutory responsibility, the ACHP brings its expertise in the protection of historic properties, taking particular note of the treaty obligations of the United States government to protect and preserve the nation's World Heritage Sites for future generations. Chaco Culture National Historical Park and associated properties managed by the National Park Service and the Bureau of Land Management were inscribed in the World Heritage List in 1987 as the Chaco Culture World Heritage Site in recognition of their "Outstanding Universal Value." It is one of only 23 such sites in the United States.

The official "Statement of Outstanding Universal Value" for the Chaco Culture World Heritage Site, updated by the United States in 2014, states:

... threats to its integrity from adjacent development (including associated utilities and roads), energy exploration, extraction, as well as transportation projects and proposals have increased.

... A long-term goal for the property is to ensure that interventions that may occur within or adjacent to the property – including development, energy exploration, extraction, and transportation projects – do not have a negative impact on the property's Outstanding Universal Value, authenticity and integrity.

Chaco also is a place of transcendent spiritual and traditional cultural importance to Indian tribes of the region. Many Pueblos and Indian Tribes in the Four Corners region recognize that the Chaco Culture area is rich with sacred sites of utmost importance to them. The threats posed by continued development are not merely physical impacts on historic properties; they can impair the traditions and tribal way of life that has endured for centuries.

S. 1079 would take great strides in addressing these concerns and ensuring the long-term protection of this unique resource. By creating the "Chaco Cultural Heritage Withdrawal Area," the legislation would remove development threats on federal lands within and adjacent to the Chaco National Historical Park and other portions of the World Heritage Site. It should be noted that by doing so the Congress would be fulfilling the obligations of the World Heritage Convention for states party to protect their World Heritage Sites and, where necessary, to create buffer zones for that purpose. The Operational Guidelines for the Implementation of the World Heritage Convention state:

103. Wherever necessary for the proper protection of the property, an adequate buffer zone should be provided.

104. For the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. . .

The provisions of S. 1079 would in large part meet the threats identified in the Chaco Culture World Heritage Site Statement of Outstanding Universal Value.

The ACHP urges the Committee to support this important step. At the same time, we would note that other actions, such as a comprehensive management plan for lands under the control of both the National Park Service and the Bureau of Land Management, the protection from development for non-federal lands within the Chaco landscape, and the engagement of local Indian tribes in the management of the greater Chaco Culture area, are desirable to further protect and preserve these important resources. The ACHP would welcome the opportunity to work with the Congress and the Administration in the future to advance these goals.

Sincerely yours,



Milford Wayne Donaldson
Chairman



May 22, 2019

Senator Lisa Murkowski, Chairman
Senate Energy & Natural Resources
Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Senator Joe Manchin, Ranking Member
Senate Energy & Natural Resources
Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Senator Mike Lee, Chairman
Senate Energy & Natural Resources
Subcommittee on Public Lands, Forests, and
Mining
304 Dirksen Senate Office Building
Washington, DC 20510

Senator Ron Wyden, Ranking Member
Senate Energy & Natural Resources
Subcommittee on Public Lands, Forests, and
Mining
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Manchin:

I write to express the concerns and recommendations of the American Forest Resource Council (AFRC) and its members regarding S. 1262, the so-called “Oregon Recreation Enhancement” (ORE) Act.

AFRC’s Concerns

Our primary concern with the ORE Act relates to overlaying fire-prone landscapes with congressional designations that limit, prohibit, and/or complicate management activities intended to improve forest health and resiliency, reduce wildfire and smoke, protect forested communities, and maintain public and emergency personnel access to public lands. While we support the intent of “boost[ing] recreation opportunities in Southwestern Oregon and in rural Clackamas County,” S. 1262 would likely undermine that stated goal in its current form.

In a May 1, 2019 [press release](#) announcing the introduction of the ORE Act, Senators Ron Wyden and Jeff Merkley tout recently passed legislation that “added wildfire protections for Crooked River Ranch in central Oregon.” The referenced “protections” were accomplished by legislatively **removing** hundreds of acres from a Wilderness Study Area adjacent to the Crooked River Ranch community.

By contrast, S. 1262 would **add** approximately 60,000 acres of wilderness to the Rogue Canyon. Nearby forested communities such as Merlin, Redwood, Grants Pass, New Hope, and Williams have been identified by the Forest Service as among the 50 communities in Oregon with the

greatest cumulative housing-unit exposure to wildfire, with Merlin and Redwood ranking first and second, respectively. If wilderness was deemed to be too dangerous near Crooked River Ranch, how could additional wilderness designations help “protect” other at-risk forested communities in fire-prone Southwest Oregon? The proposed legislation would ensure the forested communities of Marial, Rand, and Galice will be surrounded by, or immediately adjacent to, new wilderness.

The same press release also claims the “proposed recreation and wilderness designations would *allow current* forest management, forest health, wildfire resiliency and other wildfire prevention strategies to continue” (emphasis added). This statement is inaccurate and misleading. Language in the bill authorizing the agencies to respond to wildfires will not allow the Forest Service or BLM to proactively reduce hazardous fuels and overstocking (Sections 2(c)(3) and 2(c)(4)). The Wilderness Act explicitly bans any mechanical treatments within a wilderness boundary. 16 U.S.C. § 1133. So, activities on these lands that are currently permitted and even statutorily required under the O&C Act and the 2016 Resource Management Plans (RMP) would be prohibited indefinitely.

In written testimony before this Committee on May 14, both the [Forest Service](#) and [BLM](#) highlight this conflict and the BLM explains that the designations included in S. 1262 “involve O&C lands within the harvest land base (lands specifically designated for sustained-yield timber management) established under the 2016 RMP.” In its testimony, the BLM requested additional time to “conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber harvest levels.”

We strongly support the BLM’s request for time to calculate the expected loss in O&C acres and potential future timber harvests and associated revenue to support essential services in rural communities like law enforcement, search and rescue, and mental health. Rural communities and local businesses that depend on these lands deserve to understand the financial implications of S. 1262 and have time to plan accordingly.

It is also worth pointing out the ORE Act would add designations that may confuse and complicate management on the ground. In February, the Congress passed, and the President signed S. 47, the Natural Resources Management Act. This legislation, now law, included new protections for tens of thousands of acres in Clackamas County and Southwest Oregon – including tributaries of the Rogue River. Many of the new Congressionally designated acres are also included in the ORE Act and would receive new, additional, and potentially contradictory designations.

For example, many if not most of the proposed Rogue wilderness expansion would receive “quadruple” restrictions on management under the Wild and Scenic Rivers Act (added by S. 47), the Wilderness Act, as a National Recreation Area, and under the 2016 RMP as Late Successional Reserve (LSR) or Riparian Area. Each of these designations include specific management direction and goals and are not necessarily complementary or compatible with the stated forest resiliency and recreation goals of the legislation. We do not envy the federal land managers tasked with determining which of the four (or more) overlapping land designations to

follow, nor a member of the general public trying to determine what activities and uses are allowed where.

In its testimony before this Committee on May 14, the Forest Service picked up on this serious challenge: “Restrictive land use designations can post [sic] significant challenges for land managers’ ability to actively manage forest lands and reduce hazardous fuels around communities, create access issues for diverse land users and have impacts on rural economies.” The BLM expressed similar concerns: “...we are concerned that the bill as currently written could ultimately decrease public access, limit outdoor recreational opportunities, impede management and harvest of timber and other forest products...” The BLM added “the bill’s language related to road construction may also limit public access to any potential new or existing trailheads and scenic opportunities, and limit the extent to which forest health and wildfire resiliency activities could be implemented, especially where these activities necessitate decreasing the density of commercially viable materials.”

AFRC’s Recommendations

If, despite these warnings, the Congress is insistent about adding more restrictive designations to fire-prone landscapes in Clackamas County and Southwest Oregon, we offer the following recommendations to help minimize risks to forest communities, public health, access, and forest resources:

- 1) Remove the proposed Rogue wilderness expansion (Section 4). The ORE Act already proposes to protect the exact same acres – and thousands more – as a Recreation Area. As mentioned, most of these acres were already congressionally designated under the Wild and Scenic Rivers Act just a few months ago. Adding a wilderness overlay over nearly 94 square miles would legally prohibit any needed mechanical treatments to improve forest resiliency, reduce fuel loads, preserve access, and protect nearby communities.
- 2) Ensure a no net loss of O&C acres by directing the BLM to reclassify an equal number of Public Domain lands as O&C lands. This is important to maintaining the number of O&C acres, which are required under the O&C Act to be managed for sustained-yield timber harvests to generate revenues for county governments. 43 U.S.C. § 2601. The recent Western Oregon Tribal Fairness Act (PL 115-103) includes a similar provision for O&C acres being transferred to tribes in western Oregon.
- 3) Remove any acres within Oregon Recreation Areas designated as Harvest Land Base (HLB) under the 2016 RMP. As mentioned in previous letters to this Committee, the 2016 RMP severely restricts active management on the statutorily unique O&C Lands in Western Oregon and AFRC is challenging the Plan’s adequacy in court. Under the new plan, less than 20 percent of the O&C Lands are available for sustained-yield timber management and only a small fraction of those lands is available for timber harvest each year. S. 1262 would reduce the available acres for active management even further, impacting timber supply, reducing revenue to Oregon counties and the U.S. Treasury, and eliminating family wage jobs. Harvest Land Base acres – lands specifically identified for

timber production under the Obama Administration – should be removed from the legislation.

- 4) Direct the Forest Service and BLM to map the acres with the greatest fire risk within the ORE Act and require the management agencies to produce a five-year action plan to treat those acres – including through mechanical treatments. The Forest Service and BLM should use available data and mapping tools, such as the wildfire hazard potential (WHP) map, to depict wildfire risk and help prioritize fuels management needs. The plans should include the recommended action/treatment, timeline, and estimated costs for completing the work. The legislation should also include language explicitly authorizing any ongoing needed, science-based treatments regardless of the congressional or administrative designation.
- 5) Direct the Forest Service and BLM to work with local communities, rural fire districts, and other emergency management personnel to develop wildfire suppression and evacuation plans before wildfires inevitably start and spread within the boundaries of any new designations. The Forest Service and BLM should have specific plans for initial attack and containment for fires starting within the proposed wilderness expansion or Recreation Area. It will be critical for residents of nearby communities – especially Marial, Rand, and Galice – to participate in the development of emergency plans and designation of evacuation routes.
- 6) Consult, coordinate with, and solicit feedback from Oregon Governor Kate Brown’s Council on Wildfire Response. The Council was established on January 30, 2019 by executive order and is tasked with reviewing “Oregon’s current model for wildfire prevention, preparedness and response...” and to “provide recommendations to strengthen, improve, or replace existing systems.” [The Council](#), made up of a diverse group of state leaders representing a wide spectrum of public and private interests including staff from Senators Wyden and Merkley, will be reviewing, analyzing, and discussing policies that apply to these same Federal lands. S. 1262 could influence the Council’s work and recommendations.

Thank you for the opportunity to share our concerns and recommendations on S. 1262, the ORE Act.

Sincerely,



Travis Joseph
President/CEO

cc: Oregon Congressional Delegation
Oregon Governor Kate Brown



November 15, 2018

Senator Lisa Murkowski, Chairman
Senate Energy & Natural Resources
Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Senator Maria Cantwell, Ranking Member
Senate Energy & Natural Resources
Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Congressman Rob Bishop, Chairman
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Congressman Raul Grijalva, Ranking
Member
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Murkowski and Bishop and Ranking Member Cantwell and Grijalva:

In April 2016 and July 2017, AFRC submitted letters to the Senate Energy and Natural Resources Committee expressing concerns with the Oregon Wildlands Act and instead called for bipartisan, comprehensive forestry legislation to help address rural Oregon's economic, social, and ecological crises. Our commitment to compromise and finding realistic, implementable solutions to public land management changes has not changed.

However, the condition of Oregon's dynamic Federal forests and policy direction for managing these forests *have changed* since 2016/2017. As the Congress considers legislative proposals implicating Federal forests in Oregon – such as S. 1548, the Oregon Wildlands Act – we are writing to provide you with additional information, details, and concerns related to wildfire and public health, Western Oregon Resource Management Plans, and opportunities for bipartisan, comprehensive forestry legislation.

Wildfire and Public Health

Oregonians are still recovering from a severe wildfire year. According to the Oregon Department of Forestry, 2,019 wildfires burned approximately 857,000 acres in the state. This equates to 1,300 square miles, or roughly the size of Rhode Island. More than 80 structures were lost, including 10 primary residences while thousands of Oregonians were evacuated from their homes and businesses. Although the Pacific Northwest has traditionally enjoyed some of the best summer weather in the nation, wildfires and toxic smoke are having a dramatic impact on Oregonians' way of life.

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Total suppression costs topped \$500 million for the year, an all-time record. Yet, studies suggest the *actual* total economic impact of wildfires can be 10 times the cost of suppression. In other words, the true cost of 2018 wildfires to Oregon’s communities, businesses, natural resources, and wildlife could be as high as \$5 billion.¹

This includes wildfire impacts to the recreation and tourism economies. According to a 2017 Travel Oregon report, Oregon’s wildfires and smoke reduced visitor spending by \$51.5 million, local and state tax receipts by \$368,000 and \$1.5 million respectively, and worker paychecks by \$16 million. Wildfires led to curtailment of numerous sporting, educational, and cultural events across the state.²

For long stretches of the summer, Oregonians and those living in the Pacific Northwest suffered from some of the worst air quality on the planet. For example, in August, Southwest Oregon residents were regularly exposed to air quality index levels exceeding 190 (when air quality levels in Beijing, China averaged 61).³ The Environmental Protection Agency considers an air quality index value over 100 as “unhealthy” for sensitive groups such as children and senior citizens. An air quality index over 150 is considered “dangerous” for everyone.

Fortunately, mega-fires, toxic smoke, and massive carbon emissions from wildfires do not have to be the new Oregon normal. The Congress has provided Federal land managers with management tools (pre-commercial thinning, thinning, logging, prescribed burning, etc.) to help reduce fuel loads that drive larger, hotter, and more intense wildfires. When effectively utilized, active management tools can and do improve forest health and resiliency to fire and drought; protect homes and communities within the Wildland Urban Interface; and maintain forest access and infrastructure critical to firefighters, first responders, and the general public.

Although AFRC understands and appreciates the *intent* of the proposal to “protect” iconic natural Oregon treasures, the *practical* impact of legislation is likely to prohibit, limit, or delay the use of these active management tools – to say nothing of the change in suppression strategies and tactics within legislatively designated conservation areas. As such, S. 1548 could impede commonsense efforts to reduce the risk of wildfire and smoke in Oregon. For these reasons, AFRC strongly supports *more* active management on *more* at-risk Federal acres– not less as envisioned under the Oregon Wildlands Act.

Western Oregon Resource Management Plans

We are concerned that S. 1548 seeks to make legislative changes to Federal boundaries and designations in Western Oregon in a vacuum and without context. Like Oregon’s forests, *policy* directing management of Western Oregon forests, specifically lands managed under the O&C Act (O&C Lands), has changed since AFRC submitted comments on the Oregon Wildlands Act in previous years. Below is important background to consider.

¹ Oregon Department of Forestry End of Fire Season Update – November 1, 2018. Email from Doug Grafe, Chief Fire Protection, ODF.

² “The Impacts of the 2017 Wildfires on Oregon’s Travel and Tourism Industry.” Travel Oregon. 16 July 2018.

³ “How Air in the Pacific Northwest Became Dirtier Than Beijing’s.” Wall Street Journal. 29 August 2018. Found at: <https://www.wsj.com/articles/as-wildfires-burn-miles-away-smog-blankets-the-northwest-1535535001>

The Bureau of Land Management (BLM) manages approximately 2.2 million acres of statutorily unique O&C Lands in Western Oregon. Federal law requires all O&C Lands to be managed for permanent, sustained yield timber production—a practice that harvests only so much timber as the land can support on an ongoing basis. For three decades, the O&C Lands have been at the center of some of the most intense public land controversies in the state.

In 1994, the BLM adopted new management plans developed under the umbrella of the Northwest Forest Plan. The number of acres available for permanent timber production dropped to 691,000 acres, or 31 percent of the total land base. In 2016, the BLM again revised its plans further restricting the number of acres available for permanent timber production. This flawed plan is being litigated in Federal court by county, environmental, and industry interests. Today, less than 470,000 acres of the O&C Lands – which represents 19 percent of the land base – are *potentially* available for sustained-yield timber production *at some point in the future*. To be clear, only a tiny fraction of these lands are harvested and replanted each year.

Practically speaking, not even all of these acres are available for management due to wildlife and operational factors. Of the 470,000 acres in the “harvest land base,” 172,000 acres (37%) are designated as spotted owl critical habitat, further reducing BLM’s ability to productively manage the O&C Lands. In fact, in Fiscal Year 2018, the BLM sold 175.3 million board feet of timber, less than 15 percent of annual forest growth and nearly 30 million board feet of timber *less* than the agency’s annual target.

Thus, after all set-aside overlays are subtracted, less than 300,000 acres of the 2.2 million acres of statutorily unique O&C Lands – **or, approximately 14 percent** – are available for sustained-yield timber production. These calculations do not include the recent 48,000-acre expansion of the Cascade-Siskiyou National Monument by then-President Obama in January 2017 that is currently being litigated in three separate lawsuits, which affects an additional 40,000 acres of O&C Lands.

Again, AFRC understands and appreciates the *intent* of the proposal. However, when the proposal is placed within the context of the significant policy changes that have occurred in Western Oregon since 2016, it is difficult to justify permanent, legislative changes to more than 100,000 acres of Federal land that would prohibit, limit, or delay active forest management in Western Oregon under flawed, controversial Resource Management Plans – including thousands of acres designated specifically for timber harvests.

A Bipartisan, Comprehensive Solution

For the above reasons, we strongly encourage the Congress and Oregon Delegation to avoid one-sided proposals to set-aside more lands in favor of a bipartisan, comprehensive legislative solution to Oregon’s economic, social, and ecological crises.

Oregonians have made significant progress in working together in good faith to find balanced solutions to complex natural resources challenges. Members of the Oregon Delegation, on both sides of the aisle, have introduced legislation that would tackle these complex issues while also bringing diverse interests together. While AFRC has not been able to support all these

proposals, we and our members will give any serious proposal our diligent consideration. We are committed to the long-term health and vitality of our rural communities and forests. The growing urban-rural divide can and must be bridged. But it can only be bridged when all interests have a voice and a comprehensive solution is on the table. We urge the Committee and Delegation to start this conversation in earnest.

Respectfully,

A handwritten signature in black ink, appearing to read "Travis Joseph". The signature is written in a cursive, flowing style.

Travis Joseph
President
American Forest Resource Council

cc: Oregon Congressional Delegation



May 18, 2019

Senator Mike Lee
Subcommittee Chairman Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Building
Washington, DC 20510

Senator Ron Wyden
Subcommittee Ranking Member Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Building
Washington, DC 20510

Re: Legislative hearing on S. 1262, the “Oregon Recreation Enhancement Act”

Dear Chairman Lee and Ranking Member Wyden:

On behalf of American Rivers I write in support of S. 1262, the “Oregon Recreation Enhancement Act”, which includes a wide range of important conservation protections for rivers and public lands while recognizing the need to properly and effectively respond to an increase in wildfire in Oregon.

American Rivers mission is to protect wild rivers, restore damaged rivers, and conserve clean water for people and nature. Since our founding in 1973, we have used our leadership and expertise to ensure a nation of clean, healthy rivers that sustain and connect us to our past, to nature, and to one another.

American Rivers represents over 275,000 members and supporters and has staff and field offices located across the country, including in California. While our policy and advocacy efforts touch every river and stream in the country, we concentrate and integrate our work in 11 strategically selected river basins, where we are leading river protection, restoration, and stewardship efforts; promoting innovative water management solutions; and emphasizing efficient and wise water use. A key component of our work is engaging with a wide range of partners and stakeholders, which contributes to our ability to influence and support programs at the local, state, and national levels.

Wild Rogue Wilderness Expansion and Rogue Canyon Recreation Area

The famed Rogue River is a crown jewel of the national Wild and Scenic Rivers System and supports hiking, whitewater boating, multi-day river trips and sport and commercial fishing. The lower Rogue River provides \$30 million in recreation-based economic activity.

The bill expands the existing Wild Rogue Wilderness Area to approximately 60,000 acres, a proposal that has enjoyed local business and community support for over ten years. Although river runners and trail users experiencing the Wild and Scenic Rogue River enjoy a backcountry experience from Grave Creek to Foster Bar, the river is not protected as Wilderness until you pass through Mule Creek Canyon and enter the lower reaches of the river corridor administered by the Forest Service. This Wilderness expansion would protect the Zane Grey Roadless area



and the river corridor along the entire length of the section of the Rogue River experienced as a multi-day river trip.

The bill also establishes a 98,000 acre Recreation Area on lands administered by the Bureau of Land Management adjacent to the Wild Rogue Wilderness Area. This includes lands along the upper reaches of the Wild and Scenic corridor often enjoyed for day use near Galice, as well as lands along the Bear Camp Road. While existing roads would remain and be maintained, no new permanent roads would be constructed, wildfire management would continue to be permitted, and new mining claims would be prohibited. Lands would be managed for purposes of protecting, conserving, and enhancing the recreational values of the area.

Molalla Recreation Area

The bill establishes a 30,000-acre Recreation Area in the Molalla River watershed in Clackamas County, Oregon in an area currently managed as a Bureau of Land Management Molalla River Recreation Area. The Molalla River Trails System, a network of approximately 20 miles of trail, winds through forested foothills and offers scenic views of the Cascade Range for hikers, mountain bikers, and equestrians who visit. This designation is adjacent to the recently designated Wild and Scenic Molalla River and would provide complementary protection to the lands along the river corridor and ensure that they are managed for purposes of protecting, conserving, and enhancing the unique and nationally important recreational, ecological, scenic, cultural, watershed, and fish and wildlife values.

Protection of Drinking Water Sources and Salmon Strongholds

In addition to these protected areas, the bill would protect more than 100,000 acres of federal lands along Baldface Creek and Rough and Ready Creek, both eligible Wild and Scenic Rivers and Hunter Creek, and Pistol River from new mining claims. These lands are located at the headwaters of rivers that include the Wild and Scenic North Fork Smith and Illinois Rivers provide drinking water for downstream communities and support spectacular whitewater boating resources. While the Forest Service and Bureau of Land Management issued a 20-year administrative withdrawal from new mining claims in 2016 with overwhelming support from the local communities, the legislation would make this protection permanent.

Thank you for holding a hearing on this important bill. We look forward to continuing to work with the Subcommittee in support of the Oregon Recreation Enhancement Act. If you or your staff have any questions please contact me at dmoryc@americanrivers.org or (503) 307-1137.

Sincerely,

David Moryc
Senior Director, Wild and Scenic Rivers and Public Lands
American Rivers



May 14, 2019

The Honorable Mike Lee, Chairman
The Honorable Ron Wyden, Ranking Member
Senate Public Lands, Forests, and Mining Subcommittee
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Chairman Lee and Ranking Member Wyden,

On behalf of its members, the American Wind Energy Association (AWEA) submits this letter in advance of the Subcommittee's May 14, 2019, legislative hearing which will examine S. 499, the Offshore Wind for Territories Act, among other legislation. AWEA is a national trade association comprised of about 1,000 member companies representing a broad range of entities with a common interest in encouraging the expansion and facilitation of wind energy resources in the United States. AWEA members include wind turbine manufacturers, component suppliers, project developers, project owners and operators, financiers, researchers, renewable energy supporters, utilities, marketers, customers, and their advocates.

AWEA would like to offer our support for S. 499, introduced by Senator Cassidy of Louisiana, as it seeks to extend the Outer Continental Shelf Lands Act (OCSLA) to Guam, American Samoa, Puerto Rico, the Northern Mariana Islands, and the U.S. Virgin Islands for the purpose of expanding possible offshore wind development. Block Island Wind Farm, America's first offshore wind farm, has shown that developing offshore wind off the coasts of islands will prove to be a successful endeavor. Block Island, off the coast of Rhode Island, was powered by diesel generators before wind turbines started spinning off its coast in 2016. Since the project became operational, electricity prices are down, tourism is up, and the island has access to fiber optic cables for the first time. America's territories deserve an opportunity to reap these, and other, benefits of offshore wind development.

AWEA does not take a position on Sec. 3 of S. 499, concerning the disposition of revenues. Additionally, as this bill will increase the Bureau of Ocean Energy Management's (BOEM) already heavy workload, AWEA recommends that the legislation should also authorize additional appropriations for the purpose of carrying out the various tasks identified in the bill for growing offshore wind development.



With world-class wind resources on the East and West Coasts and in the Great Lakes, infrastructure and offshore energy expertise, the U.S. is primed to scale up offshore wind power. BOEM, within the U.S. Department of the Interior, is charting a path forward for additional offshore wind lease areas, transforming the enormous potential for offshore wind into a concrete pillar of American energy dominance that will spark heavy manufacturing and shipbuilding.

At the end of 2018, the U.S. had a total offshore wind pipeline of over 25,000 MW spanning 10 states off the East and Great Lakes coasts. This includes 2,068 MW of project-specific capacity and approximately 23,670 MW of potential capacity in federal lease areas issued to date. Out of this pipeline, project developers expect six offshore wind projects totaling 2,010 MW to be operational by 2023. BOEM has issued sixteen commercial wind energy leases to date. BOEM is also in the planning stages for areas off New York, South Carolina, California, and Hawaii. In addition, four demonstration projects have received a grant from the Department of Energy and obtained exclusive development rights to a site from federal or state authorities.

As a tangible example of the commercial reality of offshore wind, in December 2018, BOEM held a highly competitive auction for three offshore wind lease areas off the coast of Massachusetts. After 32 rounds of bidding, the lease areas were awarded to three companies for a record breaking \$405.1 million, providing a significant boost to federal revenues and showcasing the substantial investment private companies are willing to stake in the U.S. offshore wind market.

AWEA is supportive of S. 499 so that the U.S. territories can seek to benefit from this burgeoning American energy industry as well. If there are any questions about the statements made herein, please do not hesitate to contact Maggie Lemmerman on our Federal Affairs team at mlemmerman@awea.org or (202) 552-8103.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas C. Kiernan".

Thomas C. Kiernan

HERMAN E. BAERTSCHIGER, JR.
STATE SENATOR
DISTRICT 2



OREGON STATE SENATE
900 COURT ST NE
SALEM, OR 97301

Dear Honorable Members of Oregon's Congressional Delegation:

I am writing to express concerns regarding the potential expansion of Rogue River Wild & Scenic designations as proposed in the Oregon Wildlands Act. As you know this legislation is part of the broader public lands omnibus (S.1) pending in the 116th U.S. Congress.

As a wildlands fire manager with decades of experience working in the dry forests of Southern Oregon, I am concerned that expanding Wild & Scenic areas near the Rogue River will further restrict the ability of federal land managers to reduce fuels on these fire-prone lands. As a consequence, the changing and dangerous conditions on these lands will leave Grants Pass and other nearby communities vulnerable to catastrophic wildfires similar to those California experienced last year.

It is my understanding no maps have been made available of the proposed expansions, and little effort has been made to gauge the fire potential on lands proposed for these designations. Anecdotal evidence suggests many of the creeks and tributaries identified for these designations do not carry water for many months of the year. However, citizens in Southern Oregon have suffered from devastating fires that burned unchecked on designated wilderness lands. Fire modeling on these lands would indicate a very high potential for wind-driven catastrophic events in the future.

As you are likely aware, the U.S. Forest Service recently released a report identifying the communities at greatest risk of wildfire. The report indicated that more than 106,000 homes in Jackson and Josephine Counties are at risk, taking up 23 of the top 50 spots, with the community of Merlin near the Rogue River claiming the top spot.

Last year residents of Merlin were threatened by the Taylor Creek Fire, which merged with other fires to form the massive 175,000 Klondike Fire. These lands were previously identified for fuel reduction treatments by the Bureau of Land Management. However, due to administrative protests, the area burned before the project could be implemented.

Federal agencies have demonstrated an inability to accelerate needed forest treatments, and past actions have demonstrated an unwillingness by some to attack fires before they can cause large-scale devastation. These should serve as a warning to state and federal policymakers who are interested in protecting our Southern Oregon communities.

Catastrophic wildfires in recent years have damaged our local economy, resulting in lost tourism activity and negative effects on recreation businesses dependent on the Rogue River. It is unclear what problems the proposed expansion of Rogue River Wild & Scenic is attempting to solve. But once again, fire models will indicate significant potential as fires are allowed to burn and spread unchecked on these designated lands.

I would strongly encourage you to withdraw the proposed Rogue Wild & Scenic expansion from both the Oregon Wildlands Act and the public lands omnibus, and work to develop comprehensive forest and fire management solutions that better meet the needs of our Southern Oregon communities.

Thank you for your attention to this issue.

A handwritten signature in black ink, reading "Herman E. Baertschiger, Jr." in a cursive style.

Herman Baertschiger, Jr.
Oregon State Senate, District 2
Senate Republican Leader

**OREGON STATE SENATE**

February 12, 2019

Dear Honorable Members of Oregon's Congressional Delegation:

As you are aware, Oregonians are now impacted by catastrophic wildfires and smoke on an annual basis. With the next wildfire season quickly approaching, it is imperative for the Congress and the Legislature to work together and support solutions that effectively protect our communities.

We are writing to express our disappointment with the public lands package currently moving through the 116th Congress. Specifically we are concerned with proposals to create new wilderness areas and other arbitrary designations on tens of thousands of acres in Oregon at risk of wildfire. Respectfully, we believe passing these measures, known collectively as the "Oregon Wildlands Act" in the absence of comprehensive forest and fire management solutions sends the wrong message to Oregonians who are looking to Salem and Washington DC for practical solutions and relief – especially those living in communities devastated by fire and smoke all summer.

The cost of fighting 2018 wildfires in Oregon reached a record high \$514.6 million, according to the Northwest Interagency Coordination Center. These costs affect not only the federal government, it affects the state budget and our ability to fund schools, public safety, health care and other essential services. Throughout the 2019 session, the Oregon Legislature will address escalating wildfire costs on lands under the jurisdiction of the Department of Forestry and may have to renegotiate a firefighting contract with the Bureau of Land Management. Considering that more than 80 percent of acres burned in recent years occurred on federal lands we need Congress to act and give land managers the tools, resources and flexibility to reduce the risks of wildfire more quickly.

Wildfires and smoke are impacting Oregon's recreational economy and driving potential visitors away. Travel Oregon estimated the state's economy lost about \$51 million in tourism revenue from wildfires and smoke in 2017. The same report indicated a loss of \$1.5 million in state tax receipts and \$368,000 in local tax receipts. Oregon workers missed out on over \$16 million in paychecks, which does not include numerous curtailments and cancellations to sporting, education, and cultural events across the state with significant losses in Southwest Oregon.

Regrettably, some of the most devastating, costly, and dangerous wildfires start and spread in Federally-designated wilderness areas. One example is the disastrous Chetco Bar Fire of 2017, which ignited and spread in the Kalmiopsis Wilderness. After the U.S. Forest Service failed to deploy equipment into the wilderness area and immediately attack the fire, it gathered strength and ultimately threatened the community of Brookings. This wilderness area has accumulated so many dead and dying trees that it now burns on a yearly basis. Most recently it fueled the Klondike Fire of 2018, which burned over 175,000 acres and blanketed Southwest Oregon in dense smoke for weeks. The nearby Taylor Creek Fire burned an additional 58,000 acres and closed a popular section of the iconic Rogue River during peak season.

Despite these ongoing public health and safety risks, the Oregon Wildlands Act would add restrictive new Federal designations to an at-risk landscape. In fact, tens of thousands of acres under consideration are classified in the Class II fire regime, meaning they are at great risk of high-severity fire that would

replace more than 75 percent of the dominant overstory vegetation. While we share your goal of protecting Oregon's natural treasures that benefit citizens and attract tourism to our state, we have questions and concerns about how these new designations address the fire threat to the landscape and achieve our common objective of protecting communities and vulnerable populations from catastrophic wildfire and smoke.

We respectfully request that before moving forward with final passage of the Oregon Wildlands Act – which would permanently change land designations on hundreds of thousands of acres in Oregon – that you or your designees meet with members of the Oregon Legislature to help us understand why these additional designations are the appropriate first response from the Congress to address Oregon's wildfire and toxic smoke crisis.

We look forward to engaging in a productive conversation about how we can partner to achieve practical, implementable, comprehensive solutions to Oregon's wildfire and smoke crisis. Thank you for your service to the people of Oregon.

Sincerely,



Herman Baertschiger Jr.
Oregon State Senator
Senate District 2

Betsy Johnson
Oregon State Senator
Senate District 16

From: [Budd Berkman](#)
To: [fortherecord \(Energy\)](#)
Subject: S. 526
Date: Sunday, May 12, 2019 6:43:33 PM

Hello - I am in FAVOR of S. 526, the Buffalo Tract Bill, to withdraw certain Bureau of Land Management land from mineral development.

Thank you, Budd Berkman 11 Canoncito Rd. Placitas, NM 870443

From: [BILL BLAIR](#)
To: [fortherecord \(Energy\)](#)
Subject: Support Of Bill S.526
Date: Monday, May 13, 2019 10:50:54 AM

May 13, 2019

William J. Blair
17 Horse Shoe Loop
Placitas, NM 87043

Dear Senators:

We are writing in support of S.526, a bill to withdraw certain Bureau of Land Management properties from mineral development and ask that this letter be included in the May 14, 2019 hearing record.

We believe this bill merits passage to protect some of the last remaining accessible wildlands in the Albuquerque area from destructive development.

Minerals exploitation will severely, permanently and adversely affect the quality of life and property values for the many residents who have built their homes in the area adjacent to the described tracts through increased heavy truck traffic, noise and dust pollution and environmental degradation. Placitas is a desired retirement destination for many senior citizens who bring their disposable income and require few government services but who will not live next to an industrial facility, thus significantly reducing government tax revenues.

Gravel mining, the proposed use for the area, consumes millions of gallons of water annually, depleting an already scarce resource. The Placitas village is frequently on water rationing, allowing residents daily access to potable water for only 4 morning and 4 evening hours. Serious depletion of the aquifer will necessitate expensive well redrilling, assuming any water is left available.

The targeted area is adjacent to several historic entities, including San Felipe and Santa Ana Pueblos and the San Antonio De Las Huertas land grant, all of which have very legitimate, historic claim to parts of the parcel.

The parcel is one of the few safe and accessible wildlife corridors available between the Jemez and Sandia mountains and could be a major corridor for a wide variety of wildlife. As a significant home for wildlife the parcel is a significant site for eco tourists and outdoor recreation such as hunting, biking, hiking, four wheeling, target shooting and photography, all of which can and do coexist on this 3,400+ acre tract.

Sincerely,

William J. Blair

The Register-Guard

Opinion

Boice: Oregon Wildlands Act won't protect the Rogue

By Court Boice

Posted Jan 20, 2019 at 12:01 AM

The Rogue River is an Oregon treasure that is highly valued by residents and visitors alike. We all have an interest in assuring that it remains a place current and future generations can enjoy. Yet the proposed Oregon Wildlands Act is the wrong solution, at the wrong time, to protect the Rogue River, its tributaries, surrounding forests and wildlife.

Similarly to a recent guest opinion writer, I have operated businesses that depend on tourism on the Rogue River. But my interest in this iconic landscape goes far beyond business. I have spent most of my adult life living in the Rogue River Wilderness and have raised my sons on the river. I have an absolute devotion to protecting these public lands, yet the Oregon Wildlands Act could place this environment further at risk.

That's because the areas targeted for "protections" under the Oregon Wildlands Act are at high risk of catastrophic, stand-replacing wildfire. Provisions in this bill would make it more difficult for federal land agencies to access at-risk lands and remove excess vegetation that fuels deadly fires. There are already significant restrictions on land management activities in riparian zones on public lands. The Oregon Wildlands Act only serves to add another obstacle to needed fuels reduction.

In just the past two years, the 2017 Chetco Bar and 2018 Klondike fires burned a combined 366,000 acres — 610 square miles — within the Rogue River-Siskiyou National Forest. The fires not only threatened nearby homes and businesses, they also inundated our communities in toxic smoke that harmed our most vulnerable populations.

Proponents of the Oregon Wildlands Act claim it will benefit Oregon's outdoor recreation economy. Some recreation businesses have not recovered from the loss of visitors from previous fire seasons. According to Travel Oregon, the 2017 fires and smoke reduced visitor spending by \$51.5 million and reduced worker payrolls by \$16 million. It is difficult to attract tourists to Southwest Oregon when we are suffering from the worst air quality in the world, as we experienced in the previous wildfire season.

There are many good reasons to reduce fire risks to protect the Rogue and its tributaries. Catastrophic wildfires can leave watersheds vulnerable to flooding and erosion, which can increase the accumulation of sediment in streams and rivers. Water quality can be

1/21/2019

Boice: Oregon Wildlands Act won't protect the Rogue - Opinion - The Register-Guard - Eugene, OR

compromised for months and years after a fire is contained. Post-fire runoff negatively affects aquatic habitat as toxins such as mercury are released from burnt soils. Due to these impacts, federal land managers have sought to implement science-based vegetation management activities, such as thinning overstocked stands, to protect the ecological integrity of these natural resources.

A survey of federal land managers found management activities in riparian zones were successful at reducing hazardous fuels and enhancing wildlife habitat. The Oregon Wildlands Act would restrict common-sense opportunities to protect, restore and enhance the Rogue River and its tributaries.

By definition, wilderness designations and roadless areas keep people out of public lands and make it nearly impossible for firefighters to extinguish fires. That is why the Oregon Wildlands Act is tone-deaf to the concerns of many Southern Oregonians who want firefighting agencies to suppress fires quickly before they devastate our forests, fill our valleys with smoke, and threaten the safety of our rural communities.

Some have criticized Congressman Greg Walden for objecting to certain provisions of the Oregon Wildlands Act. Yet public lands belong to all of us, and Congressman Walden is correct to be concerned about land designations that limit fuel reduction activities and put the public and first responders at risk. After all, the fires that burned in the vicinity of the Rogue River funneled smoke into his district and harmed many of the citizens and closed businesses he represents.

The greatest risk to the iconic Rogue River we all love is catastrophic fire. Our congressional delegation should work together to reduce fire risks that threaten our public lands and hurt our economy.

Court Boice is a Curry County commissioner. Prior to his public service, he was an owner of Paradise Wilderness Lodge on the Rogue River, and a part-owner of Jerry's Rogue Jet Boats.

From: [Patricia Brady](#)
To: [fortherecord \(Energy\)](#)
Subject: Buffalo Tract Bill S.526
Date: Friday, May 10, 2019 2:17:34 PM

Stephen and Patricia Brady
25 Horseshoe Loop
Placitas, New Mexico
May 10, 2019

Re: May 14, 2019 hearing for S.526

Dear Senators

We are writing in support of S.526, a bill to withdraw certain Bureau of Land Management properties from mineral development and ask that this letter be included in the May 14, 2019 hearing record.

We believe this bill merits passage to protect some of the last remaining accessible wildlands in the Albuquerque area from destructive development.

Our concerns:

- Gravel mining, the proposed use for the area, consumes millions of gallons of water annually, depleting an already scarce resource.
- Minerals exploitation will severely, permanently and adversely affect the quality of life and property values for the many residents who have built their homes in the area.
- Placitas is a desired retirement destination for many senior citizens. There is much land for sale in our community, living next to an industrial facility is undesirable, thus significantly reducing government tax revenues.
- The targeted area is adjacent to several historic entities, including San Felipe and Santa Ana Pueblos and the San Antonio De Las Huertas land grant, all of which have very legitimate, historic claim to parts of the parcel.

Not only is this parcel home to wildlife, but an area for outdoor recreation such as biking, hiking, and photography. The parcel is one of the few safe and accessible wildlife corridors available between the Jemez and Sandia mountains.

Sincerely,

Stephen and Patricia Brady
25 Horseshoe Loop
Placitas, New Mexico, 87043



SANDOVAL COUNTY ADMINISTRATIVE OFFICES

KATHERINE A. BRUCH
County Commissioner, District 1

May 10, 2019

United States Senate
Energy and Natural Resources Committee

Re: Senate Bill 526
Energy and Natural Resources Committee
Hearing Date of May 14, 2019
Request That This Document Be Included
In the Hearing Record

Dear Committee:

As the District 1 Commissioner of Sandoval County New Mexico, I strongly support the passage of Senate Bill 526. In 2017, the Sandoval County Commission approved a resolution in support of banning extractive mining on the BLM land located in the area that adjoins the area of Placitas, Algodones, San Felipe Pueblo, Santa Ana Pueblo and the San Antonio de las Huertas Land Grant, more commonly known as the Buffalo Tract.

This land is surrounded by residential and Pueblo lands and is most suitable for recreational use. Extractive mining has a negative effect on the residents and the land and brings little if any economic benefit to the residents of the surrounding area or to the County as a whole.

All of the adjacent landowners have expressed their opposition to extractive mining on this land. This area is also rich in Native artifacts and holds special significance to these indigenous peoples as well as historical significance for the Land Grant.



SANDOVAL COUNTY ADMINISTRATIVE OFFICES

KATHERINE A. BRUCH
County Commissioner, District 1

The County's zoning plan has designated the adjacent lands of unincorporated Placitas for residential development which is not compatible with extractive mining.

Thank you for the opportunity to comment on this matter and I urge the Committee to support and approve S. 526.

Very truly yours,

Katherine A. Bruch

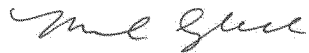
Katherine A. Bruch
Sandoval County Commissioner
District 1

May 12, 2019

To the House Energy and Natural Resources Committee,

I am writing in support of the Buffalo Tract Bill (S. 526, To withdraw certain Bureau of Land Management land from mineral development), to be heard by the committee on May 14, 2019 at 12:30pm. As a Sandoval County resident and a 30+ year resident of the state of New Mexico, I respectfully ask the committee to protect this area from expanded mineral development and preserve these lands for wildlife and for recreational activity. Mining activity provides short-term monetary benefit for a few, whereas conservation and recreation provide long-term benefits for generations of New Mexicans. I urge you to withdraw this land from exploitative and destructive mineral development that threatens the economic, social, and environmental well-being of this area.

Thank you,

A handwritten signature in cursive script, appearing to read "Mariel Campbell".

Mariel Campbell

41 Cienega Canyon Rd
Placitas, NM 87043
employer: University of New Mexico
occupation: Collection Manager

**United States Senate
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Legislative Hearing**

May 14, 2019

Statement for the Record - Senator Bill Cassidy

Thank you Chairman Lee and Ranking Member Wyden for including the Offshore Wind for Territories Act in the Subcommittee's legislative hearing. Earlier this year, Senator Schatz and I introduced this bill and are working with Congresswoman Gonzalez-Colon to pass it in the House. Recently, the House Natural Resources Committee voted to advance this legislation by unanimous consent.

Under current law, the Outer Continental Shelf Lands Act (OCSLA) grants the Secretary of the Interior with the authority to lease offshore lands for renewable energy development. However, OCSLA does not apply to the five U.S. territories, preventing them from tapping into offshore renewable resources.

The Committee stated in its background memo for this hearing that, *"there is a need to modernize energy distribution and reduce longstanding reliance on imported petroleum supplies in the territories."* The bill my colleagues and I are leading attempts to achieve this outcome and can increase access to clean electricity, generate revenue for U.S. territories, and protect vulnerable coral reefs. Further, having alternative sources of power generation can be important to support the recovery process following a natural disaster.

Specifically, this bill would amend OCLSA to include the U.S. territories and possessions and directs the Department of the Interior to conduct feasibility studies on offshore wind lease sales off all territories. If a study determines that wind leasing is viable, the Secretary is required to conduct a lease sale off the coast of that territory.

This bill also creates a revenue sharing program, guaranteeing each territory a share of all payments made to the federal government by offshore wind developers for projects in the respective Exclusive Economic Zones of each territory. Territories would receive 37.5 percent of qualifying revenues, consistent with the revenue sharing structure established under the Gulf of Mexico Energy Security Act (GOMESA) of 2006. The bill also directs 12.5 percent of revenues to the National Oceanic and Atmospheric Administration's Coral Reef Conservation Program, providing dedicated funding for coral reef conservation in U.S. territories and elsewhere, at no additional cost to the American taxpayer.

This bill can help the territories modernize their electric grid, is good for the environment and good for U.S businesses and workers who will construct the wind turbines and onshore infrastructure or who will transport and install the necessary equipment at future offshore sites. I look forward to working with my colleagues to advance this legislation, and again thank the Committee for including the bill in this hearing.

Stephen and Joan Chewning
2 Horseshoe Loop
Placitas, New Mexico

May 9, 2019

Re: May 14, 2019 hearing for S.526

Dear Senators

We are writing in support of S.526, a bill to withdraw certain Bureau of Land Management properties from mineral development and ask that this letter be included in the May 14, 2019 hearing record.

We believe this bill merits passage to protect some of the last remaining accessible wildlands in the Albuquerque area from destructive development.

Minerals exploitation will severely, permanently and adversely affect the quality of life and property values for the many residents who have built their homes in the area adjacent to the described tracts through increased heavy truck traffic, noise and dust pollution and environmental degradation. Placitas is a desired retirement destination for many senior citizens who bring their disposable income and require few government services but who will not live next to an industrial facility, thus significantly reducing government tax revenues.

Gravel mining, the proposed use for the area, consumes millions of gallons of water annually, depleting an already scarce resource. The Placitas village is frequently on water rationing, allowing residents daily access to potable water for only 4 morning and 4 evening hours. Serious depletion of the aquifer will necessitate expensive well redrilling, assuming any water is left available.

The targeted area is adjacent to several historic entities, including San Felipe and Santa Ana Pueblos and the San Antonio De Las Huertas land grant, all of which have very legitimate, historic claim to parts of the parcel.

The parcel is one of the few safe and accessible wildlife corridors available between the Jemez and Sandia mountains and could be a major corridor for a wide variety of wildlife. As a significant home for wildlife the parcel is a significant site for eco tourists and outdoor recreation such as hunting, biking, hiking, four wheeling, target shooting and photography, all of which can and do coexist on this 3,400+ acre tract.

Respectfully Yours

Stephen and Joan Chewning
2 Horseshoe Loop
Placitas, New Mexico, 87043

From: mxclifton@aol.com
To: [fortherecord \(Energy\)](mailto:fortherecord@energy.gov)
Cc: chuckandsandyjohnson@comcast.net; geolisafranzen@aol.com
Subject: Buffalo Tract Bill (S. 526. To withdraw certain Bureau of Land Management land from mineral development).
Date: Thursday, May 09, 2019 2:01:29 PM

fortherecord@energy.senate.gov

May 14, 2019, 12.30 p.m. Natural Resources Committee Hearing regarding:

Buffalo Tract Bill (S. 526. To withdraw certain Bureau of Land Management land from mineral development).

Testimony in Favor of S. 526

From:

Martin A. Clifton
71 Arroyo Venada Rd.
Placitas, New Mexico 87043-9000

Email: MXClifton@aol.com

Honorable Senators:

Thank you for the opportunity to submit my written testimony regarding this important legislation. Please include my testimony in the hearing record.

I am a member of the Eastern Sandoval County Citizens Association, the Las Placitas Association, and the Las Placitas Citizens Committee working in co-operation with the Bureau of Land Management to change the Bureau of Land Management (BLM) Buffalo Tract from a multi-use purpose to recreational land use only. I am also a retired mining and utility executive, having utility and mining experience in New Mexico, Oklahoma, Nevada and California, as well as energy project development in the Near East and Eastern Europe.

As a 25-year resident/homeowner in Placitas, New Mexico I have actively pursued conversations with the Bureau of Land Management regarding ongoing problems on the 3,400 acre BLM tract of land known as the Buffalo Tract. The approximately 2 by 5-mile section of land is called the Buffalo Tract because it's outline on a map resembles the body of a Buffalo, with its backbone touching the San Felipe Pueblo

Reservation to the North, and its belly and legs touching the unincorporated village neighborhoods of Placitas, New Mexico to the South. The Buffalo head, touches the community of Algodones and the Santa Ana Pueblo Reservation to the West, and the tail touching the Sandia Mountain escarpment to the east (including the private holdings of the Diamond Tail Ranch) and the San Antonio de Las Huertas Land Grant lands where the Coronado Land and Water Conservation District works to preserve our resources. These Pueblos, along with the Communities of Placitas and Algodones, and the nearby Town of Bernalillo and northern portions of the City of Rio Rancho comprise a population of some 25,000 to 30,000 residents who work, attend schools, churches and community activities in nearby Sandoval County, or the nearby cities including Rio Rancho, Santa Fe and Albuquerque.

The BLM Buffalo Tract is a fluke of decision making in Washington, D.C., in which it made it the responsibility of the BLM rather than the U.S. Forest Service, as part of the Sandia National Forest, a wilderness preserve sponsored by President Theodore Roosevelt. The historical Village of Placitas and the San Antonio de Las Huertas Land Grant separate the BLM Buffalo Tract from the Sandia National Forest to the south by just three miles along the east/west New Mexico Hwy 165. In 1950s and 1960s the BLM leased these lands for cattle grazing. Also in the 1960's the BLM issued a sand and gravel mining permit on the western edge of the Buffalo Tract. A few head of cattle still graze an existing allotment, but the BLM permitted mine has been closed for about 25 years. Operators grudgingly reclaimed the BLM mine 10 years ago after the BLM threated lawsuits, etc.. But the surrounding communities that grew up around it lovingly use the Buffalo Tract for recreation, and it is cherished as an environmental and tribal religious sanctuary and an important wildlife corridor.

While the surrounding communities have grown dramatically over the past 75 years from populations of just several 100 people in our small village to several thousand, and the sand and gravel mining along the US I-25 corridor between Albuquerque and Santa Fe geared up to meet the demand of those large communities, the mining activity provides little or no economic benefit to the surrounding communities. Modern mining technologies employ a few rubber or track driven gravel digging and transport machines and conveyor/stacker equipment to load material onto 18 wheel semi-trucks that carry the product to markets in Albuquerque and Rio Rancho. The equipment and operators are easily

relocated. New Mexico, if nothing else, is a state with plentiful sand and gravel in gravel rich areas where there would be little or no impact on air and water quality. Our limited water resource comes from the aquifer sourced run-off of the Sandia Mountains, and it's a little-known fact that sand and gravel mining uses large quantities of water to wash the sand and gravel before delivery, in competition with the surrounding community needs, including the farming acequias (dirt irrigation ditches) of our mountain communities. Gravel miners drill for water at mine sites, and there is basically no State or Federal management of their water use, once permitted.

Significant among the recent problems we faced in Placitas and our neighboring communities are the active private and tribal property gravel mining in the 15 mile north-south vicinity of US I-25 which also borders the BLM Buffalo Tract. In recent times, there have been five major private, BLM based and tribal gravel mines, and associated truck traffic, water and air pollution to compromise the quality of living here. It's also a little-known fact that BLM reclamation requirements for sand and gravel mining is almost a joke. Since there is no overburden to replace the strip mine, the mining company is only required to do minimal contouring and seeding. Ten years later, it will look like a barren hole in the ground because no trees are planted and the imported grass will die because there is no water. The current unapproved BLM Resource Management Plan (RMP) provides for gravel mining on the northern most 1-mile X 5-mile portion of the Buffalo Tract, which, when approved, would effectively result in gravel mining just one mile north of Placitas and several hundred yards from Algodones and in the middle of a 25,000 to 30,000-person community for the next 20-30 years, taking away a valuable recreation and wildlife corridor from the area. There is no natural water (other than seasonal run-off from the Sandias in wet years). Yet, the Santa Ana and San Felipe Pueblo and the BLM have documented a significant wildlife corridor used by elk, deer, antelope, bear, cougar, coyote, free-roaming horses, small mammals, birds and reptiles which use the corridor to travel between the Jemez Mountain Range to the northwest and the eastern escarpments of the Sandia Mountains on an annual basis. I have been fortunate to personally see most of these animals on our horseback trips to the Buffalo Tract over the past 25 years.

So, the esteemed Senators might ask, "Yes, but is the Buffalo Tract worth saving? Does it have any redeeming qualities, any unique

environmental or national park-like qualities we can point to?" The answer is yes. The BLM Buffalo Tract is part of a tract of high desert land touching the Sandia Mountains, with magnificent vistas of 360 degrees, where we can see the 10,000 foot Sandias Mountains looming over us, the Jemez Mountains (and Las Alamos) to the northwest, the Sangre de Cristo (Santa Fe) and Pecos Mountains to the north, and the Ortez Mountains to the east. Just to the west is a view of the Rio Grande river and the incredible views of the Santa Ana and San Felipe mesas under the east face of the 12,000-foot Jemez Mountains. The 3400-acre Buffalo Tract is claimed as aboriginal holdings of the Santa Ana and San Felipe Pueblo people, as well as part of the original land grant holdings of the San Antonio de Las Huertas Land Grant Community dating back to the 1700s. It is in the foothills of the Sandia Mountains, and is starkly visual, with canyons and arroyos challenging to hikers, horse riders and bikers. It is available to the ATV riders or 4 wheelers who regularly travel the simple single and two-track trails. It has an extensive collection of pinon and juniper trees dotting the landscape, chaparral shrubs and in the springtime, beautiful flowering plants. It reflects our 4-season high desert environment, having some snow on the ground in winter, occasional rains in the spring and fall, and challenging heat in the summertime. Make no mistake though, it is a harsh high desert environment that some would not believe is attractive. We disagree.

The current US Department of Interior legislated multi-use rules for BLM lands have little lee-way to limit use of BLM lands for recreational use only, but we have worked hard over the years now to obtain RMP changes that might eliminate gravel mining here on the Buffalo Tract. Hundreds, if not thousands of letters have been written to our Senators and Congressmen and Congresswomen, and to the BLM pleading for this. Those efforts notwithstanding, there is a still a special need in our community for a recreational designation for the Buffalo Tract in conjunction with the S. 526 elimination of mineral development to provide for the overall well-being of the closely surrounding communities and the fragile lands, plants and animals of the Jemez to Sandia Wildlife Corridor contained in the BLM Buffalo Tract.

In the interest of these objectives I would respectively ask for the Natural Resources Committee approval of the proposed Buffalo Tract Bill (S. 526. To withdraw certain Bureau of Land Management land from mineral development).

As a former mining executive in New Mexico I know that there are fair economic gravel mining alternatives which do not compromise our community economic and environmental interests.

Sincerely,

Martin Clifton



ES-CA (Eastern Sandoval Citizens Association, Inc.)

P.O. Box 215, Placitas, NM 87043-0215

e-mail: info@ES-CA.org Web: ES-CA.org

May 13, 2019

Senator Martin T. Heinrich
303 Hart Senate Office Building
Washington, DC 20510

Dear Senator Heinrich:

The Eastern Sandoval Citizens Association (ES-CA) represent the people of Sandoval County east of I-25. We continue to support your legislation (co-sponsored by Senator Udall), the Buffalo Tract Protection Act, which will ensure that communities in southern Sandoval County are protected from gravel mining on nearby lands managed by the Bureau of Land Management (BLM) and greatly appreciate its re-introduction in the 2019 legislative session.

The draft Rio Puerco Resource Management Plan, published in July 2012, proposes that the Buffalo Tract and other nearby public lands be open to gravel mining. Our area already has six gravel mines with four of them being among New Mexico's thirteen largest. The cumulative negative economic and quality of life impacts, as well as health risks, of these mines on our area cannot be overstated. A particulate monitor was installed by NMED in the area between the mines and near the BLM land. It consistently showed the air quality to be one of the worse sites in the state, even though below EPA actionable levels. Another mine can only make this worse. Even if this RMP is tabled, we have been told by the BLM that gravel operators may be permitted to lease these lands for mining purposes.

Sandoval County passed Resolution 2-2-17.11 on February 2, 2017 asking the BLM for use which "prohibits sand and gravel mining and works in accordance with the policies and recommendations of the County's Placitas Area Plan." An August 2014 blind survey of our membership found that 91% Agreed or Strongly Agreed "Never allow any type of mining or extraction (except water) on the property (Buffalo Tract)." According to Plate 58 published in the 2012 draft RMP, there is a 60 mile aggregate rich (Rio Grande) corridor with an abundance of areas better suited for gravel mining.

Your legislation would withdraw the Buffalo Tract and other public lands in the vicinity from any mineral sale, lease, or patent. This will protect Placitas from additional and unwanted gravel mining. We hope to see this legislation advance quickly. Thank you for your work on behalf of Placitas and Sandoval County.

Sincerely,

George Franzen
President, ES-CA
505-867-0112
geolisafranzen@aol.com

Richard Ulmer
Chairman, ES-CA Land Protection Trust
505-404-0416
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The Las Placitas Association

Preserving and Protecting the Quality of Life in the Placitas Area



May 13, 2019

The Honorable Mike Lee
Chairman, Subcommittee on Public Lands, Forests & Mining
Energy and Natural Resources Committee
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member, Subcommittee on Public Lands, Forests & Mining
Energy and Natural Resources Committee
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

RE: May 14, 2019 Hearing on S.526, the Buffalo Tract Protection Act

Dear Chairman Lee and Ranking Member Wyden:

We, the Eastern Sandoval Citizens Association (ES-CA) and the Las Placitas Association (LPA) of New Mexico, write to express our long-standing opposition to gravel mining in the ~3,000-acre BLM Buffalo Tract and the three sister parcels situated within Unit 5 of the Rio Puerco Planning area, which is adjacent to Placitas. We respectfully request that you include the following attachments in the record for this hearing:

1. Our letter, dated today, to Interior Secretary Bernhardt, requesting that certain public lands around Placitas be removed from all forms of mineral development;
2. *Land of Enchantment... or Gravel?* — a 2015 white paper produced by our associations, explaining the harms caused by gravel mining on nearby residential communities.
3. An abstract of our joint comments on the 2012 draft Resource Management Plan for this area, which proposed gravel mining as a preferred alternative use.
4. A 2015 resolution approved by the Board of Commissioners of Sandoval County opposing mining
5. A 2017 resolution approved by the Board of Commissioners of Sandoval County opposing mining

Just as we have requested that the Secretary of the Interior take administrative action to withdraw the relevant land from gravel mining, we urge you to make the same request of the Secretary and

the Bureau of Land Management. Otherwise, administrative action, either to approve mining under the existing RMP or to approve the new RMP, could deny Congress the opportunity to fully consider S.526 and its companion bill in the House. Ultimately, only legislation can protect us all from the looming threat of future mining, which would damage public health and the environment, as well as the economic condition of Placitas and Sandoval County.

Pending passage of such legislation and absent unequivocal action by the Secretary and BLM to withdraw the land from mining, we request that, at a minimum:

1. Any new RMP that proposes gravel mining should include a complete assessment of the cumulative harms of gravel mining to our community, Sandoval County and nearby tribes;
2. All affected parties should have the opportunity to challenge any new mining proposed by the RMP through the Interior Board of Land Appeals;
3. No action should be taken to permit new gravel mining until the new Resource Management Plan is finalized;
4. We should receive notice of any such applications immediately and have the opportunity to comment on them before they are approved; and
5. BLM should not approve any such mining applications without conducting the assessment of the cumulative harms of gravel mining to our community, Sandoval County and nearby tribes that should accompany a new RMP.

We greatly thank you for your consideration of this legislation, which is of vital importance to our community.

Sincerely,

George Franzen
President, Eastern Sandoval Citizens
Association (ES-CA)

Sandy Johnson
President, Las Placitas Association (LPA)

Richard Ulmer
Chair, Land Use Protection Trust

Mary Rose Szoka-Valladares
Member, ES-CA & LPA

cc:

Sen. John Barrasso
Sen. James E. Risch
Sen. Steve Daines
Sen. Bill Cassidy
Sen. Cory Gardner
Sen. Cindy Hyde-Smith
Sen. Martha McSally
Sen. John Hoeven

Sen. Maria Cantwell
Sen. Debbie Stabenow
Sen. Martin Heinrich
Sen. Mazie Hirono
Sen. Angus S. King, Jr.
Sen. Catherine Cortez Masto
Sen. Tom Udall



The Las Placitas Association

Preserving and Protecting the Quality of Life in the Placitas Area

May 13, 2019

Honorable David Bernhardt
Secretary, U.S. Department of Interior
1849 C Street, NW Washington, D.C. 20240



Dear Secretary Bernhardt:

We, the Eastern Sandoval Citizens Association (ES-CA) and the Las Placitas Association (LPA) of New Mexico, write to respectfully request that you use your authority under the Federal Land Policy and Management Act (FLPMA) to withdraw certain Bureau of Land Management (BLM) land in Unit 5 of the Rio Puerco Resource Management (RMP) area from all forms of mineral development under all laws pertaining to mineral leasing or mineral materials, including locatable minerals, in aid of pending legislation: the Buffalo Tract Protection Act (S. 526 and H.R. ___).

The subject BLM land is labeled as Tracts A through D on BLM's "Placitas, New Mexico Area Map," dated March 11, 2016. For Sandoval County planning purposes, Tract A is considered part of "Indian Flats." Today, it is commonly referred to as "the Buffalo Tract"—for which the legislation is named—while Tract B is commonly called the "Crest of Montezuma."

Withdrawal of all tracts from mining is urgently needed in view of (1) the risk associated with the outdated RMP, which allows mining on all four tracts; (2) the uncertainty associated with the contents of a new RMP and the delays in its review and adoption; (3) the devastating impact on public health, economic conditions, and the environment from existing mines in this vicinity; and (4) the cumulative adverse impact that would result from any additional mining on the Buffalo Tract and the three other subject parcels in Unit 5.

About the Placitas Community

The ~3,000-acre BLM Buffalo Tract and the three sister parcels are situated within Unit 5 of the Rio Puerco Planning area in Placitas, an unincorporated area. Rich with over 11,000 years of Puebloan, Spanish and Anglo-American history, Placitas is part of the Las Huertas Basin, which extends from the north Sandia Mountains to the Rio Grande. While Placitas is located in Sandoval County, it is also part of metro Albuquerque, which is home to half of New Mexico's population. Today, most of Placitas, including all the land abutting and neighboring the Buffalo Tract and other Unit 5 parcels is zoned RRA: Rural Residential/Agricultural. Mining is not allowed in this zone to deter adverse impacts on adjoining landowners.¹ Sandoval County first adopted such zoning for Placitas in 1990.²

¹ "This zone district maintains a rural character of land use with low-density residential and agricultural development, ideally on large lots that do not rely on or require connections to centralized water and sewer systems. Certain other uses are allowed, provided they are compatible with the rural residential and/or agricultural nature of the district." Sandoval County, New Mexico, art. I, § 9(1) (2018) (RRA Rural Residential/Agricultural District), <https://goo.gl/yT1k4F>.

² "Sandoval County had no comprehensive zoning until January 20, 1988, when the first comprehensive zoning ordinance went into effect, limited to the community of Algodones. ... On February 7, 1990, the

In a letter to former New Mexico Sen. Jeff Bingaman dated May 13, 1999, Sandoval County requested a Congressional appropriation for BLM to update the 1992 RMP, noting that the County had prohibited mining in Placitas in 1990, and concluding that “an amendment is needed to bring the RMP into substantial compliance with Sandoval County’s Comprehensive plan.”³

The *Placitas Area Plan* (PAP), adopted by the Sandoval County Commission in 2009, builds on the 1990 zoning ordinance in protecting the existing semi-rural character of Placitas.⁴ Mining conflicts with what the County has determined to be the highest and best uses that protect Placitas’s existing semi-rural character. The PAP specifically encourages the BLM to maximize open space opportunities and to set aside an identified wildlife corridor. The San Felipe and Santa Ana Pueblos, which about the Buffalo Tract, are similarly opposed to gravel mining on these BLM lands in favor of other uses, such as open space for sacred ceremonies and, in the case of Santa Ana, a wildlife corridor.⁵

The existing BLM Rio Puerco Resource Management Plan (RMP) was originally approved in 1986, prior to adoption of the Sandoval County Zoning Ordinance in 1990.⁶ In 1992, BLM updated the RMP—without, apparently, conducting a new local consistency review.⁷ The updated RMP simply repeated the statement of the 1986 RMP that “[n]o inconsistencies [with other Federal, state, local or tribal resource-related plans] have been noted.”⁸ The revised RMP failed to mention Sandoval County’s 1990 zoning ordinance, which banned mining throughout Placitas and its surroundings.

Since 1986, Placitas has been transformed into a key anchor of the Albuquerque region’s economy. The population of Placitas more than *quintupled* from less than 1000 in 1980 to nearly 5000 in 2010 out of a total state population of just over 2,000,000. The number of occupied housing units in Placitas grew by over 50% from 2000 (1,606) to 2013 (2,431).⁹ The 2009 *Sandoval County PAP* reports potential for an additional 1,200 large lot homes on private land in the Placitas West area alone.¹⁰ Placitas has become a magnet for the affluent retired and semi-retired—many of whom are drawn there from out of state, bringing significant financial resources with them. Placitas households with

Sandoval County Commission zoned the remainder of Sandoval County ... by amending the existing comprehensive zoning ordinance to designate the rest of the county, outside the municipal areas, as a Development Review (DR) district. That designation permitted only residential and agricultural uses.... “*Gary Miles & Patience O’Dowd v. Board of County Commissioners of the County of Sandoval* (N.M. Ct. App. 1998), <https://goo.gl/e1RKEL>.

³ Letter from Debbie Hays, County Manager, Sandoval County, New Mexico, to Sen. Jeff Bingaman (May 13, 1999).

⁴ Sandoval County Commission, New Mexico, *Sandoval County Placitas Area Plan*, 38 (2009) (*Sandoval County PAP*) (“The Placitas Plan should protect the existing semi-rural character of the Placitas region and the character and the identity of specific neighborhoods”), <https://goo.gl/vv1KD5>.

⁵ Santa Ana officials expressed their opposition to mining in PowerPoint presentations given at public and private gatherings in 2015-2016, and have restated their opposition in meetings with community groups.

⁶ Bureau of Land Management, U.S. Department of the Interior, *Rio Puerco Resource Management Plan* (1986).

⁷ Bureau of Land Management, U.S. Department of the Interior, *Update to Rio Puerco Resource Management Plan* (1992), <https://goo.gl/SVA3K1>.

⁸ *Id.* at 12.

⁹ 2010 U.S. Census of Population and Housing; U.S. Beacon.

¹⁰ Sandoval County PAP, *supra* note 4 at 11.

at least one member aged 65+ are estimated to add \$57-91 million annually to New Mexico's economy.¹¹ In general, new Placitas residents support job creation in the greater Albuquerque area, contributing to the prosperity of the community, county and state.

Longstanding Opposition to Mining

Sand and gravel mining operations have also expanded greatly since 1986. Their growth threatens both the Placitas environment and public health—and thus the economic sustainability of Placitas as an anchor for the Albuquerque economy. Today, Placitas has four of the thirteen largest gravel pits in the state.¹² The addition of a mine of *any* size on the BLM Buffalo Tract would further imperil Placitas' health and economic wellbeing.

In the late 1990s, the Placitas community began organizing to oppose expanded mining on BLM land, including the Buffalo Tract, and to support revision of the existing Rio Puerco Resource Management Plan (RMP), which allows mineral extraction on the entire Buffalo Tract and nearby BLM tracts in Unit 5. The community seeks to disallow mineral mining in these areas.

For over two decades, the Placitas community has worked diligently—but without success—to revise the existing Rio Puerco RMP to reflect the transformed character of the area. The BLM initiated the process of revising the RMP in 2008. Despite overwhelming opposition to gravel mining during the public scoping phase, the proposed BLM draft RMP (dated August 2012) allowed mining on much of the Buffalo Tract. During the public comment period that followed release of the draft RMP, public response was overwhelming: there were 50,000 comments, united in their opposition to mining. Sandoval County opposed mining unequivocally.¹³ After the public comment period ended, the draft was revised; it has been kept in-house at BLM's local field office since 2013 and has not been released

¹¹ See Eastern Sandoval County Citizens Association & Las Placitas Association, *Land of Enchantment or Gravel*, 5 (2015) (“the results indicate an order of magnitude economic effect ranging from \$74,962,268 - \$91,362,268,” using a 2012 defined benefit pension expenditure multiplier of 1.64), <https://goo.gl/p428qK>. The underlying source for pension expenditure multipliers, updated every two years, uses a multiplier of 1.47 for 2014, Nari Rhee, *Pensionomics*, 22 (2014), <https://goo.gl/bBNsse>, and 1.24 for 2016, Nari Rhee, *Pensionomics*, 20 (2016), <https://goo.gl/vNsDLv>. Using these adjusted multipliers produces total estimate ranges of \$67.2-81.2 million for 2014 and \$56.7-69.1 million for 2016. Pension multipliers will continue to vary from year to year, making precise estimates difficult.

¹² Grevey Liberman/La Farge/Vulcan Mine (initially a 1000-acre site, then reduced to 821 acres) has been under a gravel lease since 1973. In 1988, the mine was granted rights to operate 5 days/week, 8 hours/day under a certificate of non-conformance. The lease was set to expire in 2015, at which time the public was given to understand that the mine would close permanently. However, the mine violated the conditions associated with the certificate of non-conformance by operating 7 days/week 24 hours/day. Therefore, Sandoval County sent LaFarge a notice of violation in June 2013 and filed a lawsuit. While the lawsuit was pending, the new owner Vulcan negotiated a new lease for the property (now owned by Seattle based Mt. Adams), much to the distress of the community, which had relied on mining company representations about the 2015 sunset for decision-making. The case was referred for mediation, resulting in a settlement that will extend the life of the operation, including a nine-month reclamation period, until May 2027. *Settlement Agreement between Sandoval County, New Mexico, and Lafarge North America et al.* Case No. D-1329-CV-2014-00589 (Aug. 10, 2017), <https://goo.gl/4njCEr>.

¹³ Sandoval County, New Mexico, Resolution No. 8-6-15.7 (approved Aug. 6, 2015), <https://goo.gl/8qjIM9>.

to the public. At this pre-decision stage, the community does not know what the final proposed RMP contains with respect to mining — or anything else. Meanwhile, the outdated RMP, which allows gravel mining on the 3,000 acres of the Buffalo Tract, remains in effect.

These circumstances led Senators Udall and Heinrich to introduce the Buffalo Tract Protection Act (S.390) in the U.S. Senate and Rep. Lujan Grisham to introduce an identical companion bill (H.R.1085) during the 115th Congress. The legislation has been reintroduced in the 116th Congress as S.526; no House bill number has yet been assigned. The proposed legislation seeks to bar mining on the Buffalo Tract and related parcels in Unit 5.

However, because the sorely outdated 1986 RMP remains in effect, permitting mining, BLM received an application by Vulcan/Baca in late spring 2018 to drill 80 test wells on the Buffalo Tract. If the test wells produce the results desired by these mining concerns, an application to BLM for a mining permit on the Buffalo Tract will likely follow quickly. There are more than 325 homes (improved residential property) and a similar or greater number of platted and approved residential lots adjacent to the proposed mine. Notably, even test mining has degraded the environment: test holes from previous rounds of testing were never mitigated—despite being large enough to be clearly visible from Google Earth satellite photos.¹⁴ (As we understand it, BLM effectively can no longer require mitigation of these test holes because the mining companies have changed ownership multiple times.)

There is huge uncertainty associated with the revised RMP, both with respect to what it says about mining and the timing of plan approval. There are also acute risks associated with the outdated existing RMP, given the certain and grave threat posed by additional gravel mining. Therefore, our community has concluded that administrative action to withdraw the Buffalo Tract from all forms of mineral development is crucial, lest the issuance of new mining permits under the thirty-two-year-old RMP defeat the intent of the proposed legislation—to protect the community from mining. This action would resolve the administrative stalemate over the issuance of a revised RMP of uncertain content and protect the community while our legislation is pending.

Impact of Mining

Gravel mining would harm the Placitas community, Sandoval County and adjoining tribes in three levels: (1) public health and the environment; (2) reduction of property values, and thus Sandoval County's tax base, which supports public services in Placitas and throughout the county; and (3) cultural and historic value

Public Health & Environmental Risks

The adverse impact of aggregate mining on public health and the environment is significant and clear.

Aggregate mining (of gravel and sand) is specifically excluded from the New Mexico Mining Act of 1978 and from its excellent mining controls. This exclusion leaves it to each county to protect public

¹⁴ Eastern Sandoval Citizens Association, *Land Use Protection Trust* (last visited Oct. 29, 2018), Las Placitas Association, *Gravel Mining* (last visited Oct. 29, 2018), <https://goo.gl/tULS34>.

health by keeping mining at a safe distance, as the 2009 PAP requires. But Placitas is in an unusual situation, with BLM-owned land immediately abutting a residential community. Because the Supremacy Clause of the U.S. Constitution denies Sandoval County the power to apply its zoning ordinance to federally owned land, Placitas residents are left unprotected from uses that both the state and county recognize as harmful.

Particulate Matter. The New Mexico Department of Health reports that New Mexicans are twice as likely to die from silicosis as the national average. Industry-related deaths from silicosis are, by a significant margin, in those jobs related to mining where human exposure is greatest. Silica dust particles are in a class of particulate matter (PM) referred to as PM 2.5. Both PM10 (big) and PM2.5 (small) particles can cause health problems, specifically respiratory health (lungs and airway) and secondary issues such as heart problems. PM10 exposure poses a special risk to sensitive populations that already have heart and lung disease, especially the elderly,¹⁵ a disproportionately large share of the Placitas population.

PM2.5 is potentially lethal because these tiny particles can embed themselves deeply in the lungs. However, PM10 is also among the most harmful of all air pollutants. Both size particles are associated with desert winds and disturbed soil, and *both can travel great distances*. The smaller PM2.5 particles are lighter: they remain in the air longer and travel farther than PM10 particles. PM2.5 particles can stay in the air for days or weeks, while PM10 particles can stay in the air for minutes or hours. PM10 particles can travel as much as 30 miles;¹⁶ PM2.5 particles travel many hundreds of miles.

The cumulative risk from so many existing gravel mines—which violate, but predate, Sandoval County’s 1990 zoning ordinance and 2009 plan—exacerbates the public health threat. Four of New Mexico’s thirteen largest gravel mines are within a four-mile radius of Placitas, posing clear health risks to Placitas residents. Given the distances both PM2.5 and PM10 can travel, these mines necessarily affect neighboring communities as well. The prospect of additional mining compounds this public health risk. Yet, bafflingly, no truly comprehensive and cumulative analysis of surface mining impacts in the vicinity of the BLM tracts was conducted to inform the RMP revision.

Consumption of Scarce Water. The only way for the gravel mining industry to mitigate the public health risks from mining (other than conducting it at a safer distance from residential areas, of course) is to spray disturbed ground with water. This makes gravel mining hugely water-intensive, consuming *three-to-four times* as much water per acre as residential uses in Placitas. Water is the most limited and precious resource in this area. While mining is not a sustainable use, it can last long enough to reduce the supply of water that will be needed to support the residential population in the long-term.

¹⁵ American Lung Association, *Learn about Silicosis* (last visited Oct. 29, 2018), <https://goo.gl/NoqW1V>; Department of Public Health, New Mexico, *Silicosis in New Mexico* (last visited Oct. 29, 2018), <https://goo.gl/ZVp6hU>.

¹⁶ *Land of Enchantment or Gravel*, *supra* note 11, at 10-11.

Other Environmental Impacts. Mining on the Buffalo Tract would also negatively impact the area in terms of soil management, plant and animal habitat and wildlife corridors, resulting in irretrievable losses of public resources.

Reduction of Residential Property Value

Sandoval County reports that mining in Placitas (conducted on private land, out of conformance with the County's plan) has already reduced the County's property tax base due to decreased valuations.¹⁷ One economist, Diane Hite at Auburn University, studied the loss of value sustained by a residential community based on proximity to gravel mining operations ranging from 0.5 to 5.0 miles distance from residence to mine.¹⁸ Her study found that home values 0.5 miles from the mine were 36% lower than those 5 miles away, and even home values 3 miles from the mine were 20% lower than those 5 miles away. Her study clearly demonstrates the potentially enormous economic consequences of gravel mining for homeowners far beyond the range of immediate visibility.

Any mine permitted on the Buffalo Tract would immediately border the existing residential community (and lots platted for future residents), causing economic damage to the value of private property and therefore the Sandoval County tax base. Moreover, the mine would subject property within a five-mile range—in other words, most of Placitas—to economic damage from loss of property value.

Although Placitas has built a reputation as a destination location for the retired/semi-retired from out of state, extensive mining activities are eroding its residential market position. With the proposed expansion of mining on the Buffalo Tract, a significant economic asset to Sandoval County and the State of New Mexico is at greater risk.

Cultural and Historic Values

The BLM Buffalo Tract contains cultural resources, notably archeological sites that would be permanently lost or significantly damaged if surface or subsurface disturbance (and certainly mining) were allowed. Moreover, the adjacent tribes consider the Buffalo Tract to be sacred and essential to their sacred ceremonies. On this basis, both San Felipe and Santa Ana Pueblos have opposed new mining

Alternatives for the Mining Industry in this Market Area

BLM itself acknowledges ready alternatives to destroying the Placitas community as an attractive, safe residential community—and premiere retirement destination. The BLM's 2010 mineral resource report was prepared as part of the RMP process. The report identified a 60-mile band between Los Lunas and Santa Fe as sand- and aggregate-rich areas that fall into the BLM "salable"

¹⁷ Eastern Sandoval County Citizens Association and Las Placitas Association representatives report that the Sandoval County Assessor's Office informed them on August 27, 2018 that many Placitas homeowners have requested a reduction in their residential property valuation, citing the unexpected continuation of mining through 2027. See *supra* note 12.

¹⁸ Diane Hite, Auburn University, *Summary Analysis: Impact of Operational Gravel Pit on House Values, Delaware County, Ohio*, (2006), <https://goo.gl/gi4YKV>.

category, providing a 90-year supply of gravel for the region at the current rate of consumption. The report characterizes the aggregate potential in most of these areas as being *higher* than in Placitas. The other areas of high aggregate potential are as close as—or even closer than Placitas—to the prime market, Albuquerque.¹⁹

Hence, the Rio Puerco area outside Placitas offers the mining industry attractive sand and gravel mining alternatives at a reasonable distance to market. Such opportunities might actually be welcomed by other communities that would be at a safer distance from such mines and might value the creation of even the mere handful of jobs associated with each mine.

Benefits from Preferred Community Approaches

The Placitas community has consistently encouraged use of the Buffalo Tract as an *urban interface* for metropolitan Albuquerque. Population growth in the metropolitan area clearly calls for increased recreation opportunities, which the Buffalo Tract could provide—via low impact recreation such as hiking, cycling and horseback riding—without negative environmental and cultural impacts. Mindful of these recreation needs, as well as the FLPMA principles of multiple use and sustained yield, the community has consistently encouraged use of the Buffalo Tract for recreation, open space and wildlife corridors. Such approaches to the urban interface could serve as a *replicable national model* for BLM in its management of public lands that abut residential communities.

Moreover, the Placitas community has garnered a reputation for volunteerism that is recognized by BLM and could support BLM's management of Unit 5 of the Rio Puerco Management area. Specifically, the Las Placitas Association (LPA) traditionally sponsors bird and plant hikes on the Buffalo Tract and the City of Albuquerque Open Space (owned by BLM and adjoining the Buffalo Tract). In 2018 LPA sponsored the Michael Crowfoot lecture series on erosion and the history of the Placitas ecology. Also this year, LPA volunteers have been cleaning up the illegal trash dumps on BLM land in Placitas. The Eastern Sandoval Citizens Association (ES-CA) holds regular Adopt-A-Highway Cleanups. The Pathways organization routinely performs animal surveys to assess the health of the corridors on BLM land in Placitas. Enhanced volunteer cooperation with BLM could also serve as a national model for BLM in its management of public lands, particularly those abutting residential communities.

Withdrawal of these lands from mineral mining is essential to allow Congress to properly consider its pending legislation. So long as this public land remains under the controls of an RMP developed for a dramatically different community and a dramatically different time, only withdrawal of mining rights can prevent the irreparable, long-term harm to the Placitas community that mining would inflict—harm that caused Sandoval County to prohibit mining nearly thirty years ago. The fact that BLM is currently in the process of revising the Rio Puerco RMP makes withdrawal of mining rights more, rather than less, urgent —given that the RMP's final preferred alternative on mining in the

¹⁹ Intera, Inc., prepared for Bureau of Land Management, Department of the Interior, *Mineral Resource Potential and Reasonably Foreseeable Development for Planning Units 1-5*, 79 & plate 58 (2010), <https://goo.gl/Na6d7v>.

Buffalo Tract, as well as the timing on release of the final RMP and Environmental Impact Statement (EIS), all remain unknown.

In addition to the damage and risks enumerated here, it must also be said that gravel mining is not a sustainable activity. Moreover, the prospect of additional destructive mining on the BLM Buffalo Tract at the urban interface is inconsistent with County, Tribal and community planning objectives. All segments of the community, including the Santa Ana and San Felipe Pueblos, oppose gravel mining on the Buffalo Tract.

Ultimately, only legislation can protect the Placitas community. Even under the most optimistic RMP scenario—in which the preferred BLM RMP alternative on the Buffalo Tract disallows all mining—the threat would only be averted until the next revision of the RMP in 15-20 years,²⁰ when the community will again face the risk of mining on the Buffalo Tract. With a future RMP revision, the community will again confront the resource intensive challenge of defeating gravel mining. Therefore, the community intends to pursue passage of legislation at the earliest possible opportunity.

Administrative action to withdraw this land from mineral mining is essential to protect the Buffalo Tract and the community of Placitas until Congress can address the New Mexican Delegation's legislation. We would be happy to answer any questions and thank you for your consideration.

Sincerely,

George Franzen
President, Eastern Sandoval Citizens
Association (ES-CA)

Richard Ulmer
Chair, Land Use Protection Trust

Sandy Johnson
President, Las Placitas Association (LPA)

Mary Rose Szoka-Valladares
Member, ES-CA & LPA

cc: Senator Martin Heinrich
Senator Tom Udall
Rep. Debra Haaland
Rep. Ben Ray Lujan
Rep. Xochitl Torres Small
Dr. Brian Steed, BLM Deputy Director, Policy and Programs

²⁰ This process of RMP development began with a Notice of Intent (NOI) published in the Federal Register in February 2008. When approved, this RMP will replace the 1986 Rio Puerco RMP and subsequent amendments, and will guide the management of public lands administered by the Rio Puerco Field Office into the future... decisions made will determine how publicly-owned and administered lands and resources will be used for the next 15 to 20 years." BLM, *Rio Puerco Resource Management Plan* (last visited Oct. 29, 2018), <https://goo.gl/1A7jxR>.

Land of Enchantment... or Gravel?

- PREFACE-

Placitas is at a crossroads—and decisions made at the Federal and State levels in the near future will determine if this community is to flourish as one of New Mexico's economic stars or to devolve as Albuquerque's gravel pit.

The following paper, a collaborative effort of the Eastern Sandoval Citizens Association (ES-CA) and Las Placitas Association (LPA), describes the Placitas value proposition. It also provides details on the consequences of the additional sand and gravel mining proposed in the draft BLM Rio Puerco Resource Management Plan (RMP) for the BLM Buffalo Tract in Unit 5. The proposed mining is inconsistent with County, Tribal and community planning objectives for the area. Adverse impacts are expected on the economic recovery plans at State and County levels, coupled with a negative impact on the Federal Treasury. Damage to the public health and welfare, as well as our natural resources, is anticipated. Value destruction to one of the State's most desirable residential areas would unfavorably affect current residents and discourage in- migration and retiree relocation. It would also be a detriment to environmental justice.

New Mexico is assured of a lasting legacy from the decision to include sand and gravel mining on the Placitas Buffalo Tract in the final BLM Rio Puerco Resource Management Plan (RMP).

Land of Enchantment... or Gravel?

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Land of Enchantment... or Gravel?

1.0 Community Profile

1.1 Residential Development Process

Beginning in the late 1970's, private sector developers began to act on the market potential of Placitas, conveniently located between Albuquerque and Santa Fe. Modern day Placitas is the realization of their investments and the investments of residents who bought and/or built their homes in this community. Placitas did not evolve as a result of tax abatement, IRBs, tax incentives, or subsidized loans; it was strictly a private sector initiative that did not consume public resources.

The population in Placitas grew from less than 1000 in 1980 to 1611 in 1990, and to 4977 in 2010ⁱ. The number of occupied housing units grew from 1,606 in 2000 to 2,431 in 2013.ⁱⁱ The American Community Survey also reported that 91% of these units were owner occupied. Between 2003 and 2007, the average value of homes sold in Placitas more than doubled on a per-square-foot basis.ⁱⁱⁱ Among Placitas households with a householder under the age of 65, 72.7% have an annual household income over \$50,000. Of these households, 11.1% have incomes between \$75,000 and \$99,000; 18.5% have incomes between \$100,000-149,000; and 22.2% have incomes at or above \$150,000, the top of the survey scale. The median household income in Placitas is \$83,615, in contrast to \$53,046 for the country, \$44,927 for the state, and \$58,017 for Sandoval County.^{iv}

In this "beauty contest", four valuable New Mexico characteristics are: clean air, clean water, beautiful environment, and healthy outdoor lifestyle.

In the past 20 years, Placitas has become a magnet for affluent retired and semi-retired segments of the market. In the opinion of one real estate expert, the typical Placitas buyer migrates to New Mexico from out of state. Furthermore, the typical buyer tends to be over 40 (45-75) and an empty-nester. It is estimated that as much as 40% are retired or semi-retired^v and this percentage is higher in the newer subdivisions.

With its stunning natural beauty, great environment, attractive homes, and residential growth, Placitas is an asset to New Mexico's economic development efforts.

1.2 Mining in Placitas

The residential sector was not the only sector in Placitas to experience growth during this period, sand and gravel operations also expanded greatly. By the second half of the 1990s, the community began to organize in opposition to expansion of mining on BLM land, including the Buffalo Parcel, which was (and still is) open to extraction under the existing Resource Management Plan (RMP). Today, Placitas has 4 of the 13 largest gravel pits in the state (Baca, Lafarge, Bar J [San Felipe] and Santa Ana)^{vi}. With this mining expansion, a significant economic benefit to the State and to Sandoval County is at risk.

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The draft Rio RMP has identified a site on Indian Flats Mesa, also known as the "Buffalo Parcel," for a potential 5th mine of 800-1,000 acres in size.

2.0 The Value Proposition

2.1 Placitas' Competitive Advantage

The initial source of Placitas's competitive advantage was the beauty of the natural environment. The strategic location between Albuquerque and Santa Fe further enhances Placitas's market appeal. Its established position in the marketplace now reinforces these advantages.

2.2 The Economic Value of Householders over age 50

2.2.1 Nationwide Basics

Nationwide, studies affirm that seniors have lower levels of poverty than younger people, and are therefore less likely to require public services. Social Security, Medicare, and Medicaid made up 77%, or more than three-fourths of mandatory program spending in 2014 and have no budget limit. This money is coming from the federal budget, not the state budget.^{vii} So, for the states and localities, retirees ease fiscal stress; at these levels of government even the Medicaid burden is offset because seniors have no children in school and yet pay higher property taxes.^{viii}

A study entitled "Net Positive impact of Retirees on Florida's State and Local Budgets" by the Bureau of Economic and Business Research at the University of Florida, concluded that the net revenue to local Florida governments from adults aged 65 or over, was 4.5 times greater than the net revenue of the 18-64 year-old age groups. This is because expenses for the 65 and over age group are lower on a per-capita basis than other age groups, while the revenue to government from all age groups is essentially the same.^{ix}

The net revenue to local governments from adults aged 65 or over was 4.5 times greater than the net revenue of the 18-64 year olds.

Moreover, national census data illustrate that, on average, owner-occupant householders over age 55 tend to have twice (or even greater) the net worth of the 35-44 year old householder when including home equity.^x

The Urban Institute opines that Americans who relocate when their careers end are generally wealthier and healthier than those who stay put. Their home purchases and other spending invigorates the local housing market and broader economy. They pay local property and sales taxes but don't use many government services, at least in the short-run before they need long-term care. Many retirees serve their communities by volunteering at local nonprofits.^{xi}

2.2.2 The Longevity Economy – a Deeper Dive^{xii}

A 2013 AARP paper by Oxford Economics examines the economic effects of an older population comprised of 106 million people who are responsible for at least \$7.1 trillion annual economic activity -

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a figure that is expected to reach well over \$13.5 trillion in real terms by 2032 – equal to half the US GDP.

According to this source, the “Longevity Economy” represents the sum of all economic activity serving the needs of Americans over age 50. It includes both the products and the services they purchase directly and the resulting economic activity this spending generates.^{xiii} For example, in 2013 there was \$4.6 trillion in annual spending on consumer goods and services, including health care. This figure rises to \$7.1 trillion when considering induced effects as direct spending impacts economy. Tax receipts resulting from their spending account for nearly half of federal, state, and local tax revenues.

The nation, the state, and Placitas have a 15 year timeframe in which to recruit boomer retirees.

The Longevity Economy is a fast-growing contingent of active, productive people who are working longer and can mitigate the trend toward overall reduction in work force participation (66% 1996-2002, today 64%). According to the Department of Commerce Bureau of Labor Statistics (BLS), if workers age 55 and over were to increase their work force participation from 41.6% in 2013 to over 43% in 2020, the potential increase in economic output (value-added or GDP) could be an additional \$103 billion.

It is also noteworthy that Americans in their 50s and 60s start businesses at nearly twice the rate of those in their 20s. In 2011, 23% of new US businesses were launched by 55-64 year-old entrepreneurs.^{xiv}

2.2.3 The Impact of the Baby Boom Generation

American Baby Boomers, individuals born between 1946-1964, comprise a huge age cohort. In 2012 Researcher Nielson wrote an article titled “Boomers: Marketing’s Most Valuable Generation.”^{xv} The 50+ age group, said Nielson, spends more than any other age group: they dominate spending in 119 of 123 consumer package goods segments and across all health care categories.

The youngest boomers turn 65 in 2029. The nation, the state, and Placitas therefore have a 15 year timeframe in which to recruit Boomer retirees. If Boomers work to age 70, the recruiting timeframe extends to 20 years.

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2.3 Pensionomics^{xvi} – an Approach to valuing Placitas’s contribution to the State of New Mexico

The premise of “pensionomics” is that pension spending (public and private) supports the economy and supports jobs where retirees reside and spend their benefits. Direct Benefit (DB) pensions provide stability that 401(k)s may not provide in a downturn. DB pensions have a LARGE multiplier effect in the state and national economies. In 2012, the national pension expenditure multiplier was 1.98 in economic output nationally, or double, for each dollar paid out.^{xvii} The New Mexico pension expenditure multiplier was 1.64.

Retiree spending of wealth derived from out-of-state is equivalent to “economic” jobs.

If we apply the 1.64 New Mexico pension expenditure multiplier to the annual income categories (with three data points for the high ends of the range), the results indicate an order of magnitude economic effect ranging from \$74,962,268 - \$91,362, 268. The minimum annual injection into the New Mexican economy from the age 65 and over households is \$74,962,268. This is an impressive contribution to the economic well-being of our state.

High End of Range	Annual income Low end	Annual Income Low end with \$1.64 Multiplier	Annual Income high end	Annual Income high end with \$1.64 Multiplier
@150,000 high-end	32,565,000	53,406,600	45,708,700	74,962,268
@200,000 high-end	32,565,000	53,406,600	50,708,700	83,162,268
@250,000 high-end	32,565,000	53,406,600	55,708,700	91,362,268

Clearly, high income retirees who move to NM from other states for the beauty and weather, transfer wealth. Their spending, in the tens of millions of dollars in the Placitas area alone, directly creates “non-economic” jobs and indirectly supports the economic job creation process through the multiplication of new money spending and taxation. Further, the Eastern Sandoval Citizens Association (ES-CA) and Las Placitas Association (LPA) estimate that in only the area surrounding the Vulcan Placitas Mine \$36M^{xviii} is derived annually from out of state (retirement) sources.

2.4 Jobs Race

There is a “jobs race” underway in most states in our nation and New Mexico is among them. No one disputes New Mexico’s need for more “economic” jobs, which are defined at least in part as jobs that carry monies from outside the state (at the 50% level according to AED) into the state to pay New Mexican employees.^{xix} Marc Lautman, Economics Architect on the NM Legislative Jobs Council,

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forecasts population growth of ~210,000 between 2013-2023. Lautman has stated that New Mexico needs to create between 5,200-5,600 new economic jobs per year to accommodate population growth. He is also on record discussing the need to fill the “gap” from job losses resulting from the recession.^{xx}

According to Lautman, 15 economic based jobs create 35 non-economic based jobs, a ratio of 1 to 2.3. The NM Legislative Jobs Council estimates that it takes \$50 million to recruit 5,000 jobs at a cost of \$10,000/job. This figure is more favorable than the \$31,000 in tax incentives cited in connection with creating a \$46,000 job in a 2012 legislative study.^{xxi}

The ES-CA/LPA hypothesis is that retiree spending acts as a surrogate for “economic jobs” by creating non-economic jobs and supporting New Mexico’s economic development efforts. Using Lautman’s ratio, it took 8,354 economic jobs to achieve the 19,215 job level cited in “Pensionomics 2014” prepared by the National Institute of Retirement Security.^{xxii} These 19,215 jobs are “non-economic” jobs. If you substitute “retiree” for “economic job,” then it would have taken, on average, the equivalent of 8,354 retirees to create these non-economic jobs. Non-economic jobs have value to the state of New Mexico. They may not be the kind of jobs the Department of Economic Development is charged with creating, but they do supplement the State’s job creation and economic development efforts. It is therefore critical to recognize the role of retiree spending in the creation of “non-economic” jobs, and that retiree spending of wealth derived from out-of-state is equivalent to “economic” jobs.

In the non-economic job category, the highest impact market segments are: food services, real estate, health care, and retail trade. It is interesting, and highly germane for Placitas, to note that the Department of Commerce views real estate activity (including rental activity) as a leading contributor to U.S. economic growth. It is clear that the construction and real estate jobs in Placitas provide employment for a broad spectrum of the greater community population.

It is also important to ask how many “economic” jobs it would take to create the income effects cited earlier in this section for Placitas households and Placitas subdivisions.

Finally, the profoundly important role of attractive environments in the “jobs race” for “economic” jobs must be mentioned. When there is a choice about location, industry, like individuals, ranks environment high on its list. In this “beauty contest”, four valuable New Mexico specific characteristics are: clean air, clean water, beautiful environment, and healthy outdoor lifestyle.^{xxiii} Placitas is a winner here, as the magnificent natural environment has always been the foundation of its appeal. Moreover, since many people want to live near nature and outdoor

The loss of Placitas retirees through out-migration or the future inability to attract retirees will have negative economic consequences for Placitas, Sandoval County and New Mexico.

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recreation, Placitas is doubly blessed because of its access to the City of Albuquerque Open Space and the BLM Buffalo Parcel on its northern border.

In conclusion, the retirees in the Placitas community bring huge economic value to New Mexico by creating non-economic jobs and supplementing the economic “jobs race” in the state at little, if any, cost compared with the expense of economic job creation.

3.0 The Opportunity Cost

The loss of Placitas retirees through out-migration or the future inability to attract retirees will have negative economic consequences for Placitas, Sandoval County, and New Mexico. Why would this happen? The retirement business is a huge industry and New Mexico faces nationwide competition. All things being equal, Placitas is reasonably-positioned to compete. However, continued or expanded mining activities threaten residential development and are likely to result in tremendous opportunity costs for Placitas, Sandoval County, and the state of New Mexico. This is NOT a hypothetical situation; it is already happening.

The real estate downturn hit Placitas home sales along with other residential areas in metropolitan Albuquerque and around the state. A recent article by the Albuquerque Journal indicates that Placitas home values have declined 27% since the 2004-2007 pre-recession period.^{xxiv} The 2014 Placitas data shows that home sales increased, but the average price on a square-foot basis continues to suffer from a downward trend. In contrast, a 2014 comparison with two high end areas in Albuquerque, High Desert and Sandia Heights, indicate stable square-foot values.^{xxv} It bears mention that these areas are not surrounded by mines and are not subject to their negative impacts.

So, while Placitas has built a market reputation as a destination location, the extensive mining activities are eroding its market position. A report by Diane Hite at Auburn University^{xxvi} quantified the loss of value sustained by a residential community based on proximity to mining operations. The losses were characterized as follows: 0.5 mile distance, 20% loss of value; 1.0 mile distance, 14.5% loss of value; 2.0 mile distance, 8.9% loss of value; 3.0 mile distance, 4.9% loss of value. The one to three mile spectrum utilized in this report covers much of Placitas. The addition of another mine on the Buffalo Parcel to the north – the land that should function as a buffer zone/urban interface for the community – will result in every part of the Placitas community being directly and adversely impacted by mining.

Presently, the Vulcan/Holcim mine (formerly Lafarge mine and before that the Western Mobile mine, originally known as the Liberman-Grevey Gravel Pit) is a long and sad story.^{xxvii} Sales of existing homes near mining activity have decreased or ceased. New home sales are at a vastly reduced price point. These results are worse than the percentage declines reported in the Hite report. Houses near the mine are either not selling at all, or are selling at a drastic reduction in price. As a result, what we are seeing is that development is now being targeted at a price-point substantially lower (e.g. \$400,000

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rather than \$750,000) and aimed at lower-cost buyers unable to sustain the economic contribution of those who were being attracted earlier.

At issue here is Placitas market potential – not only relative to the value of existing homes but also to future build-out. The 2009 Sandoval County Placitas Area Plan reports potential for an additional 1,200 large-lot homes (excluding the Buffalo Parcel and other BLM land)^{xxxviii}. The 2009 Sandoval County Placitas Area Plan had anticipated that "Mining activities at the Liberman-Grevey Gravel Pit will transition into residential development at a density of 1 dwelling unit per acre in approximately 10 years"^{xxxix}. That forecast was based on the widely understood statements by operators that their rights to mine would end in 2015. There are approximately 250 improved and vacant lots in close proximity to the location of the proposed new mine on the BLM Buffalo Parcel. These houses and lots would be directly affected by a new mine that would literally destroy and visually blight the landscape.

Moreover, the mining industry itself is far from a job creation machine: there are seven jobs at the Vulcan mine and a similar number at the three other mines.

It took a long time and a lot of investment to build Placitas. Absent mining activity, it should be much easier to sustain the in-migration of retirees and their contribution to the state than it was to establish it. The retiree's economic output is now an integral part of the economic fabric of Sandoval County and New Mexico. At a minimum, it should be maintained and ideally grown in order to continue and expand the positive economic impact.

Mining, on the other hand, is not a sustainable activity. The mines will deplete the prime aggregate and leave. The encroachment of mining has damaged the natural environment and tarnished Placitas' appeal. The community fears that new mining on the BLM Buffalo Parcel will further damage the environment, drive out residents, halt in-migration, diminish positive statewide economic impacts, and compromise market value for everyone but mining interests. Phrased another way, New Mexico cannot afford the non-economic job losses that would result from this scenario. The retired households in Placitas account for significant numbers of non-economic jobs; this fact alone should make retention and recruitment of economically valuable retirees a priority for New Mexico.

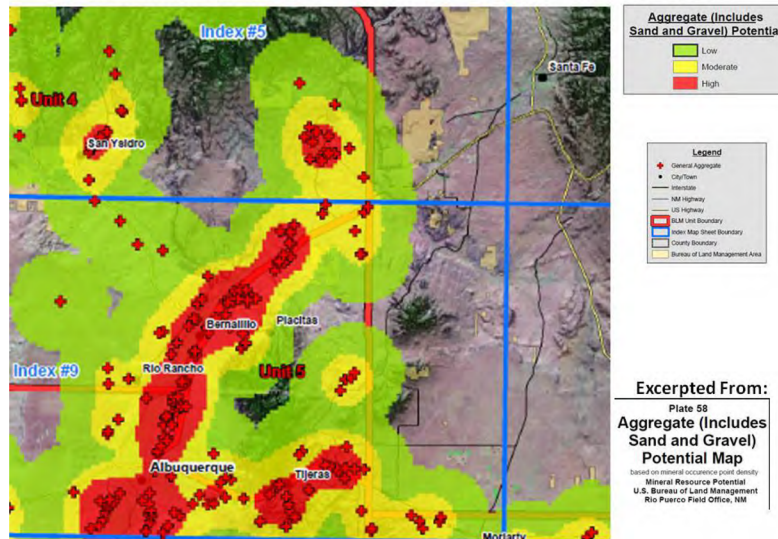
Unchecked, mining puts Placitas, and therefore the state, at considerable economic risk.

4.0 Alternatives for Consideration

The BLM's 2010 mineral resource report entitled *Reasonably Foreseeable Development for Planning Units 1-5*, which was prepared in connection with the RMP process, describes mining as "threatened" by residential development.^{xxx} Furthermore, this report explains that there are alternatives to gravel mining on the Buffalo Parcel. It identifies a 60 mile band between Los Lunas and Santa Fe as sand and aggregate rich areas that fall into the BLM "salables" category. Hence, the Rio Puerco offers alternatives for sand and gravel mining outside of Placitas that might actually be welcomed by other communities.

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SIGNIFICANT RESOURCE AVAILABLE BOTH TO NORTH & SOUTH



Distance to market is a key measure of profitability in the mining industry. The transport cost per mile is assumed to be \$0.18 per ton mile. Gravel from Placitas travels approximately 15 miles to Albuquerque, its prime market. If the gravel was mined 30 miles away from Albuquerque, the additional cost to haul 776,363 tons of material (the 2013 output report for the Vulcan mine) in 25 ton loads would be an additional \$2,906,180. By comparison with the direct spending (\$32,565,000-55,708,7000) and multiplier effects (between \$45,708,700- 91,362,268) discussed earlier, \$2,906,180 is a modest cost to support retention of existing and future retirees to Placitas. And, of course, the state of New Mexico would derive the benefit of increased Gross Receipts Tax from any retiree-generated increase in point-of-sale revenues — gravel mining remains the same, but other sales increase.

In short, there is real money in the retired and semi-retired segments of the Placitas community that already has tremendous economic value to the state of New Mexico. Even in the face of the mining threats identified in this paper, ESRI's 2015 determination of wealth in the Albuquerque metropolitan area reported that Placitas's 87043 zip code still ranks as one of the top five zip codes of metro Albuquerque's 40 zip codes.^{xxxii} The Placitas community is aware and proud of its contributions to the local and state economies and wants these contributions to continue and grow.

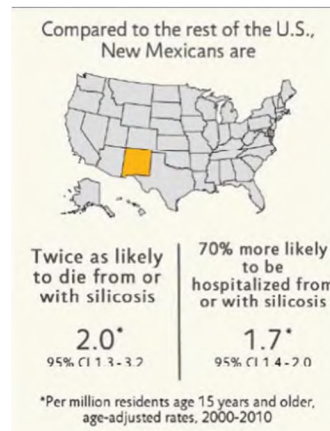
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To ensure that this happens, the civic-minded Placitas community has diligently participated in the BLM’s RMP process as individuals and through the Las Placitas Association (LPA) and Eastern Sandoval Citizens Association (ES-CA). The participation began in the 90’s with the Environmental Assessment on Western Mobile’s proposed gravel mining expansion. Community participation has grown over the years, commensurate with the impacts of existing mines and the threat of yet another mine on the BLM Buffalo Parcel.

The Governor of the State of New Mexico has the ability to influence the outcome. What will it be: Mining and the potential loss of value as people leave or no longer migrate to Placitas, driving down property values and thwarting growth, OR a thriving community that expands the New Mexico economy, building the base for the state’s other economic development? Either way, New Mexico is assured of a lasting legacy.

5.0 Environmental Inconsistencies

The New Mexico Department of Health reports that New Mexicans are twice as likely to die with silicosis when compared to the U.S. National Average. Their website also points out that industry-related deaths from silicosis are, by a significant margin, in those jobs related to mining. The Lung Association reports: “About two million U.S. workers are estimated to be occupationally exposed to free crystalline silica dust. More than 100,000 of them work in the following jobs and are at risk for developing silicosis: Mining, sand and gravel screening, and rock crushing. These are activities found at aggregate mining sites such as we have surrounding our homes in Placitas.”^{xxxii}



Silica dust particles are in a class of particulates referred to as PM 2.5. Both PM10 (big) and PM2.5 (small) particles can cause health problems, specifically respiratory health (lungs and airway) and secondary issues such as heart problems. Because the smaller particles embed themselves deep into the lungs, they can be fatal on their own, and both PM10 and PM 2.5 particulates are associated with desert winds and disturbed soil.^{xxxiii} In addition to the potentially fatal effects of PM 2.5, PM10 is also among the most



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harmful of all air pollutants. When inhaled, these particles invade the respiratory system's natural defenses and lodge deep in the lungs.

Health problems begin as the body reacts to these foreign particles. PM10 can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections.

Of greatest concern are recent studies that link PM10 exposure to the premature death of people who already have heart and lung disease, especially the elderly.^{xxxiv} These same sources report PM10 issues directly related to motor vehicle traffic and windblown dust from open lands as well as aggregate mining operations of heavy equipment pushing dirt and materials, and screening and crushing operations.

Studies link PM10 exposure to the premature death of people who already have heart and lung disease

5.1 Cumulative Risk

Our concern grows significantly when we consider that there are already 4 of New Mexico's 13 largest gravel mines within a 4 mile radius of the residents of Placitas.^{xxxv} One EPA source on particulates tells us: "The smaller particles are lighter and they stay in the air longer and travel farther. PM10 (big) particles can stay in the air for minutes or hours while PM2.5 (small) particles can stay in the air for days or weeks. And travel? PM10 particles can travel as little as a hundred yards or as much as 30 miles. PM2.5 particles go even farther; many hundreds of miles."^{xxxvi}

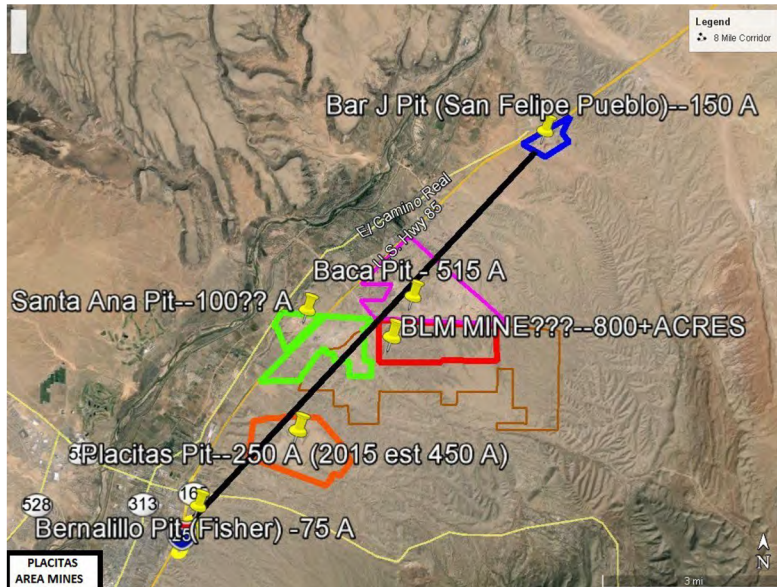
OSHA has significant requirements to monitor and protect workers inside the mining area, but no similar monitoring protection for those who may be only a few feet away but outside the mine's perimeter.

When we review the permitting process for aggregate mining in New Mexico, we are struck by several areas of concern:

- 1) Aggregate mining is specifically excluded from the NM Mining Act and from its excellent mining controls. Such mining should not be permitted without adequate controls on reclamation, noise, surety bonds, air quality, and water use.
- 2) The NM Environmental Department (NMED), who oversee Air Quality Permits, relies almost completely on self-modeling to project the PM 10 and PM 2.5 emissions for individual mine. Perimeter monitoring by the mines is generally not required and is not done at any of the gravel mines surrounding the Placitas area.
- 3) There is no state governance that ensures that aggregate mines are reclaimed — resulting in substantial amounts of disturbed soil subject to NM winds. NMED permitting requirements for modeling do not incorporate the contribution of such wind erosion.
- 4) Two other contributors must be recognized: a) the vehicle traffic in the Interstate 25 corridor and the heavily used 550 exit; and b) the "bowl effect" of the Sandia Mountain Range immediately to our east that models likely are not taking into consideration. These can be significant contributors to the

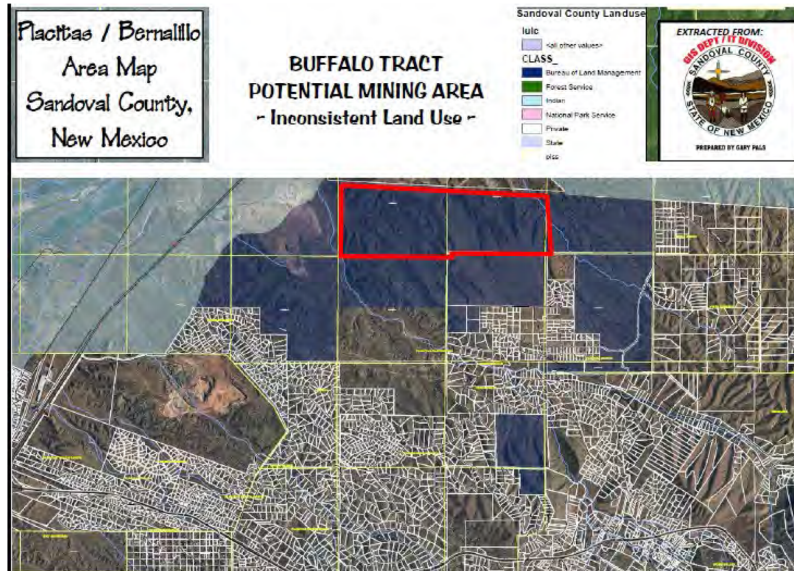
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area "background" particulate levels and must be included when considering the impact to area residents.



- Four of New Mexico's thirteen largest gravel mines are within a four mile radius of the residents of Placitas and they also affect the communities of Algodones, Santa Ana, San Felipe and Bernalillo.
- Combined, there are six gravel mines that seriously impact the viability of these communities, their property value, their quality of life, their economy, and potentially their health. Adding a seventh, potentially the largest in the State, would be harmful to all of these communities, but a disaster to Placitas.

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- Grid on the above map is 1 mile.
- Mining the area proposed by the BLM (red outline) would put almost all Placitas residents within the range of mine-generated dangerous particulates and economic damage to property values^{xxxvii}.

5.2 Here's the bottom line of our air quality concern:

Without real time monitoring, all we know for sure is that these mines are a source of PM10 and PM 2.5 particulates. These particulates are increased due to the amount of unreclaimed disturbed soil area that is increasing daily. So, before we allow another 800 acres of mining to be added, it is imperative that we know with certainty that the cumulative effect of the existing mining operations is low enough in particulate emissions to be safe for our citizens.

The EPA is already raising concerns about such impact, with publications addressing:

- Multiple stressors in a single community <http://www.epa.gov/ncer/cra/>

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- Guidance for PM2.s Permit Modeling including cumulative effect
http://www.epa.gov/ttn/scram/guidance/guide/Guidance_for_PM25_Permit_Modeling.pdf

5.3 Excessive Water Use by Mining Impacts Surrounding Neighborhoods

One other significant area of environmental inconsistency is in the water use when aggregate mining use is compared to Sandoval County Zoning conforming use development of the same land. It is important to consider the substantial impact of such mining on the available water supply for the current residents and County-approved developments already platted and approved in surrounding areas.

*Placitas
Housing uses
1/3rd the water
per acre
compared to
mining.*

In 2012, just one of the 4 large mines currently in the area, the Placitas Pit, used 287.594 acre feet of water.^{xxxviii} Multiplying that by 325,853.383688 (gallons per acre foot) results in just under 94 million gallons (93713478.0284) of total use for 2012. By comparison, 500 homes fully developed in that area and conforming to local zoning ordinances would typically use approximately 1/3 of that amount of water as demonstrated by the following information we have collected from Placitas area water co-operatives serving local HOA's.

EXISTING PLACITAS AREA WATER CO-OPS--NEW HOA'S HAVE LOWER CONSUMPTION RATES								
	Vista de la Montana	Anasazi Trails Water Co-op	Desert/Sky Mt Water	La Mesa	Cedar Creek	Overlook	AVERAGE ANNUAL USE	
2009	5940	5340	5610	6522	3941	6209	67124	
2010	6990	5521	5890	6735	4048	6095	70558	
2011	6717	5630	5760	6684	4378	7145	72628	
PERCENTAGE	ESTIMATED ANNUAL USE FOR 500 HOMES (GAL)				35,051,667	AVERAGE USE	70,103	
37%	2012 USE AT LAFARGE PIT (GALLONS):				93,713,478	Acre Feet:	287.594	

5.4 NMED Action Required Relative to the BLM RMP

It is imperative that New Mexico recognize this danger and the inconsistency of any proposal by the BLM to open what could become the largest mine in the state in this already saturated area. The BLM's own maps clearly recognize that alternative sources of aggregate are readily available just a few miles away from this populated area. How far away should they be? NMED and the EPA should be performing a Cumulative Risk Assessment of this area to make that determination. Further, the substantially increased levels of water use that an additional mine would have on current and County-approved surrounding areas must also be assessed on a cumulative basis with the usage patterns of the existing mines. Until that is done, NMED should be working closely with our Governor to ensure

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that the BLM is not permitted to lease this area for such mining because of the increased and unmeasured danger levels to the residents of Placitas and Bernalillo.

6.0 Sandoval County Planning and Historical/Cultural Inconsistencies

6.1 Sandoval County Planning

On August 6, 2015 the Sandoval County Commission unanimously passed **Resolution No. 8-6-15.7^{xxxix}**. The Commission resolved that it would not support any new sand and gravel mining on the BLM Land known as the Buffalo Parcel that adversely affects the citizens of Sandoval County, but encourages the BLM to maximize open space opportunities on the Buffalo Parcel to include setting aside a part of this parcel as a wildlife corridor.

Sandoval County Ordinance 10-11-18.7A establishes Zoning Regulations "to best accommodate the growth of Sandoval County with reasonable regulation while at the same time promoting development in the County that is beneficial to its citizens in a manner that protects the County's natural resources, protects quality of life for its citizens, (etc.)". The land in which the "BLM Buffalo Parcel" resides, and all adjacent land to this parcel, is zoned **RRA - RURAL RESIDENTIAL/AGRICULTURAL DISTRICT^{xi}**. Mining is not allowed as permissive or conditional use within the zoning of the district and would adversely affect adjoining land owners and conflict with highest and best use.

Mining is not allowed as permissive or conditional use within the zoning of the district and would adversely affect adjoining land owners and conflict with highest and best use.

The **Placitas Area Plan(PAP)^{xii}**, adopted in 2009 by the Sandoval County Commission, is bounded on the west by the Town of Bernalillo, on to the east by the Crest of Montezuma, on the north by the San Felipe Pueblo, and on the south by the Sandia Pueblo and Cibola National Forest. The primary goals of the PAP protects the existing semi-rural character of the Placitas Area and encourages the BLM to maximize open space opportunities and to set aside an identified wildlife corridor. A major concern for Placitas residents is the ability for wildlife to move through the Sandia Wilderness to other open space areas. Placitas sits where two wildlife corridors meet: The Sandia-Jemez, and Sandia-Sangre de Cristo^{xiii}. Excluding the Buffalo Parcel and other open space, approximately 1800 acres in the Placitas Area remain undeveloped.

6.2 Historical/Cultural Inconsistencies

The BLM Buffalo Parcel lies within the **Las Huertas Basin which extends from the north Sandia Mountains to the Rio Grande and is rich with at least 11,000 years of Puebloan, Spanish and Anglo-American utilization and occupation**. Just south of the Buffalo Parcel is the 560 acre Placitas Open

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Space acquired from the BLM by the City of Albuquerque in 1966. A study for the 2002 Master Plan^{xliii} for this parcel identified 72 archaeological sites, of which 16 were recommended as eligible, and 5 as potentially eligible, for inclusion in the National Register of Historic Places. Another example of a discovered archeological site is San Jose de Las Huertas^{xliiv}. This village was established in the mid-1700s and also is very near the BLM Buffalo Parcel. It is protected by GBASPA^{xliv} and is in possession and care of the Archaeological Conservancy. **Historically, the BLM Buffalo Parcel contains significant archaeological sites that can be protected by the land being permanently designated as open space and wildlife corridor.**

The Sandoval County PAP protects the existing semi-rural character of the Placitas Area and encourages the BLM to maximize open space opportunities and to set aside an identified wildlife corridor.

The Santa Ana and San Felipe Pueblos both claim the Buffalo Parcel as being sacred to them and believe that it should remain un-developed with absolutely no gravel mining. In addition, the San Felipe's vision of best use is as a tribal-managed sanctuary for "wild horses"^{xlivi} and Santa Ana's vision is as a tribal-managed wildlife corridor^{xlii}.

Gravel is a needed commodity, yet it is available in many alternate locations that will not directly, and negatively, impact the wealth-building of Sandoval County and New Mexico.

Land of Enchantment... or Gravel?

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- ⁱ 2000 US Census of Population and Housing
- ⁱⁱ U.S. Beacon
- ⁱⁱⁱ Courtesy of La Puerta Real Estate analysis based on Greater Albuquerque Area Realtors (GAAR) MLS statistics.
- ^{iv} US Census Bureau, State and County QuickFacts
- ^v July 2015 Interview with Lynn Koch, co-owner of La Puerta Real Estate
- ^{vi} ENMRD
- ^{vii} <http://www.heritage.org/.../federal-spending-by-the...>
- ^{viii} The Net Impact of Retirees on Florida's State and Local Budgets
- ^{ix} Brian Stoffel, The Motley Fool for USA today from census data
- ^x <http://www.urban.org/urban-wire/shifting-retiree-migration>
- ^{xi} <http://www.urban.org/urban-wire/shifting-retiree-migration>
- ^{xii} "The Longevity Economy," a 2013 briefing paper prepared by Oxford Economics for AARP. The Longevity economy is a global phenomenon: the global aggregate value of the longevity economy is larger than the economy of any country except for the U.S. and China, whose economies are #1 and #2 in the world. <http://www.aarp.org/content/dam/aarp/home-and-family/personal-technology/2013-10/Longevity-Economy-Generating-New-Growth-AARP.pdf>
- ^{xiii} Key terms: direct economic impact; indirect econ. Impact (business spending enabled by direct purchase); induced econ. Impact – personal spending that resulted from retirees' spending)
- ^{xiv} Global Entrepreneurs Monitor 2013 United States
- ^{xv} Neilson BoomAgers Thought Leadership Collaboration 2012.
- ^{xvi} 2014 Pensionomics, Nari Rhee; http://www.nasra.org/files/Topical%20Reports/Economic%20Effects/pensionomics2014_final.pdf
- ^{xvii} Ibid, 2014 Pensionomics, Nari Rhee, p. 11.
- ^{xviii} Six subdivisions with approximately 60 households each with \$100K minimum derived from out of state income - ES-CA/LPA estimate in July of 2015.
- ^{xix} Debra Inman, VP of Albuquerque Economic Development, Inc. on July 23, 2015
- ^{xx} TV Interview with Marc Lautman, Economics Architect
- ^{xxi} Albuquerque Journal, July 6, 2015
- ^{xxii} Op.Cit., Pensionomics 2014, p. 18
- ^{xxiii} <https://www.coloradocollege.edu/dotAsset/9b3866e2-4134-47bf-a2e8-67a2b958b697.pdf>
- ^{xxiv} Albuquerque Journal, August 31, 2015, "Change In Average Home Price by MLS"
- ^{xxv} Op.Cit., courtesy of La Puerta Real Estate analysis based on Greater Albuquerque Area Realtors (GAAR) MLS statistics
- ^{xxvi} Diane Hite, 2006, "Summary Analysis: Impact of Operational Gravel Pit on House Values, Delaware County, Ohio," Auburn University.

Land of Enchantment... or Gravel?

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- xxvii This is not the place for the whole story but it must be noted that residents were told the rights to mine would end in 2015.
- xxviii Page 11 of Sandoval County Placitas Area Plan; <http://www.sandovalcounty.com/uploads/Downloads/Divisions/PlanningZoning/aap/papfinal.pdf>
- xxix Page 11 of Sandoval County Placitas Area Plan
- xxx BLM 2010 *Reasonably Foreseeable Development for Planning Units 1-5*, p. 79 and plate 58
http://www.blm.gov/style/medialib/blm/nm/field_offices/rio_puerco/rio_puerco_planning/rpfo_draft_rmp_eis/mineral_potential.Par.35730.File.dat/Mineral%20Resource%20Potential%20and%20Reasonably%20Foreseeable%20Development%20Report_01-11-10.pdf
http://www.blm.gov/pgdata/etc/medialib/blm/nm/field_offices/rio_puerco/rio_puerco_planning/rpfo_draft_rmp_eis/mineral_potential/appendix_c_plates.Par.49855.File.pdf/Plate58.pdf
- xxxi Albuquerque Business First, "ESRI's 2015 determination of wealth in the Albuquerque metropolitan area", August 28, 2015
- xxxii <http://www.lung.org/lung-disease/silicosis/understanding-silicosis.html>
- xxxiii <http://nmhealth.org/publication/view/marketing/405/> ^{xxxiv}
<http://www.arb.ca.gov/html/brochure/pm10.htm>
- xxxv <http://wwwapps.emnrd.state.nm.us/MMD/MMDWebInfo/MinesAndPermits>
- xxxvi http://www.airinfonow.org/html/ed_particulate.html
- xxxvii Diane Hite, 2006, "Summary Analysis: Impact of Operational Gravel Pit on House Values, Delaware County, Ohio," Auburn University.
- xxxviii New Mexico Office of the State Engineer Point of Diversion Summary for POD Number RG 49516.
- xxxix Sandoval County Commission Resolution 8-6-15.7, http://destinyhosted.com/sandodocs/2015/BOCRM/20150806_7/41_BLM%20Buffalo%20Tract%20Resolution.pdf
- xl Sandoval County Zoning Ordinance pg 9; "***This zone district maintains a rural character of land use with low-density residential and agricultural development, ideally on large lots that do not rely on or require connections to centralized water and sewer systems. Certain other uses are allowed, provided they are compatible with the rural residential and/or agricultural nature of the district.***"
<http://www.sandovalcounty.com/uploads/Downloads/Divisions/PlanningZoning/ordinance/czoweb.pdf>
- xli Sandoval County Placitas Area Plan; <http://www.sandovalcounty.com/uploads/Downloads/Divisions/PlanningZoning/aap/papfinal.pdf>
- xlii <http://letourlandrest.com/2014/09/18/wildlife-corridors-in-the-placitas-vicinity/>
- xliiii Page 6; <https://www.cabq.gov/parksandrecreation/documents/placitasmasterplan.pdf>
- xliv San Jose de Las Huertas; <http://galisteo.nmarchaeology.org/sites/san-jose-de-las-huertas.html>
- xlv 2004 Galisteo Basin Archaeological Sites Protection Act (GBASPA); <http://galisteo.nmarchaeology.org/index/text-of-the-act.html>
- xlvi "Wild Horses", Albuquerque Journal, 27Apr2013; <http://www.abqjournal.com/193139/abqnewsseeker/wild-horses.html>
- xlvii BLM-RAC, 02Jul2014 Minutes, pg5; http://www.blm.gov/style/medialib/blm/nm/resources/rac/rac_minutes.Par.94080.File.dat/AbqRACJuly2014Draft.pdf

Here are abstracts of the joint LPA - ESCA comment letter to BLM regarding the Rio Puerco Draft Management Plan, with comment numbers that appear in the full text version of the document.

Introduction

1. Abstract: The BLM's Preferred Alternative, as it relates to mining activities in Placitas, would cause unacceptably high economic and social impacts on surrounding landowners. Disregarding public scoping comments opposing open-pit mining, BLM has proposed to open lands for just such devastating actions. Gravel mining will cause irretrievable losses of public resources and concentrate severe impacts on local residents, with only marginal value to the general public.

Quality of Life – Social/Economic Factors

2. Abstract: Mining on the Placitas BLM parcels would have unacceptably severe and persistent economic and quality of life impacts on neighboring landowners. The DRMP omits substantive detailed analyses of these impacts.

Environmental Justice

3. Abstract: Increased mining activity in the Placitas area makes it significantly less desirable to build and improve residences in the area. This decreases the opportunities for construction employment, as well as service employment, in Bernalillo, Algodones and Placitas, which many families in these communities, who are covered by Environmental Justice requirements, rely upon for their livelihood. The DRMP omits discussion of this crucial issue.

Urban Interface

4. Abstract: The Placitas BLM parcels are significant urban interface to the areas of Albuquerque and Rio Rancho, offering recreational and other opportunities for the residents of those urban communities.

Gravel Mining (Salables)

5. Abstract: The DRMP does not give justifying reasons for allowing gravel mining on nearly 800 acres of Parcel A. The DRMP fails to discuss the cumulative effects of adding approximately one third more mining activity to the area. The DRMP also fails to analyze the immediate effects on Parcel A and surrounding areas with regard to such issues as soil management, plant and animal habitat, and wildlife corridors.

Oil/Gas Extraction (Leasables) – Mineral Mining (Locatables)

6. Abstract: Due to the low potential for Leasables and Locatables in the Placitas BLM parcels, these parcels should be withdrawn from leasable and locatable mining in all the DRMP alternatives.

Wildlife Corridors

7. Abstract: The DRMP omits substantive discussion of the impact of mining activities on the BLM Placitas parcels relative to existing and future wildlife corridors. Parcel C (Crest of Montezuma) should be left in its current undeveloped state pending the disposition of legislation presently in the U.S. Senate to transfer this parcel to the Forest Service. Parcel A should also remain undeveloped, given its potential for possible disposition to use for wildlife corridors.

Free Range Horses

8. Abstract: Free range horses are part of the history and heritage of the Placitas area. BLM could play a positive role in preservation and management.

Aquifer Impact/Water Usage

9. Abstract: Any further mining activity on Parcel A would have negative impacts on both the quantity and quality of the Santa Fe aquifer, which supplies the water to the Town of Bernalillo, Algodones, a large portion of Placitas, the neighboring pueblos, and other communities. Water is the most challenged resource in the area, and any potential economic benefit from increased mining activity is far outweighed by putting this resource in jeopardy.

Reclamation/Loss of Resources

10. Abstract: The record of existing mining activity reclamation in the Placitas area, both on BLM and private lands, has been dismal. Due to the fragile nature of soils in the Placitas area and expected continued drought conditions, any increased mining activity in this area would predictably result in irretrievable loss of crucial soil and vegetative resources. The BLM has made no credible claims that these losses could be acceptably mitigated should further mining activity be allowed on the Placitas BLM parcels.

Public Access/Recreation Uses

11. Abstract: The DRMP makes the unsubstantiated claim that mining activity on the Placitas BLM parcels would not result in irreversible loss of recreational resources. The DRMP also does not address the safety concerns due to gravel mining that creates deep excavations. In addition, future shooting and hunting should be prohibited on these parcels, as these activities endanger recreational users.

Traffic/Roads

12. Abstract: The DRMP omits an adequate discussion of the traffic impacts should further mining activity on Parcel A be allowed. Present mining activity in the Placitas area already presents major traffic problems. The NMDOT proposal for a new interchange for Highways 165/550 and I25 presumably does not take into account the addition of one third or more gravel truck traffic. Nor is there discussion in the DRMP of alternative routes for this traffic. This is not an issue that can be deferred for the BLM Travel Management Plan, to be prepared only after the RMP is finalized, and a prescription selected.

Cumulative Impacts

13. Abstract: The DRMP omits an adequate analysis of the cumulative impacts of increased mining activity in the Placitas area, should further mining activity be allowed on Parcel A. The DRMP dismisses long-term cumulative impacts and the factors that make such reclamation difficult to impossible, and ignores “lessons learned” from previous failed reclamation efforts in the area. A truly comprehensive analysis of surface mining impacts in the vicinity of the Placitas BLM parcels will reveal that there are no future surface mining activities on these parcels that could reasonably be expected to result in acceptable cumulative impacts.

14. Individual Parcel Prescriptions

Parcel A - 3142 acres

Leasables - Due to the very low potential of discovering leasable minerals in the area of Parcel A, LPA recommends that the selected alternative closes Parcel A to any leasable mineral entry.

Locatables - Due to the very low potential of discovering locatable minerals in the area of Parcel A, LPA recommends that the selected alternative closes Parcel A to any locatable mineral entry.

Salables - Reasons are given above as to why Parcel A should be closed to all surface mining for salable minerals.

Parcel B - 195 acres

We recommend that the selected alternative designate the 195-acre Overlook parcel as Closed for all categories of mineral entry, due to its low mineral potential, steep land profile, and density of residential housing on all sides. The prescription for disposal of Parcel B would be acceptable only if zoning is compatible with existing neighborhoods.

Parcel C/Crest of Montezuma - 916 acres

We urge that the selected alternative designate the Crest of Montezuma parcel as Closed for all categories of mineral entry. Due to active Senate legislation for the transfer of the parcel to the Forest Service, all prescriptions for increased activity on this parcel should be put on hold pending the outcome of that legislation. We favor disposal of this parcel to the Forest Service.

15. Mining Prescriptions

Salable Minerals - For the above reasons we urge that Parcel A, Parcel B and Parcel C be Closed to all surface and subsurface salable mineral mining.

Leasable Minerals - For the above reasons we urge that Parcel A, Parcel B and Parcel C be Closed to all surface and subsurface leasable mineral mining.

Locatable Minerals - For the above reasons we urge that Parcel A, Parcel B and Parcel C be Closed to all surface and subsurface locatable mineral mining.



SANDOVAL COUNTY

RESOLUTION NO. 8-6-15.7

WHEREAS, the Bureau of Land Management owns a tract of land commonly referred to as the "Buffalo Tract" located in eastern Sandoval County adjoining the communities of Placitas and Algodones; and

WHEREAS, those areas of Sandoval County that are contiguous to the Buffalo Tract are currently zoned RRA (Rural Residential Agricultural); and

WHEREAS, on April 16, 2009, the Sandoval County Commission adopted the Placitas Area Plan, which states that one of the county's goals for this area is to, "[e]ncourage the BLM to maximize open space opportunities on the roughly 3,500 acre tract to the north of the Plan Area as open space, and to set aside any part of this tract identified as a wildlife corridor for use by wildlife", page 66; and

WHEREAS, the Sandoval County Commission is concerned by the possibilities of the adverse effects of additional sand and gravel mining in the Placitas and Algodones areas.

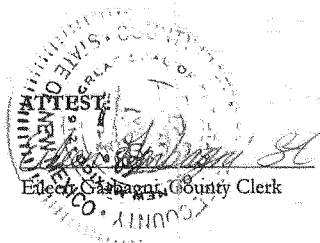
NOW THEREFORE BE IT RESOLVED, that the Board hereby states, it would not support any new sand and gravel mining on the BLM Land known as the Buffalo Tract that adversely affects the citizens of Sandoval County.

BE IT FURTHER RESOLVED that the Board hereby encourages the BLM to maximize open space opportunities on the Buffalo Tract to include setting aside a part of this tract as a wildlife corridor.

BE IT FURTHER RESOLVED that the Board hereby requests that the BLM provide the County Manager notice of any planned development of the Buffalo Tract or any hearing involving the development of the Buffalo Tract, utilizing the following contact information:

Phillip Rios, Sandoval County Manager
P.O. Box 40
Bernalillo New Mexico 87004

APPROVED AND ADOPTED by the Governing Body of Sandoval County, New Mexico,
this 6th day of August 2015.

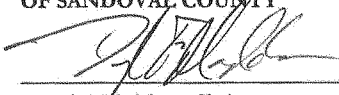


Educo Castagni, County Clerk

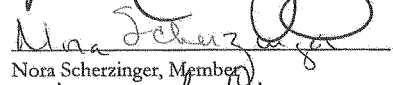
APPROVED AS TO FORM:

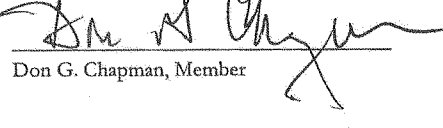
Patrick Trujillo, County Attorney

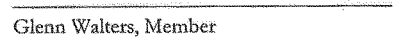
BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY


Darryl F. Madalena, Chairman


James Dominguez, Vice Chairman

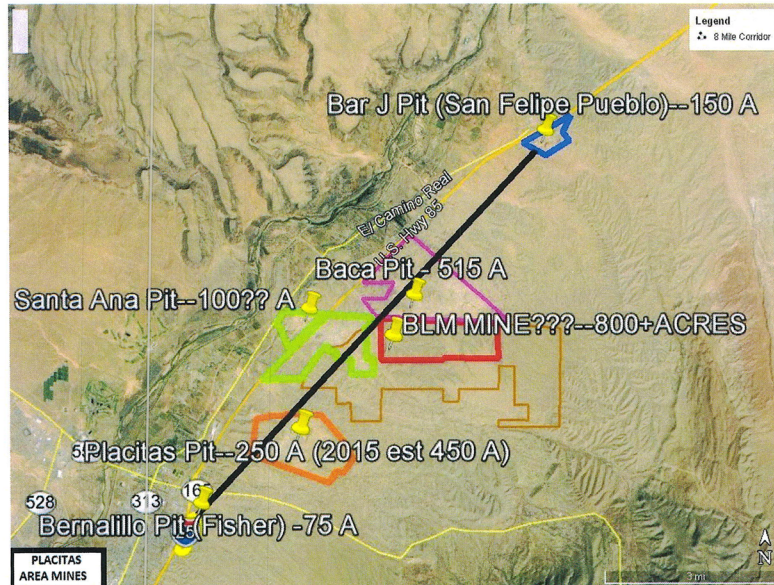

Nora Scherzinger, Member


Don G. Chapman, Member


Glenn Walters, Member

Land of Enchantment... or Gravel?

area “background” particulate levels and must be included when considering the impact to area residents.



- Four of New Mexico’s thirteen largest gravel mines are within a four mile radius of the residents of Placitas and they also affect the communities of Algodones, Santa Ana, San Felipe and Bernalillo.
- Combined, there are six gravel mines that seriously impact the viability of these communities, their property value, their quality of life, their economy, and potentially their health. Adding a seventh, potentially the largest in the State, would be harmful to all of these communities, but a disaster to Placitas.



SANDOVAL COUNTY

RESOLUTION NO. 2-2-17.11

WHEREAS, the Bureau of Land Management owns a tract of land commonly referred to as the "Buffalo Tract" located in eastern Sandoval County adjoining the communities of Placitas and Algodones; and

WHEREAS, those areas of Sandoval County that are contiguous to the Buffalo Tract are currently zoned RRA (Rural Residential Agricultural); and

WHEREAS, on April 16, 2009, the Sandoval County Commission adopted the Placitas Area Plan, which states that one of the county's goals for this area is to, "[e]ncourage the BLM to maximize open space opportunities on the roughly 3,500 acre tract to the north of the Plan Area as open space, and to set aside any part of this tract identified as a wildlife corridor for use by wildlife", page 66; and

WHEREAS, the Sandoval County Commission is concerned by the possibilities of the adverse effects of additional sand and gravel mining in the Placitas and Algodones areas.

NOW THEREFORE BE IT RESOLVED, that the Board hereby states, it would not support any new sand and gravel mining on the BLM Land known as the Buffalo Tract that adversely affects the citizens of Sandoval County.

BE IT FURTHER RESOLVED that the Board hereby encourages the BLM to maximize open space opportunities on the Buffalo Tract to include setting aside a part of this tract as a wildlife corridor.

BE IT FURTHER RESOLVED that the Board hereby requests that the BLM assign necessary personnel and resources to work with the County Planning and Zoning Division on drafting an amendment to the Rio Puerco Resource Management Plan that establishes a full detailed Land Use Plan for the Buffalo Tract which will provide agreed upon land uses and master planning for the site that prohibits sand and gravel mining and works in accordance with the policies and recommendations of the County's Placitas Area Plan.

BE IT FURTHER RESOLVED that the Board hereby requests that the BLM provide the County Manager notice of any planned development of the Buffalo Tract or any hearing involving the development of the Buffalo Tract, utilizing the following contact information:

Sandoval County Manager
P.O. Box 40
Bernalillo New Mexico 87004

APPROVED AND ADOPTED by the Governing Body of Sandoval County, New Mexico, this 2nd day of February, 2017.

**BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY**

Don G. Chapman, Chairman

David J. Heil, Vice Chairman

James Dominguez, Member

Jay C. Block, Member

F. Kenneth Eichwald, Member

ATTEST:

Eileen Garbagni, County Clerk

APPROVED AS TO FORM:

Natalia Sanchez Downey, County Attorney



May 7, 2019

Support S. 434, A Bill to Provide a Report on Federal Land Holdings and Maintenance

On behalf of our activist community, I urge you to contact your senators and ask them to support S. 434, a bill to provide a report on federal land holdings and maintenance. Introduced by Sen. Mike Braun (R-Ind.), this bill would require the Department of the Interior to submit a report detailing all federal land holdings and the costs of maintaining them.

The U.S. federal government owns 640 million of the roughly 2.27 billion acres of land across the country. That's well over 25 percent. The fact that the federal government controls so much land is already inexcusable. Perhaps more concerning, however, is how little transparency there is in the way federal agencies maintain this land.

Until 1989, the Office of Management and Budget (OMB) had a line item in the president's budget that provided for such information. In 1989, OMB removed it and it has not been restored since. Thus, neither Congress nor the public has detailed information about how much is spent maintaining federal land. Congress has not been briefed or informed by the executive branch on such matters in three decades. Both Congress and the American people have a right to know.

For fiscal year 2017, there was a deferred maintenance backlog of around \$19 billion. Yet, Congress continues to appropriate money for new land purchases. This is irresponsible, given how little they know about what is spent and how it is being used. Before we allow the federal government to further encroach on land better left to the American people, it is not too much to ask that we at least have all the information at our disposal as to what is going on on these lands and how they are being maintained.

Proponents of federal land grabs often claim that the government is the best steward for the purposes of conservation. If that is, in fact, the case, they should at least be able to prove through transparent reporting to Congress and to the American people. For these reasons, I urge you to contact your senators and ask them to support the S. 434, a bill to provide a report on federal land holdings and maintenance.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Brandon".

Adam Brandon
President, FreedomWorks

May 27, 2019

Senator Mike Lee
Subcommittee Chairman
Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Building
Washington, DC 20510

Senator Ron Wyden
Subcommittee Ranking Member
Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Building
Washington, DC 20510

Re: Legislative hearing on S. 1262, the “Oregon Recreation Enhancement Act”

Dear Chairman Lee, Ranking Member Wyden and members of the subcommittee:

I’m writing on behalf of Friends of the Kalmiopsis to share why we support S. 1262, the “Oregon Recreation Enhancement Act.” The information below especially focuses on Sec. 5 of the legislation— Withdrawal of Federal Land, Curry County and Josephine County, Oregon.

Section 5 of the Oregon Recreation Enhancement Act

Section 5 of the Oregon Recreation Enhancement Act (hereafter Sec. 5) would withdraw a little over 101,000 acres of federal public lands in the watersheds of the National Wild and Scenic North Fork Smith River, Baldface Creek and Rough and Ready Creek (two U.S. Forest Service Candidate Wild and Scenic Rivers) and the headwaters of Hunter Creek and North Fork Pistol River (two native salmon and steelhead streams), from location and entry under the mining laws of the United States, subject to valid existing rights.

Equally important, it would require that existing claim holders demonstrate they have a valid right to mine under the mining laws of the United States before commencing mining activities.

The National Forest and BLM lands subject to Sec. 5 are located at the headwaters of rivers that include the National Wild and Scenic Smith, Illinois and Rogue Rivers. These rivers and their tributaries are known for their exceptional water quality and world class runs of salmon and steelhead and the clean drinking water they provide for thousands of citizens in Southwest Oregon and Northwest California.

Previous environmental analysis and public support for provisions of Sec. 5

The National Forest and Bureau of Land Management (BLM) lands covered by Sec. 5 corresponds to the area subject to Public Land Order No. 7859 (PLO 7859). PLO No. 7859 is a 20-year secretarial withdrawal under the Federal Land Management Policy Act (43 U.S. Code §1714 (c)). In the years 2015 and 2016, the proposed 101,000 acre Southwestern Oregon Mineral Withdrawal (SWO Withdrawal) underwent significant public scrutiny and environmental analysis before a decision was made to implement it on December 30, 2016.

In the first two public comment periods for the proposed SWO Withdrawal, the BLM and U. S. Forest Service (USFS) received over 45,000 written comments. Only 27 of the 45,000 opposed the withdrawal of the 101,000 acres.¹ In other words there was over 99% public support for the proposed withdrawal of the lands covered by Sec. 5.

In addition, three public hearings were held locally for the proposed SWO Withdrawal. Approximately 800 people attended the three hearings. The local support expressed at the hearings was also significantly supportive of the proposed SWO Withdrawal.

Kalmiopsis Audubon Society is submitting a compilation of letters of support to the hearing record for the SWO Withdrawal. These include letters of support from the Del Norte Board of Supervisors, the city councils of Gold Beach, Crescent City and Cave Junction, plus the water districts for unincorporated communities that get their drinking water from the National Wild and Scenic Smith River downstream of the withdrawal areas. These are the most affected communities.

The environmental analysis prepared for the proposed SWO Withdrawal was conducted according to the National Environmental Policy Act. It documents the significant social, ecological and scientific values of the 101,000 acres withdrawal area. More specifically, the Finding of No Significant Impact for the environmental analysis states that:

The area is known for world-class fisheries, outstanding water quality, and high recreational values associated with pristine and wild rivers. Additionally, the area has been long recognized as a hotspot of biodiversity in North America ... with many endemic plants and unique serpentine habitats...

The unique and high ecological resource character of these lands include: the South Kalmiopsis and Packsaddle Inventoried Roadless areas; tributaries of the National

¹ USDA Forest Service, Finding of No Significant Impact, 20-year SW Oregon Mineral Withdrawal, Aug. 15, 2016.

Wild and Scenic Illinois, Rogue, North Fork Smith and Smith Rivers; two eligible Wild and Scenic Rivers (Rough and Ready Creek and Baldface Creeks); three botanical areas (Red Flat, Rough and Ready Flat, and Oregon Mountain); three Areas of Critical Environmental Concern (Hunter Creek, North Fork Hunter Creek, and Rough and Ready); and two Research Natural Areas (Lemmingworth Gulch and Woodcock Bog). Withdrawal would protect the natural resource values of the unique areas.²

The 101,000 acre withdrawal area includes the following:

- Approximately 6.5 miles of the National Wild and Scenic North Fork Smith River.
- The North Fork Smith River, its tributaries, and associated wetlands, which were designated as Outstanding Resource Waters under the Clean Water Act by the State of Oregon in 2017.
- Two U.S. Forest Service Eligible (candidate) National Wild and Scenic Rivers: Rough and Ready Creek and Baldface Creek
- A U.S. Forest Service proposed 34,000 acre addition to the Kalmiopsis Wilderness;
- Thousands of acres of the South Kalmiopsis and Packsaddle Inventoried Roadless Areas.
- Nine special USFS or BLM Botanical Areas or Areas of Critical Environmental Concern and a citizen proposed Botanical Area.
- Habitat for sensitive, rare, threatened or endangered species, including coho salmon.
- 143 miles of streams that are tributary to the National Wild and Scenic Smith, Illinois and Rogue Rivers and Hunter Creek and the North Fork Pistol River.
- Numerous rare plant wetlands—one of the rarest habitats types in North America—and the highest concentration of rare plants in Oregon (Rough and Ready Creek and the West Fork Illinois River watersheds).

Mineral potential of the SWO Withdrawal Area

One of the requirements of 43 U.S. Code §1714 (c) is the preparation of a mineral potential report. The report is summarized in the Finding of No Significant Impact for the SWO Withdrawal (FONSI). The FONSI notes that mining claims within the proposed withdrawal area are “dominated by claims located on nickel-laterite soils and that

² The Finding of No Significant Impact for the SWO 20-year Withdrawal is available on the Rogue River-Siskiyou National Forest’s website under Forest Planning, Past Projects.

“[e]nergy resources of coal, oil and gas, and geothermal have a low potential for occurrences in the areas, as do gold and associated minerals.”

While the mineral potential report found that nickel “has a moderate to high potential for occurrences,” it concluded that:

Nickel-laterite resources identified and explored to date have shown low quantities of mineable resources per location and low metal grades in the deposits, and, to date, no mining of nickel-laterite resources have occurred, in spite of repeated exploration ...”

Nicore Mining Plan of Operations Environmental Impact Statement

In addition to the analysis conducted for the proposed SWO Withdrawal, the U.S. Forest Service (in the late 1990s) conducted extensive environmental analysis and public outreach and provided generous opportunities for public comment for the proposed Nicore Mining Plan of Operations at Rough and Ready Creek—part of the area subject to Sec. 5. The Record of Decision for the Nicore Mining Plan of Operation Environmental Impact Statement made the following findings:

Juxtaposed with the deleterious impacts of road development and mining in an area of incredible natural values is a mining proposal that is seemingly uneconomical and speculative. The mining proponent has provided little credible evident that the undertaking is a reasonable and prudent venture.

The waters of Rough and Ready Creek are exceptionally clear and remain clear during winter storms that turn other creeks muddy. Based on these and other factors, the stream was found eligible for inclusion of the National System of Wild and Scenic Rivers.

Based on the botanical diversity and unique geology, [Rough and Ready Creek] was found eligible for inclusion in the National System of Wild and Scenic Rivers. Road access requirements for full scale mining would impact Outstandingly Remarkable Values and could degrade the potential scenic river classification.

Damage to these valued resources could not be completely avoided if full scale mining (and road access) were implemented, even with the mitigation measures discussed in the FEIS. Full scale mining would irretrievably alter the character of the landscape and resources.

An overwhelming volume of public comments asked the Responsible Officials to deny the proposed Plan of Operations.

All information on the record about the value of the minerals within the proposed mine sites indicates that production costs far exceed potential income.

The Responsible Official for the U.S. Forest Service made the decision to ask for more and better information from the Nicore Mine proponent before approving a plan for full scale mining. The agency's analysis found that the proposed mine plan had serious gaps in critical information. For example, it did not include information on how, when and where the mined nickel-laterite soils would be processed.³

When the analysis of the Nicore Mine Project began, the United States' only nickel processing facility was located in Riddle, Oregon, about 90 miles by road from Rough and Ready Creek. Court records later revealed that the facility, Glenbrook Nickel, had been approached by the Nicore Mine proponent with an offer to supply nickel-laterite to the smelter for processing. However, Glenbrook Nickel was not interested due to the low grade of the nickel laterite soils at Rough and Ready Creek.

It was well known then that since the early 1990s Glenbrook Nickel had been importing nickel laterite from New Caledonia, about 6,000 miles away—even though there were nickel laterite soils about 90 miles from the smelter in the United States at Rough and Ready Creek.

In fact, Hanna Nickel, the previous operator of the nickel smelter at Riddle, once held federal mining claims at Red Flat in the headwaters of Hunter Creek and the North Fork Pistol River. However, Hanna Nickel never sought to develop the nickel laterite soils at Red Flat and eventually dropped the claims. One can assume here also that the grade of nickel laterite at Red Flat was too low a grade for the nearby nickel processing facility at Riddle to bother with.

Glenbrook Nickel closed permanently in 1997 and the smelter has since been dismantled. However, huge piles of slag (smelter waste) and storm run-off ponds remain. The U. S. Environmental Protection Agency's 1997 draft hazardous air pollution regulations for Glenbrook Nickel provide, for the first time, a record of problems the facility had with hazardous air pollution.

Outstanding Resource Waters—North Fork Smith, its tributaries and associated wetlands

Also lending support for Sec. 5, are actions that the State of Oregon has taken to protect the high ecological values of the North Fork Smith River, its tributaries and associated wetlands. In 2017, Oregon named these water bodies (all within the area covered by Sec. 5) as Outstanding Resource Waters under the Clean Water Act.

Outstanding Resource Waters are defined as:

³ The Nicore mining plan of operations Record of Decision is available online through Oregon State University's Scholars Archives.

... high quality waters that constitute an outstanding state resource due to their extraordinary water quality or ecological values, or where special protection is needed to maintain critical habitat areas.

The North Fork Smith Outstanding Resource Waters designation was a first for the State of Oregon and for the Pacific Northwest reflecting the exceptional and pristine character of the National Forest lands subject to Sec. 5.⁴

Sections 3 and 4—Establishment of the Rogue Canyon and Molalla Recreation Areas and Expansion of Wild Rogue Wilderness Area

We also support the establishment of the Rogue Canyon and Molalla Recreation Areas and the expansion of the Wild Rogue Wilderness Area. Others have written about the recreational and ecological values of these federal public lands. We'd like to focus on correcting some misperceptions about these designations and fire. Initially it was purported that their establishment would prevent wildfire suppression efforts.

However, evidence that the fire concern was misplaced is found in the record of the 2013 Big Windy, Douglas Complex and Labrador fires. All three fires began as a result of the same lightning storm (July 26, 2013). They burned under similar weather conditions in the same general area.

The least known—the Labrador Fire, on National Forest lands in the North Kalmiopsis Roadless Area and Kalmiopsis Wilderness—was held to 2,000 acres by the U.S. Forest Service with a reported 0 percent containment. The agency used helicopter water drops to keep the fire from spotting across the Illinois River. The sparsely vegetated and rocky terrain of the Kalmiopsis Wilderness and the North Kalmiopsis Roadless Area, with the help of the weather, did the rest. Importantly, the Forest Service had adequate air resources available to implement an effective terrain appropriate fire suppression strategy.

At the same time, the well-studied Douglas Complex Fire to the north grew to almost 50,000 acres despite the fact that it burned in a heavily roaded and logged area of checkerboard private industrial forest and BLM land.

Meanwhile, the Big Windy Fire, burned above the canyon of the Wild Rogue River—mostly in unlogged and unroaded areas. According to statements made to the press by officials, it too was expected grow to 50,000 acres. However, the Oregon Department of Forestry was able to hold the Big Windy fire to approximately half that size.⁵

⁴ Learn more about the North Fork Smith Outstanding Resource Waters designation and the public process it underwent on the State of Oregon's Outstanding Resource Waters of Oregon webpage.

⁵ See the Sept. 4, 2013 Medford Mail Tribune, "Big Windy fire fight dials down."

The Douglas Complex Fire and the flammability of even-aged industrial forest land, as compared to adjacent older native forests, is the subject of a scientific study published in 2018.⁶ Another study, published in April 2019, looked specifically at the Douglas Complex and Big Windy Fires. The study concluded:

*Our results indicate that older forest in late-successional reserves (i.e., northern spotted owl nesting/roosting habitat) with no active management can serve as a buffer to the effects of climate change and associated increase in wildfire occurrence. These multi-storied old forests in these environments enhance biodiversity and have the highest probability to persist through fire even in weather conditions associated with high fire activity.*⁷

These findings suggest that wildlands are no more prone to wildfire than roaded areas and moreover, indicate that older forests with diverse structural conditions, such as those found in the proposed Rogue Wilderness Additions, have a greater chance of surviving wildfire than young even-aged forests resulting from commercial logging operations.

Thank you for holding a hearing on this important bill and for considering this statement of support.

Barbara Ullian, Chair
Friends of the Kalmiopsis
Grants Pass, Oregon 97527

⁶ Harold S. J. Zald and Christopher J. Dunn, 2018, "Severe fire weather and intensive forest management increase fire severity in a multi-ownership landscape," in *Ecological Applications*, by the Ecological Society of America.

⁷ Lesmeister, D. B., S. G. Sovern, R. J. Davis, D. M. Bell, M. J. Gregory, and J. C. Vogeler. 2019. Mixed-severity wildfire and habitat of an old-forest obligate. *Ecosphere* 10(4):e02696. 10.1002/ecs2.2696

From: [Robert Gale](#)
To: [fortherecord \(Energy\)](#)
Subject: S.526 34 Acre Buffalo Tract Just North of Placitas Hearing in the Energy and Natural Resources Committee on May 14, 2019 at 12:30 P
Date: Thursday, May 09, 2019 9:17:18 AM

Ladies and Gentlemen:

For the record, my wife and I have lived in Placitas for almost 15 years. During this time our community has grown exponentially and now numbers more than 2000 homes. We are not the same community that existed here when mining first began in our area. We have had to put up with increased traffic from gravel hauling trucks, accidents with them and broken windshields from debris left on the roads. We pay higher county taxes in order to maintain the roads that these heavy trucks damage every year. We are an unincorporated community and, as such, have no ability to raise funds on our own. Enough is enough. Please don't approve additional mining or drilling on the Buffalo Track. Two mines are enough for our bedroom community.

Thanks you for appreciating our point of view.

Bob

Robert N. Gale
3 Maize Trail
Placitas, NM 87043-8339
(505) 867-1616 (H)
(505) 867-9392 (F)
(505) 999-8337 (C)
RxGale@Comcast.Net

"Ability is what you're capable of doing. Motivation determines what you do. Attitude determines how well you do it." ~ Lou Holtz

JENNIFER GONZÁLEZ-COLÓN
 PUERTO RICO, AT LARGE

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Congress of the United States
House of Representatives
 Washington, DC 20515-5400

May 14, 2019

COMMITTEES:
TRANSPORTATION & INFRASTRUCTURE
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 EMERGENCY MANAGEMENT
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NATURAL RESOURCES
 SUBCOMMITTEES
 WATER, POWER AND OCEANS
 OVERSIGHT AND INVESTIGATIONS

The Honorable Michael Lee
 Chairman
 Subcommittee on Public Lands, Forests,
 and Mining
 Senate Committee on Energy and
 Natural Resources
 304 Dirksen Senate Office Building
 Washington, D.C. 20510

The Honorable Ron Wyden
 Ranking Member
 Subcommittee on Public Lands, Forests,
 and Mining
 Senate Committee on Energy and
 Natural Resources
 304 Dirksen Senate Office Building
 Washington, D.C. 20510

Dear Chairman Lee and Ranking Member Wyden:

I write to express my strong support for S. 499, the Offshore Wind for Territories Act. This bipartisan legislation—introduced by Senators Bill Cassidy of Louisiana and Brian Schatz of Hawaii, and which I introduced in the U.S. House of Representatives (H.R. 1014)—seeks to amend federal law to study the potential for and authorize offshore wind energy development in the Exclusive Economic Zone adjacent to the territories and possessions of the United States.

The Outer Continental Shelf Lands Act (OCSLA), as amended by P.L. 109-58, provides the Secretary of the Interior the authority to lease offshore lands for the purposes of renewable energy development. Several coastal States have seen the benefits of this provision. As of June 2018, the Bureau of Ocean Energy Management had issued 13 offshore wind energy leases in areas off the coasts of Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, and Virginia.¹

However, OCSLA does not apply to the five U.S. territories, preventing us from enjoying the benefits of potential offshore renewable energy sources. Instead, most of our islands are currently heavily dependent on imported petroleum products. For example, according to the U.S. Energy Information Administration, the Northern Mariana Islands meet nearly 100 percent of their energy needs with imported fuel oil, including 22 million to 24 million gallons of diesel fuel annually for both electricity generation and transportation.² The recent devastation of Hurricanes Irma and Maria in Puerto Rico—where 47 percent of our electricity comes from petroleum and only 2 percent originates from renewables—all but reiterated the need to modernize and diversify fuel sources in the territories.³

¹ See BOEM, Renewable Energy Programs, at <https://www.boem.gov/Renewable-Energy/>

² See U.S. Energy Information Administration, Northern Mariana Islands Profile Analysis, at <https://www.eia.gov/state/analysis.php?sid=CQ>

³ See U.S. Energy Information Administration, Puerto Rico Profile Overview, at <https://www.eia.gov/state/?sid=RQ>

Chairman Lee and Ranking Member Wyden
May 14, 2019
Page 2 of 2

The Offshore Wind for Territories Act would address this issue by applying the OCSLA to the submerged lands off the territories and possessions of the United States. Additionally, the bill directs the Department of the Interior to conduct feasibility studies on offshore wind lease sales off all territories. Should a study determine that a wind lease is viable, the Secretary is directed to conduct a lease sale off said territory.

Notably, the Offshore Wind for Territories Act guarantees each territory a state-equivalent share of all royalty payments made to the federal government by offshore wind developers for projects in their respective Exclusive Economic Zones. Territories would receive 37.5% of qualifying revenues, consistent with the revenue sharing structure established for the Gulf Coast states under the Gulf of Mexico Energy Security Act. The bill also directs that 12.5% of revenues be deposited into the National Oceanic and Atmospheric Administration's Coral Reef Conservation Program, thus providing dedicated funding for coral reef conservation in U.S. territories and elsewhere, at no additional cost to the American taxpayer.

The Offshore Wind for Territories Act was originally introduced in the 115th Congress.⁴ The bill was unanimously reported out of the House Committee on Natural Resources on September 5, 2018 and passed the House by voice vote on December 10, 2018. On May 1, 2019, the House Natural Resources Committee once again reported this important piece of legislation by unanimous consent.⁵

As Puerto Rico's sole representative in Congress, I strongly believe we must pursue every avenue to address high energy prices in the U.S. territories and modernize our power infrastructure. The Offshore Wind for Territories Act offers a sensible path to achieve this by providing American citizens on the islands cleaner access to electricity, boosting revenue, and helping protect vulnerable coral reefs.

I look forward to working with you on this and other important matters impacting the U.S. territories. Please do not hesitate to contact my office should I be of further assistance.

Sincerely,



Jenniffer González-Colón
Member of Congress

Cc. The Honorable Bill Cassidy, M.D., United States Senator for Louisiana
The Honorable Brian Schatz, United States Senator for Hawaii

⁴ See H.R. 6665 – Offshore Wind for Territories Act (115th Congress), <https://www.congress.gov/bills/115/congress/house-bill/6665>

⁵ See House Committee on Natural Resources, Full Committee Markup on May 1, 2019, <https://naturalresources.house.gov/hearings/full-committee-markup2>

From: [John Hicks](#)
To: [fortherecord \(Energy\)](#)
Subject: May 14, 2019, 12:30 p.m. Natural Resources Committee Hearing regarding Buffalo Tract Bill (S. 526: To withdraw certain Bureau of Land Management land from mineral development).
Date: Monday, May 13, 2019 10:35:46 AM

Testimony in Favor of S. 526. Please include in the hearing record.

From:

John Hicks
 53 Cedar Creek Road
 Placitas, New Mexico 87043
 Email: hicks33g@gmail.com

Dear Senators,

I am writing in support of S.526, a bill to withdraw certain Bureau of Land Management properties from mineral development. I ask that this letter be included in the May 14, 2019 hearing record.

We support S.526 because we am opposed to permitting mining, particularly sand and gravel mines, among the communities bordering Buffalo Tract. It would affect 25,000 to 30,000 people—including Placitas, where we live. Allowing mining operations into our communities would permanently disrupt our quality of life, our health, and our property values. Who wants to live near a gravel operation? The restrictions we residents have placed on ourselves to assure our quality of life would not apply to mining operations on BLM land. The benefit of the many current residents should outweigh the interests of a few mine operators.

I was commissioned as an Army Combat Engineer. One of our jobs was sand and gravel production for road building. I can confidently say sand and gravel operations would encroach on our communities with heavy truck traffic, noise and pollution. Extraction, grading, loading and hauling produces tremendous amounts of dust. It's windy here. The dust would extend for miles beyond the geographic limits of the operations. It's obvious that New Mexico is rich in sand and gravel. There should be no difficulty in finding alternate locations that do not impose on New Mexico communities.

I support S. 526 for four principal reasons:

1. My neighbors, like myself, have a vested interest in this community. A high percentage of us have retired to Placitas. We bring money into the community, and we add value with our participation in cultural, recreation, and community activities. For example, my wife has moved her studio here. I am writing a book. There are at least three other studios within sight of our front door. S.526 will help protect this quality of life and the resources we bring to the area.
2. Due to my Army experience, I know that sand and gravel operations use a tremendous amount of water. (It has to be free of dirt and other debris before it can be used in construction projects.) In this area, operators would have to take our limited sub-surface water; they would need far more water than residents do. In dry periods—such as we experienced the last two years—the Village of Placitas had to go to water rationing. We don't want to compete for water with a commercial operation. S.526 will protect our water supply.
3. One of the reasons we bought a place in Placitas was the natural beauty of the area. Permitting nearby mines would make it hard to enjoy the outdoors. We don't want to be

forced out by someone's sand and gravel operation; we want to preserve this way of life.

4. Another reason we came here was to be near a wildlife corridor. There is no question that sand and gravel extraction and hauling would disrupt the existing one. I am happy to see the legislation recognizes the value of our wildlife.

I have lived in seventeen different towns and cities in the U.S. (plus four military bases.) I chose to retire here because it's quiet and because of the natural beauty. I don't want the noise and pollution of a mining operation intruding where I live. I welcome this bill for that reason, and ask for its support.

John Hicks
Placitas, NM

**Testimony to the Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
in support of the
Oregon Recreation Enhancement Act (S. 1262)
from the Kalmiopsis Audubon Society
P.O. Box 1265, Port Orford, Oregon 97465**

May 20, 2019

Dear Chairman Lee, Ranking Member Wyden and members of the subcommittee:

The Kalmiopsis Audubon Society is a locally based, grassroots conservation organization in Curry County, Oregon, part of an extraordinary region we call "America's Wild Rivers Coast." Our group has nearly 400 members who are concerned about habitat for birds, fish, wildlife and who care deeply about stewardship of our public lands for present and future generations. We've been engaged in conservation in our local region for nearly 40 years, and our members know firsthand the watersheds in our local, public-lands backyard.

We applaud the leadership of Oregon Senators Ron Wyden and Jeff Merkley in co-sponsoring the Oregon Recreation Enhancement Act (S. 1262) and appreciate the opportunity to express local-community-level support for Section 5 of this legislation, known as the Southwestern Oregon Mineral Withdrawal.

The Southwestern Oregon Mineral withdrawal would provide permanent protection for 101,012 acres of remote areas in the Rogue River-Siskiyou National Forest and adjacent BLM lands that form the headwaters of several nationally significant and renowned rivers.

These streams include:

- Rough and Ready Creek (an eligible Wild and Scenic River) at the headwaters of the National Wild & Scenic Illinois River, which flows into the National Wild & Scenic Rogue
- Baldface Creek (an eligible Wild and Scenic river) at the headwaters of the National Wild & Scenic North Fork Smith River, which flows into the National Wild & Scenic Smith in the Smith River National Recreation Area and Redwood State and National parks in California (the North Fork Smith is also a designated Outstanding Resource Water); and
- headwaters of Hunter Creek and North Fork Pistol River, important smaller salmon streams that flow to the Pacific south of Gold Beach, OR near the magnificent Cape Sebastian and Pistol River State Parks.

We are proud that our region hosts America's highest concentration of National Wild and Scenic Rivers, known for clear water, world-class salmon and steelhead runs, and outstanding recreational opportunities that draw anglers and outdoor enthusiasts from afar. Our local

communities rely on the pure water, robust salmon runs, and associated recreation, as renewable resources that fuel the small businesses that make up our tourism-based economies and our rural way of life.

Because our local area features the highest concentration of National Wild and Scenic Rivers (Rogue, Elk, Chetco, Smith, Illinois), the local Chambers of Commerce more than 2 decades ago started to call our area: "America's Wild Rivers Coast." This name strongly reflects the values of our South Coast Oregon communities, which are economically and culturally oriented toward clean water, salmon, and fishing. The most recently available (2008) Oregon Department of Fish and Wildlife study of fishing recreation estimated that that visitors made 98,000 freshwater fishing trips, and local people made 87,000 fishing trips annually. Still more anglers frequent the Smith River just south of Oregon's border. These add up to a lot of fishing and millions of dollars of fishing-generated revenue that is a key to our local economy, our rural food system, and our rural way of life.

In addition, local communities also depend on these pure rivers as the source of drinking water. Local cities of Crescent City, Cave Junction, and Gold Beach tap surface water in these streams for their municipal supplies. In addition, several unincorporated areas, including Gasquet and homes and ranches in the lower Hunter Creek and Pistol River watersheds, tap these streams or wells hydrologically connected to these streams for drinking water.

For these reasons, there has been broad and diverse local support – including from tribes, 2 state wildlife agencies, state and local governments, businesses, and civic organizations in both Oregon and California -- for protecting the headwaters of our wild rivers from strip mining. This destructive type of mining would cause irrevocable harm to sensitive public lands and detract from the clean-water economy that our local fishing- and tourism-based communities now depend on. According to the U.S. EPA's Toxic Release inventory, metal mining is by far the nation's most polluting industry, and local communities don't want to put our outstanding National Wild and Scenic Rivers –nor our drinking water –at risk.

We are concerned that existing mining laws are inadequate to safeguard the outstanding values –clean water, fisheries, recreation—that citizens value most highly. The Forest Service has indicated that, absent a mineral withdrawal, it has no authority to prevent any mining, despite the extraordinary natural resource values at stake. Because our region is known for high rates of precipitation, our mountains and rivers are particularly vulnerable to damage from strip mining, which not only removes vegetation, rock, and soil but also assembles materials into unstable tailings piles and pits. In the past several years, a series of horrific mine disasters, including the Mount Polley tailings spill in British Columbia and the Animas River spill in Colorado, have left communities and ecosystems downstream of mines with devastating damage. These incidents plainly shown that oversight of mine development and mines is not sufficient to protect local communities let alone nationally significant rivers into the future.

The mineral withdrawal described in Sec 5 of S. 1262 would also encompass areas with additional unique and high conservation values within the watersheds of our remarkable wild rivers. These include:

- 3 USFS Botanical Areas (Rough and Ready Creek Botanical Area, Oregon Mountain Botanical Area, and Red Flat Botanical Area);
- 3 BLM Areas of Critical Environmental Concern (Rough and Ready Creek ACEC, North Fork Hunter Creek ACEC, Hunter Creek Bog ACEC);
- 2 Research Natural Areas (Woodcock Bog RNA, Lemmingsworth Gulch RNA); and
- 3 Inventoried Roadless Areas (South Kalmiopsis IRA, Packsaddle IRA, North Fork Smith IRA).

The mineral withdrawal would protect the natural resource values of these unique and important areas.

Section 5 of the Oregon Recreation Enhancement Act (S. 1262) tiers to the 20-year Southwestern Oregon Mineral Withdrawal, finalized in 2016. In implementing the NEPA process for this administrative withdrawal, the U.S. Forest Service and BLM conducted extensive public outreach and environmental analysis, rare for any piece of legislation. There were 3 public hearings in 3 different communities close to the withdrawal area, attended by Oregon Senators' staff members, at which hundreds of local citizens voiced overwhelming public support for the mineral withdrawal. There were also 2 public comment periods with more than 45,000 written comments received; 99 percent of the interested public supported the proposed withdrawal.

In its Finding of No Significant Impact (FONSI) for the 2015 Southwest Oregon Mineral Withdrawal Environmental Assessment, the Forest Service articulated the values within the withdrawal area as follows: *"The area is known for world-class fisheries, outstanding water quality, and high recreational values associated with pristine and wild rivers. Additionally, the area has long been recognized as a hotspot of biodiversity in North America, with many endemic plants and unique serpentine habitats."* (FONSI, p. 1)

The Forest Service FONSI also articulated the low likelihood of successfully developing nickel-laterite resources in the area: *"Nickel-laterite resources identified and explored to date have shown low quantities of mineable resources per location and low metal grades in the deposits, and to date, no mining of nickel laterite resources has occurred."*(FONSI, p. 2) According to the U.S. Forest Service Mineral Potential Report, there is low potential for energy resources and gold in the withdrawal area. The known nickel-laterite deposits are small, low grade and widely dispersed. Despite repeated exploration, no deposit has been developed.

Finally, the FONSI characterized the withdrawal as "not highly controversial." (FONSI, 2)

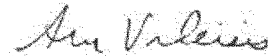
To underscore that final point, I am attaching to our testimony a support book containing a collection of letters submitted to express support for the Southwest Oregon Mineral Withdrawal and the Southwest Oregon Watershed and Salmon Protection Act, the precursor to Section 5 of S. 1269, the mineral withdrawal portion of the Oregon Recreation

Enhancement Act. These letters demonstrate the broad local and regional support for permanently protecting the headwaters of southwest Oregon's cherished wild rivers from the threat of strip mining.

In conclusion, the extraordinary wild rivers and unique wildlands of southwestern Oregon are national treasures deserving of protection. We urge you and all Senate Natural Resource members to listen to local communities and protect these special rivers from the threat of mining by passing this much needed legislation.

Thank you for considering our testimony in support of Section 5 of S. 1269. Our organization also supports all other provisions in the bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Vileisis".

Ann Vileisis, President

Oregon Recreation Enhancement Act, S. 1262

SUPPORT for Section 5
Southwestern Oregon Mineral Withdrawal



**Rogue River-Siskiyou National
Forest**

**Coos Bay and Medford Districts
Bureau of Land Management**

**Josephine and Curry Counties,
Oregon**

**Affected: Del Norte County,
California**

BACKGROUND: Southwestern Oregon Mineral Withdrawal, Section 5 of Oregon Recreation Enhancement Act (S. 1262)

Rogue River-Siskiyou National Forest and Medford and Coos Bay Districts Bureau of Land

The Oregon Recreation and Enhancement Act (S. 1262), introduced by Senators Ron Wyden and Jeff Merkley on May 1, 2019, includes Section 5, previously introduced as the Southwestern Oregon Watershed and Salmon Protection Act in 2015. This provision has strong public support and significant vetting and analysis owing to an extensive public process conducted to evaluate the closely related Southwestern Oregon Mineral Withdrawal, adopted in 2016.

Southwestern Oregon Mineral Withdrawal

Effective December 30, 2016, the Secretary of the Interior approved the [Southwestern Oregon Mineral Withdrawal](#), culminating several years of public process and analysis. The 20-year withdrawal temporarily protects nationally significant Forest Service and BLM lands—including 4 National Wild and Scenic Rivers and the headwaters of Redwood National Park—from the irrevocable risks of nickel laterite surface mining and processing.

Kalmiopsis-Wild Rivers Coast—Too special to mine

The rugged, remote corner of Southwest Oregon and Northwest California is home to a one-of-a-kind collection of National Wild and Scenic Rivers—the Rogue, Smith, Illinois and Chetco—plus five U.S. Forest Service Eligible Wild and Scenic Rivers, including Rough and Ready and Baldface Creeks. The water quality and clarity of these rivers is exceptional, and they're among the best wild salmon and steelhead strongholds south of the Olympic Peninsula.

This remarkable area is host to the highest concentration of rare plants in Oregon and one of the highest in North America. It includes eight designated botanical areas and two

proposed botanical reserves. It also includes 143 miles of streams, two Inventoried Roadless Areas, and a U.S. Forest Service proposed addition to the adjacent Kalmiopsis Wilderness. It forms the headwaters for Redwood National Park.

These National Forest and BLM lands are too special to mine and critically important to a growing recreation economy.

Threat: Nickel strip mining

The foundational elements that make this area so unique—its serpentine geology and climate—also make for its greatest threat, the strip mining of ancient soils known as nickel laterites. The area has been subject to mineral exploration in the past, but the small low-grade deposits have made mining uneconomical.

Driven by a spike in nickel prices, between 2007 and 2010 thousands of acres of new mining claims were located in two areas, and three mining plans of operation submitted to the Forest Service, including by a foreign-owned company.

According to the EPA, metal mining is the largest toxic polluter in the United States, raising concerns among local citizens in this region known for extremely high precipitation that strip mining and metal processing were incompatible with conserving the region's exceptional natural assets.

Request for secretarial withdrawal

Prompted by the threat of mining to cherished wild rivers and salmon runs in their states, Senators Ron Wyden and Jeff Merkley (D OR) and Representatives Peter DeFazio (D OR), Earl Blumenauer (D OR), and Jared Huffman (D CA) first introduced the Southwestern Oregon Watershed and Salmon Protection Act in Feb. 2015. The legislation would permanently

withdraw critical headwaters areas from location and entry under the United States mining laws, subject to valid existing rights. They next asked the Secretary of Interior to provide interim protection for the public and National Forest lands covered by the legislation in the form of an administrative mineral withdrawal, in order to preserve the status quo—to assure that while Congress considers additional protections, nothing would happen on the ground to interfere with or make protection more costly.

The Secretarial Withdrawal

In response, on June 29, 2015, the Assistant Secretary for Lands and Minerals at the Department of Interior proposed the withdrawal of roughly 101,000 acres of the Siskiyou National Forest and the Medford and Coos Bay Districts of the BLM (95,800 acres and 5,200 acres respectively) in two areas, subject to valid existing rights. The announcement segregated the lands for two years, while reports and environmental analysis were prepared. During this time, the Forest Service and BLM provided the public with multiple opportunities to comment.

After consideration of analyses and overwhelming public support, the Assistant Secretary for Lands and Minerals issued Public Land Order No. 7859, authorizing the 20-year Southwestern Oregon Mineral withdrawal effective December 30, 2016.

Broad and overwhelming support for a 20-year mineral withdrawal

Support for this 20-year withdrawal includes local cities and water districts, local counties, tribes, local businesses, community organizations, state agencies and elected officials in both Oregon and California, including a resolution from the California Assembly, plus local, regional and national conservation and sportsmen groups.

Of more than 45,000 comments received by the Forest Service and BLM, **99 percent were in support**. In addition, at three local public hearings, attended by approximately 800 people, the overwhelming majority supported the maximum protection allowed—a 20 year withdrawal, and most asked for permanent protection as well. Letters and resolutions of support follow this background summary.

Need for a permanent withdrawal

The impacts of strip mining on the exceptionally high scientific, social, and ecological values of Southwest Oregon and Northwest California's public lands and wild rivers would be profound and irreversible.

While filing mining claims under the mining law is easy, eliminating nuisance claims through contest proceedings is time consuming and costly for public agencies. Such claims can complicate sensible land management and come at significant taxpayer expense, making mineral withdrawals a critical and cost-effective tool for conservation of important public values.

The 20-year withdrawal temporarily safeguards the extraordinary values of Southwest Oregon's public lands and wild rivers from the damages and speculation that can occur under the antiquated 1872 Mining Law, but it's now time for Congress to act to provide permanent protection for these valuable headwaters areas and to give local communities the assurances they need to continue development of their recreation based economies.

SUPPORT for permanent protection of values within the Southwestern Oregon Mineral Withdrawal area, now Section 5 of the Oregon Recreation Enhancement Act (S. 1262)

There is broad support for protecting the headwaters of Southwestern Oregon's wild rivers from mining, as indicated by the following letters and resolutions submitted in support of the Southwestern Oregon Mineral Withdrawal and/or the Southwestern Oregon Salmon and Watershed Protection Act (SOWSPA), precursor to Sec. 5 of the Oregon Recreation Enhancement Act (S. 1262):

- California State Assembly, Resolution in support of permanently protecting the Smith River's headwaters in Oregon from mining
- California Sen. Mike McGuire (letter supporting mineral withdrawal and SOWSPA)
- U.S. Department of the Interior, Redwood National Park, (letter supporting mineral withdrawal)
- U.S. Department of the Interior, Fish and Wildlife Service, (letter supporting mineral withdrawal)
- Oregon Department of Fish and Wildlife (letter supporting mineral withdrawal)
- California Department of Fish and Wildlife (letter supporting mineral withdrawal and SOWSPA)
- North Coast Regional Water Quality Control Board (letter supporting mineral withdrawal and permanent protection)
- Elk Valley Rancheria (letter in support of mineral withdrawal and SOWSPA)
- Confederated Tribe of the Siletz Indians, (letter in support for mineral withdrawal, SOWSPA, permanent protection)
- Del Norte County (letter in support of mineral withdrawal, SOWSPA, permanent protection)
- City of Gold Beach, OR (letter in support of mineral withdrawal, SOWSPA, permanent protection)
- Pacific Coast Fishermen's Federation (letter in support of mineral withdrawal and permanent protection)
- Curry County Commissioner David Smith (letter in support of mineral withdrawal)
- Crescent City, CA (letter in support of mineral withdrawal)
- Big Rock Services [Water] Dist. (letter in support of mineral withdrawal, permanent protection)
- Gasquet Services [Water] Dist. (letter in support of mineral withdrawal, permanent protection)
- Crescent City Chamber of Commerce (letter in support of mineral withdrawal)
- Craft Brewers for Clean Water (letter in support of mineral withdrawal)
-

Also included in this packet are the following resolutions and letters of support for the Southwestern Oregon Watershed and Salmon Protection Act of 2015 (SOWSPA):

- City of Gold Beach Resolution in support of SOWSPA
- City of Cave Junction letter in support of SOWSPA

At the end of you'll find a complete list of tribes, municipalities, businesses and organizations that support protection of Hunter Creek, Pistol River, Rough and Ready Creek and the North Fork of the Smith River from industrial nickel mining.



Senate Joint Resolution No. 3

RESOLUTION CHAPTER 93

Senate Joint Resolution No. 3—Relative to the Smith River watershed.

[Filed with Secretary of State July 6, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 3, McGuire. Smith River watershed protection.

This measure would urge the President of the United States and Congress to permanently safeguard the currently unprotected North Fork of the Smith River watershed in Oregon from any mining activities that would have the potential impacts on water supplies, economies, or the environment in California's portion of the Smith River watershed.

WHEREAS, The Smith River watershed of approximately 610 square miles in California and 115 square miles in Oregon has been considered the prize of the California wild and scenic river system since the time it was included in the California Wild and Scenic Rivers Act in 1972, and then later included in the National Wild and Scenic Rivers System in 1981; and

WHEREAS, The Smith River is the indirect primary source of drinking water for the majority of Del Norte County's 28,000 residents, with the largest user being the City of Crescent City; and

WHEREAS, The Del Norte County Board of Supervisors and the City Council of Crescent City have voted unanimously to oppose the issuance of a limited water use license for the Cleopatra Check Drilling Program based on the potential to cause significant adverse environmental impacts within the overall watershed of the Smith River and subsequent impacts on drinking water for residents and thousands of annual visitors; and

WHEREAS, The California North Coast Regional Water Quality Control Board, the Department of Fish and Wildlife, the Natural Resources Agency, and the Oregon Water Resources Department have also opposed any mining within the Smith River watershed because of the detrimental effects of strip mining; and

WHEREAS, The Smith River is unparalleled for its free-flowing status, large and abundant salmon and steelhead stock, and extraordinary botanical diversity, and is the only major undammed river in California; and

WHEREAS, The Smith River National Recreation Area Act, passed by the 101st United States Congress in 1990 (Public Law 101-612), amended the federal Wild and Scenic Rivers Act of 1968 and permanently protected all federal lands of the Smith River watershed within California by establishing the Smith River National Recreation Area; and

WHEREAS, The Oregon portion of the North Fork of the Smith River was not included in the act and remains vulnerable to mining; and

WHEREAS, Any strip mining activities on the North Fork of the Smith River could have devastating and irreversible impacts to the entire National Wild and Scenic Smith River watershed; and

WHEREAS, In 2012, the Red Flat Nickel Corporation submitted the Cleopatra Check Drilling Program Plan for the watershed of the North Fork of the Smith River to the Rogue River-Siskiyou National Forest, with the goals to develop and operate a devastating 3,980-acre strip mine to extract nickel, cobalt, and chromium; and

WHEREAS, The proposed mining operations will unnecessarily put the people and wildlife that rely on the Smith River at risk; and

WHEREAS, The United States Environmental Protection Agency has confirmed that hard rock mining, which includes strip mining, is the largest source of toxic pollution in the United States; and

WHEREAS, The United States Department of Agriculture's Technical Guide to Managing Ground Water Resources documents numerous published reports concerning the release of toxic metals to groundwater and surface water resulting from mines and mine-related facilities; and

WHEREAS, Mining operations along the tributaries of the Smith River would inevitably impact water quality and quantity with the potential to cause significant injury to fish and other wildlife, including threatened coho salmon; and

WHEREAS, The Smith River's coho salmon are protected under the federal Endangered Species Act and are recognized as a core independent population with a high risk of extinction; and

WHEREAS, The Smith River is one of California's most important, irreplaceable watersheds for the threatened coho salmon; and

WHEREAS, The Chinook salmon, cutthroat trout, and steelhead runs are vitally important to the economies and environment of northern California and Oregon; and

WHEREAS, Millions of federal, state, and private dollars have been spent in the past decades on improving water supply systems and for restoration and protection of salmonid habitat and watershed lands downstream from the proposed mining operations; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature urges the President of the United States and Congress to permanently safeguard the currently unprotected North Fork of the Smith River watershed in Oregon from any mining activities that would have potential impacts on water supplies, economies, or the environment in California's portion of the Smith River watershed; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

California State Senate

SENATOR MIKE MCGUIRE

NORTHERN CALIFORNIA'S SECOND SENATE DISTRICT



September 25, 2015

Mr. Jerome E. Perez, Oregon State Director
Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208-2965

Dear Mr. Perez:

RE: Comments in Support of Proposed Mineral Withdrawal and Smith River Protection

Thank you so much for the opportunity to comment on this matter of critical importance to my constituents in Del Norte County and citizens of California. I strongly support the proposed withdrawal of approximately 100,000 acres of National Forest and Bureau of Land Management land located in southwestern Oregon from use under federal mining laws. Moreover, I support a permanent mineral withdrawal as proposed in the "Southwest Oregon Watershed and Salmon Protection Act of 2015" (S. 346 and HR 682).

In July of this year, the California Senate and Assembly approved Senate Joint Resolution – 3 the **Smith River Watershed Protection** measure which urges the President of the United States and Congress to permanently safeguard the currently unprotected North Fork of the Smith River watershed in Oregon from any mining activities. SJR-3 is appended to this letter and is herewith included as part of my comments.

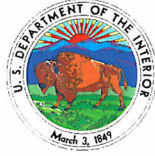
In summary of SJR-3, strip mining in the Smith River watershed is simply unacceptable. The Smith and the companion rivers included in the proposed mineral withdrawal area are extraordinary streams of national significance. Any future mining activities will unnecessarily put the people and wildlife/fisheries that rely on these rivers at risk and would create irreversible impacts to the entire watersheds of these streams.

Again, I appreciate the opportunity to provide comments on the Proposed Mineral Withdrawal and look forward to the well-deserved protection of the Smith River watershed. If you have any questions regarding this letter please contact Thomas Weseloh, Chief Consultant to the California Legislature's Joint Committee on Salmon and Fisheries at Tom.Weseloh@sen.ca.gov or 707 445-7014.

Warmest Regards,

A handwritten signature in black ink, appearing to be 'MIKE MCGUIRE', written in a cursive style.

MIKE McGUIRE
Senator



United States Department of the Interior
Redwood National Park
1111 Second Street
Crescent City, California 95531

L74 (River Basin Activities)
xL6015 (Smith Wild and Scenic River)

September 23, 2015

Michael L. Barnes
Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208-2965

Dear Mr. Barnes:

We have reviewed the "Notice of Proposed Withdrawal and Notification of Public Meetings; Oregon" published in the Federal Register, FR Doc 2015-15954, Monday, June 29, 2015 and would like to offer the following comments.

The Notice describes proposed withdrawal for five years, and segregation of lands for two years, from settlement, sale, location, and entry under the public land laws, location and entry under the United States mining laws, and operation of the mineral and geothermal leasing laws of public domain and Revested Oregon California Railroad (O&C) lands managed by the Bureau of Land Management (BLM) and 95,805 acres of National Forest System (USFS) lands in southern Oregon.

The Proposed Withdrawal affects lands in the Baldface and Diamond Creek watersheds that form the headwaters of the North Fork of the Smith River. The North Fork enters California in Del Norte County, and meets with the Middle and South Forks of the Smith to form the mainstem Smith River. Approximately 3 miles downstream from the Middle Fork/South Fork confluence, the mainstem Smith River enters Jedediah Smith Redwoods State Park and Redwood National Park.

Redwood National and State Parks are composed of Redwood National Park and three California State Parks located within the Congressionally-designated boundaries of the national park in Humboldt and Del Norte Counties. Together the parks preserve not only the primeval coastal redwood forests but "the streams with which they are associated for the purposes of public inspiration and enjoyment, and to preserve all related scenic and recreational values" (General Management Plan/General Plan, Redwood National and State Parks, USDI National Park Service (April 2000) and California Department of Parks and Recreation (November 1999).

Redwood National Park was established "to preserve significant examples of the primeval coastal redwood (*Sequoia sempervirens*) forests and the streams and seashores with which they are associated, for purposes of public inspiration, enjoyment, and scientific study" (Public Law 90-545, October 2, 1968). The national park was expanded "...to protect existing irreplaceable Redwood National Park resources from damaging upslope and upstream land uses..." (PL 95-250, March 27, 1978).

The purpose of Jedediah Smith Redwoods State Park is "to make available to people forever, for their inspiration and enjoyment, in a condition of unimpaired ecological integrity, the great forests of lower Mill Creek and of the Smith River, together with all related scenic, historic, scientific, and recreational values and resources of the area." (July 1965 State Park and Recreation Commission Declaration of Purpose.)

As components of both the state and National Wild and Scenic Rivers Systems, the Smith and its tributaries within California provide opportunities for public enjoyment that attract visitors to the parks and to the region. The anadromous fishery is a primary Outstandingly Remarkable Value (ORV) for the Smith and its tributaries. In addition, the North Fork has been found to have outstandingly remarkable white-water boating values.

The Final Environmental Impact Statement for the Proposed Designation of Five California Rivers in the National Wild and Scenic Rivers System (USDI, Heritage Conservation and Recreation Service, December 1980) stresses that "the health of the entire Smith River system is critical to maintenance of the exceptional water quality which supports the anadromous fishery. Past history has shown the futility of governmental attempts to protect an outstanding resource value by drawing an artificial boundary around the resource and ignoring the interaction between the resource and the rest of the ecosystem. Under the National Wild and Scenic Rivers Act, all future federal actions within the watershed should be carefully designed to avoid degrading the water quality of the Smith River system, and adversely impacting the anadromous fishery."

In addition to the legislation that established and expanded Redwood National Park, the National Park Service Organic Act of 1916 requires that all units of the National Park System be managed to "conserve the scenery ... and the wild life therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." 54 USC 100101(a). In the General Authorities Act of 1970, Congress further declared that "... the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established...." 54 USC 100101(b)

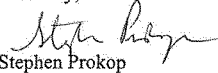
The anadromous fish in the Smith River include steelhead trout, Chinook salmon, and coho salmon. Coho are listed as threatened under the federal Endangered Species Act and endangered under the California Endangered Species Act.

Protection of the superb water quality, the associated anadromous fishery and recreational resources, and the scenic values along the Smith River, and the opportunities for public enjoyment of these resources and values, are mandated under the Organic Act of 1916, the General Authorities Act of 1970, the Redwood National Park enabling and expansion legislation, and the National Wild and Scenic Rivers Act, as well as the Declaration of Purpose for Jedediah Smith Redwoods State Park. The anadromous fish in the Smith River are protected under the federal Endangered Species Act and the California Endangered Species Act.

The Proposed Withdrawal of BLM and USFS lands in the headwater tributaries of the Smith River upstream of Redwood National and State Parks will reduce potential for impairment of, and provide additional protection for, these significant resources and values and the opportunity for public enjoyment of the same in Redwood National Park and Jedediah Smith Redwoods State Parks, as required under the laws for management of these parks.

Thank you for the opportunity to comment on the Proposed Withdrawal.

Sincerely,



Stephen Prokop
Superintendent

cc: (all via electronic mail; no hardcopy to follow)
Martha Lee, PWR
Stephen Bowes, PWR-RTCA
Grant Werschkull (Smith River Alliance)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
 Oregon Fish and Wildlife Office
 2600 SE 98th Avenue, Suite 100
 Portland, Oregon 97266
 Phone: (503) 231-6179 FAX: (503) 231-6195

Reply To: 01EOFW00-2015-CPA-0060
 File Name: FWS Comments on Mineral Withdrawal
 TS Number: 15-848
 TAILS: 01EOFW00-2015-CPA-0060
 Doc Type: final

Memorandum

To: State Director, Bureau of Land Management
 Oregon State Office
 P.O. Box 2965
 Portland, Oregon 97208-2965

From: State Supervisor, Oregon Fish and Wildlife Office
 Portland, Oregon *Paul Benson*

Subject: Comments on the proposed mineral withdrawal by the Bureau of Land Management and United States Forest Service in southwestern Oregon (FWS TAILS #: 01EOFW00-2015-CPA-0060).

The U.S. Fish and Wildlife Service (Service) appreciates this opportunity to provide comments regarding the Bureau of Land Management (BLM) and the U.S. Forest Service's (USFS) proposed mineral withdrawal within the Klamath-Siskiyou bioregion of southwestern Oregon. The Service commends the agencies for initiating this process and provide our support for the proposal to withdraw approximately 5,216 acres of BLM-managed public domain lands and 95,000 plus acres of National Forest System lands, for 5 years, while Congress considers legislation to permanently withdraw those areas. The mineral withdrawal is needed because the Service believes that mining activities are incompatible with the high resource values of this bioregion and do not align with the conservation of Federal trust species which the Service is entrusted to protect and conserve. Our comments are provided under the auspices of technical assistance from the Service to the land management agencies under the authority of the Endangered Species Act (ESA) (16 U.S.C 1531 et seq.) and other resource protection statutes.

The Klamath-Siskiyou (K-S) bioregion has long been recognized as an important ecoregion not only nationally but globally as well (see World Wildlife Fund and International Union for the Conservation of Nature). The K-S bioregion is an expression of its biological diversity and unique evolutionary history. Because of these unique factors, it hosts some of the most productive salmon and steelhead fisheries outside of Alaska; is home to the largest concentration of Wild and Scenic Rivers in the nation; has some of the largest-contiguous acreage of forest on the West Coast; and, provides habitat for 3,500 plant species of which 280 are rare or endemic.

Salmonid strongholds, including ESA listed Coho salmon, and nationally significant Wild and Scenic Rivers, occur with the mineral withdrawal area. Pacific lamprey, a Service Species of Concern, also occurs throughout the proposed withdrawal area. Major threats to lamprey include poor water quality, dredging, and stream and floodplain degradation, all of which are consequences of inappropriate mining methods. The Service, along with other federal agencies, has spent considerable time and resources in developing and implementing best management practices for lamprey because the immediate need for lamprey conservation is evident. Withdrawing this area from mining will provide needed long-term habitat conservation benefits to lamprey and native freshwater resident fishes while simultaneously benefiting anadromous salmonid species.

The forested landscape of the K-S bioregion also provides a stronghold for rare forest carnivores such as the Pacific fisher and Humboldt marten. Federally listed avian species such as the northern spotted owl and marbled murrelet and their designated critical habitats occur here as well. The removal of forest habitat, which is an outcome of strip and hardrock mining, would contribute threats to carnivores and avian species, as well as other native terrestrial and aquatic species. Withdrawing this area from mining will alleviate habitat-loss threats and contribute to the possibility of not listing candidate species because of intact habitat remaining on the landscape.

The K-S bioregion is well-known for its vast array of unusual and endemic flowering plants. This is exemplified by BLM and USFS having established thousands of acres of Areas of Critical Environmental Concern and designated botanical areas, particularly in Rough and Ready Creek, due to rare and endemic plants. Several of the rare plant species include ESA protected Gentner's fritillary and Cook's desert parsley, which occur in the proposed withdrawal area. Protection of the withdrawal area will further conservation of the listed plants by providing broad distribution and sources of connectivity for these small and isolated plant populations.

Straddling the Oregon-California border, the K-S bioregion contains some of the largest concentration of intact watersheds on the west coast and world renowned biodiversity. These exceptionally high resource values, including several federal candidate and listed species, makes mining incompatible with the resource values and conservation investments in the bioregion. For these reasons, I urge the land management agencies to follow through on the proposed mineral withdrawal of the approximately 100,000 acres of federal lands in the K-S bioregion.

Thank you for this opportunity to provide comment. Please feel free to contact me at (503) 231-6179 if you would like to discuss these comments further.



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Rogue Watershed District Office
1495 East Gregory Road
Central Point, OR 97502
(541) 826-8774
Fax: (541) 826-8776
odfw.com



September 28, 2015

Michael L. Barnes
Bureau of Land Management
Oregon State Office
PO Box 2965
Portland, OR 97208-2965
m1barnes@blm.gov

Re: Mineral Withdrawal in Aid of Legislation on Public Lands in Southwest Oregon

Dear Mr. Barnes:

The Oregon Department of Fish and Wildlife (ODFW) supports the proposed five-year mineral withdrawal on public lands in southwest Oregon as proposed by the U.S. Forest Service (USFS) and Bureau of Land Management (BLM). ODFW's mission is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations.

The proposed a five-year mineral withdrawal would affect 95,806 acres managed by the USFS Rogue River-Siskiyou National Forest and 5,216 acres managed by the BLM. Lands included in the proposed mineral withdrawal encompass the upper portion of Hunter Creek, the North Fork Pistol River, Baldface Creek, a major tributary to the North Fork Smith River, and Rough and Ready Creek, tributary to the West Fork Illinois River.

The Illinois, Smith, and Pistol rivers and Hunter Creek support abundant populations of fall Chinook salmon, winter steelhead, and coastal cutthroat trout. Coho salmon also occur in all four watersheds. A long-term decline in southern Oregon and Northern California coho populations led to a 1997 federal listing of coho as threatened under the Endangered Species Act. Coho populations in all four watersheds are included in the Southern Oregon/Northern California Coast (SONCC) ESU.

The extraction of minerals associated with metal mining generates large amounts of waste, which creates the potential for significant releases of sediment or contaminants into adjacent waterways. The Klamath geologic province, which encompasses all of the area in southwest Oregon included in the proposed mineral withdrawal, is very erosive and prone to landslides. Siting a large-scale metal mining operation in this area would pose great risk to the fishery resources in southwest Oregon.

In summary, ODFW is very concerned about the potential for leaching metal mining wastes into Oregon waterways and the resulting long-term impacts to fish, wildlife, and habitat resources. If



you have any questions regarding these comments, please feel free to contact me at 541-826-8774.

A handwritten signature in black ink, appearing to read 'Russ Stauff', written in a cursive style.

Russ Stauff
Rogue Watershed District Manager
Oregon Department of Fish and Wildlife



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 21, 2015

Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208-2965

Subject: 2015 Mineral Withdrawal Proposal: Rough and Ready and Baldface Creeks Withdrawal Area

To whom this may concern:

The Smith River is unmatched in California for its free-flowing status, botanical diversity, renowned anadromous fisheries, and Wild and Scenic status. It also provides vital habitat for numerous State and federally listed species. The Smith River is California's fourth largest coastal river, with a watershed area of approximately 610 square miles in California and 115 square miles in Oregon.

The California Department of Fish and Wildlife (Department) is concerned that large scale industrial strip mining proposed in southern Oregon will have significant irreversible downstream effects on the Smith River. Because of the documented substantial environmental risks to aquatic resources associated with strip mining, the Department is strongly opposed to strip mining in the Smith River watershed.

The Department strongly supports the five year mineral withdrawal in aid of legislation, currently in process by the United States Forest Service and the Bureau of Land Management. Further, the Department strongly supports the Southwest Oregon Watershed and Salmon Protection Act of 2015 and is hopeful the United States Congress will enact this legislation.

We appreciate the opportunity to support this important interim step and look forward to permanent protection of the north fork Smith River as proposed by the Southwest Oregon Watershed and Salmon Protection Act of 2015. Please contact Senior Environmental Scientist (Specialist) Michael van Hattem at 707-445-5368 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Manji".

Neil Manji
Regional Manager

ec: Page 2

Bureau of Land Management
Oregon State Office
September 21, 2015
Page 2

ec: Bureau of Land Management
Oregon State Office
BLM_OR_WA_WITHDRAWALS@blm.gov

Jeff Bomke and Amber Transou
California State Parks
Jeff.Bomke@parks.ca.gov, Amber.Transou@parks.ca.gov

Mona Daugherty and Jeremiah Puget
North Coast Regional Water Quality Control Board
Mona.Daugherty@waterboards.ca.gov, Jeremiah.Puget@waterboards.ca.gov

Curt Babcock, Gordon Leppig, Laurie Harnsberger, and Michael van Hatten
California Department of Fish and Wildlife
Curt.Babcock@wildlife.ca.gov, Gordon.Leppig@wildlife.ca.gov
Laurie.Harnsberger@wildlife.ca.gov, Michael.vanHatten@wildlife.ca.gov



North Coast Regional Water Quality Control Board

September 24, 2015

Mr. Jerome E. Perez, Oregon State Director
 Bureau of Land Management
 Oregon State Office
 P.O. Box 2965
 Portland, OR 97208-2965

Dear Mr. Perez,

Subject: Comments in Support of the Notice of Proposed Withdrawal of
 Mineral Rights in Southern Oregon

The North Coast Regional Water Quality Control Board (Regional Water Board) would like to thank you for this opportunity to comment in support of the proposed withdrawal of approximately 100,000 acres of National Forest and Bureau of Land Management land located in Southwest Oregon from use under federal mining laws. Our primary concerns rest in the headwaters of the North Fork Smith River, an interstate water of the United States that flows from Oregon through California.

The Smith River is a unique and thriving natural resource of high-quality water, often referred to as the crown jewel of the North Coast Region of California. Its unspoiled ecological and recreational value is further enhanced by also being the water supply for several communities including Gasquet, Hiouchi and Crescent City. It is a state and federally designated Wild and Scenic River with world class recreational opportunities and a habitat stronghold for a declining population of rare, threaten and endangered anadromous fish. The active recreational and commercial fishing industries supported by the Smith River make it a vital part of the Northern California environment, economy, and culture. A mining project in the headwaters of the North Fork of the Smith River has a high risk of resulting in significant discharges of waste and adverse impacts to water quality and beneficial uses.

To add further protection to the Smith River, in March 2015 as part of the Triennial Review of the *Water Quality Control Plan for the North Coast Region* (Basin Plan), the Regional Water Board directed staff to develop a proposed amendment to the Basin Plan to designate Outstanding National Resource Waters (ONRWs) with initial focus on the Smith

JOHN W. CORBETT, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



River. An ORNW designation for the Smith River in California would significantly restrict authorization of discharges with the potential to degrade such waters.

For these reasons, the Regional Water Board strongly supports the proposed interim withdrawal of mineral rights in the North Fork Smith River. Further, we would support consideration of future legislation to permanently remove these areas from potential mining. Such an action would augment our proposed action to designate the Smith River in California as an ORNW.

If you have any questions or concerns regarding this letter, feel free to contact Jeremiah J. Puget, Environmental Scientist of my staff, at (707) 576-2835 or at Jeremiah.Puget@waterboards.ca.gov.

Sincerely,

Shin-Roei Lee
Assistant Executive Officer

150924_JJP_dp_CommentsMineralRights_SouthernOregon

cc:

Oregon Governor John Kitzhaber, 160 State Capitol, 900 Court Street NE,
Salem, OR 97301
California Governor Edmund G. Brown Jr., c/o State Capitol, Suite 1173,
Sacramento, CA 95814
Senator Jeff Merkley, 495 State Street, Suite 330, Salem, OR 97301
Representative Peter DeFazio, 125 Central Avenue, Suite 350, Coos Bay, OR 97420
Representative Jared Huffman, 999 Fifth Avenue, Suite 290, San Rafael, CA 94901
Felicia Marcus, Chair SWRCB, Felicia.Marcus@waterboards.ca.gov
Tom Howard, Executive Director, SWRCB, Tom.Howard@waterboards.ca.gov
City Manager of Crescent City, Eugene Palazzo, City Hall 377 J Street,
Crescent City, CA 95531
Big Rock Community Services District, 2680 US Highway 199, Crescent City, CA 95531
Gasquet Community Services District, 250 Middle Fork Gasquet Road,
Gasquet, CA 95543
Michael Van Hattem, California Department of Fish and Wildlife
Michael.vanHattem@wildlife.ca.gov

Elk Valley
RANCHERIA
Crescent City, CA



2332 Howland Hill Road
Crescent City, CA 95531

Phone: 707.464.4680
Fax: 707.465.2638

August 7, 2015

VIA POSTAL SERVICE

Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, OR 97208-2965

Re: Notice of Proposed Withdrawal; Elk Valley Rancheria, California's Comments

To Whom It May Concern:

The Elk Valley Rancheria, California, a federally recognized Indian tribe (the "Tribe") located in Del Norte County, California, provides its comments in support of the proposed mineral withdrawal of 95,806 acres of National Forest System lands on the Rogue River-Siskiyou National Forest and 5,216 acres of Bureau of Land Management lands on the Medford District and Coos Bay Districts.

The Tribe supports Senate Bill 346 and House Resolution 682, the "Southwestern Oregon Watershed and Salmon Protection Act of 2015." The proposed withdrawal assists with the preservation of the status quo and does not allow for mining claim location or entry under the mining laws, mineral lease or geothermal operations during both the two-year segregation period and the subsequent five-year mineral withdrawal, for a total of up to seven years.

The Tribe has previously expressed concern about mining in the Smith River watershed and has supported on-going efforts to protect the Smith River and associated watershed from the negative impacts of proposed nickel mining efforts. The proposed strip mining and other mineral extraction activities have been demonstrated to have a negative effect on the water supply that is so vital to the region. Likewise, those activities negatively affect cultural and historical sites of importance to the Tribe and its ancestors.

The proposed withdrawal would avoid the nickel mine's destruction of wilderness quality public lands, eradication and disturbance of the local flora and fauna, pollution of downstream waters, and depletion of a fully appropriated stream. Likewise, maintaining the status quo would avoid pollution that would harm fisheries and drinking water supplies. The cessation of both the short term mineral exploration drilling and long term industrial strip mining would clearly be beneficial to the public interest.

BLM
Re: Mining Withdrawal
August 7, 2015
Page 2

Again, the Tribe supports the proposed withdrawal and urges the Secretary to take said action.

Thank you for the opportunity to comment on this matter of great public importance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale A. Miller". The signature is written in a cursive style with a large initial "D" and "M".

Dale A. Miller
Chairman

cc: Congressman DeFazio
Congressman Huffman
Senator Feinstein
Senator Boxer
Elk Valley Tribal Council
Grants Director
General Counsel



Confederated Tribes of Siletz Indians

P.O. Box 549 Siletz, Oregon 97380
 (541) 444-2532 • 1-800-922-1399 • FAX: (541) 444-2307

September 18, 2015

Jerome E. Perez, Oregon State Director
 Bureau of Land Management
 Oregon State Office
 P.O. Box 2965
 Portland, Oregon 97208-2965

Re: Withdrawal of Southwestern Oregon eligible Federal lands from all forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, and operation under the mineral leasing and geothermal leasing laws, and for other purposes.

Dear Director Perez:

I am writing you regarding the issue of mining on public lands managed by the USDA Forest Service and the Bureau of Land Management in Southwest Oregon's Kalmiopsis region. In an earlier letter (May 5, 2015) addressed to Mr. Robert MacWhorter, Forest Supervisor of the Rogue River/Siskiyou National Forest, we expressed our concern over Red Flat Nickel Corporation's interest in exploratory nickel mining within the lower Rogue River Basin, the Illinois River, as well as Hunter Creek, Pistol River, Chetco River, and the North Fork of the Smith River (Southern Oregon border). Today we are expanding on that concern by asking that you extend the current two year segregation period to a five year withdrawal. In addition we wish to inform you that our long-term interest is in seeing a full twenty year withdrawal to allow time for our Federal legislators to pass the proposed *Southwestern Oregon Watershed and Salmon Protection Act of 2015, H.R. 682 and S.346* (introduced by Messrs. DeFazio, Huffman, Merkley, and Wyden; February 3, 2015) which would create a condition of permanent mineral entry withdrawal for approximately 95,805 acres of National Forest and 5,216 acres of BLM managed lands.

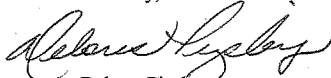
Our ancestral homelands include all the river basins of Southwest Oregon. Although we were driven from these ancestral lands during the 19th century our connection to the cultural resources in these basins has continued since removal. Our ability in large part to preserve our culture and ancestral ways, specific to the resources our people use/protect within these basins, is critical to the future success of the Confederated Tribes of Siletz. An example of this is our devotion to our annual *Run to the Rogue* celebration wherein we commemorate our ancestor's removal from their treasured homelands, by travelling their footsteps in reverse direction. During this 3 day celebration tribal members spend time with their families reconnecting to family histories in these basins and focusing on preservation of cultural traditions such as fishing for salmon and gathering basketry materials, food and medicinal plants. These activities occur seasonally during other months of the year as well. Through these activities tribal members expect to be able to drink the natural waters produced within these basins, eat mammals, fish, shellfish and plants that are susceptible to environmental pollutants. Although we have concerns related to multiple species and beneficial uses within these basins we will highlight one species/beneficial use concern for demonstration purposes.

Lamprey eel are a key fisheries resource for the Siletz Tribe. Larval lamprey rear in freshwater streams for four to ten years before they begin their ocean migration. During the past twenty years west coast tribes have forced the agencies to recognize multiple issues driving Pacific lamprey population declines. Using several genetic studies carried out during the past fifteen years, fisheries experts from the U.S. Fish and Wildlife Technical Working Group (federal, state and tribal partners) have identified the Rogue Basin as a key producer of Pacific lamprey when considering all stocks of lamprey found across the eastern Pacific. Because Pacific lamprey larvae reside in freshwater for so long along with other biological factors proving super-sensitivity, they have been shown to be more susceptible to environmental pollution (Portland Harbor Super Fund studies and recent Columbia River Intertribal Fish Commission studies). Toxic run off from mining operations would be detrimental to the remaining stocks of lamprey found in our above mentioned streams of concern. In turn we are equally concerned about water use to support these activities and how that use will compete with critical fisheries habitat.

The current proposed mining activity has a long history of high risk and extensive environmental pollution under which the responsible parties rarely take financial responsibility and for which the citizens of the state or country where it occurs carry all the financial burden of the cleanup. Although we support economic development across Oregon we do not support ventures associated with a high degree of environmental risk.

In summary we wish to express our great concern over the sustainability of resources within our ancestral homelands under any sort of precious mineral exploratory or otherwise, mining activities. In addition we wish that you extend the current two year segregation period to a five year withdrawal. Lastly, we request that you work toward a full twenty year withdrawal to allow our legislators adequate time to pass the *Southwestern Oregon Watershed and Salmon Protection Act of 2015* with its' intended permanent withdrawal of 101,021 acres of Federal lands from future (1) entry, appropriation, or disposal under the public land laws; (2) location, entry, and patent under the mining laws; and (3) operation under the mineral leasing and geothermal leasing laws.

Sincerely,



Delores Pigsley
Tribal Chairman



**COUNTY OF DEL NORTE
BOARD OF SUPERVISORS**

981 "H" Street, Suite 200
Crescent City, California 95531

Phone
(707) 464-7204

Fax
(707) 464-1165

Jerome E. Perez, State Director
BLM Oregon
1220 S.W. 3rd Avenue
Portland, OR 97204

09/22/15

Subject: Mineral Withdrawal in Support of the Southwestern Oregon Watershed and Salmon Protection Act

Dear State Director Perez,

Thank you for the opportunity to comment on this very critical subject. The responsiveness of the Bureau of Land Management and the U.S. Forest Service to the request of our federal legislators for a five-year mineral withdrawal on lands that flow into our pristine watersheds is greatly appreciated.

Del Norte County is home to the Smith River which is considered to be the prize of the California Wild and Scenic River System because of its unparalleled free-flowing status, large and abundant salmon and steelhead stock, and extraordinary botanical diversity. The river's recreation opportunities are abundant and it provides the indirect primary source of drinking water for the majority of Del Norte County's 28,000 residents. The value of a healthy Smith River to the vitality of Del Norte County is incalculable. While the California portion of the Smith River was afforded protection under the Smith River National Recreation Area Act and Wild and Scenic River designation, the upper reaches of the North Fork of the Smith River, which lie in Oregon, remain vulnerable to large scale strip mining operations.

In July 2014, the Del Norte County Board of Supervisors voted unanimously to oppose the issuance of the limited water use license for Red Flat Nickel Corporation's Cleopatra Check Drilling Program based on the potential to cause significant adverse environmental impacts within the overall watershed of the Smith River and subsequent impacts on drinking water for residents and thousands of annual visitors. While this request was later withdrawn, the County has continued to work with California state legislators to garner the support needed to permanently safeguard the North Fork of the Smith River. Most recently the California State Legislature approved Senate Joint Resolution No. 3 – Smith River Watershed Protection which resolves that the state Legislature will urge the President of the United States and Congress to permanently safeguard the Smith River.

Given the exigency of the matter, Del Norte County strongly urges your support in recommending approval of the mineral withdrawal to the Director of the Bureau of Land Management to allow adequate time for our federal legislators to approve the Southwest Oregon Watershed and Salmon Protection Act which will permanently protect our world class rivers and streams.

Respectfully submitted,



David Finigan, Chair

cc: Representative Jared Huffman, U.S. Congress
Senator Mike McGuire, California State Senate
Mayor Ron Gastineau, City of Crescent City Council



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

Administration: 541-247-7029 • Police: 541-247-6671 • www.goldbeachoregon.gov
 Visitor Center: 541-247-7526 • www.goldbeach.org

Friday, May 20, 2016

SENT VIA EMAIL & USPS

Robert MacWhorter, Forest Supervisor
 % Shannon Downey
 Rogue River-Siskiyou National Forest
 3040 Biddle Rd,
 Medford, OR 97504

RE: SW Oregon Mineral Withdrawal

Dear Mr. MacWhorter:

Please accept this letter as a placeholder comment in favor of SW Oregon Mineral Withdrawal legislation. The Gold Beach City Council, at the May 9th Council meeting, voted to send a letter supporting the mining withdrawal proposal as well as draft a resolution in support of the withdrawal. The resolution will be ratified at the June 13th Council meeting. Even though the comment period will be officially closed at that time, I will forward a copy of the resolution once signed.

The Red Flat mining proposal--that was the genesis of this proposed withdrawal legislation--is located in close proximity to the City of Gold Beach. In the past our area has been heavily dependent on a natural resources extraction economy that was strongly encouraged by the USFS and other federal agencies. Most of that extraction was in the form of timber, but Curry County does have a long history of mineral extraction as well--mostly aggregate, though, not hazardous mining like nickel mining.

In the past 20 years, and specifically in the past 10, our area has worked really hard to make lemonade from the lemons we were handed in the early '90s (no harvesting of a *renewable* resource on federal lands that make up 75% of our county). But the timber discussion is a horse beaten so dead there isn't enough left for glue--so no point in going there. It is what it is, and we will never go back to harvesting and replanting, so we have tried to move on. We are making lemonade economically by working on building a successful tourism economy that embraces the "wild" in the wilderness and wild rivers that surround us.

Nickel mining--anywhere--but specifically HERE would be catastrophic to that tourism economy, and, in my opinion, kind of a slap in our faces. We are no longer permitted to

The City of Gold Beach is dedicated to enhancing quality of life, while promoting the health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community.





harvest and replant trees--a renewable natural resource: but now federal agencies may allow devastating extraction of a non-renewable source metal. Those extraction activities scar and pollute the surrounding areas and bring ZERO income to the locals that are affected by the devastation. How does that comport with the past 25 years of rhetoric that logging destroys the environment and threatens fish habitat? Roads aren't even being maintained in the national forest surrounding Gold Beach because that maintenance may adversely impact habitat. But strip mining is a possibility?

The mining company isn't even an American company. If you want to say there is controversy surrounding this issue: **there it is**—a foreign company strip mining a one-of-a-kind wilderness area, devastating salmon habitat, devastating watersheds of federally designated wild rivers, and destroying a fragile tourism economy in one of the most economically devastated counties in the entire west. All based on some obscure law over 100 years old? THAT is the controversy.

We are a first world country. We know what strip mining does to the environment and to communities surrounding it. The fact that we have to even say: STOP. PLEASE. is shameful in 2016.

But that is what we are saying: STOP PLEASE. Help us preserve our fragile tourism economy. Help us to preserve the wild areas that make us America's Wild Rivers Coast. Withdraw these areas from consideration for mineral extraction. Not just for 5 years. Not even for 20. Withdraw them permanently.

Thank you for the opportunity to comment on this very important issue.

Sincerely,

A handwritten signature in red ink, appearing to read "Jodi", is positioned above the typed name.

Jodi Fritts
City Administrator
jfritts@goldbeachoregon.gov

David Bitts
President
Larry Collins
Vice-President
Duncan MacLean
Secretary
Mike Stiller
Treasurer

**PACIFIC COAST FEDERATION
of FISHERMEN'S ASSOCIATIONS**



www.pcffa.org

Email: fishlifr@aol.com

W.F. "Zeke" Grader, Jr.
Executive Director
Glen H. Spain
Northwest Regional Director
Vivian Helliwell
Watershed Conservation Director
In Memoriam:
Nathaniel S. Bingham
Harold C. Christensen

Please Respond to:

California Office
P.O. Box 29370
San Francisco, CA 94129-0370
Tel: (415) 561-5080
Fax: (415) 561-5464

Northwest Office
P.O. Box 11170
Eugene, OR 97440-3370
Tel: (541) 689-2000
Fax: (541) 689-2500

28 September 2015

Jerome E. Perez, Oregon State Director
Bureau of Land Management,
Oregon State Office,
P.O. Box 2965,
Portland, Oregon 97208-2965

PDF Email to:
BLM_OR_WA_WITHDRAWALS@blm.gov

Dear Oregon State Director Perez:

We submit these comments to you on behalf of the Pacific Coast Federation of Fishermen's Associations (PCFFA) as well as its sister organization, the Institute for Fisheries Resources (IFR).

As the largest trade association of commercial fishing families on the west coast, we at PCFFA (together with IFR) urge you to protect the headwaters of the Wild and Scenic Illinois and Smith Rivers and the Wild Rivers Coast from proposed nickel and other strip mines. We respectfully ask you to protect these waterways, which (as key salmon producing rivers) are crucially important to our livelihoods and those of our members, many of whom harvest salmon for all or part of their living.

Every stream and river in Oregon counts for and is important for commercial salmon fishing production due to "weak stock management." This is the biologically and legally required management tool by which all fisheries in a given at-sea area can be closed if any one stock, or substock, that is intermingling with the other targeted but more abundant stocks becomes too weakened in population size to allow any additional incidental or even accidental take without risking its depletion or eventual extinction.

This is not just a theoretical threat, but happens as a regular part of west coast ocean fisheries management. For instance, in 2006 ocean salmon fisheries from Monterey, CA to the OR-WA

PCFFA Comments
 South Oregon Mining Withdrawals
 28 September 2015

border were closed or severely restricted because of the one very weak fall-Chinook stock in the Klamath River that year. Once the Klamath fall-Chinook populations dipped below the "minimum spawner floor" in 2006, all other fisheries in that 700 mile area were either closed down or severely restricted to prevent even accidental take of the weakest fall-Chinook from the Klamath. This closure cost our industry about \$200 million in economic losses, even though the rest of the fall-Chinook stocks coastwide were relatively strong and could, in themselves, have otherwise supported abundant fisheries.

Weak stock management-driven closures could just as easily affect the Oregon coastal salmon stocks if *any* of these intermingling stocks get seriously depressed, due to destructive industrial mining, in *any one* river system on the coast. All other Oregon (and perhaps Northern California and Washington) ocean salmon fisheries could potentially be shut down to protect *any one* very weak stock, at a huge economic cost to our industry. The risk of a mining-triggered salmon habitat loss which results in an economic disaster in our industry is just too great to allow such impacts.

These same streams for which protection is sought also contain ESA-listed Oregon Coastal ESU coho, and/or Southern Oregon/Northern California ESU coho. Significant loss of either of these protected populations could trigger serious weak stock management restrictions, and could also limit large portions of the commercial at-sea fishery in both states.

It also just makes no sense from a public policy perspective to be spending tens of millions of dollars repairing damaged in-stream coho spawning and rearing habitat while simultaneously allowing mining operations to re-destroy that same habitat, and at a huge tax-payer subsidy.

I ask you to support the maximum possible interim protection available while Congress considers permanent protection through legislation, such as the Southwestern Oregon Watershed and Salmon Protection Act, which we fully support.

Sincerely,
Glen H. Spain
 Glen H. Spain
 Regional Director
 PCFFA and IFR

Cc: Tim Sloane, PCFFA/IFR
 Executive Director



**Curry County
Board of Commissioners**

David Brock Smith,
Commissioner

94235 Moore Street, Suite 122
Gold Beach, OR 97444
541-247-3296, 541-247-2718 Fax
800-243-1996 www.co.curry.or.us

September 23rd, 2015

Neil Kornze, National Director
Bureau of Land Management
1849 C Street NW, Room 5665
Washington D.C. 20240

Jerome Perez, Oregon State Director
Bureau of Land Management
333 S.W. 1st Avenue
Portland OR 97204

Regarding: Mineral withdrawal on 95,806 acres of National Forest System lands on the Rogue River-Siskiyou National Forest

As a Commissioner for Curry County and on behalf of our residents, I thank you for the opportunity to comment on the critical issue of mineral withdrawal in Southwestern Oregon. On August 7th, 2013, the Curry County Board of Commissioners passed an Amendment to the Curry County Code adding a New Article One, Division Fourteen relating to a Federal Coordination Policy. This Policy, under Section 1.14.010, subsection (1) asserts additional coordination as outlined in the FLPMA and NFMA to, "provide early and frequent opportunities for... local governments to participate in the planning process". The purpose of the Federal Coordination Policy, as outlined in Section 1.14.020, is that Curry County asserts its maximum rights to coordination, as provided by law, with all federal agencies conducting activities in or affecting Curry County and the policies contained in the Federal Coordination Policy are enacted with the express intent of developing meaningful and productive relationships with the federal agencies that coordinate with Curry County.

Section 1.14.030, Subsection (3) outlines the Federal Coordination Policy Mining Policies. The Curry County Board of Commissioners agrees that the proposed project to be conducted by the Red Flat Nickel Corporation will cause serious negative externalities to the project location at the headwaters of the free flowing Hunter Creek and Pistol River watersheds. If allowed to be developed; the board also recognizes there will be serious negative impacts to the surrounding area, restriction of access to popular recreational areas, degradation of the rare and unique botanical resources, as well as the health risks to the residents and wildlife. The Board places higher values on its citizens' health and safety, the many recreational uses of the Red Flat area as well as the highly prized Hunter Creek and Pistol River fisheries for wild chinook and coho salmon, steelhead, cutthroat and resident trout than on the foreign owned Red Flat Mining Corporation interests. Furthermore, the BOC feels this proposed project is not in line with a number of other Curry County policies outlined within the Federal Coordination Policy.

Additionally, the Smith River; which is considered to be the prize of the California Wild and Scenic River System, is included in the proposed mineral withdrawal. While the California portion of the Smith River has the protections of the Smith River National Recreation Area Act and Wild and Scenic designation, the headwaters and North Fork lie in Southwestern Oregon and therefore have no additional protections. The Smith River's free flowing status, large, abundant salmon and steelhead runs and extraordinary botanical diversity, coupled with multiple recreation opportunities and an important source of drinking water for the majority of the residents, make its health vitally important to the safety, welfare and economy of our residents.

We understand that the proposed mineral withdrawal in no way disrupts our citizen's rights to access, recreate and utilize these lands within the proposed area and encourage citizens to do so. We would also encourage the respective federal agencies to fund road infrastructure maintenance programs on the road systems that exist within the proposed area.

In closing, given the critical significance of the Hunter Creek, Pistol River and Smith River Watersheds to the Southwestern Oregon and Northwestern California communities and their economies, Curry County respectfully requests your approval of the proposed mineral withdrawal within the Rogue River-Siskiyou National Forest. Thank you for your consideration on this important matter.

Respectfully,



David Brock Smith, Commissioner
Curry County Board of Commissioners
District 4 Chair,
Association of Oregon Counties
Association of O&C Counties Board Member

CC: Senator Ron Wyden
Senator Jeff Merkley
Congressman Peter DeFazio
Rob MacWhorter
Patricia Burke



City of Crescent City
Where the Redwoods Meet the Sea

377 J Street, Crescent City, CA 95531 • 707.464.7483 • Fax 707.465.4405 • www.crescentcity.org



September 21, 2015

Oregon State Director
Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, OR 97208-2965

Re: City of Crescent City public comment supporting proposed mineral withdrawal

To Whom it May Concern:

The City is opposed to any activities that could be detrimental to the water quality of the Smith River. The Smith River is the community's water source and provides high quality drinking water for 14,000 plus residents, as well as thousands of visitors year-round. In addition to providing drinking water to the City's municipal water users, the Smith River also offers a multitude of recreational activities including kayaking, rafting, swimming, and fishing. The Smith River and its tributaries are the spawning grounds and habitat for a world-class fishery (salmon, steelhead, cutthroat trout). These recreational and fishing opportunities are not only enjoyed and valued by local residents, they are also an important feature of the region's tourist industry. As such, the City is opposed to any activities that could be detrimental to the water quality of the Smith River.

If you have any questions you can contact Eugene Palazzo, City Manager at 707-464-7483 ext. 232 or by email at epalazzo@cityofcrescentcity.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Gastineau".

Ron Gastineau, Mayor
City of Crescent City

**BIG ROCK
COMMUNITY SERVICES DISTRICT**

P.O. Box 453
Crescent City, CA 95531
(707) 464-7769

September 11, 2015

Jerome E. Perez
Oregon State Director
U.S. Bureau of Land Management
P.O. Box 2965
Portland, OR 97208-2965

Re: Proposed Mineral Withdrawal

Dear Director Perez:

We understand that the *Bureau of Land Management* is proposing to temporarily withdraw from mining nearly 100,000 acres of federal public lands in southern Oregon that could be threatened by nickel mining at some point in the future. We also understand that the "Southwestern Oregon Watershed and Salmon Protection Act of 2015" (S. 346 and H.R. 682) was introduced earlier this year to permanently withdraw these lands from mining and mineral entry. And, we understand that the mineral withdrawals proposed with this legislation, if implemented, would not nullify existing mining claims.

The *Big Rock Community Services District* is a California Special District with Constitutional governance authority over its place of use. Its jurisdiction is proverbially known as the *Township of Hiouchi*. Hiouchi is located on the north bank of the pristine Smith River downstream from where the North, Middle and South Forks converge into a single body of river water. One of the Special District's key municipal obligations is to supply drinkable water to the commercial businesses and community residents within its jurisdiction. Revenue to support all of the *Big Rock CSD's* municipal services comes from water consumers on a fee basis and also from property tax. Indeed, the *Big Rock CSD's* jurisdiction includes the *Redwood National Park* and California's priceless *Jedediah Smith Redwoods State Park* that collectively host tens of thousands of visitors to this area every year. Much of the Hiouchi's disadvantaged economy is derived from sport fishing for steelhead and salmon. As is true of this township on a smaller scale, the general health of Del Norte County's businesses at large is dependent upon tourism and recreation throughout the year. A critical component of commercial dynamics in this county and a vital contributor to the attractiveness of the entire region is the pristine nature of the Smith River watershed.

The *Big Rock Community Services District's* Board of Directors/Trustees made an informal, but determined effort to solicit the related views of its constituents. Without exception to date, the residents of this community felt that exploration leading to possible mining operations could threaten the pristine nature of the Smith River and its downstream confluences.

The position of the Special District is thus. A plus B equals C. Having heard of a proposed mineral exploration site being (A) located dangerously near the North Fork (and tributaries) of the Smith River and, worse yet, (B) situated on a steep incline above the river was (C) sufficient to convince the *Township of Hiouchi* to reject any and all attempts by private or commercial operators to acquire permits. Thus, the Board of Directors/Trustees, *Big Rock Community Services District*, officially resolved to support both the proposed 5-year and permanent mineral withdrawals and to oppose *Red Flat Nickel Corporation's* mining proposal.

Inquiries regarding this matter may be addressed to 2680 U.S. Highway 199, Crescent City, CA 95531-9309.



Craig Bradford, President
Board of Directors/Trustees

Gasquet Community Services District

September 21, 2015

Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208-2965
BLM_OR_WA_WITHDRAWALS@blm.gov

RE: Comments in Support of Proposed Mineral Withdrawal on Specified Lands in
Southwestern Oregon, 80 Fed. Reg. 37015 (June 29, 2015).

On behalf of the Gasquet Community Services District, we provide the following comments in support of a 5 year mineral withdrawal on all lands specified in Southwestern Oregon, 80 Fed. Reg. 37015 (June 29, 2015). We also support a 20-year or permanent mineral withdrawal in order to preserve our drinking water supply.

The Smith River provides drinking water to thousands of people in Del Norte County. Proposed mining activity by a foreign-owned corporation would be located upstream of the water supply intakes for residents in numerous communities. Our service district provides drinking water to approximately 300 residents/households in Gasquet, California. Presently, the water we distribute to our customers is of the highest quality --- and this is critically important to our community. Our service district is small and we could not afford additional treatment costs if mining waste and activity polluted the water.

Recent mine accidents in British Columbia and Colorado have polluted rivers that used to provide clean drinking water to downstream communities. We do not want to see such a tragedy happen here. Existing laws and regulations against mining waste spills are inadequate to protect our drinking water. Therefore, we urge you to move forward with the proposed 5-year or longer mineral withdrawal and to work towards securing a permanent mineral withdrawal for the North Fork Smith River and surrounding watersheds.

Sincerely, Mark Dodd



Gasquet Community Services District
(707)457-3107

P.O. Box 86
Gasquet, CA. 95543



Crescent City & Del Norte County Chamber
of Commerce

1001 Front Street | Crescent City | CA 95531
t. 707.464.3174 | f. 707.464.9676
www.delnorte.org | e. ccchamber@charterinternet.com

September 28, 2015

Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208-2965
BLM_OR_WA_WITHDRAWALS@blm.gov

RE: Comments in Support of Proposed Mineral Withdrawal

On behalf of the Crescent City/Del Norte County Visitor's Bureau, we provide the following comments in support of a 5 year mineral withdrawal. We also support a 20-year or permanent mineral withdrawal in order to preserve our drinking water supply and the health of our coastal community.

The Smith River provides drinking water to thousands of people in Del Norte County. Proposed mining activity by a foreign-owned corporation would be located upstream of the water supply intakes for residents and businesses in numerous communities. The single-largest component of our local economy is travel and tourism. To state the obvious, to locate and allow for strip mining in the headwaters of the Smith River will put our community at risk and is entirely unacceptable.

Recent mine accidents in British Columbia and Colorado have polluted rivers that used to provide clean drinking water to downstream communities. Please do not allow such a tragedy to happen here. We urge you to move forward with the proposed 5-year or longer mineral withdrawal and to work towards securing a permanent mineral withdrawal for the North Fork Smith River and surrounding watersheds described in the proposed mineral withdrawal.

Sincerely,
Jeff Parmer
Executive Director

A handwritten signature in black ink that reads "Jeff Parmer". The signature is written in a cursive style.

Crescent City/Del Norte County Visitor's Bureau
1001 Front Street
Crescent City, CA 95531
707-464-3141
jparmer@delnorte.org



September 21st 2015

FR: Wild Rivers, Wild Brews Coalition
 TO: Jerome E. Perez, Oregon State Director
 Bureau of Land Management
 Oregon State Office
 P.O. Box 2965
 Portland, OR 97208-2965
 RE: Comment Regarding 5-Year Mineral Withdrawal for SW Oregon

Dear Oregon State Director Perez:

We the undersigned breweries of southwest Oregon are writing in support of the proposed withdrawal of approximately 95,805 acres of National Forest and 5,216 acres of Bureau of Land Management (BLM) managed land in southwest Oregon's Kalmiopsis region from entry and location under the mining laws of the United States. We make this request for the multitude of benefits that come from protected watersheds.

For starters, clean water is essential for great tasting beer. Clean water also plays a critical role in providing drinking water for healthy communities, providing habitat for fish and wildlife and supporting local agriculture. Our coalition of breweries stands together to support protections that would keep the crystal clear, salmon-studded waters of the Kalmiopsis clean for our communities, fish and wildlife and local businesses that depend on clean water.

The communities that surround the Smith, Illinois, and Pistol rivers and Hunter Creek have so much to gain from healthy, protected watersheds. Investment in sustainable industries and community infrastructure will add to the attractiveness of the region, bringing new businesses and residents alike. Craft brewing, tourism, and recreation based business ventures are growing industries and assets to Curry and Josephine counties and the surrounding areas of southwest Oregon. With the threat of destructive nickel strip mining, these natural treasures and related local industries of southwest Oregon are endangered.

We believe that clean water, fish and wildlife habitat, and recreational opportunities must be protected now, and preserved for future generations. These uses represent the highest and best use of our public lands and resources. The high quality of life in southwest Oregon attracts new residents and creates jobs that strengthen our small businesses and local communities.

We appreciate the BLM and the US Forest Service working together to initiate a process to limit mining in the Kalmiopsis. Please protect the headwaters of the Smith, Illinois, Pistol and Hunter Creek to support the community's efforts in promoting sustainable economic development in southwest Oregon's Wild Rivers Country.

Sincerely,



Gold Beach, OR



Brookings, OR



Brookings, OR



Coos Bay, OR



Grants Pass, OR



Grants Pass, OR



Medford, OR



Medford, OR



Medford, OR



Medford, OR



Medford, OR



Ashland, OR



Ashland, OR



Ashland, OR



James & Kristen Smith
Head Brewer &
Chief Operating Officer
Arch Rock Brewing Co.
Gold Beach, OR

Mike Frederick & Alex Carr-Frederick
Owners & Brewers
Chetco Brewing Co.
Brookings, OR

Mark, Hanna and Matt Camarillo
Owners & Brewers
Misty Mountain Brewing Co.
Brookings, OR

Carmen Matthews & Annie Pollard
Co-owners & Brewers
7 Devils Brewing Co.
Coos Bay, OR

Brandon Crews
Head Brewer
Climate City Brewing Co.
Grants Pass, OR

Jon Conner
Owner & Brewer
Conner Fields Brewing Co.
Grants Pass, OR

Scott Saulzbury
Head Brewer
Southern Oregon Brewing Co.
Medford, OR

Nick Ellis
Owner & Brewer
Opposition Brewing Co.
Medford, OR

Neil Smith
Head Brewer
Bricktowne Brewing Co.
Medford, OR

Cameron Litton
Head Brewer
Walkabout Brewpub
Medford, OR

Alex & Danielle Amarotico
Co-owners
Common Block Brewing Co.
Medford, OR

Brandon Overstreet
Owner & Brewer
Swingtree Brewing Co.
Ashland, OR

Larry Chase
Head Brewer
Standing Stone Brewing Co.
Ashland, OR

Jim Mills
Owner
Caldera Brewing Co.
Ashland, OR

RESOLUTION R1516-16

A RESOLUTION IN SUPPORT OF THE SOUTHWESTERN OREGON WATERSHED AND SALMON PROTECTION ACT OF 2015—MINERAL MINING WITHDRAWAL FROM CERTAIN FEDERAL LANDS IN CURRY & JOSEPHINE COUNTY

WHEREAS, Federal Senators Ron Wyden and Jeff Merkley introduced Senate Bill 346, and Federal Representative Peter DeFazio introduced House Bill 682, both known as the Southwestern Oregon Watershed and Salmon Protection Act of 2015; and

WHEREAS, those federal bills were introduced to protect the Hunter Creek and Pistol River watersheds from the catastrophic effects of nickel mining at Red Flats; and

WHEREAS, the proposed nickel mining at Red Flats is by a foreign owned company and their venture will bring no economic benefit to Curry County; and

WHEREAS, it appears that special interest lobbyists are attempting to persuade federal senate and house members from other regions and states that the mining proposal is an economic benefit to our region and our region supports the mining; and

WHEREAS, the Wild Rivers Coast which starts at Klamath, California and extends north to Bandon, Oregon has the highest concentration of federally designated Wild & Scenic Rivers in the United States: the Klamath, the Smith, the Chetco, the Rogue, the Illinois, and the Elk—the area encompassed by the act as introduced in the S346 & HR682 federal bills; and

WHEREAS, in the past 4 years, Travel Oregon and the Wild Rivers Coast Regional Tourism Collaborative (comprised of city, county, state, and local tourism and economic development professionals) have invested a significant amount of time and resources in developing an experiential outdoor recreation economy on the southcoast because of the region's superlative natural resources and scenic wonders; and

WHEREAS, any large scale mining, but specifically nickel mining at Red Flats, will have a detrimental and devastating impact on habitat, fish and wildlife, the environment, and our fragile tourism economy.

NOW, THEREFORE, BE IT resolved the City Council of the City of Gold Beach formally opposes any mining in the national forest surrounding our community, but specifically the Red Flats nickel mining proposal, and **fervently supports** the efforts of Senators Wyden & Merkley, and Representative DeFazio to have the areas designated in S346 and HR682 **PERMANENTLY WITHDRAWN** from any possible or future mining.

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PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 13th DAY OF JUNE, 2016.



Jodi Fritts, City Administrator/City Recorder



Karl Popoff, Mayor



City of Cave Junction • Home of the Oregon Caves

P.O. Box 1396 • 222 Lister Street • Cave Junction, OR 97523
Phone (541) 592-2156 • Fax (541) 592-6694 • TDD Relay 1-800-735-2900
e-mail: cityofcj@cavenet.com

September 15, 2015

To Governor Kate Brown, Senators Ron Wyden and Jeff Merkley and Congressman Peter Defazio;

As City Councilors of the City of Cave Junction, we support the Southwestern Oregon Watershed and Salmon Protection Act of 2015 (HR 682 in the House of Representatives and S346 in the Senate). We also support the proposed five year mineral withdrawal that will assist this important legislation protecting the National Wild and Scenic North Fork of the Smith River and the headwaters of Hunter Creek and the Pistol River-all prized for their salmon and steelhead runs. This will also protect after over twenty years of tireless efforts by many stakeholder groups the W. Fork of the Illinois River, Rough and Ready Creek area here in southern Josephine County. This is a botanical hotspot, with the highest concentration of rare plants and a source for clean water to our community. Preserving our watershed and nationally outstanding water quality in our region's rivers and streams protects the citizens of Cave Junction and our rural communities.

CARL B. JACOBSON, JR.
Mayor

Dan Bosch
Councilor

DANIEL DALEGOWSKI
Councilor

JOHN GARDINER
Councilor

Kalmiopsis Rivers and Wild Rivers Coast

Supporters

The following tribes, municipalities, businesses and organizations support protection of Hunter Creek, Pistol River, Rough and Ready Creek and the North Fork of the Smith River from industrial nickel mining.

Tribal

Confederated Tribes of the Siletz
Elk River Rancheria
Takelma, and leader Agnes Baker Pilgrim
Tolowa Dee-ni' Nation (Smith River Rancheria)

Public Sector

Big Rock Community Services District
California Department of Fish and Wildlife
California State Assembly
Cave Junction City Council
Congressman Jared Huffman
Congressman Peter DeFazio
Crescent City Council
Crescent City and Del Norte County Chamber of Commerce
Curry County Board of Commissioners
Del Norte County Board of Supervisors
Gasquet Community Services District
Gold Beach City Council
North Coast Regional Water Quality Control Board
Oregon Water Resources Department
Oregon Department of Fish and Wildlife
Redwood National Park
Senator Ron Wyden
Senator Jeff Merkley
United States Fish and Wildlife Service

Local Business

4 Whatever Photography, Fine Photos and Cards, Cave Junction, OR
7 Devils Brewing Co., Coos Bay, OR

All Star Rafting, Maupin, OR
Althouse Nursery, Cave Junction, OR
Andras Outfitters, Talent, OR
Arch Rock Brewing, Hunter Creek, OR
Ashland Automotive, Ashland, OR
Ashland Fly Shop, Ashland, OR
Antiquarium Books and Collectables, Ashland, OR
ARTA River Trips, Merlin, OR
Barking Mad Farm, Enterprise, OR
Big Bottom Whiskey, Hillsboro, OR
Big Springs Kennel, Cave Junction, OR
Bill Dobucki, Chetco Fishing, Brookings, OR
Bliss Unlimited, LLC, Eugene, OR
Bob Rees' Oregon Fishing Guide Service, Tillamook, OR
Brandon Worthington Fly Fishing, Talent, OR
Bricktowne Brewing Co., Medford, OR
Bryson Appraisal Service Inc., Gold Beach, OR
Bucksport Sporting Goods, Eureka, CA
Caldera Brewing Co., Ashland, OR
Carson's Guide Service, Shady Cove, OR
Catch of the Day, Wedderburn, OR
Cave Junction Acupuncture, Cave Junction, OR
Cave Junction Liquor, Cave Junction, OR
Chetco Brewing Co., Brookings, OR
Pinecone Books, Cave Junction, OR
Christina Paul Photography, Kerby, OR
Clear Creek Family Practice, Selma, OR
Climate City Brewing Co., Grants Pass, OR
Common Block Brewing Co., Medford, OR
Confluence Outfitters, Gold Beach, OR
Conner Fields Brewing Co., Grants Pass, OR
Crucial Thymes, Fine Foods, Cave Junction, OR
Crumley's Guide Service, Hunter Creek, OR
Curry Home Inspection, Gold Beach, OR
Dancefarm, Organic Veggies and Dance

Sew Like the Wind, Hunter Creek, OR
 Shane's Welding, Gold Beach, OR
 Siskiyou Alpaca, Cave Junction, OR
 Siskiyou Ecological Services, Applegate, OR
 Siskiyou Forestry, Gold Beach, OR
 Siskiyou Mountain Herbs, Cave Junction, OR
 Siuslaw Guide Service, Cave Junction, OR
 Smithsonian Design, Hunter Creek, OR
 Solar Light & Energy, LLC, Bend, OR
 Solis Skin Care, Cave Junction, OR
 South Coast Tours LLC, Gold Beach, OR
 Southern Oregon Brewing Co., Medford, OR
 Standing Stone Brewing Co., Ashland, OR
 Stephen Gerould Lamps and Accessories,
 Portland, OR
 Willow Witt Ranch, Ashland, OR
 Swing Tree Brewing Co., Ashland, OR
 Team Sucio Productions, Pistol River, OR
 Terra Firma Botanicals, Inc., Eugene, OR
 The Beebe Company, Portland, OR
 The Dome School, Cave Junction, OR
 The G Spot, Fine Bar and Grill, Kerby, OR
 The Haul, Grants Pass, OR
 The Tool Merchants, Matt Stern, Williams, OR
 Tradewinds Bamboo Nursery, Hunter Creek, OR
 Travis Bowman Guide Service, Gold Beach, OR
 Tributary Whitewater Tours, Weimar, CA
 Turtle Island Co., Hood River, OR
 Under Solen Media, Portland, OR
 Upstream Adventures, Oakridge, OR
 Vitalist School of Herbology, Grants Pass, OR
 Walkabout Brewpub, Medford, OR
 Wheel's A Turnin' Garden Supply, Cave
 Junction, OR
 Wild Bill's Oregon Outlet, Cave Junction, OR
 Wilderness Canyon Adventures, Pistol River,
 OR
 Wildland Photography, Eugene, OR
 William Olsen Designs, Ashland, OR
 Wilson Biochar Associates, Cave Junction, OR
 Winter's Hill Vineyard, Dayton, OR
 Wolfhound Cycles, Talent, OR
 Wooden Valley Ranch, Salem, OR
 Wright's World Emporium, Clothing and Gifts,
 Cave Junction, OR
 Wylie's Honey Brews, Phoenix, OR
 YAKIMA Products Inc., Beaverton, OR
 Yanase Jewelers, Cave Junction, OR
 Your Personal Ceremony, Portland, OR

Organizations

American Whitewater
 America Outdoors Association
 California Trout
 Cascadia Wildlands
 Center for Biological Diversity
 Cultural and Ecological Enhancement Network
 Curry County Democrats
 Earthworks
 Environmental Protection Information Center
 Federation of Western Outdoor Clubs
 Friends of Del Norte
 Friends of the Kalmiopsis
 Geos Institute
 Hunter Creek River Steward
 Illinois Valley Community Development
 Organization
 Innominate Garden Club
 Josephine County Democrats
 Kalmiopsis Audubon Society
 Klamath-Siskiyou Wildlands Center
 Lower Columbia River Canoe Club
 Lower Rogue Watershed Council
 Native Fish Society
 Native Plant Society of Oregon
 Native Plant Society, South Coast Chapter
 North Coast Environmental Center
 Oregon Chapter, Sierra Club
 Oregon Coast Alliance
 Oregon Council of Trout Unlimited
 Oregon Kayak and Canoe Club
 Oregon Wild
 Pacific Coast Federation of Fisherman's
 Association
 Pacific Rivers Council
 Rainforest Action Network
 Rogue Riverkeeper
 Siskiyou Land Conservancy
 Smith River Alliance
 Soda Mountain Wilderness Council
 South Coast Watershed Council
 Sunset Garden Club
 Surfrider Foundation
 The Association of NW Steelheaders
 The Larch Company
 The Northwest Guides and Anglers Association
 The Wilderness Society
 Trout Unlimited
 WaterWatch of Oregon

Instruction, Cave Junction, OR
 Dave Lacey Woodworking, Hunter Creek, OR
 Diggin Livin, Cave Junction, OR
 Douglas Kendall, Designer, Cave Junction, OR
 Eden's Edge Farm, Cave Junction, OR
 eNRG Kayaking, Oregon City, OR
 Environmental Paper & Print, Inc., Portland, OR
 Finish Line Copy Services, Gold Beach, OR
 Fishhawk River Company, Brookings, OR
 Fiver Star Charters, Gold Beach, OR
 Flywater Travel, Ashland, OR
 Flying Fish Company, Portland, OR
 Forest Edge Farm, Cave Junction, OR
 Full Circle Real Estate – Ashland, OR
 Gita Maria Inc., Eugene, OR
 Goodness and Mercy, Handyman Services,
 Cave Junction, OR
 Greenspace, Portland, OR
 Helens Guide Service, Gold Beach, OR
 Hunter Creek Tavern, Hunter Creek, OR
 Hydro Flask, Bend, OR
 Indian Summer, Kerby, OR
 Indigo Outfitters, Ashland, OR
 Interior Cover Ups, Gold Beach, OR
 Iron Mountain Soapworks, Cave Junction, OR
 It's a Burl, Gallery, Cave Junction, OR
 IV Trophy and Collectibles, Cave Junction, OR
 Jeanne Young, DC, DIBCN, Bend, OR
 Jefferson State Financial, Cave Junction, OR
 Juniper Ridge, Oakland, CA
 Kathy Lombardo, Secretary, Illinois Valley
 Garden Club, Cave Junction, OR
 KEEN Footwear, Portland, OR
 Kerbyville Natural Farms, Kerby, OR
 Kiaya Pace, Independent Hairstylist, Back Street
 Salon, Cave Junction, OR
 Klamath-Siskiyou Native Seeds, Applegate, OR
 Madd Moose, Dining and Moose Watering Hole,
 Cave Junction, OR
 Mama Angie's Ladles of Love, Fine Food
 Catering, Cave Junction, OR
 Margaret Phillhower, ND, Cave Junction, OR
 Meadow Martell, Supporting Access to Health
 Care, Cave Junction, OR
 Migration Brewing, Portland, OR
 Misty Mountain Brewing Co., Brookings, OR
 Momentum River Expeditions, Ashland, OR
 Mountain Rose Herbs, Eugene, OR
 Mt. Tabor Veterinary Care, Portland, OR
 Must B Felt, Fine Fabric Designers, Cave
 Junction, OR
 Natural Family Medicine, Cave Junction, OR
 New Outlook Financial, Portland, OR
 North West Nature Shop, Ashland, OR
 North West Outdoor Shop, Medford, OR
 Northwest Rafting Company, Hood River, OR
 Northwest River Guides LLC, Portland, OR
 Noto Group, Inc., Portland, OR
 OARS, Angels Camp, CA
 Ocean Haven Corp., Yachats, OR
 Opposition Brewing Co., Medford, OR
 Oregon Green Clean, Portland, OR
 Orange Torpedo Trips, Merlin, OR
 Organic Harvest, Selma, OR
 Organically Grown Company, Eugene, OR
 Out N About Trees Oregon, Cave Junction, OR
 Pat's Hand-Tied Flies, Trail, OR
 Patagonia, Ventura, CA
 Peter Grubb, ROW Rafting, Merlin, OR
 Pint Shack, Hood River, OR
 PlanGreen, Portland, OR
 Plywerk, Portland, OR
 Pond Gallery, Portland, OR
 Portland Integrated Health and Sports Medicine,
 Portland, OR
 Pro Photo Supply, Portland, OR
 Rachel Goodman, LMT Massage Therapist,
 Cave Junction, OR
 Rama Krisa Shiitakes, Ashland, OR
 Raven Flight Photos, Cave Junction, OR
 Ravenswood Gallery, Cave Junction, OR
 Redwoods and Rivers, Big Bar, CA
 Rich Earth Organic Skin Care, Portland, OR
 River Drifters, Maupin, OR
 River Trail Outfitters, Eugene, OR
 RMDC Consultants, Gold Beach, OR
 Rogue Aquatics, Central Point, OR
 Rogue Fly Shop, Grants Pass, OR
 Rogue Klamath River Adventures, Gold Hill, OR
 Rogue Natural Living, Cave Junction, OR
 Rogue Rock Gym, Medford, OR
 Rogue Wilderness Adventures, Merlin, OR
 Rosie's Inferno, Wood Fired Pizza, Cave
 Junction, OR
 Ruby's Neighborhood Restaurant, Ashland, OR
 RuffWear, Bend, OR
 Running Fox Guitars, Cave Junction, OR
 Seven Seeds Farm, Williams, OR

Western Environmental Law Center
Wild and Scenic Rivers
Wild Salmon Center

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School of Forestry
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 Jay Lininger, M.S., Center for Biological Diversity
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 Marvin Lutnesky, Ph.D., East. New Mexico Univ.
 Andrew L. Mack, Ph.D., Indo-Pacific Cons. All.
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 Sandra Mardonovich, M.S., Miami Univ.
 Sharyn Marks, Ph.D., Humboldt State Univ.
 Travis Marsico, Ph.D., Arkansas State Univ.
 Patrick Martin, Ph.D., Colorado State Univ.
 Carlos Martinez del Rio, Ph.D., Univ. of Wyoming
 Terry McCloskey, Ph.D., Louisiana State Univ.
 Carl McDaniel, Ph.D., Oberlin College
 Gary Meffe, Ph.D., Univ. of Florida (ret.)
 E. Charles Meslow, Ph.D., USGS (ret.)
 Brian Miller, Ph.D., Middle Tennessee State Univ.
 Toni Lyn Morelli, Ph.D., Univ. of Massachusetts
 Molly Morris, Ph.D., Ohio Univ.
 John Morse, Ph.D., Clemson Univ.
 Richard Munson, Ph.D., Miami Univ.
 Dennis Murphy, Ph.D., Univ. of Nevada, Reno
 Peter Murphy, Ph.D., Michigan State Univ.
 Philip Myers, Ph.D., Univ. of Michigan
 Michael Napolitano, M.S., SF Bay Wat. Qual. Bd.
 Richard Nawa, M.A., KS Wild
 Charles R. Neal, B.S., U.S. Dept. of Interior (ret.)
 Andrew Nelson, Ph.D., SUNY Oswego
 Gretchen North, Ph.D., Occidental College
 Richard Olmstead, Ph.D., Univ. of Washington
 John Pagels, Ph.D., Virginia Commonwealth Univ.
 Theodore Papenfuss, Ph.D., UC Berkeley
 Michael Parker, Ph.D., Southern Oregon Univ.
 Harmony Patricio, M.S.
 Dave Perry, Ph.D., Oregon State Univ.
 Esther Peters, Ph.D., George Mason Univ.
 E. Pielou, Ph.D., D.Sc
 Thomas Power, Ph.D., Univ. of Montana
 Jessica Pratt, Ph.D., Univ. of Cal., Irvine
 Robert Pyle, Ph.D., Xerces Society
 Gurcharan Rahi, Ph.D., Fayetteville State Univ.
 Peter Raven, Ph.D., Missouri Botanical Garden
 Ann Rhoads, Ph.D., Univ. of Pennsylvania
 David Roberts, Ph.D., Montana State Univ.
 Garry Rogers, Ph.D., Agua Fria Open Space All.
 Steven Rogstad, Ph.D., Univ. of Cincinnati
 Thomas Rooney, Ph.D., Wright State Univ.
 Amy Rossman, Ph.D., USDA-ARS
 John Rotenberry, Ph.D., Univ. of Cal., Riverside
 Matthew Rubino, M.S., NC State Univ. Dept. of Applied Ecology
 Periann Russell, M.S., NC Dept. of Environment and Natural Resources
 Ann Sakai, Ph.D., Univ. of Cal., Irvine
 Robin Salter, Ph.D., Oberlin College
 Scott Samuels, Ph.D., Univ. of Montana
 Benedetta Sarno, Ph.D., DVM
 Melissa Savage, Ph.D., Univ. of Cal., Los Angeles
 Fiona Schmiegelow, Ph.D., Univ. of Alberta/Yukon
 Kate Schoeneker, Ph.D., USGS/Col. State Univ.
 Fred Schreiber, Ph.D., Cal. State Univ., Fresno
 Kathy Schwager, M.S.
 Thomas W. Sherry, Ph.D., American Ornithologists' Union, Ecological Society
 Jack Sobel, M.S., ETI Professionals, Inc.
 Michael Soule, Ph.D., UC Santa Cruz
 Wayne Spencer, Ph.D., Conservation Biology Inst.
 Timothy Spira, Ph.D., Clemson Univ.
 Pamela Stanley, Ph.D., Albert Einstein Col. of Med.
 Richard Steiner, M.S., Univ. of Alaska (ret.)
 Alan Stemler, Ph.D., Univ. of Cal., Davis
 Glenn R. Stewart, Ph.D., Cal. State Polytech.
 Christopher Still, Ph.D., Univ. of Cal., SB
 Paul Torrence, Ph.D., Northern Arizona Univ.
 Pepper Trail, Ph.D., USFWS Wild. Forensics Lab
 Vicki Tripoli, Ph.D.
 James Valentine, Ph.D., Univ. of Cal., Berkeley
 Pete Van Hoorn, M.S.
 Ken Vance-Borland, M.S., Cons. Planning Inst.
 Mike Vandeman, Ph.D.
 Thomas Veblen, Ph.D., Univ. of Colorado
 John Vickery, M.S., M.A., Denver Natural Areas
 Marlene Wagner, Ph.D. Cand., Simon Fraser Univ.
 David Wake, Ph.D., Univ. of Cal, Berkeley
 Faith Walker, Ph.D., Northern Arizona Univ.
 Greg Walker, Ph.D., Univ. of Cal, Riverside
 Donald Waller, Ph.D., Univ. of Wisconsin
 Gerald Wasserburg, Ph.D., Cal. Inst. of Tech.
 Vicki Watson, Ph.D., Univ. of Montana
 Orion Weldon, Ph.D. Candidate
 Rutgers Univ., Ecology & Evolution
 Stephen Weller, Ph.D., Univ. of Cal., Irvine
 Hart Welsh, Ph.D., USDA Forest Service
 David Whitacre, Ph.D.
 Sue Wick, Ph.D., Univ. of Minnesota
 James Williams, Ph.D., U.S. Dept. of Interior (ret.)
 Norris Williams, Ph.D., Univ. of Florida
 Paul Wilson, Ph.D., Cal. State Univ.
 Marianna Wood, Ph.D., Bloomsburg Univ.

**Testimony for Senate Energy and Natural Resources Committee, Subcommittee
on Public Lands, Forests, and Mining
In Support Of
The Oregon Recreation Enhancement Act (S. 1262)
May 27, 2019**

**KS Wild
Cascadia Wildlands
Earthworks
Fishhawk River Company
Geos Institute
Jefferson State Financial
Klamath Forest Alliance
Momentum River Expeditions
Native Fish Society
Oregon Coast Alliance
Rogue Riverkeeper
Soda Mountain Wilderness Council
Takilma Community Association
Western Environmental Law Center**

Dear Chair Murkowski, Ranking Member Manchin, and Senator Wyden:

On behalf of the *members and supporters of river conservation, fishing organizations and dependent businesses*, we thank you for the opportunity to provide testimony in support of S. 1262, the Oregon Recreation Enhancement Act. This legislation would benefit specific wild places and rivers of Oregon by designating 94,700 acres of Bureau of Land Management (BLM) land as the Rogue Canyon recreation area, establish a 30,000-acre recreation area on the banks of the Molalla River, add 56,000 acres of BLM land to the existing Wild Rogue Wilderness, and protect 100,000 acres of U.S. Forest Service and BLM land in the headwaters of the Smith and Illinois Rivers and Hunter Creek from proposed strip mining.

There is broad support for the proposed protections under this bill, which have been under consideration by the Senate in various iterations for multiple years. Between 2010 and 2017, an estimated 70,000 people wrote letters in support of these protections. This legislation is supported by many local businesses and organizations who have seen the direct and indirect benefits of protecting public lands and wild rivers.

Benefits of Expanding the Wild Rogue Wilderness

We support improving protections for the Wild and Scenic Rogue River by expanding the Wild Rogue Wilderness to include adjacent BLM lands. The 84-mile Wild and Scenic stretch of the Rogue River from its confluence with the Applegate River downstream to the Lobster Creek bridge was one of the eight original rivers designated under the Wild and Scenic Rivers Act in 1968.

Protecting the wild Rogue provides multiple benefits to southern Oregon communities and across the state. The Rogue River provides habitat for salmon and steelhead, supporting both the commercial and recreational fishing economies. A 2009 report found that communities across the West Coast enjoy more than \$1.5 billion in economic benefit from all salmon and steelhead runs on the Rogue River.^[1] Annually, the value of commercial fishing of Rogue River salmon is estimated at \$1.4 million and at \$16 million for sportfishing.^[2] Threats to endangered salmon from harmful land use practices not only put the health of the river at risk, but can reduce the economic benefits of salmon and steelhead in the Rogue for local communities.

The Wild Rogue is internationally recognized for its recreation opportunities, from fishing to boating to hiking. In 2009, river-based recreation on the Wild Rogue River, including but not limited to rafting, hiking, and fishing, accounted for an estimated \$30 million in economic output and supports 445 full- and part-time jobs.^[3] Ninety-one percent of outfitters on the Rogue are based in Oregon. Opportunities to recreate on the river increase the number of visitors and boost the regional economy. For example, three out of every four lodging guests in the area during the Wild Rogue permit season from May through October were visiting the Wild and Scenic Rogue River.^[4]

Benefits of Creating the Rogue Canyon and Molalla National Recreation Areas

While the Rogue River was one of the original eight Wild and Scenic Rivers designated by Congress in the 1968 Wild and Scenic Rivers Act, only ¼ mile of the area under consideration for wilderness is protected as a Wild and Scenic River. This leaves open the wild canyon for possible harm and threatens the long-term viability of the thriving recreation economy that is built around the Wild Rogue. Often called the Zane Grey roadless area after the famed adventure novelist who wrote about the area, this is the largest roadless area managed by the Bureau of Land Management in Western Oregon. Extending wilderness status to the Zane Grey Roadless Area is important to preserving the values of the Wild Rogue.

The Molalla River is a world-class salmon stream east of Portland. Recreation area status for the river could help bolster the local economy and ensure long term access to the recreation of the river and adjacent public lands.

The ORE Act would establish a 98,000-acre recreation area on the banks of the Rogue River in Southwestern Oregon, adjacent to the existing Wild Rogue Wilderness Area. The ORE Act would also establish a 30,000-acre recreation area on the banks of the Molalla River in rural Clackamas County, Oregon, adjacent to the existing Table Rock Wilderness Area. These provisions are similar to the language covering this designation included in the previously introduced versions of the Oregon Wildlands Act. The ORE Act also ensures that forest management work will continue in the proposed recreation area with a focus on creating recreational opportunities. Creation of these recreation areas will put the management emphasis where it needs to be – on preserving and expanding recreation for the benefit of local communities and all Americans.

Benefits of Protecting the Headwaters of the Illinois, Smith, and Pistol Rivers and Hunter Creek from Strip Mines

S. 1262 includes the Southwestern Oregon Mineral Withdrawal which would permanently prevent mining on more than 100,000 acres of U.S. Forest Service and BLM land in the headwaters of the Illinois, Smith, and Pistol Rivers, as well as Hunter Creek on the Oregon Coast. These lands are threatened by a proposal for a nickel strip mine by a foreign based investment firm. The Forest Service and BLM have finalized a 20-year mineral withdrawal for this area. Through the National Environmental Policy Act tens of thousands of people submitted comments in favor of mineral withdrawal. Support included local elected leaders in Curry and Josephine Counties, local businesses, and downstream communities that derive their drinking water from these public lands.

These rivers are unique to the world and deserving of protection. We urge the Senate to listen to local communities and protect these special rivers from the threat of mining by passing this much needed legislation.

We the undersigned support S. 1262 and the swift passage of legislation that will protect the nationally outstanding rivers of Oregon. Thank you for the opportunity to provide testimony in support of S. 1262, the Oregon Recreation Enhancement Act.

Sincerely,

/s/ Joseph Vaile

Joseph Vaile
Executive Director
KS Wild

Josh Laughlin
Executive Director
Cascadia Wildlands

Bonnie Gestring
Northwest Program Director
Earthworks

Harvey Young
Owner
Fishhawk River Company

Dominick A. DellaSala
President, Chief Scientist
Geos Institute

Greg Walter
Owner
Jefferson State Financial

Luke Ruediger
Conservation Director, Siskiyou Office
Klamath Forest Alliance

Pete Walstrom
Owner
Momentum River Expeditions

Mark Sherwood
Executive Director
Native Fish Society

Cameron La Follette
Executive Director
Oregon Coast Alliance

Stacey Detwiler
Conservation Director
Rogue Riverkeeper

Dave Willis
Chair
Soda Mountain Wilderness Council

Beth Peterson
President
Takilma Community Association

Susan Jane M. Brown
Staff Attorney
Western Environmental Law Center

CC: The Honorable Lisa Murkowski
Chair, Senate Energy and Natural Resources Committee
522 Hart Senate Office Building
Washington, DC 20510

The Honorable Joe Manchin
Ranking Member, Senate Energy and Natural Resources Committee
306 Hart Senate Office Building
Washington, DC 20510

The Honorable Mike Lee
Chair, Subcommittee on Public Lands, Forests, and Mining
361A Russell Senate Office Building
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member, Subcommittee on Public Lands, Forests, and Mining
221 Dirksen Senate Office Building
Washington, DC 20510

[1] Helvoigt, Ted L. and Diane Charlton, 2009, Economic Value of Rogue River Salmon, ECONorthwest, Available online at < <http://kswild.org/what-we-do-2/WildlandProtection/RogueSalmonFinalReport.pdf>>, p. 1.

[2] Ibid., p. 11-14.

[3] Helvoigt, Ted L., et al., 2009, Regional Economic Impacts of Recreation on the Wild and Scenic Rogue River, Available online < https://www.oregonwild.org/sites/default/files/pdf-files/Rogue_Economic_Impact_Report.pdf>, p. 1.

[4] Ibid., p. 1

GARY LEIF
STATE REPRESENTATIVE
 District 2
 Douglas, Jackson, & Josephine Counties



HOUSE OF REPRESENTATIVES

December 12, 2018

Senator Ron Wyden
 221 Dirksen Senate Office Bldg.
 Washington, DC, 20510

Dear Senator Wyden:

Southwest Oregon is experiencing an unprecedented crisis of catastrophic wildfire. It is now an annual occurrence for wildfire smoke to fill our valleys, threatening the health of our citizens and leading to the cancellation of events that bring visitors to our region. Southwest Oregon's reputation as a great place to reside, work and play is in jeopardy as more people are deciding to live elsewhere.

As our U.S. Senator you have visited our region many times and are aware of the impacts. However, respectfully, your insistence on passing the Oregon Wildlands Act and other related wilderness legislation sends the wrong message to our constituents as they look to elected officials for solutions that help break this yearly cycle of catastrophic wildfire and smoke.

The federal government administers the majority of land in my legislative district and throughout Southwest Oregon. Our constituents spend considerable time working and recreating on public lands, and they understand the dangerous conditions on our fire-prone national forests, O&C lands and designated wilderness areas. They are asking for better management of these forests to reduce heavy fuels and to thin overstocked stands.

During this time is critical that we give federal land managers the tools, resources and flexibility to do more work on the ground, more quickly. Arbitrary land designations and additional regulations on forest management activities only make this task more difficult. It is not a coincidence that the 175,000-acre Klondike Fire this year ignited and spread through a designated wilderness area.

I share your desire to protect Oregon's natural treasures, yet creating and expanding wilderness areas, and creating new recreation areas, are not going to bring more visitors to our region especially during our now-annual wildfire and smoke season. Recreation businesses that depend on the Rogue River have been severely impacted by the fires. The best way to protect our natural treasures, our tourism economy and our citizens' health and well-being is to ensure federal lands are appropriately managed and the risks are mitigated.

I appreciate your service to Oregon and stand ready to assist you in efforts to improve the management of federal lands. As past Douglas County Commissioner and now State Representative, my district is home to the "timber capital of the world," and our forest sector is willing to partner with the federal government to make needed forest treatments both economical and effective. To spare our citizens more summers of wildfire and smoke, we must take action as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Gary Leif".

Gary Leif
 State Representative HD2
 CC: U.S. Senator Jeff Merkley
 Congressman Greg Walden
 Congressman Peter DeFazio

Subject: FW: Legislative Hearing On S. 1262, the "Oregon Recreation Enhancement Act"

Senator Mike Lee, Subcommittee Chairman
Subcommittee on Public Lands, Forests, and Mining
304 Dirksen Senate Building
Washington, DC 20510

Senator Ron Wyden, Subcommittee Ranking Member Subcommittee on Public Lands, Forests, and Mining
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Lee, Ranking Member Wyden, and members of the subcommittee:

I am writing in support of S. 1262, the "Oregon Recreation Enhancement (ORE) Act" and Section 5 of that legislation—
Withdrawal of Federal Land in Curry County and Josephine County, Oregon.

Section 5 of the ORE Act would protect about 101,000 acres of Federal public lands that form the watersheds for the North Fork Smith River, Baldface Creek, Rough and Ready Creek, Hunter Creek, and the North Fork Pistol River from new mining claims. These Forest Service and BLM lands are located at the headwaters of rivers that include the Wild and Scenic Smith, Illinois, and Rogue. These rivers and their associated tributaries are known for exceptional water quality, and world class runs of salmon and steelhead. They also provide clean drinking water for thousands of residents in Southwest Oregon and Northwest California.

My wife and I have lived in O'Brien, Oregon for 26 years and our property is adjacent to the Forest Service land that is subject to the proposed ORE Act and mineral withdrawal. Our house is between and 1/2 a mile from both Rough and Ready Creek, and the West Fork Illinois River. Our neighborhood is situated along both streams and Forest Service and BLM lands. Many residents hold water rights from the streams, tributaries, and springs originating on those Federal lands which supply their domestic water supplies. The citizens of O'Brien enjoy a peaceful and clean environment.

Mining in the area would destroy our lifestyles, water supplies, and property values. Please approve the mineral withdrawal so that the private properties and precious water rights of the O'Brien citizens are protected.

Thank you-

Gordon Lyford
PO Box 118
O'Brien, Oregon 97534

From: [Margene Martin](#)
To: [fortherecord \(Energy\)](#)
Subject: S.526 Buffalo Tract
Date: Thursday, May 09, 2019 8:05:29 PM

From: Rhon and Margene Martin
7 Arroyo Venada Rd
Placitas, NM 87043-9000

Re: May 14, 2019 12:30 pm Natural Resources Committee Hearing regarding the Buffalo Tract Bill S.526 to withdraw certain Bureau of Land Management land from mineral development.

Honorable Senators,

Thank you for the opportunity to submit written testimony regarding S.526. Please include our testimony in the hearing record.

We have lived in Placitas for nine years. We moved here from California to retire and enjoy the beauty and peacefulness of this community and the high desert environment. Please reference the testimony you received from Martin A. Clifton of Placitas as he did a very good job summarizing the issues regarding allowing gravel mining on the Buffalo Tract. Of great concern to us is the significant use of water in gravel mining in an area where water is limited. We are also concerned about the destruction of that land so it will not be usable as it is now for the many forms of wildlife that inhabit the Buffalo Tract or the current recreational uses for hiking, biking etc. We have seen how the current mining entities that are already here in our community have destroyed the land and made it an eyesore. It will never be returned to its original natural beauty. This affects our land values and decreases the desirability of living here.

We ask the Natural Resources Committee to support bill S.526.

Respectfully,

Rhon and Margene Martin

Sent from my iPad



Randall Luthi
President

**NATIONAL
OCEAN
INDUSTRIES
ASSOCIATION**

1120 G Street, NW
Suite 900
Washington, DC 20005
Tel 202-347-6900
Fax 202-347-8650
www.noia.org

May 13, 2019

The Honorable Lisa Murkowski
The Honorable Joe Manchin
Senate Committee on Energy and
Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bill Cassidy
520 Hart Senate Office Building
Washington, DC 20510

The Honorable Brian Schatz
722 Hart Senate Office Building
Washington, DC 20510

Dear Chair Murkowski, Ranking Member Manchin and Senators Cassidy and Schatz:

Thank you for bringing the Offshore Wind for Territories Act (S 499) for a hearing before the Senate Energy and Natural Resources Committee on Tuesday, May 14, 2019. The National Ocean Industries Association (NOIA) gives our strongest support for this legislation expanding the jurisdiction of the Outer Continental Shelf Lands Act (OCSLA) to the waters off of the territories of the United States. This is a change to American law that is long overdue.

For too long, the territories have been neglected in this because no federal agency actually has the authority for overseeing energy, including renewable energy, and mineral development in the EEZ offshore. In addition, the Federal government is unable to evaluate potential resources in conjunction with the territorial governments for potential resources until OCSLA is extended to these areas. Clarifying the Secretary of the Interior's authority and responsibility under OCSLA will provide the support and opportunity for a comprehensive process for planning and developing offshore energy in coordination with the territories.

America's offshore energy industries are ready to contribute to the recovery and rebuilding of Puerto Rico, Northern Marianas, Guam and the U.S. Virgin Islands. For example, offshore wind can potentially provide significant investment into the recovery process by providing both alternative generation and significant investment in onshore infrastructure. This private investment, only made possible through sound public planning by the Department of the Interior in conjunction with the territorial government, can both spur economic recovery and also offset federal recovery investment. In addition, floating wind development provides a tremendous opportunity for the United States Navy to meet its energy requirements as we prepare to expand our nation's military footprint on Guam.

Simply stated, we thank you for your work on this legislation and urge all members of the Committee and eventually all of Congress to strongly support this legislation. Passage of this legislation will help America's offshore industries to bring jobs, investment and energy security to the process of building a better tomorrow for the territories and our nations citizens who live there.

Sincerely,

Randall Luthi
President



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

**SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING
LEGISLATIVE HEARING
MAY 14, 2019
CHACO CULTURAL HERITAGE AREA PROTECTION ACT (S. 1079)
TESTIMONY OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION**

Chairman Lee, Ranking Member Wyden, and members of the subcommittee, I appreciate the opportunity to share the National Trust for Historic Preservation's strong support for the Chaco Cultural Heritage Area Protection Act (S. 1079) introduced by Senators Tom Udall (D-NM) and Martin Heinrich (D-NM). My name is Tom Cassidy, and I am the Vice President for Government Relations and Policy.

The National Trust for Historic Preservation is a privately-funded charitable, educational and nonprofit organization chartered by Congress in 1949 in order to "facilitate public participation in historic preservation" and to further the purposes of federal historic preservation laws.¹ The intent of Congress was for the National Trust "to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings."² With headquarters in Washington, D.C., nine field offices, 28 historic sites, more than one million members and supporters and a national network of partners in states, territories, and the District of Columbia, the National Trust works to save America's historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

We appreciate the Committee scheduling this hearing to discuss this legislative proposal to withdraw certain federal lands in the Greater Chaco area to protect the nationally and internationally significant cultural and historic resources from new oil and gas development in the immediate vicinity of Chaco Culture National Historical Park. The National Trust strongly endorses this legislation and its companion legislation in the House. I appreciate the opportunity to reiterate testimony provided on similar legislation introduced in the previous Congress.

Background and Need

The Chaco Cultural Heritage Area Protection Act would permanently withdraw approximately 316,000 acres of federal lands surrounding Chaco Culture National Historical Park from disposal, mining, and mineral leasing laws to prevent future oil, gas, and other mineral development. This withdrawal corresponds roughly with a 10-mile radius around the Park. It would not impact nonfederal minerals owned by tribal, state, or private entities within the broader 909,000-acre Chaco Cultural Heritage Withdrawal Area identified in the bill.

While the cultural resources associated with Chaco culture extend across an even larger landscape, this legislation takes a critical step to protect largely unfragmented areas around Chaco Canyon. The Greater Chaco landscape includes remarkable and interconnected cultural

¹ 54 U.S.C. §§ 312102(a), 320101.
² S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949).

resources, including ceremonial sites and great houses, and an elaborate network of engineered roads that provided a physical and cultural link for people across the region. The global significance of this landscape led to the addition of Chaco Culture to the UNESCO World Heritage List in 1987 with the goal of preserving outstanding elements of ancestral Pueblo culture that dominated the region from the mid-9th to early 13th centuries. The World Heritage listing includes not only Chaco Culture National Historical Park, but also Aztec Ruins National Monument and additional protected archaeological areas managed by the Bureau of Land Management.

The Greater Chaco landscape has enduring significance for many tribes throughout the southwest, including those descended from the ancestral Pueblos whose culture and economic life centered on Chaco Canyon. We applaud the bill's sponsors for working with the All Pueblo Council of Governors and the Navajo Nation to develop this legislation, and we encourage continued dialogue with tribes that have cultural and sacred ties to the region.

The natural and cultural landscape as a whole—not just individual sites and artifacts—make this area worthy of protection. Yet most Chacoan sites and roads located on federal lands outside the Park and World Heritage boundaries are at risk from a variety of activities including, most significantly, energy development. Oil and gas development in Greater Chaco is problematic not only due to direct impacts to sites, artifacts, and traditional cultural properties, but also because of impacts to viewsheds, soundscapes, and dark night skies that provide a connection to the experiences of ancient culture and make Chaco such an internationally important site for preservation.

Threats from energy development associated with the Mancos-Gallup Shale formation led the National Trust to include the Greater Chaco landscape on our annual list of America's 11 Most Endangered Historic Places in 2011. Since that time, pressure for oil and gas leasing in the area has increased. Most recently, multiple parcels within the Greater Chaco landscape were slated for a March 2019 lease sale. The National Trust formally protested leasing in this and two other instances since March 2018. While the Bureau of Land Management has ultimately deferred lease sales on each occasion, these important resources require the permanent withdrawal that this legislation would provide.

Notably, the All Pueblo Council of Governors and the National Congress of American Indians have passed resolutions calling for a moratorium on all oil and gas permitting and leasing in the Greater Chaco landscape. The pueblos and tribes have requested this moratorium to protect traditional cultural properties and sacred sites until an ethnographic study and an updated Resource Management Plan and Environmental Impact Statement for the region are completed.

Conclusion

This area is threatened by energy development. The National Trust supports the Chaco Cultural Heritage Area Protection Act and encourages members of the Committee to act favorably on this bill. We also encourage collaboration among this Committee, federal agencies, tribes, and other stakeholders to create a coordinated, updated management plan that better recognizes and protects cultural resources on public lands in the region. Robust interagency coordination, tribal consultation, and public involvement are necessary to limit the effects of industrial development on this globally-significant resource. Thank you again for this opportunity to present the views of the National Trust for Historic Preservation on this important piece of legislation.



National Wildlife Federation

National Advocacy Center
1200 G Street NW, Suite 900 • Washington, DC 20005 • 202-797-6800

May 14, 2019

Senator Lisa Murkowski, Chair
Senator Joe Manchin, Vice Chair
U.S. Senate Committee on Energy & Natural Resources
304 Dirksen Senate Building Washington, DC 20510

Dear Senator Murkowski, Senator Manchin, and Members of the Committee,

The New Mexico Wildlife Federation (NMWF) and National Wildlife Federation (NWF) write in support of S. 1079, the Chaco Cultural Heritage Protection Act. We appreciate you scheduling this legislation for a hearing.

Founded by Aldo Leopold in 1914, the New Mexico Wildlife Federation is the state's oldest conservation and sportsmen's organization dedicated to sustaining and protecting New Mexico's land, water and wildlife. With 80,000 members statewide, NMWF strongly values the diverse cultures of New Mexico while advocating for sound wildlife management, protecting public lands, and the outdoor traditions that make America what it is today.

The National Wildlife Federation, one of America's largest conservation organizations, has worked for over eighty years to unite Americans from all walks of life in giving a voice to wildlife. NWF has 51 state and territorial affiliates and more than 6 million members and supporters, including hunters, anglers, gardeners, birders, hikers, campers, paddlers, and other outdoor enthusiasts. Its programs work to protect the 600 million acres of public lands owned by all Americans and ensure these lands are properly managed for fish, wildlife, and communities.

We support of the Chaco Cultural Heritage Protection Act because it would safeguard the area and cultural sites around Chaco Canyon. As a world heritage site, Chaco Canyon is known across the world for its archaeological significance and cultural importance. Containing over 5,000 fragile archaeological artifacts, and with buildings and sacred dwellings still standing from the 9th, 10th and 11th centuries, Chaco Canyon is home to an ancient network of villages, sacred shrines and communications sites. Many of those still exist today. Modern-day pueblos and tribes throughout the Southwest claim cultural affiliation and connection to Chaco Canyon. The area attracts thousands of visitors every year.

Chaco Canyon sits in the San Juan Basin, one of the most developed natural gas basins in the United States. The Bureau of Land Management (BLM) has already leased or allowed drilling on the vast majority—approximately 90 percent—of the basin's federal lands. This development has seriously impacted the area's ecosystems, water and wildlife. However, the lands immediately

Uniting all Americans to ensure wildlife thrive in a rapidly changing world.

nwf.org

May 14, 2019

Page 2

surrounding Chaco Canyon have not been intensively leased and drilled and remain some of the last undeveloped lands in the San Juan Basin. The Chaco Cultural Heritage Protection Act is important in preventing any future leasing or development of minerals owned by the U.S. government that are located within an approximately 10-mile protected radius around the Chaco Cultural National Historical Park. If this area and these sacred sites are destroyed or violated they cannot be replaced nor can their significance to indigenous communities be understated. Energy development in this area not only threatens one of America's most important historical, cultural and spiritual sites, but truly threatens a treasure revered and valued on a global level. We urge the committee's support for this important legislation.

Thank you for the opportunity to comment on this important issue.

Sincerely,

/s/ Tracy Stone-Manning

Tracy Stone-Manning
Associate Vice President, Public Lands
National Wildlife Federation

/s/ Jesse Deubel

Jesse Deubel
President
New Mexico Wildlife Federation

250

**Paul and Carol Ordogne
2 Pony Court
Placitas, NM 87043**

May 13, 2019

United States Senate
Energy and Natural Resources Committee

Re: Senate Bill 526
Energy and Natural Resources Committee
Hearing Date of May 14, 2019
Request That This Document Be Included in the Hearing Record

Dear Committee:

We are writing in support of S.526, a bill to withdraw certain Bureau of Land Management properties from mineral development and ask that this letter be included in the May 14, 2019 hearing record.

We are retired professionals living adjacent to the Buffalo Tract parcel that the Bureau of Land Management is considering for mineral development. We walk this Tract daily with our dog and have come to know the flowers, animals and peace that is present on this property. We chose to live in New Mexico because of the natural beauty of this area.

"We live here because we choose to live here." This is a statement heard often in Placitas, and we continue to make it. Our neighbors are knowledgeable and accomplished. They love the natural beauty of the sacred land of New Mexico.

Retirees and employed residents of this area, and the state, have the option to live in other places. New Mexico can hardly afford the de-population of this segment.

The current gravel mine has devastated a huge portion of mesas and lands near here and now they are hungry for more. This provides a short-term economic benefit to only a few, already prosperous, people / corporations. The long-term detrimental effects of minerals exploitation on our state are incalculable.

Help us to preserve our health, environment, quality of life, and property values by approving the proposed Buffalo Tract Bill (S. 526. To withdraw certain Bureau of Land Management land from mineral development).

Sincerely,

/s/ Paul and Carol Ordogne
2 Pony Court
Placitas, New Mexico 87043



May 13, 2019

The Honorable Mike Lee
Chair, Senate Subcommittee on Public Lands, Forests and Mining
361A Russell Senate Office Building
Washington, D.C., 20510

The Honorable Ron Wyden
Ranking Member, Senate Subcommittee on Public Lands, Forests and Mining
221 Dirksen Senate Office Building
Washington, D.C., 20510

Re: May 14 Subcommittee Hearing – Support for S. 1262

Senator Lee and Senator Wyden,

The members of Oregon Outdoors greatly appreciate your efforts to provide an opportunity for the Subcommittee on Public Lands, Forests and Mining to consider several pieces of important legislation on May 14, 2019. Oregon Outdoors is a coalition comprised of representatives from the outdoor recreation industry, outdoor recreation non-profits, and conservation groups with a mission to “preserve and expand Oregon’s outdoor assets for future generations.” Our membership strongly supports passage of S. 1262 to complete several designations to protect iconic lands and waters in Oregon.

We thank the Subcommittee for considering the designations included in S. 1262:

- Establishment of the 30,000 acre Molalla Recreation Area;
- Creation of the 98,000 acre Rogue Canyon Recreation Area;
- Expansion of the Wild Rogue Wilderness Area by 60,000 acres; and
- Withdrawal of 100,000 acres near the Kalmiopsis Wilderness Area from mining activity.

Oregon Outdoors is an advocate for Oregon’s vital recreation economy and responsible recreation. We believe the designations in S. 1262 will support businesses in rural communities through western Oregon. The designations will also provide additional access opportunities, aiding efforts to disburse recreationists beyond heavily used areas and thus support careful stewardship of existing recreation lands and waters. As a result, S. 1262 will build the state’s \$16.4 billion/year outdoor recreation economy while safeguarding the habitat values of our public lands.

Further, we believe outdoor recreation and conservation provide significant health benefits for Oregonians. A recent Oregon State University study estimated that outdoor recreation results in as much as \$1.4 billion/year in avoided health care costs in the state. More specifically, the proposed mining withdrawal in S. 1262 will protect drinking water for thousands of residents in the southwest corner of Oregon.

Oregon Outdoors greatly appreciates the efforts of the Subcommittee to advance this important bill during the 116th Congress.

Sincerely,



Hugh Morrison
Network Coordinator
Oregon Outdoors

May 22, 2019

Subcommittee on Public Lands, Forests, and Mining
United States Senate
Washington, DC 20510

RE: Support for S. 1262, the Oregon Recreation Enhancement Act

Dear Chair Murkowski and ranking member Manchin,

Please accept the following testimony in support of the Oregon Recreation Enhancement Act on behalf of our 20,000 members and supporters. We appreciate your attention to the important legislation before your committee, in particular legislation to protect key landscapes in Oregon. The areas proposed for increased protection in this bill have been thoroughly vetted, and there is a broad base of support for advancing legislation that safeguards these recreational and natural treasures.

Oregonians take great pride in our natural treasures. Protecting special areas on our public lands is beneficial for myriad reasons. They provide a place for residents and visitors to get away from the hustle and bustle of city life, a reserve where fish and wildlife can thrive, and they safeguard sources of dependable clean drinking water that is vital to the safety and well-being of our families.

Unfortunately, Oregon lags far behind its neighbors in Washington, California and Idaho in protecting wild areas. Only 4% of Oregon has been protected as Wilderness whereas Washington has protected 10%, Idaho 9%, and California 15%. The Wild Rogue Wilderness included in S. 1262 is a small, but meaningful, step in addressing Oregon's Wilderness deficit. We encourage you to go further, and consider bolder action to remedy this imbalance. Places like the greater Crater Lake region, the Ochoco Mountains, the Owyhee Canyonlands, and the recreation paradise around the Mount Hood National Forest.

Protecting these landscapes is good for our environment and for our economy. With each passing year we learn more about the economic contributions of Oregon's outdoor recreation industry. According to the Outdoor Industry Alliance, recreation in Oregon contributes \$16.4 Billion to the state's economy, providing for 172,000 jobs. Protected wild areas and clean, wild rivers where hiking, hunting, backpacking, fishing and boating form the basis of this economic engine. Saving wild areas will continue to be important as more people seek to enjoy Oregon's treasured landscapes, and spend money doing so.

Some special interest groups that oppose public lands conservation and protection of recreation areas have argued against it will impede efforts to address the threat of forest fires. Nothing could be further from the truth. Fire can, and is fought every year in Wilderness, National Recreation Areas, and other designations. There are tens of thousands of acres of logging projects every year in Oregon that have the goal of reducing fire risk. These efforts will not be slowed due to S. 1262.

Clarification Regarding Discussion Points during Hearing on S. 1262, May 14, 2019:

References were made to “roadless recreation areas” that would be created by this legislation. These assertions were not accurate. The proposed Rogue Recreation Area includes 681 miles of roads. The proposed Molalla Recreation Area includes 172 miles of roads. Access to these areas by road, hiking trail, and boat is and will continue to be abundant.

The proposed mineral withdrawal in S. 1262 honors the many years of broad public support, agency work, and congressional efforts that have been invested in protecting some of Oregon’s most important salmon-bearing rivers. The watersheds included in this designation are critical to maintaining water quality in the Illinois, Smith, Hunter, and Pistol Rivers, and for the clean drinking water they provide to downstream communities that rely on them. The withdrawal is also compatible with the standing 20-year mineral withdrawal in place with the US Forest Service and Bureau of Land Management.

Over the last decade, the Wild Rogue Wilderness and other provisions of this legislation have been subject to countless town hall meetings, Congressional hearings, comment periods, and public conversations. The legislation has been honed and refined, and enjoys broad political support. We encourage you to advance S. 1262, and work towards its ultimate passage into law.

Thank you for your work on this important issue and for considering our testimony.

Sincerely,
Erik Fernandez
Wilderness Program Manager
Oregon Wild
Bend, Oregon

CC: Senator Ron Wyden, Chairman, and Senator Jeff Merkley

OUTDOOR ALLIANCE

May 16, 2019

Senator Mike Lee

Subcommittee Chairman
Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Building
Washington, DC 20510

Senator Ron Wyden

Subcommittee Ranking Member
Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Building
Washington, DC 20510

Re: Legislative hearing on S. 1262, the "Oregon Recreation Enhancement Act"

Dear Chairman Lee and Ranking Member Wyden:

On behalf of the outdoor recreation community, we write to share our strong support for S. 1262, the "Oregon Recreation Enhancement Act."

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

As outdoor recreationists passionate about the protection of the natural landscapes where we enjoy our varied pursuits, we strongly support the thoughtful protections embodied in the Oregon Recreation Enhancement (ORE) Act. We are particularly pleased to support legislation that designates Wilderness while also using other protective designations where more appropriate. This legislation would establish the following three designations:



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Rogue Canyon Recreation Area

The bill establishes a 98,000 acre Recreation Area on lands administered by the Bureau of Land Management adjacent to the Wild Rogue Wilderness Area. This includes lands along the upper reaches of the Wild and Scenic corridor often enjoyed for day use near Galice, as well as lands along the Bear Camp Road. While existing roads would remain, no new permanent roads would be constructed, wildfire management would continue to be permitted, and new mining claims would be prohibited. Lands would be managed for purposes of protecting, conserving, and enhancing the unique and nationally important recreational, ecological, scenic, cultural, watershed, and fish and wildlife values.

Wild Rogue Wilderness Expansion

The bill expands the existing Wild Rogue Wilderness Area to approximately 60,000 acres. Although river runners and trail users experiencing the Wild and Scenic Rogue River enjoy a backcountry experience from Grave Creek to Foster Bar, the river is not protected as Wilderness until you pass through Mule Creek Canyon and enter the lower reaches of the river corridor administered by the Forest Service. This Wilderness expansion would protect the river corridor along the entire length of the section of the Rogue River experienced as a multi-day river trip.

Molalla Recreation Area

The bill establishes a 30,000acre Recreation Area on the banks of the Molalla River in Clackamas County adjacent to the Table Rock Wilderness Area. The Molalla River Trails System, a network of approximately 20 miles of trail, winds through forested foothills and offers scenic views of the Cascade Range for hikers, mountain bikers, and equestrians who visit. While the Molalla was designated as a Wild and Scenic River in March 2019, this designation would provide complementary protection to the lands along the river corridor and ensure that they are managed for purposes of protecting, conserving, and enhancing the unique and nationally important recreational, ecological, scenic, cultural, watershed, and fish and wildlife values.



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Mineral Withdrawals

In addition to these protected areas, the ORE Act would protect more than 100,000 acres of federal lands along the headwater streams of Baldface Creek, Rough and Ready Creek, Hunter Creek, and Pistol River from new mining claims. These lands are located at the headwaters of rivers that include the Wild and Scenic North Fork Smith and Illinois Rivers that represent spectacular whitewater boating resources known for their exceptional water quality. While the Forest Service and Bureau of Land Management issued a 20-year administrative withdrawal from new mining claims in 2016, the legislation would make this protection permanent.

* * *

Thank you for holding a hearing to discuss this thoughtful and valuable bill, and we look forward to continuing to work with the Subcommittee in support of the Oregon Recreation Enhancement Act.

Best regards,

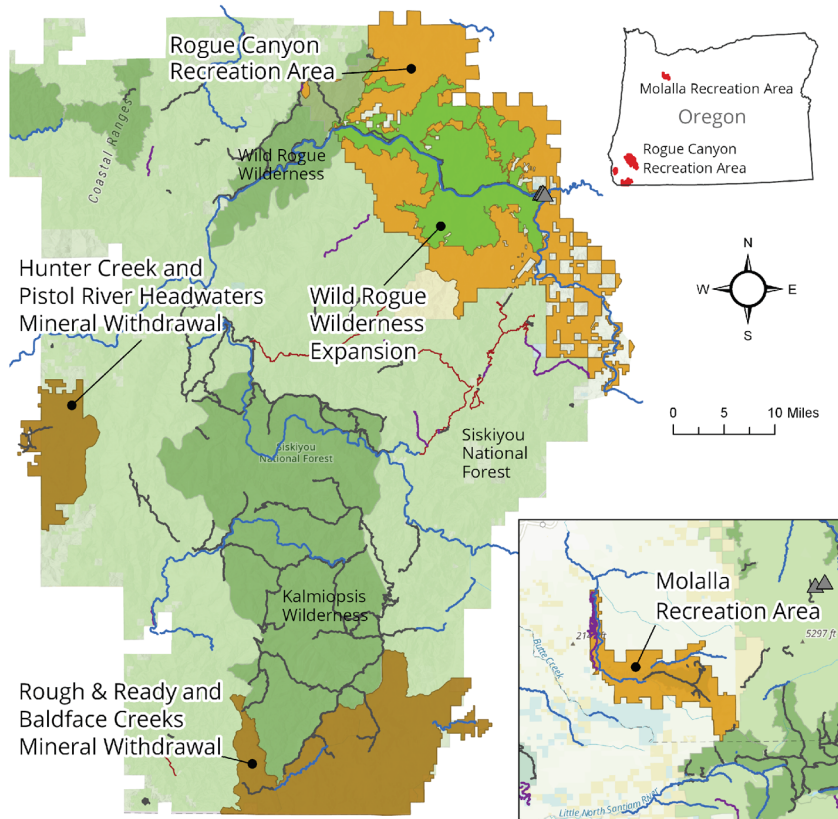


Louis Geltman
Policy Director
Outdoor Alliance

- cc: Adam Cramer, Executive Director, Outdoor Alliance
- Chris Winter, Executive Director, Access Fund
- Wade Blackwood, Executive Director, American Canoe Association
- Mark Singleton, Executive Director, American Whitewater
- Dave Wiens, Executive Director, International Mountain Bicycling Association
- David Page, Interim Executive Director, Winter Wildlands Alliance
- Tom Vogl, Chief Executive Officer, The Mountaineers
- Phil Powers, Chief Executive Officer, American Alpine Club
- Sarah Bradham, Acting Executive Director, the Mazamas
- Keegan Young, Executive Director, Colorado Mountain Club
- Chad Nelson, CEO, Surfrider Foundation



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Oregon Recreation Enhancement Act		
Proposed Designation	Land Management	Recreation Resources
 Mineral Withdrawal	 Bureau of Land Management	 Rock Climbing Site
 Proposed Wilderness	 U.S. Forest Service	 Whitewater Paddling
 Recreation Area	 State	 Hiking
	 Wilderness Area	 Hiking Mountain Biking
		 Motorized



Testimony for the Senate Energy and Natural Resources Committee, Subcommittee on Public Lands, Forests, and Mining, regarding the Oregon Recreation Enhancement Act, S1262.

From Tim Palmer, P.O. Box 1286, Port Orford, Oregon 97465.
May 20, 2019

Dear Senator Murkowski, Senator Manchin, and Senator Wyden:

As the author of the two primary books about the National Wild and Scenic Rivers system (*Wild and Scenic Rivers: an American Legacy*, 2017 by Oregon State University Press and *The Wild and Scenic Rivers of America*, 1993 by Island Press), and also as a citizen advocate of river conservation for the past 50 years, as a former planner working on issues of this type for county and state governments, and as a resident of southwestern Oregon, I'd like to urge passage of the Oregon Recreation Enhancement Act.

While many fine aspects of this measure deserve support, I'd like to comment in particular on its provisions to make permanent the existing but temporary 20-year withdrawal of about 100,000 acres from new mining claims that could otherwise be processed under the Mining Law of 1872. The temporary withdrawal that was administratively approved in 2017 followed extensive agency analysis, scientific review, and public comment with near unanimous support in local areas, hundreds of people attending public meetings and hearings in support of protection, and enthusiastic endorsement by elected officials, local businesses, land owners, and organizations of many kinds.

Areas proposed for permanent withdrawal lie at the headwaters of four major watersheds of incalculable value.

The largest of these—the North Fork Smith and Illinois Rivers—are two of the most magnificent and important among all the 230 major rivers (or 500 rivers and tributaries in all) that have been designated in the National Wild and Scenic Rivers system.

The North Fork Smith flows into the Smith, which is the most pristine large river in California and a designated "Salmon Stronghold" with brilliant waters through majestic groves at Redwood National and State Parks. It was also the first river in the National Wild and Scenic program where most of the tributaries were also named as Wild and Scenic with recognition that river protection requires responsible care for an entire watershed. Unfortunately, owing to provisions of the mining law passed by Congress 147 years ago, the Wild and Scenic designation of the Smith in 1981 does not adequately safeguard the headwaters of Oregon's Baldface Creek, which flows directly into the North Fork Smith—the most pristine of all the Smith's major branches and one with important spawning habitat.

To the northeast of the Smith basin, Rough and Ready Creek and other tributaries flow directly into the Illinois River—one of the wildest major rivers on the West Coast, a critical refuge for threatened and imperiled runs of wild salmon and steelhead, one of the premier wilderness rafting rivers on the continent, and the largest tributary to the renowned Rogue River downstream whose water quality, temperature, and health are dependent on the Illinois and its source waters including Rough and Ready Creek.

The mining withdrawal also incorporates headwaters of Pistol River and Hunter Creek, which are less-known beyond our local area but no less exceptional in many ways with pure water, rare plantlife thriving at their upper basins, salmon and steelhead valued by sport anglers and by commercial fishermen at sea, and with economic value to our recreational economy in southern Oregon. Both streams flow directly into the Pacific Ocean between the outlets of the Rogue and the Smith.

All these streams would be immeasurably harmed if strip mines—which have been proposed for the headwaters of all these basins—were permitted. It seems unconscionable that the very best of our nation's natural rivers estate nationwide would be allowed to remain at risk to strip mining for low-value minerals whose extraction is economically questionable at best and likely unfeasible in any plans for responsible mining.

Beyond the intrinsic values that would be sacrificed here, our federal and state governments have invested millions of dollars in the protection and the restoration of these areas and fisheries, and to risk that investment for dubious values would also be shortsighted, wasteful, and wrong.

I also support measures in this bill to protect through wilderness and national recreation area status other areas along the Rogue and Molalla, which are also important National Wild and Scenic Rivers.

I have explored, photographed, documented, and written about many of America's rivers and their values nationwide, and especially about the National Wild and Scenic River system, which I've been engaged with almost since the program's inception in 1968, and I can state with confidence that the rivers in question here are among the finest in America. Please take action to protect them by approving the permanent withdrawal on mining claims as proposed in this bill.

Thank you,
Tim Palmer

From: [Joanne Perkins](#)
To: [fortherecord \(Energy\)](#)
Subject: S. 526, To withdraw certain Bureau of Land
Date: Wednesday, May 08, 2019 11:29:17 PM

As an 8 year resident of Placitas, I beg you to vote against any bill that would allow any form of mining on the Buffalo Tract or in this vicinity. The Vulcan Mines have been devastating for real estate values, and we take daily walks in the open spaces of Placitas. Additionally we have gravel hitting our windshield on a weekly basis and have had to replace many windshields over are few years here in the area. We are in a position to be able to afford replacing windshields. Many residents are not so lucky and I can imagine what a hardship it is for them to have to continually replace cracked windows due to all the gravel mining in this area. We love the wild horses in this area and the natural state of Placitas. Please protect it for the generations to come.

Joanne and Tim Perkins
10 Vista de Las Sandias
Placitas NM 87043

[Sent from Yahoo Mail on Android](#)

From: [Joanne Perkins](#)
To: [fortherecord \(Energy\)](#)
Subject: Buffalo Tract Bill (S. 526. To withdraw certain Bureau of Land Management land from mineral development).
Date: Friday, May 10, 2019 10:18:50 PM

May 14, 1230 pm.

I urge you to vote yes to protect the priceless Buffalo Tract from mining, which is harmful to the local residents, nearby residents, native pueblos, wildlife and water supply.

Protect our natural resources including our wild horses, and our recreational opportunities, that contribute to a quality of life not found in so many counties.

Trusting you to do the right thing.

Tim Perkins
10 Vista De Las Sandias
Placitas, New Mexico 87043

[Sent from Yahoo Mail on Android](#)

From: [JIM PUCKETT](#)
To: [fortherecord \(Energy\)](#)
Cc: [Eubanks, Alex \(Heinrich\)](#)
Subject: Buffalo Tract Bill (S. 526, To withdraw certain Bureau of Land Management land from mineral development)
Date: Thursday, May 09, 2019 5:17:29 PM
Attachments: [JimPuckett.vcf](#)
[JimPuckett.vcf](#)

TO: Honorable Senators

FROM: James E Puckett
30 Second Mesa Drive
Placitas, NM 87043
eMail: jimpuckett@comcast.net

SUBJECT: Buffalo Tract Bill S. 526
Hearing Date: May 14, 2019 at 12:30 PM
Testimony: **IN FAVOR OF S. 526**

Honorable Senators:

Thank you for this opportunity to provide written testimony IN FAVOR of this proposed Senate Bill.

Please include my testimony in the hearing record.

I am a native New Mexican who has lived most of my life in Albuquerque. After 37 years living in the rural North Valley of Albuquerque, I have relocated to the lands of Placitas, NM, overlooking to the North, the lands of the Buffalo Tract referenced in S. 526 Bill for the preservation of this land. This said, would signal that I am supporting this Bill from the aspect of the mining operations being proposed should "not be in my back yard"!!!!.....the classic "NIMBY" !!! NOT SO!!!

I am concerned about the development of ALL prime land in New Mexico being used for the full benefit of ALL citizens of New Mexico, in a carefully prepared and considered Land Use Plan. We certainly have ample lands to support the growth of this Metro area, IF PLANNED properly. All aspects of the planning effort must be considered: land use, water consumption, sensitivity to Native American Tribe issues, metro area growth sprawl, and certainly to not destroy the grand Southwest viewscapes of our deserts, our mountains, our sun rises, and our sun sets..

I am a Construction Manager / Construction Engineer who has spent the last 41 years of my career in the Construction industry in the Albuquerque built marketplace.

In this time in Albuquerque, and throughout my lifetime, I have observed the growth of Albuquerque and New Mexico. A lot of the growth of the Metropolitan Albuquerque area AND this state has been based on the "right now", "what is convenient", "what is cheapest", use approach. This approach is readily observed with many sites that are living proof today, that this lack of a properly planned approach to our growth has produced ill-advised results.

To wit: The "left behind" Gravel Pit that was created in Central Albuquerque, West of Interstate-25, from Osuna Avenue on the North to Griegos Avenue on the South and bounded on the West nearly to Edith Street. This large piece of real estate was mined for sand and gravel products for concrete for the building of the developing metro area. Approximately the Northern 1/3 of this large area is in the same condition that it was abandoned in, in the 1950's! This area is today still observable as a large gash in the earth as an eyesore and a useless piece of land in the middle of Albuquerque proper. Development costs to return this land to useful metro area use still today, obviously exceed the value of our precious city usable land, thus the open land that is not only an eyesore, but a source of dust polluting our New Mexico sky's, and a significant eyesore of and display of a NO PLANNING effort!

This land use in the 1930's into the 1950's was expedient at the time, however, with NO planning considered as to the condition that a major mining operation would have on the growth and health conditions of the developing metropolitan area.

The Buffalo Tract must be part of a comprehensive plan as lands for use other than sand and gravel mining for the future of the growth of the Greater Albuquerque Metropolitan Area

The consideration of this prime land being used for what must be a very LOW PRIORITY use, mining, MUST be stopped! These mining operations provide little economic value to immediate surrounding neighbors and communities. The only economic value is to the mining company who will soon be gone, and the development of the Albuquerque Metro area. Prime land like this Buffalo Tract cannot be relegated to a wasted landscape like the gravel mining lands described above in the center of the Albuquerque City Limits.

This land must be preserved as Open Space, Native American Preservation Land, or Special

Use Development for the benefit of ALL citizens, NOT AS a mining location. Its future must be planned. It should not be destroyed for sand and gravel that is obviously readily available all over the New Mexico landscape. This land is truly a haven for recreation, environmental and tribal religious sanctuary lands and an important wildlife corridor.

This land is more than just a harsh high desert environment so easily described by the mining company's claim that it is useless and expendable. It is prime real estate that should be planned to enhance the major metro area that it is part of, rather than lands that will suffer the fate of the previous gravel mining sites in Albuquerque. This mined product can be extracted in a planned use on lands that are NOT in this natural and economic corridor, with their valuable use for plants and animals, the Citizens Open Space use, and the Native American People's historical concerns.

I believe that these concerns are of note to respectfully request that the Natural Resources Committee approve this Bill and the removal of the Buffalo Tract from mineral development.

Very truly yours,

James E Puckett



PUEBLO OF SANTA ANA

Timothy Menchego, Governor of the Pueblo of Santa Ana, New Mexico
"Testimony for the Record: S. 526 Buffalo Tract Protection Act"
Senate Public Lands, Forests and Mining Subcommittee Legislative Hearing
May 14, 2019

Dear Chairman Lee, Ranking Member Wyden, and Members of the Subcommittee,

Thank you for the opportunity to submit written testimony for the record on S. 526, the "Buffalo Tract Protection Act." My name is Timothy Menchego and I serve as the Governor of the Pueblo of Santa Ana (Pueblo), located due north of Albuquerque, New Mexico. On behalf of the Pueblo, I would like to share our strong support for S. 526, as introduced by U.S. Senators Martin Heinrich and Tom Udall. This bill would protect four Bureau of Land Management tracts located in southern Sandoval County, New Mexico, from all forms of mineral development. Of great importance to the Pueblo is the inclusion of an existing wildlife corridor connecting the Jemez and Sandia mountains that we refer to as the "Buffalo Tract."

The Buffalo Tract is home to several cultural sites that are directly linked to the Tamayame – or the People of Santa Ana. For countless years, the Tamayame used camps within the Buffalo Tract as they traveled between their historical village of Paak'u on the east side of the Sandia Mountains to their farm fields located in the fertile Rio Grande Valley, as well as to their ancestral village of Tamaya, which we continue to inhabit today along the banks of the Rio Jemez.

The Pueblo is deeply concerned with the negative impacts that potential mineral development could have not only on the Pueblo, but on the region as a whole. The area already supports multiple mining operations, and any additional mining would only further degrade the quality of nearby natural resources, habitats, and living conditions – for both wildlife and people. Expanded mineral development in Sandoval County would adversely affect local and regional air quality (adding to emissions from existing highways and a railway) and water quality (due to soil erosion and contaminants). Mineral development will also cause harmful narrowing and fragmentation of an already constrained wildlife corridor that links the Jemez Mountains to the Sandia Mountains along Las Huertas Creek.

S. 526's withdrawal of the Buffalo Tract and three associated parcels from future mineral development is a critical step in ensuring that the Pueblo's natural and cultural resources

02 DOVE ROAD ♦ SANTA ANA ♦ NM 87004

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would not be further negatively impacted by mining operations directly adjacent to the Pueblo's land. It is essential to protecting our ancestral lands and maintaining the integrity of our shared public resources in Sandoval County.

Thank you for considering the Pueblo's concerns in this matter. We fully support S. 526 and we respectfully ask that this written testimony be included in the hearing record.

December 11, 2018

Senator Lisa Murkowski, Chair
Senate Energy & Natural Resources
Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Senator Maria Cantwell, Ranking Member
Senate Energy & Natural Resources
Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Congressman Rob Bishop, Chair
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Congressman Raul Grijalva, Ranking
Member
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairs Murkowski and Bishop and Ranking Members Cantwell and Grijalva:

As County Commissioners representing citizens impacted by catastrophic wildfires and smoke, we are writing to share our perspective on Oregon-related measures currently under consideration in a potential public lands package in the final days of the 115th United States Congress.

We are deeply concerned about reports from Washington D.C. that suggest a community wildfire protection bill, H.R.2075- Crooked River Ranch Fire Protection Act, will only be approved by Congress if Oregon-specific wilderness legislation, including S.1548 - Oregon Wildlands Act is included in a public lands package.

While we do not represent Crooked River Ranch, we understand the risks this community is facing. Many of our own communities are facing the threat of catastrophic wildfires from adjacent federal lands. Action must be taken by Congress to reduce these threats through active forest management.

If the federal government shares our urgency to address fire risks on federal lands, then passage of S.1548 as part of a public lands package would be a step in the wrong direction. At a time when thousands of acres of federally-owned land in Oregon are at immediate risk of severe fires, Congress should make it easier, not more difficult for federal land managers to conduct fuel reduction activities.

The citizens in each of our counties need relief from the wildfire and smoke that has negatively affected the quality of life and economy in our communities.

Jackson County experienced severe fires on both sides of the border it shares with California. The county endured several consecutive weeks of hazardous air quality that threatened the health of vulnerable citizens, leading to a strain on the local health care system. The county's tourism and recreation businesses suffered significant losses as visitors chose to go elsewhere, and as popular cultural and sports events were canceled.

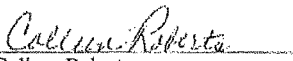
Josephine County also experienced similar impacts from several major fires in 2018, including the 175,000-acre Klondike Fire that prompted the evacuation of thousands of citizens. The 53,000-

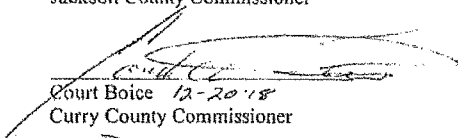
acre Taylor Creek also threatened our communities. This fire's intensity might have been far less, had the Bureau of Land Management implemented a planned vegetation management project on the site. Yet due to administrative protests and agency analysis paralysis, the project area was consumed by wildfire before work could begin.

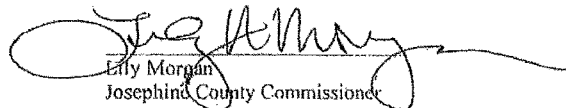
In Curry County, the entire community of Brookings was nearly destroyed in 2017 by the 191,000-acre Chetco Bar Fire. This fire, like many others in Oregon, gathered strength in a congressionally-designated wilderness area that repeatedly burns because it is choked with dead and dying trees. It is only a matter of time another large fire ignites on this wilderness area, and threatens lives and properties of citizens once again.

In closing, we do not oppose the passage of bipartisan public lands legislation. However, the inclusion of Oregon-specific wilderness legislation, including S.1548, sends the wrong message to those of us who are suffering from catastrophic wildfire, smoke and economic losses as a result of catastrophic wildfires. For this reason, we urge you to table this wilderness legislation and work together to pass measures that accelerate forest management activities on federal lands as soon as possible.

Sincerely,


Colleen Roberts
Jackson County Commissioner


Court Boice 12-20-18
Curry County Commissioner


Lily Morgan
Josephine County Commissioner

CC:
U.S. Senator Ron Wyden
U.S. Senator Jeff Merkley
Congressman Greg Walden
Congressman Peter DeFazio
Congressman Kurt Schrader



EXPLORE, ENJOY, AND PROTECT THE PLANET.

May 14, 2019

The Honorable Mike Lee
Chairman
Subcommittee on Public Lands, Forests, and
Mining
Room 361-A Russell Senate Office Building
Washington, DC 20510-4404

The Honorable Ron Wyden
Ranking Member
Subcommittee on Public Lands, Forests, and
Mining
Room 221 Dirksen Senate Office Building,
Washington, DC 20510-4804

Dear Chairman Lee and Ranking Member Wyden:

On behalf of our 3.5 million members and supporters across the country, I am writing to express the Sierra Club's support for several bills the Committee on Energy and Natural Resources will consider during your May 14, 2019 legislative hearing. The Sierra Club appreciates the work of the committee, and the opportunity to comment on these bills.

Chaco Cultural Heritage Area Protection Act (S.1079): This bill would ban new leasing and drilling on federal lands within the Proposed Chaco Protection Zone that surrounds the Chaco Culture National Historical Park. Specifically, the legislation would withdraw 316,076 acres of oil, natural gas, coal and other minerals owned by the federal government within the Proposed Chaco Protection Zone. Doing so would protect the remaining Chaco ruins and landscape nearest the existing Park. Chaco Culture National Historical Park, a national park and World Heritage Site (WHS), is known around the world for its still-standing, multi-story buildings and as the nerve-center of a culture that spread throughout and dominated the Four Corners area during the 9th, 10th and 11th centuries.

Ruby Mountains Protection Act (S.258): This legislation would withdraw roughly 450,000 acres of National Forest System lands in the Ruby Mountain Ranger District in the Humboldt-Toiyabe National Forest from oil and gas leasing. Additionally, the measure protects any lands added to the Ruby Mountains Ranger District in future while preserving existing recreational uses of this iconic landscape. The bill marks the first piece of federal legislation to permanently safeguard the Rubies, a landscape that has been consistently under threat from oil and gas leasing. In addition to the Sierra Club, the legislation is supported by a broad coalition of stakeholder groups within the region.

Oregon Recreation Enhancement Act (S.1262): A combination of four visionary public lands proposals, S.1262 would strengthen Southwestern Oregon's burgeoning outdoor recreation economy by conserving many of the region's most iconic public lands. The bill would establish the 98,000-acre Rogue Canyon Recreation Area and 30,000-acre Molalla Recreation Area, expand the existing Wild Rogue Wilderness Area by approximately 60,000 acres, and withdraw more than 100,000 acres of U.S. Forest Service land adjacent to the Kalmiopsis Wilderness Area from destructive mining.

Buffalo Tract Protection Act (S.526): The bill would withdraw four parcels of Bureau of Land Management (BLM) lands in southern Sandoval County, including the Buffalo Tract and the Crest of Montezuma, from future mineral development. This is a direct response to the concerns of local residents and stakeholders about the potential public health and environmental impacts of a proposed gravel mine in the region.

Offshore Wind for Territories Act (S.499): An effort to increase access to clean electricity, generate revenue for U.S. Territories, and protect vulnerable coral reefs, the Offshore Wind for Territories Act would allow for offshore wind energy development in the exclusive economic zone adjacent to American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. In accordance with the Outer Continental Shelf Lands Act (OCSLA), the Secretary of the Interior is precluded from offering leases offshore from said territories for renewable energy. All told this bill not only aids in mitigating climate change, a grave threat to coral health, but also offers opportunities for clean energy development.

America's public lands and waters represent our common ground and natural heritage. They protect key ecological and cultural resources, support local communities, provide clean drinking water, and help adapt to and mitigate climate change. The Sierra Club urges the Committee to pass these bills and take a significant step forward in protecting our country's special places for generations past, present, and future.

Thank you for your consideration and please let me know if you have any questions or would like more information.

Sincerely,

Athan Manuel

Director, Lands Protection Program



May 13, 2019

The Honorable Mike Lee
 Chairman
 Subcommittee on Public Lands, Forests, and
 Mining
 Energy and Natural Resources Committee
 United States Senate
 Washington, D.C. 20510

The Honorable Ron Wyden
 Ranking Member
 Subcommittee on Public Lands, Forests, and
 Mining
 Energy and Natural Resources Committee
 United States Senate
 Washington, D.C. 20510

RE: May 14, 2019 Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining Legislative Hearing

Dear Chairman Lee and Ranking Member Wyden and Members of the Senate Committee on Energy and Natural Resources,

On behalf of more than one million of our members and supporters, The Wilderness Society (TWS) writes to express views on the bills being heard before the Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining on May 14, 2019. We respectfully request that this letter be included in the hearing record.

S. 242 – Lowell Observatory Conveyance Act

S. 242 directs the Forest Service to convey its reversionary interest in approximately 640 acres of land it previously conveyed to the Lowell Observatory in Flagstaff, Arizona, if it so requests.

The Lowell Observatory has provided the public with significant scientific and cultural heritage for more than 125 years. Recognizing those important public purposes, in 1910 Congress conveyed a section of National Forest System lands “for observatory purposes associated with the Lowell Observatory”, retaining a reversionary interest “in the event of abandonment or removal of the said observatory or the use of said land by the grantee for other than observatory purposes.” 36 Stat. 452; ch.261.

As a general principle, TWS believes the American taxpayers should receive fair market value for any public lands that are determined appropriate for conveyance. We also believe that there are exceptional circumstances where that general principle may not apply, including some cases where public lands are conveyed for compelling public purposes, with the government retaining a reversionary interest to ensure the land will be used accordingly.

As TWS understands it, the Lowell Observatory is interested in constructing additional research workspace and visitor facilities, as well as a new access road, on the land subject to the reversionary interest. It is unclear why it would be necessary to release the reversionary interest for the Observatory to make those improvements, as they would appear to be consistent with the use of the land for observatory purposes.

In any case, it appears that those improvements would be for complementary public purposes. Under those circumstances, instead of completely releasing the reversionary interest, we would recommend

that the Committee relax the reversionary interest to permit the proposed improvements. That would protect the public's interest by ensuring that the public's land continue to be used for public purposes related to the Observatory, while ensuring that it will not be sold for development or used for other purely private or commercial interests.

In sum, we appreciate the scientific, educational, and other public purposes that the Lowell Observatory serves, and respectfully suggest that relaxing—rather than entirely releasing—the public's reversionary interest would best ensure that the Lowell Observatory can expand its research and public programs while ensuring that the land continue to be used for the benefit of the public services into the future.

S. 258 – Ruby Mountains Protection Act

TWS strongly supports the Ruby Mountains Protection Act, which would protect one of Nevada's crown jewels—the Ruby Mountains—from oil and gas leasing and drilling.

The Ruby Mountains are celebrated in Nevada and across the country for their renowned wilderness and wildlife. Snow-capped peaks, glaciated valleys, aspen groves, alpine lakes and trout-filled streams draw people to the Rubies to hike, camp, ski, hunt and fish. As the Forest Service noted in the agency's recent decision to not allow new oil and gas leasing in a portion of the Ruby Mountains, the area provides "outstanding recreational opportunities, high quality scenery, biodiversity, watershed values, and grazing resources." The Forest Service based its decision in part on the importance of these amenities to the local community, State residents and tourists, as articulated in the public comments received.

Based on geologic and economic factors, the Ruby Mountains have a very low likelihood of producing oil or gas resources. This fact served as one of the key decision factors in the Forest Service's recent decision to not allow new oil and gas leasing in the area. The Forest Service stated, "With the overall unfavorable, non-conducive oil and gas geologic conditions and the No to Very Low to Low Potential for oil and gas, these lands have low energy resource values. Offering low energy resource value and high resource value lands with restrictive stipulations to the Bureau of Land Management (BLM) for leasing would not serve the best interest of the public from an industrial or environmental perspective." TWS agrees that leasing lands with low likelihood for producing energy is bad public policy, and we believe that the federal government should prohibit this practice in order to better balance multiple use management of our public lands and prevent wasting taxpayer dollars offering and processing oil and gas lease sales for lands unlikely to produce energy.

BLM and National Forest System lands are to be managed for an array of multiple uses beyond mineral development, including recreation, range, wildlife and fish, and natural scenic, scientific and historical values. The Mineral Leasing Act authorizes the Secretary of the Department of the Interior to offer for lease only those lands "which are known or believed to contain oil or gas deposits." 30 U.S.C. § 226(a). Nevertheless, BLM has been regularly offering and leasing public lands and National Forest System lands for oil and gas development that have no or low drilling potential. These lands are frequently leased non-competitively (meaning no bid payment is made) or for or near the minimum lease bid, and they rarely produce oil or gas resources.

As a result of offering and leasing no- or low-potential public lands, the Federal government is wasting American taxpayers' dollars. The government is receiving minimal revenue from the leasing of no- or low-potential public lands at great financial cost. At the same time, the BLM, which is underfunded to begin with, wastes administrative resources offering, issuing, and managing leases on lands that are unlikely to produce oil or gas resources.

This is the case with the Ruby Mountains. As a result, not only will S. 258 protect precious public lands for present and future generations, it will prevent the waste of additional taxpayer dollars spent on a fruitless leasing process. We appreciate the leadership of Senator Cortez-Masto and Senator Rosen in

protecting this important landscape, and we urge the Committee to report it to the full Senate expeditiously.

S. 526 – Buffalo Tract Protection Act

TWS supports S. 526, the Buffalo Tract Protection Act, sponsored by Senator Heinrich and Senator Udall. S. 526 would withdraw four tracts of land, totaling approximately 3,000 acres, managed by the BLM's Rio Puerco Field Office from all forms of mineral development. These lands are located in the community of Placitas, New Mexico, where four of the largest gravel mines in New Mexico are already operating, including in areas immediately adjacent to residential development. Local residents, including Placitas and the Pueblos of Santa Ana and San Felipe, are seeking to limit further gravel mining due to impacts on air quality, recreation, wildlife corridors and conservation of cultural resources.

The BLM's Rio Puerco Resource Management Plan, completed in 1986, does not protect these areas from leasing or mining, but the substantial growth of the neighboring communities over the last 33 years has made the incompatibility of expanded gravel production with the public interest apparent. Withdrawal of the 3,000 acres encompassed in these four areas would not substantially reduce acreage available for leasing or mining in the region given the 3.6 million subsurface acres of federal mineral managed under Rio Puerco Resource Management Plan. However, because of their location in relation to Placitas and the Pueblos, withdrawal of these areas would make a significant difference for the local communities. In addition, the protection of recreation opportunities are important for public enjoyment, since these are public lands.

We appreciate the timely action taken by Senator Heinrich and Senator Udall to protect the overriding multiple uses present on these public lands and the quality of life and health of local communities.

S. 1079 – Chaco Cultural Heritage Area Protection Act

TWS supports S. 1079, the Chaco Cultural Heritage Area Protection Act, sponsored by Senators Udall and Heinrich. S. 1079 would protect Chacoan ruins and the greater landscape surrounding the Chaco Culture National Historical Park (NHP) by withdrawing approximately 316,000 acres of federal minerals from any future leasing or development, creating a protected radius around Chaco. This bill would also protect irreplaceable sacred sites and history to ensure the interests of the Pueblos and Navajo Nation are permanently safeguarded. The bill is supported by the Navajo Nation and the All Pueblo Council of Governors, as well as a broad range of organizations and individuals, including conservation groups around the state and nationally. We urge the Committee to support S. 1079.

There are a host of fragile resources that would be safeguarded from the harms associated with mineral development by establishment of the Proposed Chaco Protection Zone identified in the bill. Chaco Culture NHP is the center of a broad, authentic, cultural landscape that spans the San Juan Basin, as acknowledged in the Chacoan Outliers Protection Act (1995). This landscape includes hundreds of internationally and nationally significant cultural resources, including prehistoric roads, communities and shrines, many of which are related to the resources found in Chaco Culture NHP. While a number of the sites included in the broader Chacoan network lie as many as 100 miles away, a significant number of them are concentrated within the immediate area surrounding the park.

Chaco Culture NHP contains remnants of impressive buildings of the ancestral Pueblo peoples who dwelled there between 850 and 1250 A.D as well as some of the largest Basketmaker settlements in the Colorado Plateau (ca. A.D. 500-850; e.g., Shabik'eschee). The area was designated a UNESCO World Heritage site in 1987 for its uniqueness and well-preserved example of ancient community living. Outside the official perimeter of Chaco Culture NHP are several outlying Chacoan community units connected by ancient roadways. These include: Kin Klizhin, Kim Bineola, Kin Ya'a, and Pueblo Pintado as well as additional nearby communities to the west along Escavada Wash and directly north of the NHP boundaries (Bisa'ani, Lake Valley, etc.). This larger zone beyond the limits of the canyon itself has been termed the "Chaco Halo" in the regional literature and encompasses a set of settlements

within about 10 miles of the Canyon that show particularly strong cultural and economic relationships with the communities in the NHP.

Because it is located off the beaten track, accessing Chaco Culture NHP requires a long drive down a unique and isolated dirt road. The Great North Road extends north from Pueblo Alto in Chaco Canyon to the Stairway Complex south of the Twin Angels Pueblo and into Kutz Canyon. The length and surprisingly parallel structure have long impressed archeologists and scholars. The road also passes through a series of roughly evenly spaced major cultural complexes including the Kin Indian great house, Pierre's complex (which includes multiple great houses, kivas, signaling locations and lookouts), the Halfway House great house, the Stairway Complex, and Twin Angels great house near the edge of Kutz Canyon. Many places along the road are associated with unusually dense artifact scatters (even in areas distant from settlements) suggesting that the road itself was likely an important ceremonial space. As the primary access road into the Park, this route begins the visitors' experience back in time even before they arrive at the ruins themselves. The landscape gives passersby a special opportunity to see the world as the ancient Chacoan people likely saw it. The North Road and these related features are essential for understanding and interpreting the cultural history of the Chaco area and the greater Southwest.

Visibility, regional haze and other aspects of air quality are at issue within the Greater Chaco Landscape. Cumulative impacts on air quality resulting from oil and gas development present significant concerns for cultural and historic sites, soil, water, and animal and plant life. These impacts can also obscure visibility and undermine scenic qualities within Chaco Culture NHP and nearby wilderness areas; present health risks to park visitors and local communities; directly alter the chemical framework of ancient structures; and cause damage and disruption to vegetation, wildlife and ecosystems when absorbed in the soil and water.

Scenic qualities contribute significantly to the visitor experience of Chaco Culture NHP, as they do to other sacred, cultural sites within the broader core protected area. Visible evidence of the infrastructure required for oil and gas development, such as road building, drill pads and rigs, and haul trucks from the vantage of these sites would diminish the important visual characteristics of this remote, largely undisturbed landscape.

Further, the pristine, dark night sky visible in and around Chaco Culture NHP is considered one of the best places for stargazing in the world and is an important resource to protect. The park established a night skies protection initiative and interpretive program in 1991 and was certified as an International Dark Sky Park in 2013 – one of only four in the United States. Flaring, transport, artificial lighting, and other activities from energy development on lands in close proximity to the area would produce light pollution, disrupting night sky activities in and around the park.

Extensive natural gas development has occurred on portions of the Greater Chaco Landscape, leading to the development of the majority of lands within the BLM's Farmington Field Office. There is now renewed interest in oil exploration and production within the Mancos/Gallup Shale Play, as evidenced by the ongoing amendment to the BLM's Farmington Resource Management Plan, which is now being prepared along with the Bureau of Indian Affairs. However, the proposed Chaco Cultural Heritage Withdrawal Area is generally located west of the current target zone for Mancos/Gallup oil drilling and, as a result, has more unleased lands than adjacent areas. Nonetheless, the area is more and more at risk. We have seen lands proposed for leasing within the proposed Chaco Cultural Heritage Withdrawal Area and more proposed leasing encroaching on the area. Passing the Chaco Cultural Heritage Area Protection Act at this time will protect these internationally significant resources in an area that has remained intact despite being surrounded by intensive energy development.

We are very grateful to Senator Udall and Senator Heinrich for supporting protection of the amazing cultural resources of the Greater Chaco Landscape, as well as their ongoing engagement in the efforts to plan for management of the broader landscape, which has brought the Bureau of Land Management,

National Park Service, Bureau of Indian Affairs and stakeholders together. In addition to supporting passage of the Chaco Cultural Heritage Act Protection Act, we also support the Senators' continued engagement in developing a working vision for the public lands and living communities in this region.

S. 1262 – Oregon Recreation Enhancement Act

The Wilderness Society enthusiastically supports the Oregon Recreation Enhancement Act sponsored by Senators Wyden and Merkley. This bill designates two recreation areas, Molalla and Rogue Canyon, to protect and enhance their outstanding recreational opportunities and ecological, scenic, cultural, watershed and fish and wildlife values. It also expands the Wild Rogue Wilderness and makes permanent the existing time limited protections for the headwaters of several wild and scenic rivers in southwest Oregon, some of which are important sources of clean drinking water. This bill would benefit Oregon's people, environment and economy and we urge the committee to advance this broadly supported legislation.

Thank you for considering our views.

Sincerely,



Drew McConville
Senior Managing Director for Government Relations
The Wilderness Society



May 14, 2019

The Honorable Lisa Murkowski
Chairman
Committee on Energy & Natural Resources
U.S Senate
Washington, D.C. 20510

The Honorable Joe Manchin
Ranking Member
Committee on Energy & Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Chairman Murkowski, Ranking Member Manchin, and Members of the Senate Committee on Energy and Natural Resources:

On behalf of more than one million of our members and supporters, The Wilderness Society writes to offer views on S. 1317, the American Mineral Security Act, being heard in the Senate Committee on Energy and Natural Resources on May 14, 2019. We respectfully request our views be submitted into the hearing record.

The Wilderness Society opposes S. 1317, the American Mineral Security Act, which gives away resources that belong to all Americans to multinational mining companies at the expense of protections for local communities and the environment. While the purpose of the bill is “to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs,” the bill does little to provide for protection of our lands and waters. Rather, under Section 6(h) of S. 1317, hardrock mining permits would be expedited under the Fixing America’s Surface Transportation Act (FAST-41), which was intended for surface infrastructure projects. Hardrock mining poses unique and very significant environmental concerns and the application of the FAST-41 permitting structure is not suitable to adequately conduct the necessary environmental review, meaningful tribal consultation, and community outreach. Furthermore, S. 1317 limits the public comment period on Draft Environmental Impact Statements to 60 days, unless the project applicant – a mining company – agrees to a request to extend the comment period.

We also would like to discern uranium’s classification as a mineral. Section 2(B) states that “critical minerals” does not include (i) fuel minerals, including oil, natural gas, or any other fossil fuels; or (ii) water, ice or snow.” The Energy Information Agency classifies uranium as a “nonrenewable fuel.” As, written, it is unclear whether uranium would be excluded since the current list of “critical minerals,” pursuant to Executive Order 13817, includes uranium as a “critical mineral,” despite its status as a fuel mineral. Furthermore, S. 1317 provides secretarial discretion on the development of minerals deemed “critical” without backstops to that discretion and Section 4(e)(2)(C) allows the Secretary of the Interior to “designate additional minerals, elements, substances, or materials as critical minerals.” Based on EIA’s definition of uranium as a “nonrenewable fuel,” and the significant impacts uranium mining has on the landscape, air, water, and communities, we believe these impacts warrant extensive environmental review that should not be expedited if uranium were to be qualified as a “critical mineral.”

While TWS recognizes the need to expand and secure sources of the few truly strategic and critical minerals needed to build clean energy technologies, we believe we must do so in ways that protect communities, safeguard our air and water, and protect wildlife and wild lands. S. 1317 would undermine these vital safeguards and move our country in the wrong direction. For these reasons, we strongly oppose S. 1317.

Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew McConville". The signature is fluid and cursive, with a prominent initial "D" and "M".

Drew McConville
Senior Managing Director for Government Relations
The Wilderness Society

From: [WldrnssWrk](#)
To: [fortherecord \(Energy\)](#)
Subject: Buffalo Tract Bill (S. 526, To withdraw certain Bureau of Land Management land from mineral development)
Date: Monday, May 13, 2019 1:52:46 PM

May 13, 2019

United States Senate
Energy and Natural Resources Committee

RE: Senate Bill 526

From:

John Wilhelmsen
2 Alexi Ct.
Placitas, NM 87043-9362
Email: wldrnsswrl@comcast.net

Honorable Senators,

I am writing in support the passage of Senate Bill 526 to withdraw certain Bureau of Land Management properties from mineral development and ask that this letter be included in the May 14, 2019 hearing record.

I believe this bill merits passage as a means to protect some of the last remaining accessible wildlands within Sandoval county from destructive development having an adverse consequence to natural beauty of the area, the peace and quiet that has attracted many people, especially retirees to the area and fauna and flora.

Further minerals exploitation in this area will severely, permanently and adversely affect the quality of life and property values for the many residents who have built their homes in the area adjacent to the described tracts through increased heavy truck traffic, noise and dust pollution and environmental degradation. Placitas is a desired retirement destination for many senior citizens who bring their disposable income requiring few government services but who will not live between industrial environments, thus significantly reducing government tax revenues. As you may be aware, we already have a huge gravel mine immediately to the south of us.

This parcel of land is one of the few safe and accessible wildlife corridors available between the Jemez and Sandia mountains and should remain a corridor for a wide variety of wildlife. As a significant home for wildlife the parcel is a significant site for eco tourists and outdoor recreation such as hunting, biking, hiking, four wheeling and photography, all of which can and do coexist on this 3,400+ acre tract.

Allowing the mineral exploitation of this tract restricts it to single use that only benefits those involved with the extraction of the gravel increasing the number of gravel mines along the east side of I-25 in Sandoval county from 4 to 5. Enough is enough.

I urge you to appreciate the value of this land to a quiet majority of users and to see beyond our own lifetimes because, once this is gone, it is gone forever. Please approve the proposed Buffalo Tract Bill (S. 526 to withdraw certain Bureau of Land Management land from mineral development).

Thank you for your time and consideration,

Sincerely,
John Wilhelmsen

