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SAN JUAN MOUNTAINS WILDERNESS

SEPTEMBER 10, 2013.—Ordered to be printed

Mr. WYDEN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 341]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 341) to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, line 9, strike "8,250" and insert "7,438".

2. On page 3, line 13, strike "December 1, 2010" and insert "June 11, 2013".

3. On page 7, line 12, after "Special Management Area" insert ", the Liberty Bell East Special Management Area,".

4. On page 10, line 11, strike "and" and insert a comma.

5. On page 10, line 13, after "January 26, 2010," insert "and the approximately 774 acres generally depicted on the map entitled 'Proposed Liberty Bell East Special Management Area' and dated June 11, 2013".

6. On page 10, between lines 20 and 21, insert the following:

> (h) PROHIBITION ON MOTORIZED AND MECHANIZED TRAVEL IN THE LIBERTY BELL EAST SPECIAL MANAGEMENT AREA.—Except as necessary to meet the minimum requirements for the administration of the covered land and to protect public health and safety, the use of motor vehicles, motorized equipment, or mechanical transport shall be prohibited in the approximately 774 acres generally depicted on the map entitled "Proposed Liberty Bell East Special Management Area" and dated June 11, 2013.

PURPOSE

The purpose of S. 341 is to designate certain Federal land in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, to create a special management area, and to withdraw a portion of Naturita Canyon from entry, location, or other disposition under the public land and mining laws, and operation of the mineral leasing, mineral materials, and geothermal laws.

BACKGROUND AND NEED

The San Juan and San Miguel Mountains of southwest Colorado provide some of the State's most majestic scenery and remote wild areas. Some of this area already is protected as wilderness, including the 41,200-acre Lizard Head Wilderness and the 16,500-acre Mt. Sneffels Wilderness in the Uncompahgre and San Juan National Forests, but other wilderness-quality lands in the area are not congressionally protected.

The San Juan Mountains Wilderness Act of 2013 was developed through a collaborative process that included wilderness advocates, county officials, motorized and mechanized recreation advocates, and others to protect more of the wilderness resources in the area while seeking to avoid potential conflicts with existing uses. S. 341 would protect approximately 30,000 acres of Federal land as wilderness, approximately 20,000 acres as special management areas, and approximately 6,500 acres withdrawn from entry and disposal under the public land and mining laws and operation of the mineral leasing laws.

LEGISLATIVE HISTORY

S. 341 was introduced by Senators Udall of Colorado and Bennet on February 14, 2013. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 341 on April 25, 2013. At its business meeting on June 18, 2013, the Committee ordered the bill favorably reported with amendments.

Similar bills were introduced in the 112th Congress (S. 1635) and in the 111th Congress (S. 2762). The Subcommittee on Public Lands and Forests held a hearing on S. 1635 on March 22, 2012 (S. Hrg. 112–642), and S. 2762 on April 28, 2010 (S. Hrg. 111–744).

COMMITTEE AMENDMENTS

At its business meeting on June 18, 2013, the Committee adopted six amendments to S. 341. The amendments reduce the acreage in the Mount Sneffels Wilderness additions, update a map reference, authorize continuation of a competitive running race in the Liberty Bell East Special Management Area, add the Liberty Bell East Special Management Area to the withdrawal, and prohibit motorized and mechanized travel in the Liberty Bell East Special Management Area.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 18, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 341, if

amended described herein. Senators Barrasso, Risch, Lee, Flake, Scott, Portman, and Hoeven asked to be recorded as voting no.

SECTION-BY-SECTION ANALYSIS

Section 1 defines the short title of the bill, the "San Juan Mountains Wilderness Act".

Section 2 defines the key terms used in the bill.

Section 3 amends the Colorado Wilderness Act of 1993 to add approximately 32,388 acres to wilderness areas in the Grand Mesa, Uncompahgre, and Gunnison National Forests to the National Wilderness Preservation System.

Section 4 designates 21,620 acres of Federal land in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests as the "Sheep Mountain Special Management Area".

Subsection (b) clarifies that the purpose of the Special Management Area is to conserve and protect the area for future generations.

Subsection (c)(1) requires the Secretary to manage the area in a way that conserves, protects, and enhances the resources and value of the Special Management Area in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.). Paragraph (2) bans permanent roads, except for administrative and public health and safety purposes. Paragraph (3) authorizes the Secretary to allow previously permitted activities to continue, subject to such terms and conditions as the Secretary may require.

Subsection (d) states that that all water and water rights in the Special Management Area are subject to section 8 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 762), and specifies a number of terms in that section that are to be considered as a reference to the "Special Management Area".

Section 5(a) authorizes the Secretary to continue the competitive running event in the vicinity of the Special Management Area. Subsection (b) provides that nothing in the Act infringes on the State's right to manage fish and wildlife jurisdiction, and subsection (c) provides that nothing in the Act creates a protective buffer zone, or prevents nonwilderness activity outside of the wilderness.

Subsection (d) requires the Secretary to provide map and legal descriptions for the wilderness.

Subsection (e) allows the Secretary to acquire land or interest in land within the boundaries of the Special Management Area, which will be incorporated and administered as a part of the Special Management Area.

Subsection (f) ensures that grazing activity established before the enactment of the Act will be allowed to continue.

Subsection (g) withdraws approximately 6,600 acres depicted on the map entitled "Proposed Naturita Canyon Mineral Withdrawal Area" and dated January 26, 2010, and the approximately 774 acres depicted on the map entitled "Proposed Liberty Bell East Special Management Area" and dated June 11, 2013 from entry, appropriation, and disposal under the public land laws; location, entry, and patent under mining laws; and operation of the mineral leasing, mineral materials, and geothermal leasing laws.

Subsection (h) prohibits motorized and mechanized travel in the Liberty Bell East Special Management Area except for the administration of the area, and for public health and safety purposes.

Section 6 includes technical corrections to Public Law 111–11 and Congressional findings.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 341—San Juan Mountains Wilderness Act

S. 341 would designate about 32,000 acres of federal land in Colorado as components of the National Wilderness Preservation System. The bill also would designate more than 21,000 acres of National Forest System land as a Special Management Area. Finally, under the bill, those areas, including the Naturita Canyon Area (approximately 6,600 acres), would be unavailable for development under mining and other resource development laws.

Based on information provided by the Forest Service and the Bureau of Land Management, CBO estimates that implementing S. 341 would have no significant impact on the federal budget. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Because the affected acreage is already protected for conservation and wilderness values, CBO estimates that implementing the bill would have no significant effect on administrative costs. Additionally, because the affected lands currently produce no income and are not expected to do so in the future, we estimate that enacting the bill would not affect direct spending or revenues.

S. 341 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Maggie Morrissey and Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 341.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 341, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 341, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management and the Forest Service at the April 25, 2013, Subcommittee on Public Lands, Forests, and Mining hearing on S. 341 follows:

STATEMENT OF JAMIE CONNELL, ACTING DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the invitation to testify on S. 341, the San Juan Mountains Wilderness Act. The Department of the Interior supports the wilderness designation of the McKenna Peak area on lands managed by the Bureau of Land Management (BLM). Additional protection for the McKenna Peak area was highlighted in Secretary Salazar's November 2011 Preliminary Report to Congress on BLM Lands Deserving Protection as National Conservation Areas, Wilderness or Other Conservation Designations. We urge swift Congressional action to protect this special area. We defer to the Department of Agriculture regarding designations on lands managed by the U.S. Forest Service (FS).

BACKGROUND

The McKenna Peak Wilderness Study Area (WSA) covers nearly 20,000 acres of BLM-managed lands in San Miguel and Dolores Counties in southwestern Colorado. This WSA is currently managed by the BLM to protect its wilderness characteristics while awaiting Congressional action.

This area is rich in wildlife, including mule deer, elk, mountain lions, black bear, and a variety of raptors. The McKenna Peak area is also home to the Spring Creek wild horse herd. Geologically, the area is quite diverse and includes 100 million year-old remnants of inland seas (now black Mancos shale rich in invertebrate marine fossils). This area offers a wide variety of recreational opportunities, including hunting, hiking, horseback riding, snowshoeing, and cross-country skiing, all of which are compatible with this wilderness designation.

S. 341

S. 341 is the result of a collaborative process, which has included the Colorado Congressional delegation, county commissioners, adjacent landowners, ranchers, conservationists, recreationists, and other interested parties. The results are the proposed wilderness designations on both BLM- and FS-managed lands in San Miguel, Ouray, and San Juan Counties.

Section 3 of the bill designates 8,600 acres of the existing BLM-managed McKenna Peak WSA as wilderness. The BLM supports this designation. The legislation covers only those areas of the WSA in San Miguel County. The remaining almost 11,000 acres of the WSA, which include the eponymous McKenna Peak, are south of the proposed

wilderness in Dolores County and are not addressed in the legislation. These acres will remain in WSA status, pending Congressional action. The BLM and the Department support future designation of this area in order to improve the manageability of the area. The BLM is currently completing a careful review of the boundaries of the proposed wilderness area to ensure manageability and would welcome the opportunity to work with the sponsor on possible minor modifications.

Section 6 of S. 341 provides for the release from WSA status of those portions of the Dominguez Canyon Wilderness Study Area that were not designated as Wilderness under Title II, Subtitle E of Public Law 111–11, the Omnibus Public Land Management Act of 2009. Section 2403 of that Act designated the Dominguez Canyon Wilderness Area. However, small portions of the underlying WSA totaling approximately 3,035 acres were neither designated wilderness nor released from WSA status, which would allow the consideration of a range of multiple uses. This release would benefit the BLM's ongoing management by removing narrow strips and scattered tracts of remaining WSA. These areas remain within the Dominguez-Escalante National Conservation Area (NCA), also designated by Public Law 111–11 and will be managed consistent with the rest of the NCA.

CONCLUSION

Thank you for the opportunity to testify in support of S. 341. We look forward to its swift passage and to welcoming the covered area into the BLM's National Landscape Conservation System.

STATEMENT OF JAMES M. PEÑA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman, Ranking Member Barrasso, and members of the Committee, thank you for inviting me here today to testify regarding S. 341, the San Juan Mountains Wilderness Act.

The Department supports S. 341 and would like to offer minor modifications to the bill that would enhance wilderness values, clarify the special management area designation, and improve our ability to manage resources in the area. We thank Senator Udall for his collaborative approach and appreciate the local involvement that has contributed to the wide support in Colorado for this bill.

The Department defers to the Department of the Interior in regard to the proposal to designate approximately 8,600 acres of Bureau of Land Management (BLM) lands as the McKenna Peak Wilderness.

S. 341 would designate nine parcels of the Grand Mesa, Uncompahgre and Gunnison National Forests as wilderness under the National Wilderness Preservation System. These areas, totaling approximately 24,400 acres, encom-

pass some of Colorado's most majestic, remote landscapes with many abundant wildlife species including elk, deer, bighorn sheep, bears and a variety of birds. Several world-class trout streams are also found in the areas. These areas also provide opportunities to experience solitude and primitive recreation use for members of the public seeking areas to connect with nature.

These parcels would be additions to two existing wildernesses: Lizard Head and Mount Sneffels. In addition, S. 341 would designate the Sheep Mountain area as a Special Management Area to be managed to maintain the area's existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Also, S. 341 would provide for a mineral withdrawal within a portion of Naturita Canyon.

LIZARD HEAD WILDERNESS ADDITIONS

The Lizard Head Wilderness lies astride the spectacular San Miguel Mountains, 10 miles southwest of Telluride, Colorado on the Uncompahgre and San Juan National Forests. Elevations in the area range from 9,500 to over 14,000 feet. The wilderness is evenly split between the two national forests and is 41,200 acres in size.

The proposed wilderness additions include five parcels, encompassing approximately 3,150 acres of National Forest System lands adjacent to the existing wilderness. Though neither of the Forest Plans recommends these areas for wilderness designation, wilderness designation would be consistent with current management of the area. No summer motorized recreation is currently allowed and effects to winter motorized recreation will be minimal as there is very little snowmobile use of the area.

MOUNT SNEFFELS WILDERNESS ADDITIONS

The Mount Sneffels Wilderness comprises more than 16,500 acres on the Uncompahgre National Forest between the communities of Telluride and Ouray, Colorado. Elevations range from 9,600 to 14,150 feet at the top of Mount Sneffels.

The proposed wilderness additions include four parcels that encompass approximately 21,250 acres of National Forest System land adjacent to the existing wilderness. As with the Lizard Head Additions, even though this area was not recommended as wilderness in the Forest Plan, designation is generally aligned with forest plan direction and will have minimal effects on summer and winter recreation.

We would like to work with the subcommittee to address some technical aspects of the bill. We recommend changing the wilderness boundary near Telluride to provide for a more definitive boundary by following a cliff formation, following a more recognizable topographic feature for the wilderness boundary.

SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA

S. 341 would also designate an area of about 21,600 acres of NFS land that lies south of the town of Ophir, Colorado as a special management area. About 10,850 acres are within the Uncompahgre National Forest and about 10,750 acres are within the San Juan National Forest. This area contains some lands purchased recently with funds provided by Congress as part of the Ophir Valley Land and Water Conservation Fund project.

Elevations in the area range from 10,200 to almost 13,900 feet at the top of Vermillion Peak. The area is dense with spruce and fir trees at the lower elevations. Above timberline are high alpine valleys with numerous lakes, tarns and waterfalls beneath dramatic 13,000-foot peaks and serrated ridges. The Forest Plans identify half of the area to be managed for semi-primitive non-motorized recreation and the other half for other recreation purposes.

The Department recognizes the desire of the bill sponsors to preserve the characteristics of Sheep Mountain as a Special Management Area for potential designation as wilderness. With respect to water rights and water development, Section 4(d)(3) would prohibit new water development projects in the special management area. This provision is more restrictive than section 4(d)(4) of the Wilderness Act under which the President of the United States may exercise discretion to authorize such facilities within designated wilderness areas if they are determined to be in the public interest. We support amending this provision so that it is consistent with the discretion authorized by the Wilderness Act.

NATURITA CANYON WITHDRAWAL

S. 341 would also provide for a withdrawal on approximately 6,600 acres of National Forest System lands within Naturita Canyon on the Uncompahgre National Forest. This is an area important to local residents and is about five miles south of the community of Norwood, Colorado. Naturita Canyon is a relatively low-elevation river drainage (7,000 feet) with steep canyon walls that tower 1,000 feet. There are no current leases within the area proposed for withdrawal. Impacts on available oil and gas resources for this withdrawal are unknown. Further exploration information would be needed for a conclusive assessment.

This concludes my testimony and I would be happy to answer any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 341, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

COLORADO WILDERNESS ACT OF 1993

Public Law 103–77

AN ACT To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

* * * * * * *

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

* * * * * * *

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993, an which are hereby incorporated in and shall be deemed to be a part of the Never Summer Wilderness designated by Public Law 96–560.

(20) LIZARD HEAD WILDERNESS ADDITION.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 3,350 acres, as generally depicted on the map entitled "Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness" and dated December 1, 2010, which is incorporated in, and shall be administered as part of, the Lizard Head Wilderness.

(21) MOUNT SNEFFELS WILDERNESS ADDITIONS.—

(A) LIBERTY BELL AND LAST DOLLAR ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 7,438 acres, as generally depicted on the map entitled "Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness" and dated December 1, 2010, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

(B) WHITEHOUSE ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 13,000 acres, as generally depicted on the map entitled "Proposed Whitehouse Additions to the Mt. Sneffels Wilderness" and dated December 1, 2010, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

(22) MCKENNA PEAK WILDERNESS.—Certain Federal land in the State of Colorado comprising approximately 8,600 acres of Bureau of Land Management land, as generally depicted on the map entitled "McKenna Peak Wilderness" and dated November 10, 2010, to be known as the "McKenna Peak Wilderness".

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