

## Calendar No. 54

115TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
115-40

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### CERROS DEL NORTE CONSERVATION ACT

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MAY 3, 2017.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 432]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 432) to designate the Cerro del Yuta and Río San Antonio Wilderness Areas in the State of New Mexico, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of S. 432 is to designate the Cerro del Yuta and Río San Antonio Wilderness Areas in the State of New Mexico.

#### BACKGROUND AND NEED

On March 25, 2013, President Obama established the Río Grande del Norte National Monument by Presidential Proclamation under the authority of the Antiquities Act. The Río Grande del Norte National Monument lies north of Taos, on the border with Colorado. The area includes the Cerro de la Olla, Cerro San Antonio, and the Cerro del Yuta volcanic cones.

S. 432 would designate two wilderness areas within the Río Grande del Norte National Monument—the 13,420-acre Cerro del Yuta Wilderness and the 8,120-acre Río San Antonio Wilderness. These areas are currently managed by the Bureau of Land Management as wilderness study areas. S. 432 would also release approximately 65 acres of land currently in wilderness study status to multiple use.

S. 432 is needed because only Congress can designate a component of the National Wilderness Preservation System.

#### LEGISLATIVE HISTORY

S. 432 was introduced by Senators Heinrich and Udall on February 16, 2017.

In the 114th Congress, S. 1240 was introduced by Senators Heinrich and Udall on May 7, 2015. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on May 21, 2015. The Committee on Energy and Natural Resources met in open business session on July 30, 2015, and ordered S. 1240 favorably reported as amended.

The measure was included in Amendment No. 3234, which the Senate agreed to on April 19, 2016, as an amendment to S. 2012, the Energy Policy Modernization Act of 2016, which the Senate passed, as amended, on April 20, 2016.

In the House of Representatives, a companion bill, H.R. 1792, was introduced by Representative Stewart on April 14, 2015.

In the 113th Congress, Senators Udall of New Mexico and Heinrich introduced S. 241 on February 7, 2013. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on April 25, 2013, and the Committee on Energy and Natural Resources reported S. 241, with an amendment in the nature of a substitute, by a majority vote of a quorum present, on June 27, 2013 (S. Rept. 113–54). In the House, Representative Luján introduced a similar bill, H.R. 560, on February 6, 2013.

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 432 favorably reported.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass S. 432.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the “Cerros del Norte Conservation Act.”

*Section 2* contains definitions.

*Section 3(a)* designates approximately 13,420 acres of land as the Cerro del Yuta wilderness and approximately 8,120 acres of land as the Río San Antonio Wilderness, and designates these wilderness areas as components of the National Wilderness Preservation System.

Subsection (b) requires that the wilderness areas be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be a reference to the Secretary of the Interior.

Subsection (c) provides that any land or interest in land acquired by the United States that is within the boundary of the wilderness area shall become part of the wilderness area and be managed in accordance with all applicable laws.

Subsection (d) authorizes the continued grazing of livestock in the wilderness areas where established before the date of enactment of this Act, in accordance with the Wilderness Act and the guidelines set forth in appendix A of House Report 101–405.

Subsection (e) clarifies that nothing in this Act creates a protective buffer zone around the wilderness areas and that activities outside the wilderness boundaries shall not be precluded by the fact they can be seen or heard within the boundary of the wilderness areas.

Subsection (f) releases those portions of the San Antonio Wilderness Study Area that are not designated as wilderness in this Act, and provides that they are no longer subject to the wilderness study provisions under section 603(c) of the Federal Land Policy and Management Act and shall be managed in accordance with this Act.

Subsection (g) requires the Secretary to file a map and legal descriptions of the wilderness areas with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives and that the map and legal descriptions be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

Subsection (h) directs the Secretary to manage the wilderness areas as components of the National Landscape Conservation System. Section 3(i) clarifies that nothing in this Act affects the jurisdiction of the State of New Mexico with respect to fish and wildlife located on public lands in the State.

Subsection (j) withdraws any land within the areas designated by this Act, except where subject to valid existing rights, from entry, appropriation, or disposal under the public lands laws, location, entry, and patent under the mining laws, and operation of the mineral leasing, mineral materials, and geothermal leasing laws.

Subsection (k) states that nothing in this Act enlarges, diminishes, or otherwise modifies any treaty rights.

#### COST AND BUDGETARY CONSIDERATIONS

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

S. 432 would designate two parcels of land within the Río Grande del Norte National Monument as wilderness areas. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would have no significant effect on the federal budget.

Under S. 432, roughly 22,000 acres of federal land would be designated as part of the National Wilderness Preservation System. BLM, which manages the affected acreage, would be required to create new maps for the area. In addition, under the bill, the affected lands would not be available for developing natural resources but would still be available for grazing under existing agreements.

Because the affected lands are already protected for conservation and wilderness values, CBO estimates that implementing the bill would have no significant effect on the cost of administering the area. We also expect that any costs to modify existing maps and other materials would be minimal. Finally, 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 offsetting receipts, which are treated as reductions in direct spending.

Enacting S. 432 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 432 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, 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. 432. 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. 432, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 432, as ordered 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

Because S. 432 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the Bureau of Land Management at the hearing before the Public Lands, Forests and Mining Subcommittee on May 21, 2015, follows:

STATEMENT OF TIMOTHY M. MURPHY, ACTING ASSISTANT  
DIRECTOR, NATIONAL CONSERVATION LANDS & COMMUNITY PARTNERSHIPS BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 1240, the Cerros del Norte Conservation Act. On March 25, 2013, President Obama designated the Río Grande del Norte National Monument on 242,555 acres of land administered by the Bureau of Land Management (BLM) in northern New Mexico. This legislation includes the designation of two wilderness areas within the new Río Grande del Norte National Monument—the proposed 13,420-acre Cerro del Yuta Wilderness and 8,000-acre Río San Antonio Wilderness. The Department supports the designation of these two new wilderness areas.

## BACKGROUND

The Río Grande del Norte National Monument lies north of Taos on the border with Colorado and straddles New Mexico's Taos and Río Arriba Counties. Rising in stark contrast from the monument's broad expanse, the Cerro de la Olla, Cerro San Antonio, and Cerro del Yuta volcanic cones provide visible reminders of the area's volatile past. Between these mountains, the dramatic gorge of the Río Grande Wild & Scenic River is carved into the landscape, revealing the dark basalt beneath the surface of the Taos plateau.

The proposed Cerro del Yuta Wilderness has at its centerpiece a symmetrical volcanic dome soaring to over 10,000 feet in altitude. Covered by ponderosa, Douglas fir, aspen, and spruce on the north side, and pinyon and juniper on the south side, the mountain provides important habitat for wildlife, including the herds of elk that draw hunters to the area. The volcanic dome provides an outstanding opportunity for peak climbing, and the forested slopes create a strong sense of solitude.

The proposed Río San Antonio Wilderness consists of a flat plain bisected by the Río San Antonio. This grassland plain is dotted with occasional juniper, while the river sits 200 feet below the surface of the plateau at the bottom of a rugged gorge, the depths of which provide a microclimate for riparian vegetation, Douglas fir, and spruce. Visitors can find outstanding opportunities for solitude as they explore the gorge, which abruptly drops out of sight from the rest of the area. Protecting these characteristics will help to ensure that recreationists will continue to visit the area, bringing economic benefits to the local community.

## S. 1240

S. 1240 designates two wilderness areas on BLM-managed lands within the new National Monument—the proposed 13,420-acre Cerro del Yuta Wilderness and 8,000-acre Río San Antonio Wilderness. Both of these areas meet the definition of wilderness in the Wilderness Act of 1964: they are largely untouched by humans, have outstanding opportunities for solitude or primitive and unconfined recreation, are over 5,000 acres in size, and contain important geological, biological, and scientific features. We support the designation of these areas as wilderness, and would appreciate the opportunity to work with the sponsor on potential boundary modifications for manageability.

## CONCLUSION

President Obama's designation of the Río Grande del Norte National Monument was a tribute to both the area's extraordinary value and the steadfast support of the surrounding community for protecting this magnificent place. The Department supports S. 1240 in its designation of some of the new Río Grande del Norte National Monument's wildest lands as wilderness.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 432, as ordered reported.

