BUFFALO TRACT PROTECTION ACT

JANUARY 31, 2022.—Ordered to be printed

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

REPORT

[To accompany S. 180]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 180), to withdraw certain Bureau of Land Management land from mineral development, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 180 is to withdraw approximately 4,288 acres of land in Sandoval County, New Mexico, administered by the Bureau of Land Management land from mineral development.

BACKGROUND AND NEED

In 2012, the Bureau of Land Management (BLM) released a draft of the new resource management plan (RMP) for BLM lands in central New Mexico, which proposed to open four parcels, including the Buffalo Tract and Crest of the Montezuma, in southern Sandoval County to mineral development, including gravel mining. Since the release of the draft plan, some local residents and stakeholders have expressed concerns about a gravel mine on this land.

S. 180 would withdraw approximately 4,288 acres administered by the BLM near Placitas, New Mexico, from location, entry, and patent under the mining laws and disposition under the mineral leasing, mineral materials, and geothermal leasing laws. In 2019 testimony on a previous version of the bill, S. 526 in the 116th Congress, the BLM projected that a final environmental impact statement and Record of Decision for the RMP would be released.
by the end of the year. Since that time, the planning process has been paused.

LEGISLATIVE HISTORY

Senators Heinrich and Luján introduced S. 180 on February 2, 2021. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on October 19, 2021. Representatives Stansbury, Leger Fernandez, McNerney, and Huffman introduced an identical bill, H.R. 5805, on November 1, 2021. H.R. 5805 was referred to the House Committee on Natural Resources. No further action has been taken.

In the 116th Congress, Senators Heinrich and Udall introduced a similar bill, S. 526, on February 14, 2019. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 526 on May 14, 2019 (S. Hrg. 116–323). The Committee ordered the bill favorably reported with an amendment in the nature of a substitute by voice vote on December 12, 2019. Senators Barrasso, Risch, and Lee were recorded as voting no.

In the 115th Congress, Senators Heinrich and Udall introduced a similar bill, S. 390, on February 15, 2017. No further action was taken. Likewise, during the 114th Congress, Senators Heinrich and Udall introduced a similar bill, S. 3221, on July 14, 2016. No further action was taken.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on November 18, 2021, by a majority vote of a quorum present, recommends that the Senate pass S. 180.

The roll call vote on reporting the measure was 13 yeas, 7 nays as follows:

**YEAS**
- Mr. Manchin
- Mr. Wyden
- Ms. Cantwell
- Mr. Sanders
- Mr. Heinrich
- Ms. Hirono
- Mr. King
- Ms. Cortez Masto
- Mr. Kelly
- Mr. Hickenlooper
- Mr. Daines
- Ms. Murkowski
- Mr. Hoeven*

**NAYS**
- Mr. Barrasso
- Mr. Risch*
- Mr. Lee
- Mr. Lankford
- Mr. Cassidy
- Mrs. Hyde-Smith*
- Mr. Marshall

*Indicates vote by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the short title, the “Buffalo Tract Protection Act.”
Section 2. Withdrawal

Subsection (a) withdraws the Federal land described in subsection (b) from location, entry, and patent under the mining laws and from disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

Subsection (b) describes the Federal lands to be withdrawn, as generally depicted on the referenced map.

Subsection (c) clarifies that nothing in this section prohibits the Secretary of the Interior from conveying the surface estate of the Federal land described in subsection (b) in accordance with the Federal Land Policy Management Act (43 U.S.C. 1071 et seq.) or the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.), subject to the reservation of the mineral estate.

Cost and Budgetary Considerations

The Congressional Budget Office has not estimated the cost of S. 180 as passed by the Senate. The Committee has requested, but has not yet received, the Congressional Budget Office’s estimate of the cost of S. 180 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

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. 180. 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. 180, as ordered reported.

Congressionally Directed Spending

S. 180, 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

The testimony provided by the Department of the Interior at the October 19, 2021, hearing on S. 180 follows:

Statement of Steve Feldgus, Ph.D., Deputy Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior

Thank you for the opportunity to testify on S. 180, the Buffalo Tract Protection Act. The bill would withdraw about 4,200 acres contained in four parcels of public land managed by the Bureau of Land Management (BLM) near Placitas, New Mexico, from location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral ma-
materials. S. 180 aligns with the Administration’s conservation goals, and the BLM supports the bill.

BACKGROUND

The lands proposed for withdrawal are located in close proximity to Placitas, New Mexico, which is an unincorporated area of Sandoval County, just north of Albuquerque. The population of the region has grown significantly in recent years, raising community concerns about the potential impacts of additional gravel mining in the area. The area is used for a variety of recreation activities.

S. 180 identifies the four parcels for withdrawal as tracts A (3,127 acres), B (903 acres), C (201 acres), and D (57 acres). Tract A is referred to as the “Buffalo Tract” and is used for hiking, off-highway vehicles (OHVs), and recreational shooting. The Buffalo Tract contains sand and gravel ridges and arroyos with juniper trees, shrubs, and grasses. Approximately 25 percent of tract A has been mined and reclaimed to date. Tract B is known as the “Crest of Montezuma” and is characterized by moderately steep slopes with pinyon and juniper trees intermixed with shrubs and sparse grasses. Tract C, which does not have a specific name, is similar in topography to the Buffalo Tract and is a common hiking area for local community members. Tract D, referred to as “San Francisco,” is named after the arroyo that runs through it, and has terrain similar to that of the Buffalo Tract.

S. 180, BUFFALO TRACT PROTECTION ACT

S. 180, the Buffalo Tract Protection Act, would, subject to valid existing rights, withdraw four tracts totaling approximately 4,200 acres of Federal mineral estate near Placitas, New Mexico, from all forms of mineral development under all laws pertaining to locatable minerals, mineral leasing, or mineral materials. The bill specifies that nothing in the act would prevent future conveyance of the surface of the withdrawn lands, although the mineral estate would be retained by the Federal government.

The BLM recognizes the importance of locally crafted recreation and conservation areas on public lands and waters and believes they can yield immense economic benefits. The BLM believes the most effective and enduring conservation strategies are those reflecting the priorities, needs, and perspectives of the families and communities that know, live, work, and care for the lands and waters. The BLM is aware that local communities, including a Pueblo and residents from Placitas and unincorporated Sandoval County, support protection of these tracts from future mineral development. The BLM is in the process of updating the Rio Puerco Proposed Resource Management Plan that has jurisdiction over these covered lands, and is committed to ensuring Native American and Hispanic community voices are represented in the process.
CONCLUSION

The BLM appreciates the efforts of the sponsor and the Subcommittee in advancing this important conservation initiative. Thank you again for the opportunity to provide testimony in support of S. 180.

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 as ordered reported.