

Statement of

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U.S. Department of Agriculture

HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

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H.R. 2944, the Southern Arizona Public Lands Protection Act of 2009.

Thank you for inviting us to testify on H.R. 2944, the Southern Arizona Public Lands Protection Act of 2009. H.R. 2944 would, subject to valid existing rights, withdraw all National Forest lands in Santa Cruz and Pima Counties in Arizona from the United States mining laws, mineral leasing laws and mineral material disposal laws.

The Department of Agriculture supports the goals of H. R. 2944. We would, however, like to work with the committee to clarify the scope and range of the bill. We would also appreciate the opportunity to work with the Committee to address the concerns of the residents of Pima and Santa Cruz Counties.

We defer to the Department of the Interior on all issues in H. R. 2944 affecting lands managed by the Bureau of Land Management (BLM) in Pima County.

This legislation would not affect mining claims located before its enactment, provided that those claims were valid as of the enactment date and continue to remain valid. These mining claims would constitute "valid existing rights." Therefore they would survive the legislation's withdrawal of the specified National Forest System lands from the operation of the United States mining laws. We do not currently know how many of the existing mining claims would qualify as valid existing rights. However, ongoing mining operations could continue on Coronado National Forest lands, if they occur on mining claims that constitute valid existing rights. Expansion of ongoing mining operations as well as commencement of new mining operations also would be permissible on those Coronado National Forest lands, if the mining claims constitute valid existing rights.

Upon its enactment, the legislation would bar mining on all Coronado National Forest lands subject to mining claims that do not constitute valid existing rights, as well as those Coronado National Forest lands not subject to mining claims. The legislation also would bar the location of new mining claims on the specified Coronado National Forest lands.

Currently, there are approximately 2,300 mining claims staked on Coronado National Forest lands in Pima and Santa Cruz Counties. Those claims encompass roughly 45,000 acres. One mine on the specified National Forest lands operating pursuant to the United States mining laws, the Santa Rita marble quarry, produces calcium carbonate. Two other mining projects are being considered in the two-county area, both of which would involve operations on a mixture of private and Coronado National Forest lands. These are referred to as the Patagonia Jewel project and the Hardshell project and would produce turquoise, and a combination of silver and manganese, respectively. In both cases the United States mining laws would govern the operations on Coronado National Forest lands. There are also about a dozen ongoing exploration-level projects for gold and copper on Coronado National Forest lands within the two counties.

Allow us to describe here some specific areas that we would like to work with the committee. In general, the bill uses standard language to effectuate the withdrawal. However, with one exception, the bill describes the Federal property it would withdraw as "all federally owned interests" in specified lands. To be more specific and consistent, legislation withdrawing Federal property should describe that property as "land," "Federal lands," or "Federal lands and interests therein." We would encourage the Committee to use one of these terms to prevent questions about the significance of the bill's unique language.

The proposed Rosemont Copper mine project is an example of pre-existing mining claims in the area described in the legislation. It is separate and distinct from the subject of this proposed legislation, but I would like to clarify the ongoing review of the Rosemont Copper mine project. At an oversight field hearing in February 2007, the Regional Forester for the Southwestern Region testified about the process for analyzing potential environmental impacts of the Rosemont mine proposal. The Department has heard from both opponents and proponents and has some concern with the Rosemont Copper Project. I have personally visited the site of the proposed mine and have asked the Forest Service to analyze a "no action" alternative in the environmental analysis for the proposed mine plan of operations. I have confidence that the Forest Service will carefully examine the mine's environmental consequences and the agency's legal options in evaluating the company's proposed mine plan of operations. We will look at the full

range of alternatives, including the "no action" alternative, and select the best of these alternatives that is within the agency's legal authority. In addition, I have asked the Forest Service to ensure that bonding for this or any other mining operation which goes forward fully implements the agency's authority under applicable regulations, so that future generations will not be encumbered with the environmental and economic costs to remediate effects of these operations.

The Department understands the sponsors' concern for the environmental impacts of mining in southern Arizona and appreciates the opportunity to testify on this bill. The Forest Service wants to work with Congress to adjust H. R. 2944 to achieve the goals of land protection for Southern Arizona in Pima and Santa Cruz Counties.

This concludes my prepared statement on H.R. 2944 and I would be pleased to answer any questions you may have.

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UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
COMMITTEE ON NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES
JANUARY 21, 2010**

CONCERNING

H.R. 3914, the "San Juan Mountains Wilderness Act of 2009"

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 3914, the "San Juan Mountains Wilderness Act of 2009."

The Department supports H.R. 3914. We would like to offer minor modifications to H.R. 3914 that would enhance wilderness values, clarify the special management area designation, and improve our ability to manage resources in the area. We thank Congressman Salazar for his

collaborative approach and local involvement that have contributed to 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.

H.R. 3914 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 24,800 acres, encompass 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, H.R. 3914 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, H.R. 3914 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 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 3,200 acres of National Forest System lands adjacent to the existing wilderness. Neither Forest Plans, completed in 1983, recommended any of the areas for wilderness designation. However, wilderness designation would be aligned with the 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. 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 21,600 acres of NFS lands 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 allow for potential construction work to address periodic floods with debris flows and provide for a more definitive boundary by following a cliff formation. Additionally, we remain concerned that the legislation would provide for continuation of a competitive footrace event in designated wilderness. Current Forest Service policy does not permit competitive events and this reflects the Wilderness Act prohibition against commercial enterprise.

Sheep Mountain Special Management Area

H.R. 3914 would also designate an area of about 21,700 acres of NFS land that lies south of the town of Ophir as a special management area. About 9,900 acres are within the Uncompahgre National Forest and about 11,800 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.

As with the Mount Sneffels Wilderness additions, we have concerns that if this area becomes wilderness, the legislation allows for the continuation of a competitive footrace event.

Naturita Canyon Withdrawal

H.R. 3914 would also provide for a withdrawal on approximately 6,600 acres of National Forest System lands within Naturita Canyon on the Uncompahgre National Forest, about five miles south of the community of Norwood. Naturita Canyon is 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 prepared statement. I would be happy to answer any questions you may have.