

**STATEMENT OF JOEL HOLTROP
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE
BEFORE THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS**

May 19, 2010

CONCERNING

S. 3303, Chimney Rock National Monument Act of 2010

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on S. 3303, the Chimney Rock National Monument Act of 2010. While the Department supports S. 3303, I would like to offer modifications that would address some technical concerns with the bill and which would improve our ability to manage resources in the area.

Designated as an Archaeological Area and National Historic Landmark in 1970, Chimney Rock lies on 4,100 acres of San Juan National Forest land surrounded by the Southern Ute Indian Reservation. Between A.D. 900 and 1150, the ancestors of modern Pueblo Indians occupied the lands surrounding Chimney Rock, and the site remains of archaeological and cultural significance to many descendant tribes. At 7,600 feet, Chimney Rock is also the most northeasterly and highest Chacoan site known. Chacoan culture refers to the way of life of ancient ancestors of modern Pueblo Indians and continues to be important to the native people in the region.

The Forest Service values archaeological and cultural resources and considers it part of the agency's mission to preserve and interpret them for the public. We believe the rich history, spectacular archaeological, cultural, scientific, watershed, and scenic resource values, as well as community support, merits the designation of the area as a National Monument.

Section 4(a) of S. 3303 would establish the Chimney Rock National Monument in the State of Colorado by designating 4,726 acres surrounding the Chimney Rock Archaeological Area within the San Juan National Forest as a National Monument. The purpose of the monument would be to preserve, protect, and restore the nationally significant archaeological, cultural, scientific, watershed, and scenic resources in the area, as well as enable the public to fully utilize the resources in the area. Section 7(c) of the bill would also provide for continued access by Indian tribes to sites within the National Monument for traditional and cultural uses.

Section 4(b)(2)(A) would authorize the Secretary to make minor boundary adjustments to the monument to include significant archeological resources discovered on adjacent public land. We recommend that the bill be amended to substitute “National Forest System land” for “public land” to make clear that the only public land adjacent to the proposed monument boundary is Forest Service land. Section 4(c) would require the Secretary to designate an individual as manager of the National Monument. To implement this provision, the organizational structure of the San Juan National Forest would have to be amended to accommodate the new position. We would prefer to be provided the opportunity to assess staffing and management needs during the early phases of our planning process, allowing us to base our initial staffing and management decisions on identified resource management needs and issues, and public concerns and demands.

Section 6(a) would require the monument to be managed as a unit of the San Juan National Forest. We recommend making a technical amendment to this section to add language that would require the Secretary to manage the monument in accordance with any other applicable provisions of law. This change would make it clear that laws applicable to management of the forest would also apply to management of the monument.

Under section 6(b) and (c), the Secretary would be authorized to allow uses of the monument consistent with the purposes of its establishment including the following uses: vegetative management treatments; timber harvest and the use of prescribed fire only if the Secretary deems it necessary to address the risk of wildfire, insects, or diseases; the construction of a visitor’s center and related exhibit and curatorial facilities; scientific research; acquisition consolidation, and display of artifacts found within the monument; the recreational and administrative use of mountain bikes and motorized vehicles; installation, construction and maintenance of a public utility right of way under certain circumstances; and grazing uses through permits.

We believe that an interpretation and educational center, instead of a visitor’s center, would be more in line with the bill’s purposes of providing educational and interpretive programs to communities, and allowing for academic scientific investigation of Chimney Rock. Although the bill would authorize construction of a curatorial facility, the Anasazi Heritage Center, a BLM facility, is one of the largest curation centers in the Southwest and should be used for this purpose. In fact, many materials from Chimney Rock are already curated at this facility.

Section 6(d) of the bill would withdraw the affected lands from location, entry, and patent under the United States mining laws; and would withdraw those areas from the laws governing mineral leasing, geothermal resource leasing and mineral materials. A problematic aspect of section 6(d) is it does not preserve valid existing rights to the land that the bill would designate as the Chimney Rock National Monument. There are currently mining claims, mineral leases, and mineral material contracts which encumber the lands to be included in the monument. The bill, as written, would prohibit the exercise of rights which may be associated with these existing mining claims and are associated with these mineral leases and mineral materials contracts. For these reasons, we recommend inclusion of language in this section providing that the proposed

withdrawal would be subject to valid existing rights, or that some other appropriate language be added that addresses this concern.

Section 7 would require the development of a management plan, not later than 3 years after the date of enactment, and in consultation with Indian Tribes with a cultural or historic connection to the monument. The management plan must identify the authorized uses for the monument. In developing the management plan, the Secretary would provide an opportunity for comment to the public and such entities as State, Tribal government, local, and national organizations with an interest in the management and use of the monument. The San Juan National Forest land management plan would have to be amended to incorporate the management plan for the monument. Because of the importance of creating a successful management plan in collaboration with the community, Tribes, and the public, and the time needed to achieve this, the Department recommends the bill language be changed to state that the management plan shall be completed no later than five (5) years after the date of enactment.

In conclusion Mr. Chairman, the Forest Service looks forward to working with you and the subcommittee to carry out the intent of the bill. I would be happy to answer any questions you may have. Thank you.