

**Statement of  
Michael Nedd  
Deputy Director for Operations  
Bureau of Land Management  
U.S. Department of the Interior**

**Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, & Mining  
S. 526, Buffalo Tract Protection Act  
May 14, 2019**

Thank you for the opportunity to testify on S. 526, the Buffalo Tract Protection Act, which would withdraw about 4,200 acres of public lands managed by the Bureau of Land Management (BLM) near Placitas, New Mexico, from all forms of mineral development.

Under the leadership of President Trump and Secretary Bernhardt, the BLM has made environmentally responsible development of domestic minerals a priority. In communities across the country, mineral development of important commodities supports jobs, the American economy, and national security interests.

Striking the appropriate balance for public land use – whether it be mineral development, recreation, grazing, or conservation – can be a challenge, but it is a mission that the Department of the Interior (Department) takes seriously. The Mid-Region Council of Governments estimates that the population of the Albuquerque, New Mexico, metro area – which includes Placitas – is expected to nearly double within the next 25-30 years. Federal minerals will play an important role in providing materials to meet the future population demands for infrastructure in the area.

The Department is concerned that the bill as currently drafted could limit management and development of these important mineral sources. We would like to work with the sponsors and the Subcommittee on modifications to the bill to address this important issue.

**Rio Puerco Planning Process**

The BLM is in the process of finalizing the Resource Management Plan (RMP) with the associated Environmental Impact Statement (EIS) for public lands in six counties of central New Mexico, which include the tracts affected by the legislation. The BLM is projecting to release the final EIS later this year followed by the Record of Decision. Release of the FEIS and proposed RMP will initiate a 30-day protest period for any person who previously participated in the planning process and has an interest that may be affected by the proposed plan.

**Mineral Operations on Public Lands**

Non-energy mineral development on Federal lands is essential to the American economy. The BLM manages three major categories of non-energy minerals on Federal lands: locatable, saleable, and leasable. Locatable minerals are subject to the Mining Law of 1872 and typically include gold, silver, copper, and other hardrock minerals. Saleable minerals, such as sand and gravel, are subject to the Materials Act of 1947. Lastly, non-energy leasable minerals are

typically subject to the Mineral Leasing Act and include minerals such as phosphate, sodium, potassium, and sulphur.

Saleable materials are some of our most basic natural resources and are used in every day building and in other construction. Sand, gravel, soil, and rock are generally bulky and have low unit prices, while their weight makes transportation costs very high. This makes adequate local supplies of these basic resources vital to the economic life of any community. It is the BLM's policy to make these materials available to the public and local governmental agencies whenever possible, environmentally responsible, and economically acceptable.

### **S. 526, Buffalo Tract Protection Act**

S. 526, the Buffalo Tract Protection Act would, subject to valid existing rights, withdraw four tracts totaling approximately 4,200 acres of Federal mineral estate near the growing population area of Placitas, New Mexico, from all forms of mineral development under all laws pertaining to mineral leasing or mineral materials.

The BLM estimates that there are approximately 36 million cubic yards of sand and gravel in the subject tracts and that the proposed legislation, as currently written, could cause a significant loss to the United States. In addition, there would be indirect costs to the BLM, other government agencies, and non-profit organizations that would no longer be able to receive free use permits for the sand and gravel to maintain roads and trails in the area, and would have to procure materials from other sources.

The Department would like the opportunity to work with the sponsor and the Subcommittee on the best mechanism for managing the resources within this area. Alternative management approaches could protect high value resources while still accommodating the full range of uses and activities permitted on other BLM-managed lands. Under the Federal Land Policy and Management Act (FLPMA), for example, the BLM currently manages public lands adjacent to this area for a variety of uses, such as hunting, recreation, livestock grazing, target shooting, and mineral materials development. In addition, existing uses within Tract A include a 368 Western Energy Corridor which contains transmission lines, as well as gas and liquid fuel pipelines.

If Congress chooses to proceed with the proposed withdrawal, the Department would like to work with the sponsors on modifications to the bill, in a way that would ensure that the BLM maintains authority for actions on valuable saleable minerals in the area. In addition, the Department would be happy to provide the sponsors with an updated map that more accurately identifies current land status.

### **Conclusion**

Thank you again for the opportunity to testify on S. 526. We look forward to working with the sponsors and the Subcommittee to address the issues outlined above as this bill moves through the legislative process.