

**Statement of  
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Bureau of Land Management  
United States Department of the Interior  
Senate Energy & Natural Resources Committee  
Subcommittee on Public Lands and Forests  
S. 3065, Dominguez-Escalante National Conservation Area and Dominguez Canyon  
Wilderness Area Act  
July 16, 2008**

Thank you for inviting me to testify on S. 3065 the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness Area Act. The Department of the Interior supports S. 3065 and would like the opportunity to work with the sponsor and the Committee on some modifications.

**Background**

The nearly 211,000 acres of public lands comprising both the proposed Dominguez-Escalante National Conservation Area (NCA) and within it the Dominguez Canyon Wilderness Area span three western Colorado counties: Mesa, Delta and Montrose. Special designation for this area recently came to fruition through a collaborative process driven by the Colorado Congressional delegation, the Mesa, Montrose and Delta County Commissions, the National Resources and Policy Institute at Mesa State College and the Public Lands Partnership.

This effort, undertaken in the spirit of cooperative conservation, seeks to protect astounding landscapes. Red-rock canyon walls and sandstone bluffs covered in pinyon-juniper tower thousands of feet above a treasure trove of cultural and historic sites. These canyons are interlaced with the West's most valuable resource—water. Escalante Creek and the Little and Big Dominguez Creeks drain the eastern Uncompahgre Plateau, cascading through sandstone canyon walls displaying 600 million years of history. A variety of wildlife call Dominguez-Escalante home, including desert bighorn sheep, golden eagle, mountain lion, black bear, mule deer and the collared lizard. The area offers some of the best mule deer hunting to be found anywhere in the Rocky Mountain West.

Rock art, created by those who came before, tells the story of shelter and sustenance sought in these canyons and valleys for thousands of years. Today, the Ute Tribes view these lands as an important connection to their ancestral past.

**S. 3065**

S. 3065 proposes to designate 210,677 acres of BLM-managed land as the Dominguez-Escalante NCA and within it the 66,280 acre Dominguez Canyon Wilderness Area. Each of the NCAs designated by Congress and managed by the Bureau of Land Management (BLM) is unique. For the most part, however, they have certain critical elements, which include withdrawal from the public land, mining and mineral leasing laws; OHV-use limitations; and language that charges the Secretary to allow only those uses that further the purposes for which the NCA is established. Furthermore, NCA designations should not diminish the protections that currently apply to the lands. Section 4 of S. 3065 designating the Dominguez-Escalante NCA is consistent with these principles and we support its designation.

Section 5 of the bill designates over 66,000 acres of the NCA as wilderness. These lands are currently part of the Dominguez Wilderness Study Area (WSA). The Department strongly supports Congressional efforts to resolve wilderness designations throughout the West, and we welcome this opportunity to further those efforts. Only Congress can determine whether to designate WSAs as wilderness or release them for other multiple uses and we have repeatedly urged that these issues be addressed legislatively. We support the designation proposed by the legislation and would like the opportunity to work with the sponsor and the Committee on possible minor boundary adjustments to ensure efficient manageability.

The current WSA covers approximately 68,505 acres of BLM-managed public lands. Approximately 3,000 acres currently managed as WSA are not proposed for wilderness designation. We recommend the release of those acres from WSA status. Those acres remain within the NCA but their release from WSA status will improve efficiency and clarify management.

There are three unusual provisions in the S. 3065 which are unique to this area and we would like to briefly describe them. First, section 7(d) (3) allows for the exchange of certain lands within the NCA. Typically we do not exchange lands within NCAs, however in this case the exchange of private land within the NCA for public land within the NCA would further the protective purposes for which the NCA is established and resolve an inadvertent trespass situation. We support this provision. Second, section 7(h)(5)(B) allows for construction of new livestock watering facilities described in existing planning documents, provided they result in no impairment of the wilderness and provide for the protection and improved management of the wilderness. This is consistent with Congressional guidance on grazing in wilderness and is in accordance with BLM's wilderness management regulations. Lastly, section 7(j) makes clear that the legislation does not affect the preexisting life estate agreement for a single individual within the wilderness. This agreement has been in place for nearly 20 years and we support the provision clarifying that there is no intent to modify or alter that agreement.

The Department is concerned about ensuring that consideration is given to energy potential when any legislative proposal for special designation is considered. The BLM has reviewed the traditional and renewable energy values of this area proposed for designation, and has determined that there is low or no potential for energy development within the proposed Dominguez-Escalante NCA and wilderness area. However, we would note that the BLM has undertaken a planning process for energy right-of-way corridors as required by section 368 of the Energy Policy Act of 2005 (P.L. 109-58). A portion of one of those proposed corridors (#132-136) crosses the eastern edge of the proposed Dominguez-Escalante NCA. This proposed corridor on Federal land provides for an important north-south route connection for critical energy transmission, crossing the Gunnison River on the eastern side of the NCA and connecting to an existing designated corridor on Federal land north of Highway 50. The Draft Environmental Impact Statement (EIS) for the corridor planning process under Section 368 was released in November 2007; a Final EIS is expected to be released in November of this year. While rights-of-way are not prohibited within NCAs, the sponsor may want to consider a minor boundary modification to exclude the proposed corridor from the NCA.

Thank you for the opportunity to testify in support of S. 3065, I will be happy to answer any questions.