

**Statement of
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**Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, and Mining
S. 4599, Pecos Watershed Protection Act**

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Thank you for the opportunity to testify on S. 4599, the Pecos Watershed Protection Act, which would withdraw approximately 166,600 acres of Federal land located near Pecos, New Mexico, from the operation of public land and mining laws, and all laws pertaining to mineral and geothermal leasing or mineral materials.

The lands proposed for withdrawal include approximately 165,000 acres of Federal lands managed by the U.S. Forest Service (Forest Service) and approximately 1,600 acres of public land managed by the Bureau of Land Management (BLM). While the BLM manages the subsurface Federal mineral estate, the BLM defers to surface managing agencies regarding potential development activities on Federal lands not managed by the BLM.

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. The Administration is concerned that the bill would limit the management and potential development of important mineral sources – and therefore cannot support the proposed withdrawal in S. 4599.

Background

The BLM manages approximately 245 million acres of surface land and over 700 million acres of subsurface mineral estate on behalf of the American people. The BLM's mission is to sustain the health, diversity, and productivity of the public lands for multiple uses – including conventional and renewable energy development; livestock grazing; conservation; mining; and hunting, fishing, and other forms of recreation. This multiple use, sustained yield mission, mandated in the Federal Land Policy and Management Act, enables the BLM to contribute to economic growth, job creation, and domestic energy production, generating revenues for Federal and state treasuries and local economies.

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 sulfur.

It is the BLM's policy to make these materials available to the public and local governmental agencies whenever possible, and where their development can be done economically and in an environmentally responsible manner.

Executive Order 13817 & 13953

Recognizing the national importance of reliable access to critical minerals, President Trump signed Executive Order 13817, *A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals*, on December 20, 2017. Pursuant to this Order, the Secretary conducted a review with the assistance of other executive departments and agencies that identified 35 minerals that 1) are "essential to the economic and national security of the United States;" 2) have supply chains that are "vulnerable to disruption;" and 3) serve "an essential function in the manufacturing of a product, the absence of which would have significant consequences for our economy or our national security."

In response to the review by the Department of the Interior and other agencies, on September 30, 2020, President Trump issued Executive Order 13953, *Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries*. In addition to addressing critical minerals, the Order finds that the United States must broadly enhance its mining and processing capacity, including for minerals not identified as critical minerals. Additional domestic capacity will reduce U.S. and global dependence on minerals produced in countries that do not endorse and pursue appropriate minerals supply chain standards, leading to human rights violations, forced and child labor, violent conflict, and health and environmental damage. In light of these findings, the Order directs the Department to use, as appropriate and consistent with applicable law, all available authorities to accelerate the issuance of permits and the completion of projects in connection with expanding and protecting the domestic supply chain for minerals.

S. 4599

Subject to valid existing rights, S. 4599 would withdraw approximately 165,000 acres of Forest Service-managed lands and approximately 1,600 acres of BLM-managed lands from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing or mineral materials. The lands proposed for withdrawal surround Pecos, New Mexico, and are within and adjacent to the Forest Service's Santa Fe National Forest. Based on a 1988 United States Geological Survey (USGS) evaluation of the general area, these lands contain potential for a variety of minerals, including zinc, lead, copper, silver, and gold.

The Administration does not believe that the withdrawal provided by the bill is the appropriate mechanism for managing the resources in the area. The BLM's existing multiple use management approach can protect high value resources on BLM-managed lands while still accommodating the full range of uses and activities permitted under the Federal Land Policy and Management Act and other authorities. If the bill is to move forward, the BLM would welcome the opportunity to work with the sponsor to make a technical correction to the map referenced in

the bill, and to create an official BLM land status map that includes the BLM-managed surface acres proposed for withdrawal.

Conclusion

Thank you again for the opportunity to provide testimony on S. 4599.