

Testimony of Congressman Jim Kolbe  
Las Cienegas Enhancement Act (HR 5016)  
Resources Subcommittee on Forests and Forest Health  
April 5, 2006

Thank you, Chairman Walden, Ranking Member Udall and members of the subcommittee. I appreciate your giving a hearing to the Las Cienegas Enhancement Act, HR 5016. This bill is a good example of a land exchange which is manifestly in the public interest, recognized as such by all groups within the county and by the county itself.

The exchange releases an urban parcel of federal land in the path of development and puts into federal hands an outlying area important for its natural values and in close proximity to the Las Cienegas NCA and the Coronado National Forest. It will provide hunters and visitors badly-needed road access to the Whetstone Mountains, a "sky island" being surrounded by development.

The consensus-building process by which this bill was developed is similar to the process that I used to create the original Las Cienegas National Conservation Area, approved by the full Committee and the Congress in the year 2000. That legislation has been cited by Interior Secretary Gale Norton as a prime example of her 3-C policy of consultation, consensus, and cooperation.

This exchange proposal has been developed through a four year consultative process. The exchange has the support of the Governor of Arizona, the City Manager of Tucson, the Arizona Game and Fish Department, conservationists and private landowners. I'd like to provide their letters of support for the record. The Pima County Board of Supervisors also supports the bill for helping protect open space in the Cienega Valley. I'd like to provide their bipartisan letter of support for the record.

The two parcels of land proposed in exchange are located near Tucson in the eastern half of Pima County.

The BLM parcel is a federal inholding of 1,280 acres located near Corona de Tucson, a community on the urbanized fringe of greater Tucson.

The private parcel offered for exchange consists of 2,707 acres of upland Sonoran desert adjacent to the Coronado National Forest and close to both the Las Cienegas National Conservation Area and the Cienega Creek Natural Preserve, administered by Pima County.

There is a prior claim to a well site on the land that will be acquired by the BLM. However, in order to relieve the BLM from oversight responsibility over that well site, the legislation has been drafted to provide Pima County with title to the well site. Furthermore, water withdrawals are limited to a maximum of 550 acre feet per annum. There is a significant reduction – 1050 acre-feet -- in water pumping from this riparian area, which I'll talk about later.

I will also be asking for some technical corrections during markup.

Concerns have been voiced by some about changes made to this bill since it was first introduced a number of months ago. The original bill would have also protected Tumamoc Hill, an environmentally-sensitive and scientifically-rich piece less than a mile from downtown Tucson. This part of the original proposal for exchange was removed because it would have required use of eminent domain and condemnation proceedings, albeit a friendly condemnation between the state and federal governments. Such a provision would jeopardize this bill's chances of ending up on President Bush's desk. However, this exchange retains its value despite the loss of this section, because it will protect land by the Las Cienegas Creek, a valuable riparian corridor that would be open to development if it is not protected. Furthermore, Pima County is implementing a plan with the City of Tucson and with the Arizona State Land Department to protect Tumamoc Hill. It would require no federal action on our part. In other words, we can protect this land *and* protect Tumamoc Hill. There is no need to lose both for the sake of one.

Another concern has been raised that the developer will retain water rights on the land that will be turned over to the federal government. This is not the case. The developer and Pima County have agreed, in public documents that would become binding on completion of this exchange, to extinguish those rights. It should be noted that, if this exchange does not go through, the developer will retain rights to 1050 acre-feet of water in the Las Cienegas Area, enough to do significant damage to the nearby Conservation Area and riparian corridor were development to take place.

Mr. Chairman, I believe that this bill stands as a shining example of what can be achieved when local community groups and the BLM work together to maximize both the recreation and conservation goals of our federal lands, allowing the

enhancement and protection of our lands, rivers and creeks, and wildlife that enrich our lives in the west.

In sum, Mr. Chairman and Members of the Subcommittee, I am pleased to offer this bill as a capstone to my resource conservation efforts during eleven terms in this Congress.

Thank you for granting me this hearing, and I look forward to answering any questions you may have.