

**Statement of  
Jay Jensen  
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U.S. Department of Agriculture  
Before the  
Subcommittee on National Parks, Forests and Public Lands  
House Natural Resources Committee  
United States House of Representatives**

**June 24, 2010**

**Concerning:**

**HR. 5388 – Cibola National Forest Boundary Expansion**

Mr. Chairman and members of the Subcommittee:

Thank you for the opportunity to appear before you today in order to provide the Department's view on HR. 5388, legislation to expand the boundaries of the Cibola National Forest in the State of New Mexico. The Department supports the transfer of the "Manzano Strip" and the transfer of the "Crest of the Montezuma." The Department however has concerns with provisions related to management of acequias and several other technical concerns and would like to offer to work with the Committee on this legislation.

HR. 5388 directs the Secretary of the Interior to convey, without reimbursement, two parcels of land currently under the administrative jurisdiction of the Bureau of Land Management (BLM) to be incorporated into and managed as part of the Cibola National Forest. One of those parcels abuts the northwest corner of the Manzano Mountain Wilderness on the Mountainair Ranger District. This 896 acre parcel is known as the "Manzano Strip." The other parcel abuts the north end of the Sandia Ranger District and is known as the "Crest of Montezuma" parcel and is 917 acres.

The “Manzano Strip” is a remnant of several sections of land that BLM conveyed into private ownership. BLM purposefully reserved this isolated strip from any land sale because of the proximity to the Manzano Mountain Wilderness and the access it allows from a Forest Service trailhead. The Department supports the transfer of the “Manzano Strip” parcel to the Forest Service and it being added to and designated as part of the Manzano Mountain Wilderness.

The “Crest of Montezuma” parcel is a “finger” of a mountain adjoining and jutting north from the main body of the Sandia Ranger District. Management of trails and off-highway vehicle use are of particular interest to local residents. This parcel could be successfully managed by the Cibola National Forest in conformance with the adjoining land and the existing land management plan.

Section 1(h) could be interpreted to provide for two acequia associations to access and operate community irrigation ditches without regulations or permit. We require a permit to ensure that riparian environments, particularly at points of diversion, are being protected. In addition, the Sandia District has always had a good cooperative relationship with the San Antonio de Las Huertas Acequia Association and we would expect National Forests throughout New Mexico to continue to work cooperatively with the local acequia associations. We request that this provision be dropped from the bill and the Forest Service be allowed to oversee management of these acequias in the same manner that all other acequias within the boundaries of National Forests in New Mexico are managed.

The following are some additional insights, concerns and suggested modifications:

Section 1(c) provides for the acquisition of three parcels of private land that are included in the boundary adjustment for the “Crest of Montezuma” Parcel. It should be noted that BLM was unsuccessful in previous attempts to acquire those properties for appraised

market value. It is anticipated that the same valuation issue would exist if the Forest Service attempted to purchase these properties, so the outcome could be the same for an attempted Forest Service acquisition.

Section 1(f)(1) and (2) describes the first right of refusal by specified Land Grant communities in the event the land would ever be sold. While we appreciate the long history of the Land Grant community in northern New Mexico, we need to look at the implications of this section of the bill in a broader context and therefore have concerns with this section. Also, the Forest Service has no authorization to sell either parcel should they be transferred to the Cibola National Forest. We recommend this section be removed from the bill. In addition, providing for first right of refusal to an Indian Tribe with potential historical interest in the parcels, should also be removed. Again, we appreciate the history of the Indian tribes throughout New Mexico, but have concerns with this section. We are concerned with the precedent this provision would set for federal land management agencies.

Thank you for the opportunity to appear before the Subcommittee. Again, we look forward to working with the Committee to clarify certain provisions and recommend technical changes to the bill. This concludes my statement and I would be happy to answer any questions you may have.