

July 20, 2010

Honorable John Salazar  
1531 Longworth HOB  
Washington, D.C. 20515  
202 226 9696

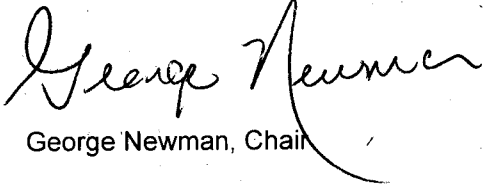
Congressman Salazar:

As you know, we support the efforts of the Thompson Divide Coalition. The Coalition has now drafted a bill called the Thompson Divide Withdrawal and Protection Act. We support the aims of that bill and request that you introduce the bill during this session in order to move this effort forward.

Thank you for your ongoing commitment to the residents of Pitkin County and the protection of public lands. We look forward to working with you and your staff to ensure that the Thompson Divide gets the permanent protection it deserves.

Sincerely,

PITKIN COUNTY BOARD OF COUNTY COMMISSIONERS



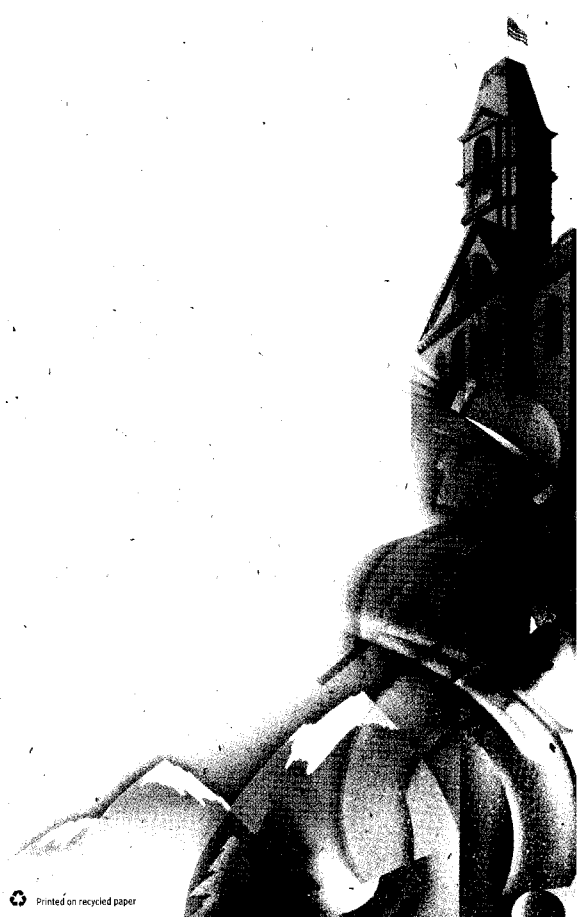
George Newman, Chair

cc:

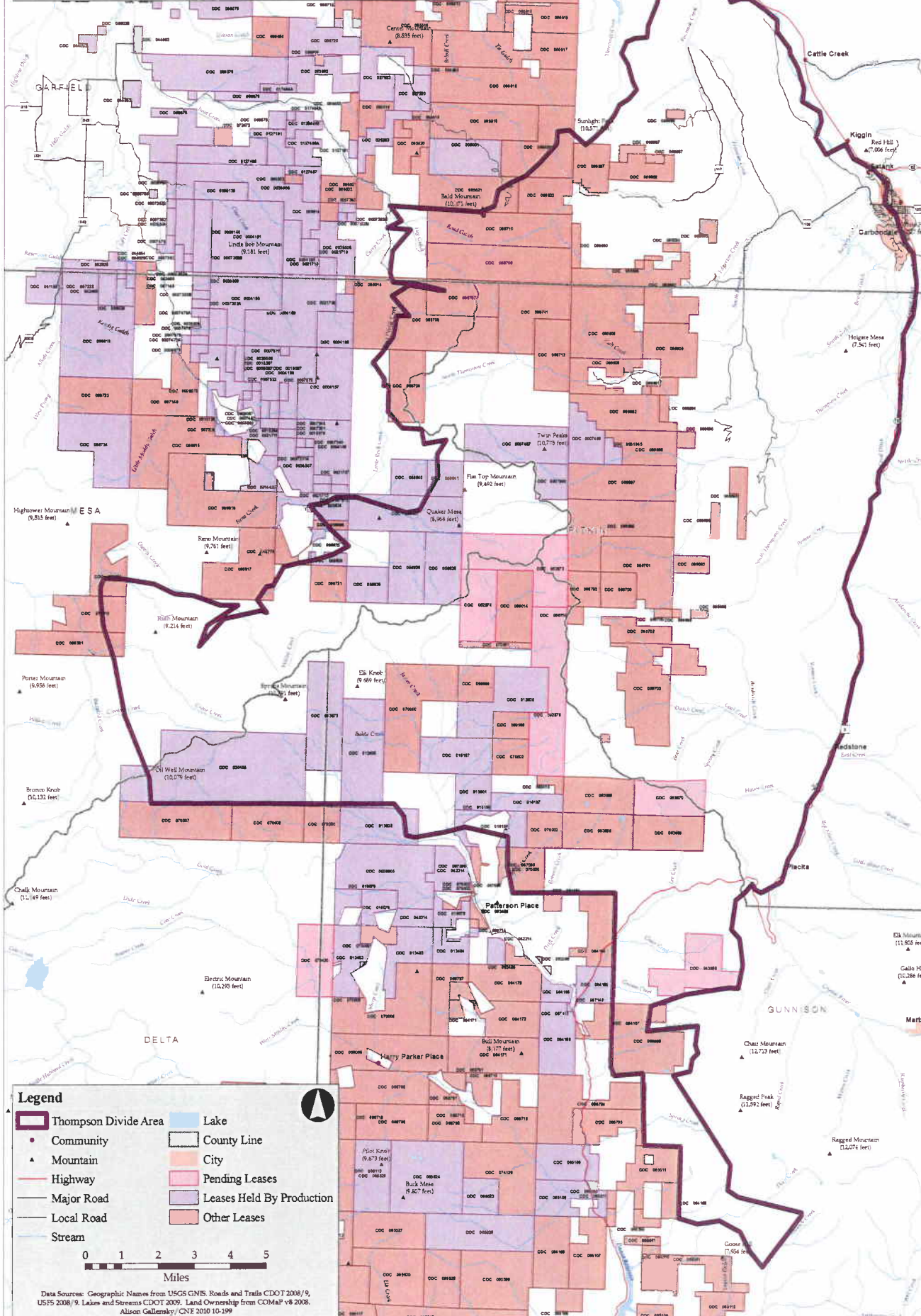
TDC; Laurie Stevens, Staff, [info@savethompsondivide.org](mailto:info@savethompsondivide.org)  
Edward Stern, Staff Assistant, [Edward.Stern@mail.house.gov](mailto:Edward.Stern@mail.house.gov)  
John Whitney, Regional Director, [John.Whitney@mail.house.gov](mailto:John.Whitney@mail.house.gov)  
Richard Baca, Regional Director, [Richard.Baca@mail.house.gov](mailto:Richard.Baca@mail.house.gov)  
Ronnie Carleton, Chief of Staff, [Ron.Carleton@mail.house.gov](mailto:Ron.Carleton@mail.house.gov)

Attachments:

previous endorsement letter  
draft bill  
map



# Thompson Divide Area With Oil and Gas Leases



**Legend**

- Thompson Divide Area
- Community
- ▲ Mountain
- Highway
- Major Road
- Local Road
- Stream
- Lake
- County Line
- City
- Pending Leases
- Leases Held By Production
- Other Leases

0 1 2 3 4 5  
Miles

Data Sources: Geographic Names from USGS GNIS, Roads and Trails CDOT 2008/9, USFS 2008/9, Lakes and Streams CDOT 2009, Land Ownership from COMaP v8 2008, Alison Gallenky/CNE 2010 10-199

**DRAFT      DRAFT      DRAFT**

**A BILL**

To provide for the withdrawal and protection of certain Bureau of Land Management (BLM) and United States Forest Service (USFS) lands in Garfield, Mesa, Gunnison, Delta, and Pitkin Counties, Colorado and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE**

This Act may be cited as the “Thompson Divide Withdrawal and Protection Act of 2010”.

**SECTION 2. FINDINGS AND PURPOSES**

**(a) FINDINGS.— The Congress finds and declares that -**

- (1) the Thompson Divide area in western Colorado represents a mix of Federal and non-Federal lands which provide very important watershed, scenic, recreational, wildlife and other benefits to the general public and to local communities;
- (2) Thompson Divide ensures clean water and air, rural character, a robust agriculture-based economy and outstanding recreational and sporting opportunities to many surrounding communities;
- (3) Thompson Divide is part of a 221,500-acre complex of undeveloped federal land that provides an important migration corridor for wildlife, key habitat for threatened and endangered species, and pristine rivers provide habitat for two viable populations of Colorado River Cutthroat Trout;
- (4) Thompson Divide provides important spring and summer grazing lands for the historical ranching operations; and

(5) it is therefore in the public interest to protect the area's outstanding natural values, subject to the protection of valid existing rights.

**(b) PURPOSES.— The purposes of this Act are -**

(1) subject to valid existing rights, to withdraw certain Federally owned lands and mineral rights in the Thompson Divide Withdrawal and Protection Area from –

(A) disposition under the mineral and geothermal leasing laws of the United States;

(B) location, patent, and entry under mining laws of the United States and all amendments thereto; and

(C) all forms of appropriation or disposal under the public land laws; and

(2) to allow for the retirement, purchase, donation, voluntary exchange or other acquisition of mineral and other interests in land from willing sellers within the Thompson Divide Withdrawal and Protection Area; and

(3) to reaffirm land acquisition authorities of the Secretaries of the Interior and Agriculture from willing sellers within the Withdrawal and Protection Area.

### **SECTION 3. WITHDRAWAL OF FEDERAL LAND AND MINERAL RIGHTS**

a) DESIGNATION OF AREA. - The area of land generally depicted on the map entitled "Thompson Divide Withdrawal and Protection Area - Colorado", and dated \_\_\_\_\_, is hereby designated as the Thompson Divide Withdrawal and Protection Area.

(4) WITHDRAWAL. - Subject to valid existing rights, upon the date of enactment of this Act, all Federally owned lands and mineral rights within the Thompson Divide Withdrawal and Protection Area

referenced in subsection (a) are hereby withdrawn from subject to valid existing rights, to withdraw certain Federally owned lands and mineral rights in the Thompson Divide Withdrawal and Protection Area from –

- (A) disposition under the mineral and geothermal leasing laws of the United States;
- (B) location, patent, and entry under mining laws of the United States and all amendments thereto; and
- (C) all forms of appropriation or disposal under the public land laws.

#### **SECTION 4. ACQUISITION OF MINERAL RIGHTS**

- a) **NOTIFICATION OF MINERAL RIGHTS HOLDERS.** - Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall provide notice to holders of valid existing mineral leases or other mining rights within the Thompson Divide Withdrawal and Protection Area of the potential opportunity for repurchase, donation, voluntary exchange or other relinquishment of such rights for retirement under this section.
- b) **NOTIFICATION TO SECRETARY.** - Upon receipt of notification under subsection (a), a holder of a valid mineral lease or other mining right within the Thompson Divide Withdrawal and Protection Area may submit a written notice to the Secretary of Interior of the interest of the holder in the retirement, repurchase or other conveyance of that right for withdrawal and protection purposes.
- c) **LIST OF INTERESTED HOLDERS.** - The Secretary of Interior shall prepare a list of interested holders under paragraph (1) and make the list available to the Secretary of Agriculture and to any non-Federal entity, non-profit organization as specified in section 170(h) of the Internal Revenue Code of 1986, or person interested in acquiring the right or rights for retirement by the Secretary.

- d) **WITHDRAWAL AND RETIREMENT.** - If any mineral lease or other mining right is relinquished, repurchased, donated to, exchanged or otherwise acquired by the United States within or adjacent to the Thompson Divide Withdrawal and Protection Area under this Act or other authority of the Secretary of Interior or the Secretary of Agriculture, the land subject to the right shall, without further action required by the Secretary concerned, be automatically withdrawn from further disposition, entry or appropriation under the mineral leasing and mining laws of the United States, including the geothermal leasing laws.
- e) **PROHIBITION.** - The Secretary of Interior or the Secretary of Agriculture may not use Federal funds to repurchase any valid Federal mineral lease or other mining right within the Thompson Divide Withdrawal and Protection Area, but may, if the holder of the lease or mining right agrees, exchange such lease or mining right for a right of equal value outside of the Thompson Divide Withdrawal and Protection Area.
- f) **OTHER AUTHORITY UNAFFECTED.** - Nothing in this subtitle affects any authority the Secretary of Interior may otherwise have to modify, suspend, cancel or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.
- g) **EXISTING RIGHTS PROTECTED.** - Nothing in this Act shall be construed to expand, diminish, impair or otherwise affect valid existing mineral leases, mining rights, or other private property rights within or adjacent to the Withdrawal and Protection Area, including access to such leases, rights or lands in accordance with applicable Federal, State and local laws, rules and regulations.
- h) **PRIOR LEASE SALES.** - Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN  
COUNTY, COLORADO  
IN SUPPORT OF THE THOMPSON DIVIDE COALITION**

**RESOLUTION NO. 030 -2009**

**RECITALS**

**A. WHEREAS**, the Thompson Divide Coalition is a broad-based coalition of local landowners, ranchers, farmers, hunters, anglers, recreationalists, water users, conservationists and local governments, formed to address mutual concerns regarding the existing oil and gas leases on federal lands in the Thompson, Fourmile, Muddy and Clear Fork Creek watersheds, and the headwaters of East Divide Creek, and the potential negative impacts on this rural area associated with their development.

**B. WHEREAS**, ranching and farming in the Roaring Fork Valley not only make important contributions to the economy of the area, but define the rural character of the valley. These watersheds provide clean water to farms and ranches, as well as water for domestic use. In addition, these federal lands host grazing allotments for summer range for the majority of the area's ranchers.

**C. WHEREAS**, the area of concern is part of a 122,000 acre roadless landscape, which is the largest contiguous roadless area in the state. These federal lands provide important habitat for wildlife, and excellent hunting and angling opportunities. The area has been recognized by the Colorado Division of Wildlife as high priority habitat for a variety of species. It is part of a critical big game migration corridor and provides key wildlife security for species such as deer, elk, bear, and lynx. The entire area is important elk calving habitat and summer range for big game. In addition, the Colorado River cutthroat trout (recognized as a Species of Special Concern) is found in at least one fork of Thompson Creek.

**D. WHEREAS**, the area offers exceptional recreational opportunities and is regularly used by local bikers, climbers, hikers, snowmobilers and cross country and back country skiers. The recreational opportunities this special area provides local residents are an essential part of the high quality of life offered by the valley.

**E. WHEREAS**, energy development in this area would have a deleterious impact on the rural character, ranching heritage and agricultural heritage of the valley and would forever ruin the wild character and exceptional habitat of this area. Furthermore, energy development in this rural and largely roadless area would create serious public environmental health and emergency management concerns, and potentially cause a marked increase in the need for social services that Pitkin County and other local jurisdictions are already struggling to provide.

**F. WHEREAS**, the Thompson Divide Coalition recognizes the need for energy development; however it believes it is imperative that energy development occur only in appropriate places and

that it proceed in a responsible manner. The Bureau of Land Management has approved 80 leases on this special landscape, half of which were let in roadless areas without surface stipulations after the 2001 Roadless Area Conservation Rule was in effect.

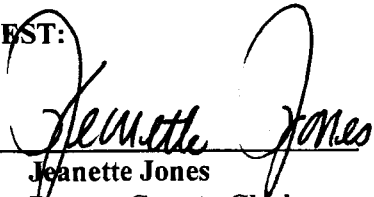
**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pitkin County that:

1. The Thompson, Fourmile, Muddy and Clear Fork Creek watersheds, and the headwaters of East Divide Creek, as well as the local community, environmental and economic values these areas support deserve preservation and protection; and
2. Energy development on federal lands in these areas is inconsistent with such preservation and protection, and is indicative of a flawed and irresponsible approach to energy development; and
3. Pitkin County supports the efforts of the Thompson Divide Coalition to explore legislative initiatives and other opportunities to protect these special areas from energy development.

INTRODUCED, READ AND ADOPTED ON May 13, 2009.

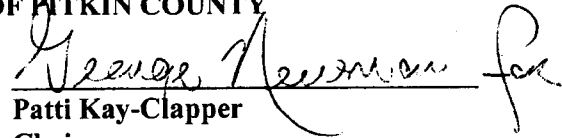
ATTEST:

By:

  
Jeanette Jones  
Deputy County Clerk

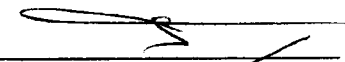
BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY

By:

  
Patti Kay-Clapper  
Chair

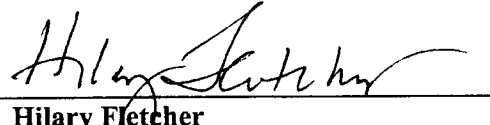
APPROVED AS TO FORM:

By:

  
John Ely  
County Attorney

MANAGER APPROVAL:

By:

  
Hilary Fletcher  
County Manager