

STATEMENT OF U.S. REP. JOEL HEFLEY, R-COLORADO

BEFORE THE SUBCOMMITTEE ON FORESTS AND FOREST HEALTH  
COMMITTEE ON RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ON

H.R. 4235, THE BROWNS CANYON WILDERNESS ACT

*Thursday, July 27, 2006*

Mr. HEFLEY. Mr. Chairman, I'd like to thank you for scheduling today's hearing on H.R. 4235, the Browns Canyon Wilderness Act. This is an important step in an effort that has for some, gone on for 20 years.

H.R. 4235 would authorize the designation of 20,025 acres of U.S. Bureau of Land Management and U.S. Forest Service area land as a low-altitude wilderness area. In recommendation the BLM portion for wilderness status in 1992, the BLM expressed its belief that the designation would enhance recreational opportunities in the area, already Colorado's most popular white-water rafting locale.

I was drawn to this wilderness proposal by its lack of conflicts. I was present during the latter stages of debate on the Colorado Wilderness Act of 1990. Much of that debate centered on water language and how designations would impact downstream water rights. But there were also debates over mining permits and inholdings, which numbered in the hundreds. I was always impressed by the fact that then-Senator Bill Armstrong had two ladies on his staff who could recite chapter and verse about every one of those potential conflicts.

In contrast, Browns Canyon is one of the cleanest wilderness proposals I have ever seen. An arid area, it has been estimated that approximately *16 ounces of water per day* impinge on the wilderness, most of this in various seeps on the acreage. Thus the bill prohibits the assertion of a federal reserved water right and language I have provided this subcommittee, negotiated with environmental interest groups and representatives of state water interests, spells out the reasons for this. Simply stated, there isn't enough water on the property for a reserved right to make sense. Should the BLM or the Forest Service decide to seek additional rights in the future, they would have to go through Colorado's normal water processes.

In its 1992 study of the area, the BLM found Browns Canyon had minimal mineral deposits and there are only three existing grazing permits on the land, none of which should be affected by a wilderness designation. Amendments to the 1964 Wilderness Act permit the upkeep of existing grazing and watering facilities and I would insist those provisions apply to this bill.

Finally, the boundaries of the proposed wilderness area are located behind a 200-foot setback, this to ensure that any activities in the wilderness area would not impinge on the Arkansas River. This was insisted upon by both state water officials and local government officials. Virtually all groups demanded that any treatment of water in the Browns Canyon have no impact on existing rights in the area. So it is with the bill's language and the findings language I have supplied to the subcommittee staff. With this language, Browns Canyon is entirely neutral on the subject of water – it neither silences the long-time debate over wilderness water rights nor breaks any new ground on the subject.

As outlined in the bill, Browns Canyon would include two tracts – certain lands in the BLM's Royal Gorge Field Office, comprising approximately 7,921 acres, including the original WSA identified in the 1992 BLM study, and 12,104 acres of U. S. Forest Service land in the Pike and San Isabel National Forests. The addition of the Forest Service lands came after months of negotiation between the two land-management areas and affected interests.

The advantages of the new boundaries are two-fold. One, the new boundaries are delineated by clear geographic landmarks, making for ease of management by the BLM and the Forest Service. The Arkansas River, on the west; Railroad Gulch, on the south; and the Aspen Ridge, on the east, are hard to miss.

A second management advantage lies in the ability of these management agencies to prevent incursions into the wilderness area. Located at approximately the center of the wilderness area lies the Turret Trail, an old mining road, the bulk of which has been closed since 1979. Over the years however, the Turret Trail has become a sort of jumping-off point for persons intruding into the Browns Canyon WSA. Efforts by the agencies to curb these intrusions have been unsuccessful as can be seen by the strands of cut barbed wire along the trail.

Some of our early discussions on Browns Canyon would have made Turret Trail the eastern boundary of the wilderness area. But, following the aforementioned discussions, the Forest Service suggested moving the eastern boundary to the top of the Aspen Ridge.

My bill is silent on the disposition of the Turret Trail. The Forest Service has its opinions on what should be done with the trail and there are ongoing discussions at the county level over trail use and planning. I believe any future treatment of the Turret Trail should be based on the results of that local process.

Prior to introducing this bill, I held an informational session on the wilderness proposal in Salida, Colorado in August 2005. Those present voiced overwhelming support for the proposal with the major concern voiced was maintenance of existing facilities by ranchers. As I have said, such facilities may be maintained under the Wilderness Act.

We followed this informational session with a 30-day period to take comments from the public. We received well over a hundred comments on the proposal, roughly 78 percent in favor of designation.

In conclusion, this is one of the cleanest wilderness proposals I've seen in almost 20 years in Congress. It is the result of a grassroots effort, spearheaded by the Friends of Browns Canyon and continues to enjoy overwhelming local public support. It presents no problems with water, mining or grazing rights and would fit into Chaffee County's plans for its economic future, which appear to be based on outdoor recreation. I hope the subcommittee and the full committee will act quickly to designate this area so that those plans may become a reality.

Thank you for your time and I look forward to any questions you might have.