

Testimony of Kent Holsinger in Opposition to H.R. 4289
Before the Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources, U.S. House of Representatives
1324 Longworth, Washington, DC 20515

Thank you for the opportunity to present my views on this legislation. I respectfully urge the members of the subcommittee to oppose H.R. 4289 unless and until the serious concerns of many of the individuals, companies, organizations and local governments we work with are addressed. Holsinger Law, LLC is a small, Denver-based law firm that specializes in lands, wildlife and water law. I am testifying as the manager of Holsinger Law, LLC. In that capacity, I can attest to the impacts this sweeping legislation would have on many of our clients such as individual landowners, agricultural entities, water providers and energy producers. Many clients, colleagues and friends have also authorized me to pass along their opposition, or at least their real concerns, with this legislation as drafted.

There are ample substantive and procedural shortcomings in this bill. With its clear aim at restricting domestic energy production, I believe H.R. 4289 is bad for Colorado and bad for our economy. Even worse, H.R. 4289 equates to a massive federal takeover of private land and compact-apportioned water in Colorado. This will come at a huge social and economic cost and cause much to harm Colorado's economy. Incredibly, it also comes at a time of deep recession, joblessness and budget deficits.

I. H.R. 4289 is Bad for Colorado Water

Wilderness designations coupled with implied, if not express, federal reserved water rights claims at the state line are tremendous and unheralded threats to Colorado's lifeblood – its compact apportioned water.

In addition to the grave concerns of our clients, the Montezuma Valley Irrigation Company, the Uncompahgre Valley Water Users Association and the Jackson County Water Conservancy District, we understand the Colorado River Water Conservation District and the Southwestern Water Conservation District have expressed their opposition to this legislation.

II. Lands Do Not Quality for Wilderness Designation

The Wilderness Act of 1964 was passed to protect lands untrammelled by man. Colorado boasts some of the most spectacular wilderness areas in the nation. Many of the lands included in this bill have not been designated as wilderness -- and for good reason. Acreage crisscrossed by roads, trails, powerlines and pipelines should clearly be excluded from consideration. So too should lands subject to leasing, or potential leasing, for energy development. We urge the subcommittee to require careful surveys, mapping and legal descriptions of the proposed wilderness prior to enactment rather than after-the-fact.

III. Concerns Expressed by Club 20, Action 22 and Colorado Counties, Inc.

H.R. 4289 was crafted with little-to-no input from the people that would most be affected by it. For example, Club 20's Public Lands Committee passed a resolution which relates to many of my concerns with H.R. 4289. This resolution will be considered before the Club 20 board early in April. A copy of this good work is included, along with many other statements and concerns.

I have been authorized to represent that Action 22, a coalition of 22 counties in southeastern Colorado, opposes H.R. 4289 as written.

Colorado Counties Inc. (CCI) policy supports multiple uses of public lands and strongly encourages wilderness designation be based on county input. A copy of their policy, as well as a similar National Association of Counties (NACO) policy is attached.

IV. H.R. 4289 Would Harm Domestic Energy Development and Production

Now is hardly the time to impose even more restrictions on domestic energy. Congress should be working to reduce, rather than increase, economic burdens and impacts to jobs. Many of the lands proposed for wilderness designation are subject to mineral leasing and development. The Independent Petroleum Association of Mountain States (IPAMS) has documented extensive overlap and conflict in its attached presentation.

V. H.R. 4289 is Bad for Colorado Agriculture

Our clients the Colorado Cattlemen's Association and the Colorado Wool Growers Association oppose this legislation as drafted given their concerns with the lack of local input and support, federal land management, grazing, mechanized use, access and water.

VI. Opposition from Recreational Interests

The Colorado Off-Highway Vehicle Coalition (COHVCO), the Blue Ribbon Coalition, Colorado Snowmobile Association and the American Motorcyclist Association opposes this legislation.

VII. Impacts to Aviation

As a private pilot, I also have concerns that H.R. 4289 could impact aviation in Colorado. H.R. 4289 overlaps with at least three important Military Operations Areas (MOAs) including the Airburst MOA and the La Veta High and La Veta Low MOAs that are used for training and testing military aircraft. In addition, many of the areas proposed for designation overlap with commonly used visual flight rules (VFR) airways. Some areas appear to overlap with airstrips and could potentially interfere with the ability to land and

take-off from public or private airstrips. These could all adversely affect aviation, commerce, and the ability for our military to train its pilots.

VIII. H.R. 4289 Lacks Meaningful Local Support

Wilderness legislation should be introduced, and enacted, only with significant local support. H.R. 4289 clearly lacks meaningful local support. Many of our colleagues, friends and clients have expressed that wilderness legislation should be carried by the Member in which the lands are situated. I whole-heartedly agree.

IX. Conclusion

Thank you again for the opportunity to testify. Please include this testimony, as well as the attachments hereto, in the record for this proceeding. This legislation would have severe and lasting impacts to private property, water rights, energy development and production and access to private and public lands in Colorado. It would do much harm to Colorado, the economy and our national defense. I urge the Subcommittee to oppose H.R. 4289 unless and until these concerns are adequately addressed.

Encl.