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Testimony
Before the Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives

Hearing on H.R. 4235, the Brown's Canyon Wilderness Act

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Chairman Walden, Members of the Committee:

Thank you for this opportunity to speak before you in regard to the Brown's Canyon Wilderness legislation, H.R. 4235. My name is Michael Kunkel. I have lived in Salida, Colorado, just a few miles south of the proposed wilderness, since 1999. I own and operate a local business called Lifestream Water Systems, Inc., which builds, sells, and distributes water filtration and purification systems.

First, I'd like to offer my sincere thanks to Congressman Joel Hefley for his forethought and hard work in crafting and introducing this legislation. Not only Mr. Hefley's personal interest in the area, but his willingness to listen to and respect the opinions of local residents is what has brought protection for this well-loved wilderness area closer to reality. Passage of this important legislation will be among the fitting monuments to Mr. Hefley's service to the people of our congressional district.

While the local support for the designation of Brown's Canyon as wilderness is almost unanimous, I'd like to begin by speaking of my personal involvement. My first exposure to Brown's Canyon was in the summer of 1997 on a raft trip with my wife and children as visitors, determining if Salida was a ideal place to raise our young boys. Our family moved to Salida in 1999 to raise our boys in a small town environment. In the summer of 2000 I took a week long backpacking trip in Browns. I was immediately struck by the subtle, rugged beauty of the area, reminiscent of landscape more often found in Utah or New Mexico. Since the year 2000, I have taken approximately 25 field trips in Browns, hiking, mapping, and meeting with many parties concerning the wilderness proposal. As Chaffee County is home to more fourteen thousand foot mountains than anywhere in the lower 48 states, its easy to overlook the arid canyon country in Chaffee County. Not one acre of BLM land has been set aside as wilderness in Chaffee county. As Chaffee County lacks any low elevation wilderness, it's imperative we protect Browns Canyon, as it provides critical wildlife habitat year round for big game species. Likewise as I "discovered" Browns while rafting, wilderness designation for Browns would provide a powerful incentive to attract people worldwide to raft alongside rugged wilderness. My initial raft trip down Browns in 1997 was a key motivator in relocating to this area.

I have been involved in the efforts to designate Brown's Canyon since Congressman Hefley first expressed interest in legislation for the area nearly five years ago. I began work on building support for the area with a few other local residents, and at some point we began to call ourselves the Friends of Brown's Canyon Wilderness. I want to emphasize that this has been a ground-up, grassroots, volunteer citizen effort – and how grateful we all are to the Congress of the United States that had the incredible foresight nearly half a century ago to enact the 1964 Wilderness Act. Thanks to them, that historic, bipartisan conservation law invites ordinary citizens like myself to take part in the legislative process, and even to come before you today!

Brown's Canyon is an area treasured by the residents of Chaffee County. Forming the eastern canyon slope of the Arkansas River, rugged granite formations surrounded by pinyon-juniper stands near the river give way to Ponderosa pine, Douglas fir, and finally large stands of aspen as the land rises to 10,000 feet along the eastern boundary. Thus, the wilderness area forms a spectacularly scenic backdrop to anglers and rafters on the Arkansas River, one of the two most heavily used rivers in the entire nation for recreational whitewater boating. I want to emphasize that these rafters and anglers, even if they never set foot in the actual wilderness area, are using and benefiting from having it protected under the Wilderness Act – wilderness benefits many who simply enjoy it as the backdrop for their nearby recreation. And, of course, within the wilderness area itself, hunters and other wildlife enthusiasts appreciate this relatively undisturbed region for its healthy deer and elk herds. Bighorn Sheep, mountain lion, black bear, fox, bald eagles, and many other animals reside in the proposed wilderness, many depending on its very wildness for their survival.

Brown's Canyon is a relatively small area – the proposed wilderness consists of 20,025 acres. As it is surrounded by public land areas open to higher impact recreational uses, Brown's Canyon is truly a small island of relatively undisturbed land –

its designation as wilderness will provide a much-needed balance of land use in the region.

In the years that I have worked toward the goal of achieving wilderness protection for Brown's Canyon, local support for this protection has steadily grown. This has resulted from open communication with all the local stakeholders, by our group and by Congressman Hefley. Moreover, we who advocate this wilderness protection have listened to others and, as a result, have made numerous boundary adjustments from the original proposal in response to the legitimate concerns of other users of the area. These efforts have been so successful that all three of the Chaffee County Commissioners support this wilderness designation, as well as many other local groups and individuals. I'd like to address the changes to the originally proposed wilderness boundary - changes that are reflected in H.R. 4235 – and outline the areas of support for the wilderness, in detail here.

First, the main feature of the area is the Arkansas River itself. However, in order to allay the concerns of the water user community, the river itself is not included within the proposed wilderness boundary. The northern one-third of the western boundary of the area borders the Arkansas, which as stated earlier, is one of the most heavily used rivers by commercial rafters in the country. Since many commercial rafting outfitters utilize the left bank of the river for lunch stops for their clients, they need motorized access to this area to maintain their facilities (portable bathrooms, tables, etc.). In coordination with the rafting companies, the wilderness boundary in this area was moved back from the river's edge enough to accommodate their facility needs. For this reason, and because it is of immense benefit to the commercial companies to preserve the pristine wilderness view-shed for their customers, several rafting companies, and the Arkansas River Outfitters Association, enthusiastically endorse Mr. Hefley's wilderness designation.

Next, the original northern boundary included the routes of several trails that had been approved for motorized recreation by the Pike-San Isabel National Forest. In consideration of the Forest Service's long process in designating those trails, and of the degree of local investment in that process, we moved our original wilderness boundary to the south so as to avoid any conflict between wilderness and motorized recreation. Indeed, these trails form the northern boundary of the proposed wilderness – for those motorized users, too, will appreciate and benefit from preservation of the adjacent wilderness views.

Third, the eastern boundary of Brown's Canyon as called for in this legislation is formed by the Aspen Ridge Road. In consultation with staff from the Pike-San Isabel National Forest, we learned that there were several areas on the western side of the road that are commonly utilized for car camping by hunters and other visitors. The wilderness boundary in this area was adjusted at each of these places to allow for this use to continue. Additionally, the original eastern boundary included a parcel of private land and an adjacent section of State Trust Land. Even though the State parcel is on the Forest Service's schedule for exchange; and private landowners within wilderness areas are guaranteed reasonable access; it was thought best to adjust the boundary to place these parcels outside of the wilderness designation for now.

Finally, the original southern boundary of the proposed wilderness has been adjusted several times, to bring the boundary to its present state in H.R. 4235. An area just north of Salida (and south of the present boundary) was dropped early on, as it was anticipated to be too controversial due to the presence of several motorized routes, and access to a hang-gliding launch site. The area south of the Longs Gulch Road was subsequently dropped from our proposal due to the opinion of the Forest Service that wilderness was not closely enough aligned with the current management under the Pike-San Isabel National Forest Management Plan (the road itself was cherry-stemmed from the beginning). Finally, the southern boundary was moved further north during extensive discussions with the Forest Service and Bureau of Land Management, to exclude another State Land parcel which contained within it a private land parcel.

The above two boundary changes assure that the proposed wilderness includes no private property at all. We would also like to emphasize that in regard to the two aforementioned boundary changes, language in H.R. 4235 provides that, should said lands be acquired by the Federal Government – which would have to be through a willing-seller acquisition or exchange -- they would be added to the wilderness.

The details presented above are offered here to demonstrate the willingness of our grassroots wilderness supporters to work with various other stakeholders to address substantive, on-the-ground issues that affect both wilderness and existing uses of the same lands. The result is a bill that is supported very nearly unanimously in the local region. Congressman Hefley held a public hearing in Salida in August of 2005, and was greeted by a packed auditorium. After repeated requests from Mr. Hefley, who chaired the event himself, not a single person voiced opposition to the proposed wilderness, with over 20 people expressing strong support. Supporters of H.R. 4235 include:

- Chaffee County Commissioners
- Buffalo Peaks Backcountry Horsemen
- Arkansas River Outfitters Association
- Collegiate Peaks Trout Unlimited
- Salida Mountain Trails Park and the Arkansas Valley Cycling Club

- International Mountain Bicycling Association (IMBA)
- Echo Canyon River Expeditions
- Friends of Brown's Canyon Wilderness
- Many residents of Chaffee County

One other area that is important to highlight in regard to the Brown's Canyon Wilderness bill is its adherence to standard wilderness legislative language. The legislative provisions in this bill are all in conformity with those in numerous other wilderness bills considered and passed by this Committee. This is the case for stated language regarding grazing, state jurisdiction over wildlife management, treatment of acquired lands, buffer zones, water rights; and fire, insect, and disease management.

Water deserves special mention. Congressman Hefley, the conservation community, and the relevant water conservation districts in the region have all agreed on substitute language that protects water within the proposed wilderness without establishing any new water rights or impinging on existing rights. This language includes provisions crafted for the Colorado Wilderness Act of 1993 (which is Public Law 103-77), and that has been embraced by all the relevant parties in Colorado in the intervening years. This language also has the same effect as language included in other wilderness bills recently approved by the Resources Committee. In combination, this language represents a carefully crafted compromise designed to meet the requirements of all of the concerned interests in Colorado.

Mr. Chairman, Congressman Hefley, and Members of the Committee, thank you again for your interest in this legislation, and in the goal of moving a piece of wilderness legislation that has been meticulously crafted to work for everyone concerned, both in Colorado and in the Congress. The many other supporters of the proposed Brown's Canyon Wilderness and I look forward to continued discussion with the Committee on any aspect of this legislation – and to its successful enactment in these final days of the 109 th Congress.