

Testimony on H.R. 4289, proposed Colorado Wilderness Act of 2009  
presented to  
National Parks, Forests, and Public Lands Subcommittee  
Committee on Natural Resources  
United States House of Representatives  
March 11, 2010

Thank you, Mr. Chairman, and members of the committee, for this opportunity to comment on H.R. 4289, the proposed Colorado Wilderness Act of 2009, to speak about remarkable splendor of Colorado wildlands in general, and to support an array of legislative opportunities to protect the best of those lands as “an enduring resource of wilderness”.

I live in Glenwood Springs, Colorado, where I serve as Assistant Regional Director for The Wilderness Society. I speak today in behalf of The Wilderness Society, Colorado Environmental Coalition, Colorado Mountain Club, Environment Colorado, and Wilderness Workshop.

We are especially pleased to see our state’s congressional representatives here today—Congresswoman Diana DeGette, of course, whose visionary legislative proposal is the topic of today’s hearing; Congressman Mike Coffman, who represents so many of our fellow citizens who enjoy the outdoors; Congressman Doug Lamborn, whose district includes several rich areas proposed for wilderness; and Congressman John Salazar, in whose district so many of these wonderful lands are found.

Colorado is generously blessed with an astounding heritage of wilderness, some already recognized and designated by Acts of Congress, others still waiting for—and ever so deserving of—additional protective designation.

Our state is home to more towering, snow-capped peaks over 14,000 feet high than in any other state. Many of those are in wilderness. Colorado also boasts deep, serpentine, sandstone canyons, rich and vibrant desert ecosystems, and more temperate elevation lands of gnarled oak, pinyon pine, and western juniper that provide essential seasonal habitat for wildlife, and year-round respite and recreation for people.

It is the pursuit of enduring and reliable protection for this more complete tapestry of Colorado’s wonder that brings us here today, and we seek your help in securing that protection.

Congresswoman Diana DeGette has long stood as a true wilderness champion in Colorado over the past decade, proposing variations of new wilderness designations that will help complete that tapestry. Her Colorado Wilderness Act of 2009, before you today, is the latest refinement of that proposal and a well-considered installment on the new wilderness protections that are needed.

The lands in this proposal have been carefully researched on the ground, both to embrace the key features of these wildlands, and to avoid conflicts with a variety of non-wilderness human activities and needs. We are proud to have helped with those field inventories and with crafting the individual wilderness proposals in this package as part of our larger *Colorado's Canyon Country Wilderness Proposal*.

Many of those areas are formal BLM wilderness study areas; others are recommended for wilderness by the U.S. Forest Service. All will add essential mid-elevation wilderness, so uniquely under-represented in the National Wilderness Preservation System.

Congresswoman DeGette has visited many of these areas herself, deliberately taking along local officials and on-the-ground experts in order to engage in thorough discussions of issues, boundaries, and local concerns.

For all that we and others have done on that proposal, we recognize that significant work still remains.

This work must be focused on learning and incorporating the views, recommendations, and commitments of local elected officials, of local people in general, and of the broader Colorado citizenry. In many regions of the state, we are doing that work, meeting with local citizens, advocacy organizations, and local governments. In other parts of the state, this proposed legislation queues up that needed work and those discussions to come.

We are committed to seeing the areas in our proposal, and in this bill, protected as wilderness, and we will continue this work, with sensitive attention to local needs, even if that means that some of the areas need to move at a later date.

This is a good bill in that it includes some areas that are, by practical measure, ready for congressional action, and in that it provides the foundation and stimulus for additional discussions and work toward consensus on other areas.

Some of the additional work that is needed relates to general policy issues, some of it to boundaries and other details of individual areas.

### **Wilderness proposal issues**

#### *Water*

The protection of natural streamflows in wilderness is one of those policy questions, and H.R. 4289 proposes straightforward language directing the establishments of water protections secured through negotiations and acquisitions based in Colorado water law. Normally, we would endorse this clear and simple approach.

A year ago, however, we saw Congress approve new Colorado-customized water protection language for mid-stream wilderness areas. That language directs federal managers to ensure that protective water rights are secured to protect wilderness streams—in that instance, at the new Dominguez Canyon Wilderness. The legislation simultaneously directs federal officials to work directly with the Colorado Water

Conservation Board, with the preferred intention that the board establish state-held instream flow water rights for the wilderness streams. If this partnership with the state is successful—as we think it will be—no federal water rights will be needed.

Another passage of Colorado-crafted water protection language for headwaters wilderness areas, first approved by Congress in 1993, completes the water templates for future wilderness legislation. This headwaters language recognizes the importance of healthy wilderness streamflows but prohibits the use of federal water rights to protect those flows and also prohibits construction of new water projects in the wilderness. This works simply because the wilderness areas involved—and their streams—lie at the top of watersheds, with no opportunity for water diversions upstream and, correspondingly, no conflict with other water rights.

This combination of provisions ensures healthy wilderness streams while affirming the continued operation and maintenance of key water diversion and delivery facilities for agriculture and for communities. We recommend that H.R. 4289, and any upcoming Colorado wilderness legislation, use these carefully negotiated and well reasoned approaches to wilderness water protection.

#### *Grazing*

The Wilderness Act declares that historical grazing is compatible with wilderness. H.R. 4289 affirms that declaration, and we support that principle. The bill appropriately references Section 4(d)(4) of The Wilderness Act, finer detail provided in the Colorado Wilderness Act of 1980, and the grazing clarifications presented in House Report 101-405.

Wilderness advocates and Members of Congress need to be sure that farmers and ranchers who use wilderness lands are both familiar and comfortable with those provisions.

#### *Military training*

Military helicopter training—with periodic landings and low-altitude flights—is a unique issue in some of the lands proposed in this legislation. H.R. 4289 proposes accommodations for that important training program, based in the congresswoman's discussions with the military and with federal land managers.

More recently—even in the months since H.R. 4289 was introduced—wilderness advocates have been working diligently with the Colorado National Guard and with the United States Army toward agreement on a new version of legislative provisions that will protect the wilderness values in those areas while ensuring the continued operation and success of the military training.

We will be pleased to work with Congresswoman DeGette, and with other members of our congressional delegation, once those agreements are completed, to incorporate the new agreements into any new legislation affecting areas used the National Guard's High Altitude Aviation Training Site.

## **Areas**

All the areas in this bill are eminently qualified for wilderness protection. All the areas contain the remarkable wildland features that are the essence of Colorado's beauty.

The practical, on-the-ground details of least some of the areas proposed protection in H.R. 4289 are resolved or very nearly resolved. These well-worked areas include Beaver Creek, Brown's Canyon, Castle Peak, Bull Gulch, Maroon Bells Addition, Powderhorn Addition, West Elk Addition, The Palisade, Roubideau, a newly modified Thompson Creek/Assignment Ridge, and, soon, Pisgah Mountain.

Some other areas in the proposal need additional technical refinement—certainly additional discussion—to be certain that policy questions, boundary details, and local support are put in clean and final form.

Many technical questions have been addressed or are being actively addressed. Just a few examples of the extensive research and outreach undertaken by our wilderness network and by Congresswoman DeGette are instructive.

- Private land inholdings in some of the proposal areas can, under the proposed legislation, be acquired only for willing sellers.
- Portions of the Thompson Creek wilderness proposal that contain existing oil and gas leases have been removed, deferring instead to a community approach that will help retire or mitigate those leases in order to ensure continued healthy grazing use of that land.
- Existing major water diversion and delivery facilities have been drawn out of proposal areas.
- Boundaries for Dolores River Canyon proposal, a stunning icon of southwestern canyon country, have been carefully drawn to exclude used roads, powerlines, and other potential conflicts.
- Former coal leases in Little Book Cliffs have been relinquished, and gas development has been dropped there; existing motor routes are outside the proposal area.
- The Palisade proposal area provides remarkable backdrop to the growing successful tourism economy for the adjacent community and region.

In all instances, even where basic technical issues appear to be simple or resolved, we need to do more to gain support, from citizens and from local officials, for areas that are otherwise fully deserving of wilderness designation.

One element very essential to those continuing discussions and refinements will be combined and collaborative work of all key members of our Colorado congressional delegation. Much of this has already been undertaken with Congresswoman DeGette's leadership and urging, starting the process that now continues.

Specifically critical to that delegation collaboration, areas proposed in Colorado's Third Congressional District in particular need to be shepherded through Congress with the

insights and leadership of Congressman Salazar, who has also undertaken specific wilderness negotiations and legislation for that part of our state.

Mr. Salazar has engaged in vigorous discussions with local stakeholders in his wilderness efforts. This approach is important both to the citizens of his district and to the success of wilderness protection itself. This is the model to guide continuing Colorado wilderness negotiations.

Certainly, Congresswoman DeGette's wilderness initiative, and her steadfast promotion of wilderness protection, have also contributed to this principle of involvement. We thank her for setting in a motion a wilderness agenda for Colorado. We are pleased that other congressional members have also taken up the task of securing strong and enduring protection for deserving lands.

In addition to being blessed with extensive and diverse wildlands in our state, therefore, we also continue to be blessed with a team of wilderness advocates within our congressional delegation.

This is the way successful wilderness legislation has worked in Colorado in the past and present, and it is the way we must approach this work now.

Colorado's congressional representatives have always approached this essential task of wilderness protection in a combined, collective, patient, and respectful coalition manner. Fourteen times, beginning in 1964, Colorado's leaders have teamed up to pass wilderness legislation.

Personalities as diverse as Aspinall, Allard, Brown, Campbell, Hefley, Kogovsek, McInnis, Salazar, Schroeder, Skaggs, and Wirth have variously come together to protect places with names like Dominguez, Sangre de Cristo, Flat Tops, Never Summer, Ptarmigan, and O-Be-Joyful—all areas originally championed by citizens and ultimately negotiated with local and statewide partners.

Now we are poised to add to *both* those legacies—the legacy of Colorado wilderness itself, and the legacy of wilderness champions working together—respectfully, and efficiently—to create and expand that wilderness tapestry.

Each of our congressional representatives, in his or her own way, recognizes the significance of Colorado's wildlands and the importance of permanently protecting those lands while there still is opportunity to do so.

This is timely. A place as attractive as Colorado faces relentless population growth and, with that, increasing pressures on our public lands—for development, road-building, motor travel, and general wear and tear. Just as there is no better time than now to plant a tree, knowing that its full benefits will really come in the distant future, there is no better time than now to protect more wilderness.

In addition to the Colorado Wilderness Act of 2009 before you today, Congress is now considering bold and carefully crafted legislation from Congressman John Salazar—H.R. 3914, the proposed San Juan Mountains Wilderness Act of 2009—that will protect sweeping alpine vistas and rugged canyons in southwestern Colorado. That bill has some lands in common with H.R. 4289. Prompt action by Congress on Mr. Salazar's legislation is important to this larger collaborative and coalition effort.

Soon, we will also bring to you additional measures establishing mid-elevation wilderness in the rich and scenic mountains of central Colorado—in and around White River National Forest—adding to the collection of protected lands and to the collaboration of leaders. As you will hear from other witnesses, we also have rich landscapes in the Arkansas River watershed that warrant the highest of protections.

In each of these instances, and in their combination, we look forward enthusiastically to providing any and all help we can to our team of Colorado wilderness champions in Congress, always putting first focus on the land and on the benefits that come from protecting that land.

We urge the committee to help guide and encourage these discussions. Wilderness legislation is necessarily a team effort. With such remarkable lands at stake, and with their permanent protection the question before us, each detail must be resolved carefully, and each leader must be consulted and engaged. Only this approach will ensure that diverse support for wilderness protection will be as enduring as the protection itself.

Make no mistake; the pressures on these lands are immense, and we must act quickly if we are to protect them before we lose the opportunity to do so. All the more reason for us foster open, respectful, and active engagement among our elected leaders, building on the knowledge and advice of their citizen constituents.

Thank you again.