

**H.R. 4289, COLORADO
WILDERNESS ACT OF 2009**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

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LEGISLATIVE HEARING ON H.R. 4289, TO DESIGNATE CERTAIN LANDS IN THE STATE OF COLORADO AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM, AND FOR OTHER PURPOSES. (COLORADO WILDERNESS ACT OF 2009)

Thursday, March 11, 2010
U.S. House of Representatives
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 11:09 a.m. in Room 1324, Longworth House Office Building, The Honorable Raúl M. Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Bishop, Heinrich, and DeGette.

STATEMENT OF HON. RAÚL GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. I call to order the Subcommittee on National Parks, Forests and Public Lands for our legislative hearing today. The Committee will come to order.

Today we will receive testimony on H.R. 4289, the Colorado Wilderness Act of 2009. The legislation proposes designating approximately 850,000 acres across the State of Colorado as part of a National Wilderness Preservation System. Our colleague, Representative DeGette, has been a tireless champion of the Colorado Wilderness Act. She understands the unique threats facing her state's last pristine areas, and she has modified her legislation over the years to address the changing landscape and to protect its highest priorities.

We recently heard legislation as well from the gentleman from Colorado, Mr. Salazar, San Juan Mountains Wilderness Act, also introduced during this hearing. We heard again about collaboration and the need to protect important pristine areas in Colorado. Our colleague, Mr. Heinrich, has also joined us today. He is part of the Committee, and I look forward to a good hearing and a good discussion.

Before Ranking Member Bishop arrives, let me turn the time over to the sponsor of the legislation, Ms. DeGette, for any opening comments she might have regarding her legislation.

[The prepared statement of Chairman Grijalva follows:]

**Statement of The Honorable Raúl M. Grijalva, Chairman,
Subcommittee on National Parks, Forests and Public Lands**

The Subcommittee will now come to order. Thank you.

Today we will receive testimony on H.R. 4289: Colorado Wilderness Act of 2009. The legislation proposes designating approximately 850,000 acres across the State of Colorado as part of the National Wilderness Preservation System.

Our colleague, Representative Diana DeGette, has been a tireless champion of the Colorado Wilderness Act. She understands the unique threats facing her state's last pristine areas, and she has modified her legislation over the years to address the changing landscape and to protect the highest priority areas.

Recently, the Subcommittee heard testimony on another Colorado wilderness bill, the San Juan Mountains Wilderness Act, introduced by Representative John Salazar. During the hearing, it was clear that despite the sometimes controversial nature of land management issues, Mr. Salazar had walked a path of collaboration and compromise that led to a strongly endorsed piece of legislation.

As a wilderness champion myself, I recognize that there are multiple ways to successfully pass wilderness legislation. I look forward to hearing from the witnesses about the Colorado Wilderness Act and the lands across Colorado proposed for designation. The citizens of Colorado are lucky to have representatives that are so dedicated to the preservation of the unique areas across their state.

I would now like to turn to Ranking Member Bishop for any opening statement he may have.

**STATEMENT OF HON. DIANA DeGETTE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF COLORADO**

Ms. DEGETTE. Thank you so much, Mr. Chairman, for having this hearing today. I have been waiting 11 years to have this hearing, so I really appreciate it.

As you said, I have introduced my newest version of the Colorado Wilderness Act, a version that I have introduced each Congress for the last decade. This bill was put together by a coalition of Colorado citizens who are committed, as I am and as all of us are, to protecting the few remaining wild places in our state, and I do not need to tell you that Coloradans from Carbondale to Colorado Springs, from Denver to Durango, live in our state because of the very special outdoor heritage that we have and because of the outdoors.

The bill before us today, the Colorado Wilderness Act of 2009, protects some of the most cherished areas in our state. Many of the lands in my bill are lower lying canyon areas, foothills and lower elevation terrain, and I sent a book to each one of your offices that was written about my bill, "Colorado Canyon Country" that talks about the very special areas that we have, the canyon areas, and how important it is that we protect those areas. Here it is.

This type of landscape is not well represented among our current wilderness areas because almost all of the existing wilderness in Colorado is above 9,000 feet in elevation. Part of the reason we don't have lower lying canyon areas in our wilderness inventory now is because the original Wilderness Act that Congress passed directed the Forest Service and the National Park Service, but not the BLM to study lands under their control for potential wilderness designation.

Congress remedied this in 1976 in the Federal Land Policy Management Act. The BLM then undertook the process of inventorying lands in Colorado and elsewhere to determine their suitability for wilderness. In 1991, the BLM presented its final list of Wilderness Study Areas (WSAs). These areas from 1991, almost 20 years ago, continue to be managed to preserve their natural position and wilderness character. About three-quarters of the land in the bill we are talking about today consist of BLM-managed Wilderness Study Areas.

In the early 1990s, after the WSAs were designated, a group of dedicated citizens took it upon themselves to review the areas that BLM had recommended and to suggest additional areas that might have outstanding wilderness characteristics. These thorough citizen inventories were conducted by volunteers who spent countless hours on the ground mapping and looking at areas that merited the wilderness designation.

In 1994, those citizens published their first proposal for Colorado wilderness on BLM lands. For the next decade they continued to review and inventory wilderness-quality areas. They held public meetings across western Colorado seeking input on the proposal, and as a result of those efforts a revised citizen proposal was published in 2001, and another revision took place in 2007. This bill stemmed directly from those citizen efforts.

Over the last decade, the bill has evolved in significant ways, and I expect, Mr. Chairman, that it will continue to evolve through this hearing and the legislative process. The full citizens' wilderness proposal is 62 areas, comprising 1.6 million acres.

While I support the vision of that original citizens' proposal, I have scaled back my bill over time to focus on those areas that are most deserving of protection and have the fewest potential conflicts. I have done this in consultation with local citizens, other Members of Congress, and local elected officials. I have also made significant changes, Mr. Chairman, to the legislative language over time. For example, I removed the Federal reserve water right that was in earlier versions of the bill, and I made specific boundary adjustments as a result of direct local input.

The current bill that I introduced late last year contains 34 areas consisting of roughly 850,000 acres. It would leave unaffected over 90 percent of BLM-managed lands which would remain open to oil and gas drilling, mining, off-road vehicle use and other development.

Since I introduced the first version of this bill in 1999, I have consulted with interested groups, local leaders and other Members of the Congressional Delegation to focus on select areas. I have personally traveled the state, visiting 14 of the areas by foot, horse and boat. On those trips, I was joined by landowners, ranchers, business leaders, elected officials, and many others. I have also held a number of public meetings and discussions on the proposal, soliciting feedback from all interested parties.

Last year, before I reintroduced my bill, I released a discussion draft of this revised proposal and accepted public comments from citizens and elected leaders all over the state. As a result of the feedback from this process, I am actually personally sorry to say I made the tough decision to remove the Roan Plateau from the

final bill. While the Roan Plateau is a remarkable area that deserves to be protected, it is entangled in litigation over energy development and the ongoing settlement discussions should be given a chance to succeed before Congress intervenes.

My proposal has received significant local support over the last decade. It has been endorsed by 350 businesses and organizations from across the state, 14 Colorado counties and municipalities have expressed their support for wilderness, and just last summer over 14,000 Colorado residents signed cards in support of the wilderness areas proposed in our bill.

I am going to leave it to the witnesses, Mr. Chairman, to talk about the many benefits for Colorado that wilderness has, but as you said, increased pressures on the public lands for population growth, mining, natural gas drilling and diverse forms of recreation have made it even more important to preserve our few remaining wild places, and I think that it is not contradictory to both preserve wilderness and also encourage oil and gas drilling and other types of public lands use.

For all of these reasons, over 70 percent of Coloradans supported additional wilderness designation in a 2007 statewide poll, including majorities in all parts of the state and from both political parties. In that same poll, over 90 percent of Coloradans agreed that wilderness was important for the tourism it supports, and 71 percent agreed that wilderness-quality lands should not be sacrificed for energy development. Seventy-three percent of the people who live on the western slope of Colorado, where most of these lands occur, support more BLM wilderness.

This bill, Mr. Chairman, has seen a decade of work for me and my staff and from the many citizens statewide who have been involved. The proposed areas have been reviewed and inventoried by the BLM, the Forest Service, and local citizens for even longer. But Mr. Chairman, I recognize and I think Mr. Salazar recognizes too, today's hearing is not the end of the process. I look forward to continuing to work with local residents and leaders, and all of the Members of the Congressional Delegation going forward to continue to refine this proposal, and I welcome the feedback and input of today's session.

Our public lands are valued for many reasons, for motorized recreation and resource extraction, to their ability to find solitude and unblemished landscapes. But I strongly believe, Mr. Chairman, that we must conserve a small portion of those very most special public lands for future generations. Thank you.

[The prepared statement of Ms. DeGette follows:]

**Statement of The Honorable Diana DeGette, a Representative in Congress
from the State of Colorado**

Thank you, Mr. Chairman. I very much appreciate you holding this hearing today. I have introduced a version of the Colorado Wilderness Act each Congress for the last decade. This bill was brought to me by Colorado citizens committed to protecting the few remaining wild places in our state. Colorado has a remarkable outdoor heritage. Its residents—from Carbondale to Colorado Springs, from Denver to Durango—live in Colorado because of the outdoors. As Coloradans, our quality of life is enhanced tremendously from access to our state's magnificent public lands. The outdoors is central to our lifestyle, and is essential to our state's economy. Our natural lands bring in millions of tourist dollars every year and support industries from outfitters to gear manufacturers.

The bill before us today, the Colorado Wilderness Act of 2009, would protect some of the most cherished lands in our state. Many of these lands are lower lying canyon areas, foothills, and lower elevation desert terrain. This type of landscape is not well represented among our current wilderness areas. Nearly all existing wilderness in Colorado is above 9,000 feet in elevation.

Part of the reason for this oversight is historical. The original Wilderness Act directed the Forest Service and the National Park Service—but not the BLM—to study lands under their control for potential wilderness designation. Congress remedied this in 1976 in the Federal Land Policy Management Act. The BLM then undertook a process of inventorying lands in Colorado and elsewhere to determine their suitability for wilderness. In 1991, the BLM presented its final list of Wilderness Study Areas. These areas continue to be managed to preserve their natural condition and wilderness character. Approximately three-quarters of the land in this bill consist of BLM-managed Wilderness Study Areas.

In the early 1990's, after the Wilderness Study Areas were designated, dedicated citizens took it upon themselves to review the areas BLM had recommended and to suggest additional areas that had outstanding wilderness characteristics. These thorough citizen inventories were conducted by volunteers who spent countless hours on the ground mapping areas that merited wilderness designation. In 1994, the citizens published their first proposal for Colorado wilderness on BLM lands. For the next decade, they continued to review and inventory wilderness-quality areas. They held public meetings across Western Colorado, seeking input on their proposal. As a result of these efforts, a revised citizen proposal was published in 2001, and another revision took place in 2007.

This bill has stemmed directly from the citizen efforts. Over the last decade, the bill has evolved in significant ways, and it will continue to evolve through this hearing and the legislative process. The full citizen's wilderness proposal is 62 areas consisting of 1.65 million acres. While I support the vision of the citizen's proposal, I have scaled back my bill over time to focus on those areas that are most deserving of protection and have the fewest potential conflicts. I have done this in consultation with local citizens, other Members of Congress, and local elected officials.

I have also made significant changes to the legislative language over time. For instance, I removed the federal reserve water right that was in earlier versions of the bill, and I made specific boundary adjustments as a result of direct local input.

The current bill contains 34 areas consisting of roughly 850,000 acres. It would leave unaffected over 90% of BLM-managed lands, which would remain open to oil and gas drilling, mining, off-road vehicle use and other development.

Since I introduced the first version of this bill in 1999, I have consulted with interested groups, local leaders, and other members of the Congressional delegation to focus on select areas. I have traveled the state, visiting 14 of the areas by foot, horse, or boat. On these trips, I was joined by landowners, ranchers, business leaders, and elected officials. I have also held a number of public meetings and discussions on my proposal, soliciting feedback from all interested parties.

Last year before I reintroduced my bill, I released a discussion draft and accepted public comments from citizens and elected leaders all over the state. As a result of feedback from this process, I made the tough decision to remove the Roan Plateau from the final bill. While the Roan Plateau is a remarkable area that deserves to be protected, it is entangled in litigation over energy development and the ongoing settlement discussions should be given a chance to succeed before Congress intervenes.

My proposal has received significant local support over the last decade. It has been endorsed by 350 businesses and organizations from across the state. Fourteen Colorado counties and municipalities have expressed their support for wilderness. And just last summer, over 14,000 Colorado residents signed cards in support of the wilderness areas proposed in our bill.

Wilderness has many benefits for Colorado. With increased pressures on our public lands from population growth, mining, natural gas drilling, and the diverse forms of recreation Coloradans now pursue, it is incredibly important to preserve our remaining wild places. I think it's important to have energy development, but on the other hand, I don't think it's contradictory to preserve wilderness. Wilderness areas are available for many low-impact recreational activities, including hiking, hunting, fishing, rafting, camping, rock climbing, and horseback riding. Wilderness provides important ecological benefits, protecting wildlife habitat, watersheds, and air quality. Also, wilderness designation contributes significantly to the local economy by attracting tourism, and can increase local property values.

For all of these reasons, over 70% of Coloradans supported additional wilderness designation in a 2007 poll, including majorities in all parts of the state and from both political parties. In the same poll, over 90% of Coloradans agreed that wilder-

ness was important for the tourism it supports, and 71% agreed that wilderness-quality lands should not be sacrificed for energy development. Seventy percent of Western Slope residents supported additional BLM wilderness.

This bill has seen a decade of work from me and my staff, and the proposed areas have been reviewed and inventoried by the BLM, the Forest Service, and local citizens for even longer. But I recognize, and I know Mr. Salazar recognizes too, that today's hearing is not the end of the process. I look forward to working with local residents and leaders, and all members of the Congressional delegation going forward to continue to refine this proposal. And I welcome the feedback and input of today's witnesses.

Browns Canyon Wilderness Area Supporters

Businesses

Absolute Bikes
 Amicas Restaurant/Brewery
 Antero Hot Springs
 Architectural Glass
 Architectural Services
 Arrowhead Trails
 Brad's automotive
 Buena Vista Roastery
 Chivas and Lovell Gallery
 Colorado Central magazine
 Creative Play House
 Deluxe Rocketships
 Dangerous Collective
 Eddyline Restaurant and Brew Pub
 Free the Monkey Consignment
 Gallery Art Post
 GeoSphere Environmental
 Go Green events
 Hake, Hart, Lintzenich LLC
 Headwaters
 Innerlight Healthworks
 Josh Been Art
 Lifestream
 Los Manos B&B
 McQuillan Associates Interior Design
 Melissa Lee Sobal MassageTherapy
 Moonlight Pizza
 Mountain Phoenix Coffee Roasters
 Natural Habitats
 Peak Solar Design
 Pinon Vacation Rentals
 Poncha Mini Storage
 Rebound Physical Therapy
 Recreational Engineering and Planning
 Riverboat Works
 Dr. Sites Salida Family Dentistry
 Salida Mountain Sports
 Simple Foods
 Simple Lodge and Hostel
 Streamside B&B
 Subculture Bicycles
 Sunshine Market
 Susan Hunnicut Art
 Tim Brown Photography
 Trailhead
 Wagon Wheel Guest Ranch

Raft Companies

The Adventure Company
 Adventure Unlimited
 American Adventure Expeditions
 Arkansas River Tours
 Clear Creek Rafting Co.
 Dvorak Kayaking and Rafting
 Expeditions
 Echo Canyon
 Independent Whitewater
 KODI Rafting
 Kokopelli Rafting
 Noah's Ark
 Performance Tours
 Raft Masters
 River Runners
 Royal Gorge Rafting
 Whitewater Adventure Outfitters
 Wilderness Aware Rafting

Organizations

Arkansas River Outfitters Assoc.
 Arkansas River Trust
 Arkansas Valley Cycling Club
 Backcountry Hunters and Anglers
 Buffalo Peaks Back Country
 Horsemen
 Chaffee Citizens for Sustainability
 Chaffee County Running Club
 Chaffee County Visitors Bureau
 Collegiate Peaks Trout Unlimited
 Colorado Environmental Coalition
 Colorado Mountain Club
 Colorado River Outfitters Assoc.
 Colorado Trout Unlimited
 Colorado Wilderness Coalition
 Colorado Wildlife Federation
 Echo Canyon River Expeditions
 Environment Colorado
 Friends of Browns Canyon
 Great Old Broads for Wilderness
 International Mountain Bicycling
 Association
 National Wildlife Federation
 NRA Members for Browns
 Quiet Use Coalition
 Republicans for Environmental
 Protection
 Salida Mountain Trails
 Salida Parks Open Space and Trails
 Wild Connections

Coloradans Express Strong Support for Wilderness Protection

A May 2007 poll conducted by Talmey-Drake found that a solid majority of Colorado voters favor additional wilderness designation of federal public lands in Colorado. This support is shared widely among Coloradans across geographic, political party affiliation and gender categories, and is nearly identical whether respondents hunt, fish or recreate in other ways. Specific results are highlighted below.

• **Nearly Three-Quarters of Coloradans Statewide Agree Wilderness Quality Lands Are More Important for Recreation, Tourism and Wildlife than for Energy Development and Motorized Recreation.** When read pro-wilderness

and anti-wilderness statements, nearly three-quarters (71%) of those surveyed agreed with the pro-wilderness argument, versus 24% who aligned themselves with the anti-wilderness statement. This support was consistent across all geographic regions of the state (ranging from 59% to 76%, with both Denver and West Slope at 76%). There was also majority support for the pro-wilderness statement across all political parties; although support was higher among Democrats (85%) and Independents (76%), Republicans also favored BLM wilderness (52% supporting versus 43% opposed).

Supporters of more wilderness protection say Colorado's population has grown 20 percent in the past eight years and new development uses up about 250 acres every day. They also point out that tourism, recreation and hunting are some of the largest contributors to Colorado's economy, and that this rapid growth, as well as increased drilling of oil and gas on our public lands, is putting intense pressure on Colorado's national parks, wilderness areas and forests. Therefore more of the state's remaining wild places should be protected for recreation, wildlife, and our children before it's too late. Further, they say that we can never drill our way to energy independence and we ought to implement sustainable energy alternatives before we damage these last best wild places.

Opponents of more wilderness protection say there are already enough protected areas in Colorado. They say the state has more than 30 million acres designated as national parks and forests, state parks, and open space, and more than ten percent of this 30 million acres is already locked up as wilderness, where off-road vehicles users and mountain bikers are prohibited. Further, they say that locking up more wilderness areas goes too far by banning oil and gas exploration at a time we need more domestic oil and gas production to provide greater energy independence from the Middle East countries like Saudi Arabia, Iraq and Iran.

Now, with which do you tend to agree more—the statement in support of more wilderness protection, or the statement opposed to more wilderness protection? [n=617]

- **Voters Favor Protection of Wilderness-Quality Bureau of Land Management (BLM) Lands.** About one million out of the eight million acres of public lands managed in Colorado by the BLM meet the criteria for wilderness designation. Nearly two-thirds of Coloradans statewide (64%) support wilderness designation of these BLM lands—70% strongly so—versus 27% who opposed this proposal (55% strongly so). Again, support for this wilderness proposal was consistent across all geographic regions of the state and political parties.

- **West Slopers Strongly Support Additional Wilderness near their Communities.** Seventy percent of West Slope respondents favored designation of wilderness-quality Forest Service or BLM lands in or near the county where they live, 84% strongly so. Only 23% of those surveyed on the West Slope were in opposition (75% strongly opposed). This support was particularly high among Democrats (78%) and Independents (77%), but less so among Republicans (48% supportive versus 41% opposed).

- **Coloradans Believe Wilderness is Important to the Economy and their Quality of Life.** When read statements about wilderness, more than 90% agreed that wilderness areas were important economically for the hunting, fishing and tourism they support, versus 9% who opposed. This result was very consistent across political party and geographic region.

Strong support (80%) was also found for the statement that “[t]he presence of nearby wilderness helps define Colorado and is an important reason why I choose to live here.” While high across all geographic regions, this sentiment was highest on the West Slope (89%, with 67% feeling strongly) and lowest on the Eastern Plains at 68%.

- **Coloradans Are Not Swayed by Energy and Motorized Recreation Arguments Against Wilderness.** Only 33% of respondents agreed with a statement that wilderness-quality lands are needed for domestic energy development, while 71% supported an alternative statement that wilderness-quality lands should not be sacrificing for energy development but clean energy alternatives pursued instead.

Similarly, a statement suggesting that wilderness unfairly restricts off-road vehicles users and mountain bikers from recreation opportunities received much less support (37%) than an alternative statement arguing that these uses have ample access to the majority of public lands while additional wilderness is necessary for quiet uses (78%). Notably support for this statement was highest on the West Slope and North Corridor (Larimer and Weld counties) at 83%.

Methodology

The survey was conducted by Talmey-Drake Research & Strategy, Inc., a public opinion and market research firm in Boulder, Colorado. The results of this survey are based on 617 random telephone interviews with Colorado residents, conducted from May 1st to 14th, 2007. Quotas were established to obtain equal representation for men and women, and an appropriate representation from among certain counties¹. The West Slope was then oversampled to obtain approximately 100 completed interviews on the West Slope. Results were then weighted to reflect the actual population of the West Slope. A random sample of 617 has a worst-case 95% confidence interval of plus or minus 3.9% about any one reported percentage.

The poll was commissioned by Colorado Environmental Coalition, The Wilderness Society and Wilderness Workshop. For more information, please contact: Elise Jones, CEC, 303-534-7066, x1504; Suzanne Jones, TWS, 303-650-5818, x102; or Sloan Shoemaker, WW, 970-963-3977.

Central Colorado Wilderness Coalition “Wild Ten” Endorsers (the “Wild Ten” including Browns Canyon)

Aiken Audubon Society—Colorado Springs, CO
 American Lands Alliance—Boulder, CO
 Arkansas River Outfitters Association—Salida, CO
 Arkansas Valley Audubon Society—Pueblo, CO
 Audubon Colorado—Colorado
 Catamount Institute—Colorado Springs, CO
 Center for Native Ecosystems—Denver, CO
 Colorado Environmental Coalition—Colorado
 Colorado Mountain Club—Colorado
 Colorado Native Plant Society—Fort Collins, CO
 Colorado River Outfitters Association—Buena Vista, CO
 Colorado Wild—Denver, CO
 Environment Colorado—Denver, CO
 Friends of Browns Canyon—Salida, CO
 Great Old Broads for Wilderness—Durango, CO
 Mountain Chalet—Colorado Springs, CO
 Quiet Use Coalition—Buena Vista, CO
 Rocky Mountain Recreation Initiative—Nederland, CO
 San Luis Valley Ecosystem Council—Alamosa, CO
 Sierra Club—Rocky Mountain Chapter
 The Evergreen Naturalists Audubon Society (TENAS)—Evergreen, CO
 The Wilderness Society— Four Corners Regional Office, Denver, CO
 Trails and Open Space Coalition—Colorado Springs, CO
 University of Colorado Environmental Center—Boulder, CO
 Western Resource Advocates—Boulder, CO
 Western Slope Environmental Resource Council—Paonia, CO
 Wild Connections—Florissant, CO
 Wildlands Center for Preventing Roads—Missoula, MT
 Wildlands Project—Colorado
 Wilderness Study Group—University of Colorado, Boulder, CO
 Wilderness Workshop—Carbondale, CO

Mr. GRIJALVA. Let me now ask our Ranking Member if he has any opening comments.

Mr. BISHOP. No, I will waive and we can get on with the testimony.

Mr. GRIJALVA. OK. Mr. Heinrich, any opening comments? No? Thank you.

The first panel consisting of a panelist, Representative Salazar from Colorado’s Third District. Welcome, sir, and I look forward to your comments.

¹ Quotas were established for Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo and Weld.

**STATEMENT OF HON. JOHN T. SALAZAR, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. SALAZAR. Well, thank you, Mr. Chairman, and thank you for having this very important hearing, and I do want to commend Mrs. DeGette from Colorado who has been a strong advocate for wilderness and protecting our environment in Colorado.

As many of you know, I represent the Third Congressional District, it is the most beautiful district in the entire country, and I appreciate having this opportunity to comment on Colorado wilderness. Let me first say at the outset that no one has been a greater champion for protecting Colorado than Ms. Diana DeGette, and I appreciate that. She has tenaciously worked for over 11 years to ensure that worthy areas that help define the beauty that is Colorado are preserved for future generations, and I applaud her for that.

The bill before the Committee today would designate as wilderness hundreds of thousands of acres that are located within the Third and the Second District of Colorado, and some in Mr. Lamborn's district. The Congresswoman and I have had several opportunities and several conversations about her proposal, and I agree that some of these areas deserve further review and potential consideration. However, it is my strong belief that there is a right way to proceed with wilderness legislation in my district.

As many of you recall, the Committee recently held a hearing on H.R. 3914, the San Juan Mountain Wilderness Act which designates 62,000 acres in my district as wilderness and other protected designations. The way we developed this bill, I believe, was the right way to proceed. The San Juan bill is a product of three years of hard and detailed work. We spoke with all the interested stakeholders in the region, including landowners, oil and gas companies, recreational groups, ranchers, conservation groups, elected officials, the Forest Service, and others in order to resolve the issues and develop a bill that receive wide support and almost 100 percent consensus.

It was a time-consuming process but I believe that the result is a wilderness bill that protects pristine natural areas and habitat, and that has support of the major stakeholders in the area. It was a win/win for our region. I think it is critical that we weigh the competing demands when considering areas for wilderness protection. We cannot impose wilderness designations from the outside but instead must be a carefully considered process.

Although I know the Congresswoman has pursued some of these areas for over 11 years and has garnered some support for her proposal, I have found that numerous obstacles remain in virtually most of the proposed areas. As a Member of Congress who represents these areas, I cannot support simply imposing wilderness on my constituents. I believe it must be negotiated and worked out with all the various stakeholders in order to achieve a consensus.

There are some specific concerns about this bill that I would like to highlight, and the language used for water issues in this legislation would cause major problems with the water use in the western slope of my district. The Congresswoman addressed the issue of Federal reserve and non-Federal reserve water rights which has been addressed. However, there is a delicate balance that we have

and there are major concerns among the Dolores water users, and with the delicate balance of water distribution in these basins. Major water uses could be curtailed, causing severe economic hardship in my district, and the most important part of it is it could jeopardize interstate compact agreements.

This bill also does not have language that protects the existence of ditches and reservoirs that are within the areas proposed for wilderness. Each and every specific area must be addressed differently. While one ditch may not seem like a big deal to some, to a farmer who depends on it for his livelihood it is, and he should be protected.

This bill in its current form closed numerous motorized routes, snowmobile areas and mountain bike trails. These are important activities in my district that contribute to both the quality of life that my constituents enjoy as well as being a major economic activity in these communities. I believe that we will hear testimony about how the San Juan Wilderness Bill will improve the economics of the Telluride and San Miguel County areas.

There are some areas in this bill that some say have all their issues resolved. However, I call your attention to the fact that there are still some critical issues that need to be resolved, even in some of these cases. For instance at the Palisade, the Powderhorn and the Roubideau, there are motorized routes that would be closed by this legislation. In short, even in the area some argue that they are most ready for designation as wilderness, some critical issues still need to be discussed with local communities.

To shed more light on these issues, I would like to introduce for the record the letters, and I have shared these with the Congresswoman, that I have received from entities in my district expressing their concern about the legislation.

Finally, I share the concerns that I have heard from the U.S. Forest Service and the Bureau of Land Management for this legislation, which you will be hearing about later on in the testimony. I do appreciate you holding this hearing today, Mr. Chairman, and I commend Mrs. DeGette for her efforts. Our staffs have spoken, and it is my understanding that the Congresswoman's intention of moving this bill is one of using it as a means to identify potential wilderness for future discussions, and if that is the case, I can assure you that I will continue to work with the interested parties and I will continue to work with Ms. DeGette to identify areas in my district which may be appropriate for wilderness consideration, and I will work to form a consensus with stakeholders just as I did with the San Juan Mountain Wilderness Bill.

I want to thank you for your time and allowing me to testify. We may differ in the details but we share the same goal of seeing more wilderness created in Colorado. Thank you, Mr. Chairman.

[The prepared statement of Mr. Salazar follows:]

Statement of The Honorable John T. Salazar, a Representative in Congress from the State of Colorado

Mr. Chairman and members of the Committee, I appreciate having this opportunity to comment on H.R. 4289, The Colorado Wilderness Act of 2009,

Let me first just say at the outset that no one has been a champion for protecting natural areas like Congresswoman DeGette has been. She has tenaciously worked to ensure that worthy areas that help define the beauty that is Colorado are pre-

served for future generations. And I applaud her for that. But there is a right to do this, and there is a wrong way. And as the representative of the district in which most of the proposed designations are located, I am going to insist that this process be done the right way. And that has not yet happened in this case.

The bill before the Committee today would designate as Wilderness hundreds of thousands of acres that are located within the 3rd congressional district of Colorado, which I represent. The Congresswoman and I have had several conversations about her proposal, and I agree that some of these areas deserve further review and potential consideration.

However, it is my strong belief that there is a right way to proceed with wilderness legislation in my district and, unfortunately, H.R. 4289 does not meet what I believe are the appropriate standards of discussion and negotiation with my constituents who would be affected. As you'll recall, the Committee recently held a hearing on H.R. 3914, the San Juan Mountain Wilderness Act, which designates 62 thousand acres in my district as Wilderness and other protective designations. The way we developed this bill is, I believe, the right way to proceed.

My San Juan bill is the product of three years of hard and detailed work. We spoke with all the interested stakeholders in the region, including landowners, recreational groups, ranchers, conservation groups, elected officials, and the Forest Service, in order to resolve issues and develop a bill that received wide support and consensus. It was a time consuming process, but I believe the result is a Wilderness bill that protects pristine natural areas and habitat and that has the support of the major stakeholders in the area. It is a win-win for our region.

It is critical that we weigh the competing demands when considering areas for wilderness protection. We cannot impose a wilderness designation from the outside, as H.R. 4289 would do, but it instead must be a carefully considered process. Although I know the Congresswoman has pursued some of these areas for a number of years and has garnered some support for her proposals, I have found that numerous obstacles remain in virtually all of the proposed areas. As the Member of Congress who represents these areas, I cannot support simply imposing Wilderness on my constituents—it must be negotiated and worked out with all the various stakeholders in order to achieve a consensus.

There are some specific concerns about this bill that I would like to highlight. The language used for water issues in this legislation would cause major problems with water use on the Western Slope of my district. By creating a federal reserved water right on major rivers such as the Dolores, the delicate balance of water distribution in these basins would be forever lost. Major water uses could be curtailed causing severe economic hardship in my district. This bill also does not have language that protect the existence of ditches and reservoirs that are within the areas proposed for Wilderness. While one ditch may not seem like a big deal to some, to the farmer who depends on it is their lifeblood and should be protected.

This bill in its current form would close numerous motorized routes, snowmobile areas and mountain bike trails. These are important activities in my district that contribute to both the quality of life that my constituents enjoy as well as being a major economic activity in these communities. In addition many of the areas proposed for Wilderness designations in my district have existing mineral leases that are important to our nation's energy supply and an important part of the economy in my district. As you know a Wilderness designation on top of an existing mineral lease is just not something Congress does without the cooperation, or at least consultation with the lease holder. To do so compromises energy companies private property rights and I cannot support that.

There are some areas in this bill that some are saying have all their issues resolved. However I call your attention to the fact there are still some critical issues that need to be resolved even in these areas. For instance at The Palisade, Powderhorn and Roubideau there are motorized routes that would be closed by this legislation. Perhaps the community in these areas will support this closure if they want to see the protection that Wilderness would give these areas, but the discussion has to take place at the community level before that decision can be made. In the Thompson Ridge area this legislation would close a mountain bike trail. In short even in the areas some argue are most ready for designation as Wilderness some critical issues still need to be discussed with local communities.

To shed more light on these issues I would like to introduce for the record letters I have received from entities in my district expressing their concern with this legislation.

Mr. Chairman I would also like to take the time to update you on several processes under way in the third Congressional District that may result in a community consensus to pursue legislation. Some of the areas included in H.R. 4289 are directly impacted by these processes. All across Western Colorado the difficult patient

work of many communities are working to explore the possibility of designating more Wilderness Areas that will have broad based support. I believe it is important to let these processes proceed at their own pace at the community level before Congress acts. The people of these communities who live and work in these areas are best positioned to make these recommendations and decisions to us, not the other way around. These are some of the processes ongoing in my district that I am monitoring and participating in:

Hermosa Creek Workgroup

For over two years the Hermosa Creek workgroup has met to work towards a consensus set of recommendations to me about how to proceed with a legislative approach to protect this amazing watershed. This group is composed of all interested parties that have a stake or an interest in the Hermosa Creek watershed including outfitters, conservationists, sportsmen, property owners, mining advocates, water district officials, motorized users, mountain bikers and local elected officials. In short anyone who has an interest was invited to the table for two years worth of meetings and all options were on the table and just this last month I received an official communication from this group that they are requesting that I draft legislation to implement their recommendations. I am currently taking a hard look at this request and if I decide local support for this proposed legislation is strong enough then I will indeed introduce legislation for this area. This legislation could provide permanent protection for around 150,000 acres of this watershed, including a new 50,000 acre Wilderness west of Hermosa Creek.

Alpine Triangle

Trout Unlimited and other stakeholders have been working at the grassroots level in Hinsdale, Ouray and San Juan Counties to explore the possibility of creating an Alpine Loop National Conservation Area that could include a Wilderness designation for some or all of the proposed Redcloud and Handies areas from H.R. 4289. This effort may result in legislation the local communities can support. But both the counties and Trout Unlimited do not support an effort to push any federal designations through before the extensive on the ground work is done. This community discussion should be given time to unfold at its own pace and reach its own conclusion. While this effort is in its early stages if the discussion yields a community consensus with broad support for a legislative approach I would be happy to introduce legislation for this area.

Lower Dolores Plan Working Group

Just this week the Lower Dolores Plan Working Group formed a subcommittee to forge a proposal for a legislative approach to management of the Dolores River between McPhee Reservoir and the town of Bedrock. While it is far too soon to tell if this will result in an actual recommendation from this community to seek legislation, if it does then I will carry forth legislation on behalf of this community. This legislation could designate as Wilderness many of the areas proposed for designation in H.R. 4289 in the Dolores River basin.

To act now on designating any of these areas before the community based processes can conclude is quite simply disrespectful to the constituents of my district. Many of my constituents have put in long nights away from home to come and gather around a table and meet with the other members of their community. This is long difficult work that requires patience and perseverance. I commend and thank each and every one of my constituents who have participated in these work groups. I feel strongly that to act to designate these areas before these discussions have a chance to conclude is something I simply cannot support. I will continue to monitor all of these ongoing efforts and feel the chances are good at least some of them will result in legislation. Mr. Chairman please do not be surprised to see me back here before you in the near future with legislation that I will bring to this committee on behalf of my constituents.

I appreciate your holding this hearing today, Mr. Chairman, and I commend Ms. DeGette for her efforts. However, I cannot support her bill today. I will, though, continue to work with interested parties to identify areas in my district which may be appropriate for wilderness consideration and will work to form a consensus with stakeholders, just as I did with the San Juan Mountains Wilderness bill.

Mr. GRIJALVA. Thank you, Mr. Salazar. As you informed me, you have pending business right now after this hearing and you are going to have to leave immediately, as I understand it. I want to thank you for your testimony and I am sure if there is any follow-

up that members of the panel will be more than glad to provide those requests for information or requests to you directly, so let me thank you.

Ms. DEGETTE. Mr. Chairman. I just wanted—

Mr. GRIJALVA. Please.

Ms. DEGETTE. If I could just say one thing. I want to thank Mr. Salazar for coming and I also want to thank him for all the work he has done with my office and all of the discussions we have had. I think I can fairly say we consider ourselves to be brother and sister. Now sometimes we argue and sometimes we can agree, but we have agreed that we both care about wilderness. We have agreed to work on all of these issues—not just in my district, but throughout the state—to make sure that we make the state the best place, and I just really appreciate him coming.

I would also ask unanimous consent to put his letters in the record because he has shared those with me.

Mr. GRIJALVA. Without objection.

[NOTE: A list of documents submitted for the record and retained in the Committee's official files can be found at the end of this hearing.]

Mr. GRIJALVA. Again, thank you, Mr. Salazar. I appreciate your time.

Mr. SALAZAR. Thank you, Mr. Chairman, and I just wanted to say that this has been a great opportunity. This is the first time that I have been able to sit at the table by myself. I feel a little bit lonely, like a bull's eye. However, I do appreciate it, sir, and anyone who may have questions for me I would be happy to submit written responses to them. Thank you.

Mr. GRIJALVA. Thank you, sir.

Let me now invite the second panel up, please. Thank you very much for being here. Let me begin with Ms. Marcilynn Burke, Deputy Director, Bureau of Land Management. Welcome, and thank you for your time. I am looking forward to your comments regarding the legislation before us. Thank you.

**STATEMENT OF MARCILYNN A. BURKE,
DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT**

Ms. BURKE. Thank you, Mr. Chairman, and thank you for inviting the Department of the Interior to testify on H.R. 4289, the Colorado Wilderness Act.

The department strongly supports the constructive resolution of public lands issues and wilderness designation issues in Colorado and across the western United States. H.R. 4289, as you know, proposes to designate 34 wilderness units on BLM-managed lands and U.S. Forest System lands totaling nearly 850,000 acres to be added to the National Wilderness Preservation System. These designations are largely focused in western Colorado and includes spectacular canyons, vast open spaces, unique habitats, diverse wildlife, and nationally significant cultural resource sites.

The Bureau of Land Management has not undertaken a detailed analysis and review of each of the many areas, however, proposed for wilderness designation under the bill. Such a review would take a careful look at the myriad of land use issues, including wilderness character or quality, boundary manageability, and conflict

with current uses, including motorized recreation and energy development.

Many of the areas proposed for designation have important wilderness values and deserve protection. There are also several areas proposed for wilderness designation under H.R. 4289 where conflicts exist with existing and proposed uses, making manageability of wilderness here problematic.

As always, we welcome the opportunity to work cooperatively with the sponsor of the legislation, the Committee, and all the Members of the Colorado Delegation on wilderness issues in Colorado. However, we suggest a more narrow geographical focus here. Our nation's wilderness system includes many of our most treasured landscapes and ensures that these untrammelled lands and resources are conserved with these outstanding wilderness characteristics intact as they are passed down from one generation of Americans to the next.

Through our wilderness decisions, we demonstrate a stewardship and conservation that is uniquely American and is sensibly balanced with the other decisions we make that affect public lands. Colorado's exquisite deserts, canyons, cliffs, and peaks deserve our careful attention and thoughtful review. We recommend a more limited approach here so that we can assure proper review and consultation. Working cooperatively with local and national constituencies, this Subcommittee, the sponsor of the bill, and the Colorado Congressional Delegation, we can protect these very special places.

Thank you for the opportunity to testify, and I would be happy to answer any questions.

[The prepared statement of Ms. Burke follows:]

Statement of Marcilynn A. Burke, Deputy Director, Bureau of Land Management, U.S. Department of the Interior

Thank you for inviting the Department of the Interior to testify on H.R. 4289, the Colorado Wilderness Act. The Department strongly supports the constructive resolution of public lands and wilderness designation issues in Colorado and across the western United States. Enactment of the Omnibus Public Land Management Act (Public Law 111-11) last year provided resolution of wilderness issues for a wide array of lands in California, Colorado, Idaho, New Mexico, Oregon and Utah.

The scope of H.R. 4289 is vast; covering over 615,000 acres of lands administered by the Bureau of Land Management (BLM). The BLM has not undertaken a detailed analysis and review of each of the many areas proposed for wilderness designation. Such a review would require detailed mapping by the BLM and a careful look at a myriad of land use issues including: wilderness quality, boundary manageability, and conflicts with current uses, including motorized recreation and energy development.

As always, we welcome the opportunity to work cooperatively with the sponsor of the legislation, the Committee, and all members of the Colorado delegation on wilderness issues in Colorado. However, we suggest an approach that utilizes a narrower geographical focus.

Our Nation's wilderness system includes many of our most treasured landscapes and ensures that these untrammelled lands and resources are conserved with these outstanding wilderness characteristics intact as they are passed down from one generation of Americans to the next. Through our wilderness decisions, we demonstrate a sense of stewardship and conservation that is uniquely American and is sensibly balanced with the other decisions we make that affect public lands.

Background

The Department strongly supports the constructive resolution of public lands and wilderness designation issues in Colorado and across the Western United States. The Omnibus Public Land Management Act (P.L. 111-11) signed by the President

a year ago, added to America's treasured landscapes and included designation in Colorado of the 66,000-acre Dominguez Canyon Wilderness Area within a larger 210,000-acre National Conservation Area (NCA). In January of this year, we testified in support of designating 8,600 acres as the McKenna Peak Wilderness in San Miguel County, Colorado. Both of these proposals are the result of consensus and cooperation, bringing together all interested parties to the debate.

The BLM understands that numerous citizen volunteers have spent countless hours combing the cliffs, valleys, canyons, and mountains of western Colorado, and have contributed to the proposal before us. These individuals care deeply about the land and its protection, and we share that commitment.

H.R. 4289

Colorado's treasured landscapes are recognized for their powerful impact on the human spirit and are a source of inspiration. The BLM is committed to managing wildlands responsibly in the context of our multiple-use mission. H.R. 4289 proposes to designate 34 wilderness units on BLM-managed lands and U.S. Forest System lands, totaling nearly 850,000 acres, adding them to the National Wilderness Preservation System. These designations are largely focused in western Colorado. These include spectacular canyons, vast open spaces, unique habitat, diverse wildlife, and nationally significant cultural resource sites. The DOI defers to the U.S. Department of Agriculture regarding proposed designations on National Forest System lands.

Many of the areas proposed for designation by H.R. 4289 have important wilderness values and deserve protection. I would like to highlight three areas where existing uses and land management are well-suited to wilderness designation.

Known for its spectacular beauty, the proposed Palisade Wilderness contains nearly 27,000 acres of remarkable scenery and varied plant and wildlife species. The Palisade itself is an iconic fin—a three-mile rocky spine slicing through the area. A 12-mile cliff line with steep slopes characterizes the southern area of the proposed wilderness and deep rugged canyons dominate the eastern areas. Extraordinary backcountry hiking and backpacking provide challenges to experienced travelers. The North Fork of West Creek and West Creek waterways running through the Palisade area exhibit unusually high species diversity and density, and are eligible for Wild and Scenic River designation.

The proposed Castle Peak Wilderness consists of over 16,000 acres of steep rugged slopes, rolling hills, deep basins, and sprawling meadows. The region is home to a vibrant assortment of wildlife, including elk, deer, black bear, mountain lion, bobcat, and raptors. Hunting and fishing are popular activities in the area and are consistent with wilderness designation.

The proposed Browns Canyon Wilderness is one of rugged beauty, colorful outcroppings, and abundant wildlife. The 3,000-foot deep canyon along the Arkansas River forms the western boundary of the proposed wilderness. From there the land climbs dramatically to an elevation of 10,000 feet to the east. While a single ecosystem, the land is divided administratively. The BLM manages the western portion, including the canyon, while the Forest Service manages the eastern portion. A significant herd of bighorn sheep resides within Browns Canyon, and it is an important winter range for deer and elk. Views from the area across the Arkansas Valley to the 14,000-foot peaks of the Collegiate Range are among the most spectacular in Colorado. The Arkansas River is one of this country's most popular white water rafting destinations, with more than 300,000 visitors floating it annually. Nearly half of these visitors float the nationally renowned Browns Canyon segment, which is adjacent to the proposed wilderness but is not included in the proposed wilderness.

There are also several areas proposed for wilderness designation under H.R. 4289 where conflicts with existing and proposed uses make manageability as wilderness problematic. Recreational use has exploded on public lands throughout the West, including in Colorado. While many recreational activities, such as hunting, fishing, and hiking are compatible with wilderness designation, others, such as mountain biking and off-highway vehicle use, are not. Some of the areas proposed for wilderness designation contain popular motorized or mechanized recreation areas.

The proposed Bangs Canyon Wilderness is bisected by the nationally recognized Tabeguache Trail. Almost 9 miles of the 142-mile Tabeguache Trail connecting Grand Junction and Montrose pass through the area proposed for wilderness designation. This trail receives about 30,000 visitors annually and accommodates both mountain bikes and motorized recreationists, both of which are incompatible with wilderness designation. Approximately 8,000 of the acres of the proposed wilderness are managed by the BLM for these mechanized and motorized uses. The BLM man-

ages approximately 13,000 acres of the "heart" of the proposed wilderness (Bangs Canyons East and West) as a back-country primitive area.

Existing and proposed energy development pose inherent conflicts with wilderness designations, creating the challenge of managing extensive active mining claims and oil and gas leases within a designated wilderness. For example, all 27,569 acres of the proposed South Shale Ridge Wilderness are currently leased under 44 leases for oil and gas and include 11 producing wells. This area, part of the Piceance Basin, has been identified by the BLM as an oil and gas emphasis area for over 20 years.

Likewise, nearly half of the proposed Snaggletooth Wilderness is currently under lease for oil and gas development, with 27 leases existing within the area. Active uranium mining is also currently underway within this area.

Similarly the proposed Table Mountain Wilderness includes over 300 active mining claims (largely for uranium). An extensive network of 47 miles of primitive roads supporting uranium exploration crisscrosses the area.

Conclusion

The Department of the Interior looks forward to future opportunities to expand the protection of treasured American landscapes. Colorado's exquisite deserts, canyons, cliffs, and peaks deserve our careful attention and thoughtful review. However, we recommend an approach more limited in scope so that we can assure proper review and consultation. Working cooperatively with local and national constituencies, this subcommittee, the sponsor of the bill, and the Colorado Congressional delegation, we can protect these special places.

Mr. GRIJALVA. Thank you.

Mr. Chris Brown, Director of Wilderness and Wild and Scenic Rivers Programs, Forest Service. Welcome, Mr. Brown. Look forward to your comments.

STATEMENT OF CHRIS BROWN, DIRECTOR, WILDERNESS AND WILD AND SCENIC RIVERS PROGRAMS, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. BROWN. Thank you, Mr. Chairman. Mr. Chairman, Members of the Committee, thank you for the opportunity today to testify and share the department's view on H.R. 4289, the Colorado Wilderness Act. I am Chris Brown. I am the Director of Wilderness and Wild and Scenic Rivers for the Forest Service.

Wilderness, the lands designated by Congress possessing truly special characteristics and beauty are part, a unique part of our American heritage. The management of these lands is the responsibility that we in the Forest Service take very seriously, and I am proud to lead a national program which includes well over 50 percent of the units in the Wilderness Preservation System.

H.R. 4289 would designate 34 parcels of Federal land in Colorado, comprising a little over 850,000 acres as new components of the national system. Some of these parcels would be stand alone, and some would expand existing wilderness areas. Most of the Federal land addressed by the act, about 615,000 acres, is managed by my colleagues at BLM. The department defers to the Interior Department in regards to those lands.

But about 218,000 acres lying in 14 of 34 parcels identified in the act include National Forest System lands. All 14 parcels have public land administered by BLM contiguous with the Forest Service lands, and I want to state that we are really proud to partner with BLM in our wilderness management on some of our nation's most treasured lands.

We have not completed an extensive review of each of the proposed areas. However, during the development or revision of our

forest land and resource management plans each national forest conducts a thorough evaluation of potential wilderness to assure recommendations fully satisfy the definition of wilderness found in Section 2 of the Wilderness Act.

Extensive public involvement and input from many interested user groups goes into the development of those forest plans. They are the foundation by which we evaluate any proposal related to our national forests, and many of the areas cited in this bill were not recommended for wilderness designation in their respective forest plans.

In an initial assessment of the parcels shows them falling into three distinct categories for us. Areas we support with minimal adjustment or changes, areas that merit further discussion and modification, and areas on which we feel different management options or designations would be more appropriate to best balance the interests of many user groups and fulfill our multiple use mission.

We respectfully ask to work with the Committee and the bill's sponsor, Representative DeGette, to address these concerns. I am submitting a more detailed breakdown of each of the proposed parcels as part of my written testimony. In general though the areas we support include Browns Canyon, the majority of the Thompson Creek area, and a small portion of the Flat Tops Addition. Areas that we feel merit further consideration and more discussion include Badger Creek, Beaver Creek, Grape Creek, Roubideau and West Elk Addition. Parcels that we do not support as potential wilderness areas include Handies Peak, Norwood Canyon, Sewemup Mesa, Snaggletooth, Unaweep and Deep Creek.

Most of these areas that we are not supporting have extensive motorized vehicle trails, roads, other kinds of uses through them, conflicting uses such as existing mineral, oil and gas leases. In addition, the White River National Forest Plan specifies that the Deep Creek area be managed for wild and scenic river objectives, pending the completion of a suitability study we were doing with the Bureau of Land Management. If as a result of that study the river is determined suitable, we would be pleased to support the river's addition to the National Wild and Scenic River System. Also, in the Deep Creek area, we have the issues of military aviation training that is a consideration for us.

So, in summary, some of the proposed areas in this bill merit wilderness designation or at least further discussion, at the same time many of the parcels cited in the bill have a variety of conflicting uses and human impacts that are inconsistent with wilderness character. We want to work with the Committee to take a close look at some of these proposed wilderness areas to identify those nonconforming uses in detail and adjust boundaries, where possible, to identify manageable areas that include high quality wilderness characteristics.

So, Mr. Chairman, and Members of the Committee, thank you again for the opportunity to be here today. That concludes my statement. I would be happy to answer questions.

[The prepared statement of Mr. Brown follows:]

Statement of Chris Brown, Director, Wilderness and Wild and Scenic Rivers Programs, National Forest System, Forest Service, U.S. Department of Agriculture

Mr. Chairman, Members of the Committee, thank you for the opportunity today to provide the Department's view on H.R. 4289, the Colorado Wilderness Act of 2009. I am Chris Brown, Director of the Wilderness and Wild and Scenic Rivers Programs for the USDA Forest Service.

Wilderness—those lands designated by Congress possessing truly special characteristics and beauty—is a part of our uniquely American heritage. The management of these lands is a duty the United States Forest Service takes very seriously. I am proud to lead a national program that manages well over half of the Federal land units designated for wilderness.

H.R. 4289 would designate 34 parcels of federal land in Colorado—comprising 850,134 acres—as new components of the National Wilderness Preservation System (NWPS). Some of these parcels would be stand-alone wilderness areas, and some would expand existing wilderness areas. Most of the federal land addressed by this Act—about 615,000 acres—is managed by the Bureau of Land Management (BLM). The Department defers to the Department of the Interior in regards to the proposal to designate BLM lands. A total of about 218,000 acres, lying in 14 of the 34 parcels identified in the Act, include National Forest System (NFS) lands. All 14 parcels also have public land administered by BLM contiguous to the NFS lands. I also want to state how proud we are to partner with the BLM on managing some of our nation's most treasured lands.

The proposed legislation would designate 13 of the 14 areas having National Forest System Lands as components of the National Wilderness Preservation System upon enactment. The parcels are Badger Creek, Beaver Creek, Browns Canyon, and Grape Creek on the Pike and San Isabel National Forests; the Flat Tops Addition and Thompson Creek on the White River National Forest; Norwood Canyon, Roubideau, West Elk Addition and Unaweep on the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG); Sewemup Mesa on the Manti-LaSal and GMUG; Snaggletooth on the San Juan National Forest; and Handies Peak on the Rio Grande, San Juan, and GMUG. In addition, Deep Creek, on the White River National Forest, is identified as a "Potential Wilderness Area."

Evaluation of Proposed Wilderness Areas

We have not completed an extensive review of each of the proposed areas. However, during the development or revision of a forest land and resource management plan (LRMP), each national forest conducts a thorough evaluation of potential wilderness or wilderness study areas to assure recommendations fully satisfy the definition of wilderness found in section 2(c) of the Wilderness Act of 1964. Extensive public involvement and input from many interested user groups goes into the development of these plans. They are the foundation by which we evaluate any proposal related to our national forests. Many of the areas cited in this bill were not recommended for wilderness designation in their respective forest plans. An initial assessment of the parcels show them falling into 3 distinct categories: areas we support with minimal adjustment or change, some that merit further discussion and modification; and some we feel different management options or designations would be more appropriate to best balance the interests of our many user groups and fulfill our multiple use mission. We respectfully ask to work with the committee and the bill's sponsor, Representative DeGette, to address these concerns.

NFS Proposed Wilderness Areas on the White River National Forest

The Department supports wilderness designation of 830 acres of the 16,392 acres in the Flat Tops Addition Proposed Wilderness Area, as recommended in the White River National Forest Land and Resource Management Plan (2002). The remaining acres would present management problems, such as a cherry-stemmed road intersecting the middle of the area that would encourage the spread of unauthorized motorized trails; a developed campsite; a private resort development directly adjacent to the proposed wilderness; and frequent snowmobile use.

The Department supports wilderness designation of Assignment Ridge, an area comprising 11,752 acres of the 17,114 acres in the Thompson Creek Proposed Wilderness Area, as recommended in the White River Land and Resource Management Plan. The Braderich Trail, heavily used by mountain bikers, lies within the proposed wilderness boundary. Adjusting the western boundary to reflect the forest plan recommendation would exclude the trail from wilderness, and allow the continuation of mountain biking opportunities while minimizing concern about mechanized trespass. Leasable minerals, three oil and gas leases, and adjacent private lands needing wildland urban interface fuels treatments are additional concerns

that argue for limiting the proposed wilderness area to that recommended in the forest plan.

The Department does not support "Potential Wilderness" designation for the 16,392-acre NFS portion of the Deep Creek Proposed Wilderness Area. The White River National Forest Land and Resource Management Plan specifies that Deep Creek be managed for wild and scenic river objectives pending completion of an ongoing joint BLM/FS suitability study. If, as a result of this study, the river is determined suitable, we would be pleased to support its addition to the National Wild and Scenic Rivers System (WSRS).

The Act specifies that the Deep Creek area would be designated wilderness "upon the Secretary publishing in the Federal Register a notice that all nonconforming uses" have ceased." The non-conforming uses relate to High-Altitude Aviation Training Site (HAATS) activities (aerial navigation training maneuver exercises) that occur in this area under a memorandum of understanding (MOU) among the Colorado Army National Guard, Forest Service, and BLM. It should be noted that the correct date of this MOU is November 19, 2007, not August 4, 1987.

The Act specifies that HAATS exercises may continue under the MOU, but the MOU and associated operating plan shall be reviewed by the parties not later than 180 days after enactment of Act, and annually thereafter. The review is to include consideration of alternative locations for HAATS activities on NFS lands or lands administered by the BLM, other than designated wilderness or potential wilderness areas.

NFS Proposed Wilderness Areas on the Pike and San Isabel National Forests

The Department supports designation of the Browns Canyon Proposed Wilderness Area. However, we are concerned that the Act would allow continued motorized use of the Turret Road. The road extends 3.25 miles from the proposed wilderness boundary into the heart of the proposed area, virtually bisecting it. This use is problematic for several reasons: some motorized users are driving off the road, creating a system of informal trails that damage vegetation and soil, and disturb wildlife; motorized use creates noise that is inconsistent with wilderness character; and motorized use complicates management of the area for wilderness. Therefore, we suggest that the road be closed to motorized use at Green Gulch, on the border of the proposed wilderness area.

The Department would like to further discuss designation of the 14,696 acres in the Badger Creek Proposed Wilderness Area. 14,440 acres are inventoried roadless acres. The remaining acres contain motorized roads that would complicate management. We therefore would suggest adjusting the boundary of the proposed wilderness area.

The Department would also like to further discuss designation of the Beaver Creek Proposed Wilderness Area. This 4,326-acre area is classified as inventoried roadless with no non-conforming uses. However, there are concerns that designating this area as wilderness could inhibit our ability to actively fight fire in the wildland urban interface.

The Department does not support designation of the 16,913-acre Grape Creek Proposed Wilderness Area. Much of the proposed area is a network of motorized roads that would not offer a true wilderness experience. Other nonconforming uses include power transmission lines and pipelines under special-use permit.

At the same time there is a smaller portion of this area-5,866 inventoried roadless acres known as West Tanner Peak-that we feel would merit further consideration. The westernmost portion of the Tanner Peak area, adjacent to BLM lands, makes a more manageable topographic boundary and would exclude motorized trails.

NFS Proposed Wilderness Areas on the Rio Grande, San Juan and Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG)

The Handies Peak Proposed Wilderness Area has a number of uses that would not conform to the Wilderness Act and that could complicate its management as wilderness. Wager Gulch is a heavily used motorized corridor on the east side of the proposed wilderness area; numerous roads would encourage motorized trespass. Moreover, a land exchange in Wager Gulch is currently being analyzed. Mountain bike use occurs in the Cuba Gulch area, and there is a private in-holding. The Hard Rock 100 foot race also crosses a portion of the area. We do not support wilderness designation for this area.

NFS Proposed Wilderness on the GMUG

The Norwood Canyon Proposed Wilderness Area has a number of nonconforming uses, including existing and pending oil and gas leases; a power line; past and planned forest management treatments, plantations and fuel treatment projects;

and a four-mile cherry stem that would complicate management as wilderness. We do not support wilderness designation of this area.

The NFS portion of the Roubideau Proposed Wilderness Area adjoins the BLM's Roubideau Wilderness Study Area. This 2,161 acre parcel has no motorized or non-conforming uses. Rather than discussing the merits of this smaller parcel, we would like to be involved in any future discussions regarding the designation of the entire Roubideau Wilderness Area.

The Department does not support designation of the 39,392-acre Unawep Proposed Wilderness Area. Most of this area has a number of nonconforming uses including motorized use, extensive vegetation management (pinyon, juniper, and oakbrush), timber harvest, mechanical fuels treatments, water transportation ditches, and reservoirs.

The Department would like to further discuss designation of the West Elk Addition Proposed Wilderness Area. Currently the West Elk Wilderness is managed as a single-unit by the GMUG. The proposed addition comprises lands adjacent to it that are managed by the Forest Service, BLM, and National Park Service. The complexity of managing the proposed addition could be reduced by consolidating management of the federal lands in the proposed addition under one agency. It should be noted that the proposed area was identified in the Final Resource Protection Study/EIS for the Curecanti National Recreation Area (NRA) (August 2008) as land to be added to the NRA.

Manti-LaSal and GMUG National Forests

The Sewemup Mesa Proposed Wilderness Area straddles the state line of Colorado and Utah. There are old uranium mines at the lower end of Roc Creek, and uranium and active oil and gas leases within the proposed wilderness. Limited public access and uncontrolled motorized traffic would also pose significant problems. We do not support the proposed wilderness designation of Sewemup Mesa.

San Juan National Forest

The Snaggletooth Proposed Wilderness Area has a large number of nonconforming uses, including 27 oil and gas leases, roads that are used for recreation and permitted uses, active uranium mine claims, potash prospecting permits, timber treatments, wildlife habitat improvements, and fuels treatments. We do not support the proposed wilderness designation for this area.

Summary

In summary, some of the proposed areas in this bill merit wilderness designation or at least, further discussion. However, many of the parcels cited in the bill have a variety of conflicting uses and human impacts that are inconsistent with wilderness character. We want to work with the Committee to take a close look at some of the proposed wilderness areas to identify these nonconforming uses in detail and adjust boundaries, where possible, to identify manageable areas that include the highest-value wilderness characteristics. In addition, we strongly support the water provisions in the Act, which state that the Secretary shall obtain and exercise water rights pursuant to the laws of the State of Colorado for federal purposes necessary for wilderness and wilderness uses.

This concludes my statement. I would be happy to answer any questions that you may have.

Mr. GRIJALVA. I don't have any questions at this point. We have six votes coming up and I am going to ask for the panelists' indulgence to come back. I know we have follow-up questions for you.

Let me at this point ask Mr. Bishop if he has any comments before we break for voting?

Mr. BISHOP. If we are going to vote right now, I would move to vote and then come back, Mr. Chairman.

Mr. GRIJALVA. We have six votes.

Mr. BISHOP. I would obviously ask this request for the panel however long this goes that we have the right to submit written questions with the expectations they will be coming back, and I think we can vote and come back afterwards if that is OK with you.

Ms. DEGETTE. I do have questions for the panel.

Mr. GRIJALVA. OK.

Mr. BISHOP. OK. After the voting?

Mr. GRIJALVA. Yes, after the votes.

Mr. BISHOP. Fine.

Mr. GRIJALVA. OK, so we are going to recess until after these votes—a half an hour or so. That's the hope. Thank you.

[Recess.]

Mr. GRIJALVA. After that short interlude, will the panelists come back up? Thank you.

And again thank you. Obviously my prediction of a half an hour was a little bit off, but thank you for waiting through, and to the witnesses that are coming up in the next panel thank you as well.

Deputy Director Burke, your testimony mentions that you would support a narrower geographic focus. Is that because of the level of support in certain areas is stronger than in others or are there other reasons for the narrower approach?

Ms. BURKE. Thank you, Mr. Chairman.

We think that the Omnibus Public Land Management Act of 2009 gives us several good models about how to go about designating wilderness in the future, the Washington County portion of that bill, for example, or the Ouray County portion of the bill. So that was one county at a time. Certainly we can look at multi-county proposals as well, but our concern here is that we haven't had an opportunity to thoroughly evaluate the land in order to make a good management decision.

It is very rare, in fact, I am only aware of one case where we have had active development in a wilderness area.

Mr. GRIJALVA. Mr. Brown, could you expand a little bit on why potential wilderness designation is not acceptable to the Forest Service?

Mr. BROWN. We in our forest plans look at the potential for wilderness and evaluate the areas, roadless areas for possible designation, but from a management point of view we would prefer to have a designation, if Congress wants to designate a specific name, something like a special management area, it is difficult for us to manage with a trigger or the sort of uncertainty created by potential wilderness. We would rather have the definitiveness of a special particular designation such as special management area.

Mr. GRIJALVA. Yes. The same question that I asked Ms. Burke, mining claims, oil and gas leases, there are some, you mentioned there are some in Forest Service areas, how have you handled similar leases in other wilderness areas?

Mr. BROWN. Well, when an area is designated by law, the area is withdrawn from oil/gas leasing new leases subject to a valid existing claims. Where there are operations underway, those operations will continue. We will honor the authority under which those are being conducted. We will typically review the conditions, the stipulations that they are being conducted under, but they do continue. We have, for example, an operation underway in a wilderness area in Texas. It is not common but it does occur.

Mr. GRIJALVA. OK, thank you. Thank you, both.

Ms. DeGette, any questions?

Ms. DEGETTE. Thank you so much, Mr. Chairman. Before I ask my questions I would like to ask unanimous consent to enter into

the record the results of the 2007 wilderness poll that I referenced in my opening statement.

Mr. GRIJALVA. Without objection.

Ms. DEGETTE. A list of supporters from the Central Colorado Wilderness Coalition; a list of supporters from the proposed Browns Canyon Wilderness Area; a survey on the economic impact of hunting and fishing, and a statement from Tresi Houpt, who is a Garfield County Commissioner in support of my legislation.

Mr. GRIJALVA. Without objection.

Ms. DEGETTE. Thank you so much, Mr. Chairman.

[The statement of Tresi Houpt, Garfield County Commissioner, submitted for the record follows:]

Statement of Commissioner Tresi Houpt, Garfield County Commission

Thank you, Mr. Chairman and members of the committee, for this opportunity to comment on H.R. 4289, the Colorado Wilderness Act of 2009.

I am honored to say that I am a native Coloradan and proud 15 year resident of Garfield County, Colorado. My county is a diverse county in every sense of the word, from our flat top peaks, lush riparian river valleys to our sage brush covered desert highlands. Our economy spreads from tourism to growing natural gas development across the county. What makes our county special are our unique residents who range from old-time ranchers, workers in the service industry, and workers on a drilling rig. However, the fabric which binds us together in Garfield County is the land, the Roaring Fork and Colorado Rivers which run through it, and the wilderness all around us.

Garfield County contains one of the first reserves ever established by the federal government under President Theodore Roosevelt and one of the earlier wilderness areas set aside in the Wilderness Act of 1964—the Flat Tops Wilderness.

Even back then, the process of establishing wilderness in Colorado brought controversy with views ranging from those who felt the land should never be set aside if it had even the potential for economic production, to those who felt that every acre of land “untouched” by humans should be set aside for wildlife and recreation. However, people came together, as they do today, talked about what was possible, compromised, and put together a wilderness proposal that was reasonable, attainable and yet visionary.

The citizens of Colorado and Congresswoman Diana DeGette have put together a similar proposal—the Colorado Wilderness Act—which was closely considered, ground-truthed by citizen volunteers and federal agencies, and vetted for the proposed lands’ wilderness potential and characteristics.

Colorado is a fast-growing state with a population that has spread itself out as we have grown. Moreover, my county and the western slope of Colorado, has seen a proliferation of energy development—benefiting our economy, but impacting our citizens and our land. So it is truly remarkable to say there are remaining public lands still worthy of wilderness protection. The Colorado Wilderness Act before you today contains many of these remaining areas.

I applaud the work of Congresswoman DeGette who has engaged our elected officials and local residents on the areas in the Colorado Wilderness Act of 2009. Without her leadership of proposing these areas and encouraging public debate and discussion of wilderness in Colorado—in particular the lower-elevation Bureau of Land Management areas which are the focus the Congresswoman’s legislation—we may never have had this historic hearing.

There are some areas in this proposal that will require renewed review with local officials and citizens across the State who want to have additional opportunities for input. But that doesn’t mean we should not be initiating discussions on these areas or that they should not be considered for the very special federal designation of wilderness.

As I look at my county today and western Colorado as a whole, I embrace the changes we have seen but I am also concerned for what may be lost in the future, particularly to our public lands. In the areas which do qualify for wilderness across our State and where citizens can move forward together, as generations have done before, we must embrace our opportunities and protect our wilderness lands so our children and grandchildren can enjoy the beauty and splendor of what makes the Colorado we love today.

I would like to close by stating that I fully support Congressman Salazar's San Juan Wilderness Bill and the process he followed for identifying wilderness boundaries. In developing wilderness legislation, it is critical to engage local officials and citizens, as well as state and federal agencies. I appreciate the promise of collaboration demonstrated by Ms. DeGette and Mr. Salazar and the commitment to continued dialogue in Colorado as we move through this process.

[NOTE: The other documents submitted for the record can be found on pages 6 and 8.]

Ms. DEGETTE. I want to thank both of you for testifying today and ask you a couple of questions about your testimony. Ms. Burke, I want to thank you for your testimony today, and I appreciate the BLM support for several areas in my bill.

Are there additional areas that you believe the BLM could support with boundary fixes or other kinds of fixes on oil and gas, minerals language, other kinds of language?

Ms. BURKE. We would welcome the opportunity to work with you and to determine what areas would be appropriate for the designation.

Ms. DEGETTE. And many of the areas in my legislation are area that were identified by the BLM in the original wilderness inventory back in the early 1990s, correct?

Ms. BURKE. Yes, there are a number of WSAs, or Wilderness Study Areas that were identified.

Ms. DEGETTE. Of those Wilderness Study Areas, all of those areas have been managed as if they were wilderness since that date, is that correct?

Ms. BURKE. That is correct.

Ms. DEGETTE. And so for the areas, the BLM Wilderness Study Areas that have been managed as such, what that would mean is there would be no legal motorized use, ATVs, or other kinds of motorized use in those areas, would that be correct?

Ms. BURKE. Those sorts of uses would be precluded in wilderness areas.

Ms. DEGETTE. And also in the Wilderness Study Areas that are being managed as wilderness?

Ms. BURKE. Correct.

Ms. DEGETTE. All right. So for people who might talk about use of motorized vehicles or other types of vehicles that are not allowed in wilderness areas, for the last 20 years or so the WSAs that are managed by the BLM have been managed without those kinds of motorized uses?

Ms. BURKE. Yes.

Ms. DEGETTE. OK. I also wanted to ask you, Ms. Burke, about Handies Peak because this is an interesting area. Handies and Red Cloud are two of the areas in my bill that I, frankly, am particularly attached to because Handies Peak is the highest peak managed by the BLM outside of Alaska, and there is a 16,000-acre Wilderness Study Area in Handies that the BLM did not recommend for wilderness designation. My understanding is back when the BLM did the original inventory this was because of mining potential. And my question to you is, now it has been over 15 years since that inventory was conducted. Has there been any interest in mining on Handies since that time?

Ms. BURKE. I am not aware of any interest in mining on that area. We are currently managing it as a primitive or semi-primitive recreational area, and I understand from my staff in Colorado that it is really a spectacular back country recreational area.

Ms. DEGETTE. Yes, and I will say as someone who has been up there, I mean, it is a gorgeous alpine area, and so I would imagine anybody's management plans for that, since it is alpine tundra, would not include ATVs or other kinds of—I mean, one of the management problems they have, one of the management problems your agency has right now with Handies, there is a road that cuts right through Handies and Red Cloud which we cherry stem in my bill, but then they have a problem with unauthorized ATV use and other use in that area which might be helped by wilderness management.

Would your agency be willing to work with me on boundaries and other kind of issues in Handies if we wanted to move forward with that particular area?

Ms. BURKE. Absolutely.

Ms. DEGETTE. OK, thank you very much.

Mr. Brown, I just have a couple of questions for you. Your testimony and your written testimony, and you reflected it today, your agency supports seven of the Forest Service-managed areas in my bill with some modification or additional discussion, and I appreciate that, and I want to thank you for saying, as Ms. Burke does, that you are willing to work with me as we go forward. I want to talk to you about two of the specific issues.

The first one is Browns Canyon. One of the areas you identify is Browns Canyon but the Forest Service says it is concerned that the bill might leave the turret trail open and the Forest Service would like to see it closed. I am wondering if you can explain that rationale for that particular area.

Mr. BROWN. We do support Browns Canyon for wilderness designation, and we would like to see the road closed. It is a road that bisects the area and really provides for access for motorized use that would lead to trespass, very difficult to manage, and creates enforcement issues for us. So without the road closure on that, we just don't think—well, the job of managing the wilderness would be very difficult, so we are very—

Ms. DEGETTE. And do you think that if we closed that trail, that would hamper peoples' access into the Browns Canyon area?

Mr. BROWN. Well, I think for wilderness users that would not be a problem. There is adequate access for them.

Ms. DEGETTE. OK. One last question, Mr. Chairman. I know in your written testimony you said that your agency supports the water language in my bill. I am wondering if you could just describe briefly what are the advantage of requiring the Federal government to obtain water rights pursuant to Colorado versus the old language we used to use of the Federal reserve water rights?

Mr. BROWN. Well, the language in your bill tracks with the language that is in the Great Sand Dunes National Park Preserve Act of 2000, and that is language we are very comfortable with because it does assert that the Federal government can gain a water right, but it is working within the State of Colorado system for appropria-

tion and that is really what we are comfortable with, so we appreciate very much your having that language in your bill.

Ms. DEGETTE. Thank you. Thank you very much, Mr. Chairman. I have no further questions of this panel.

Mr. GRIJALVA. Thank you, and let me thank the panelists for your comments and information, and also for your patience. Thank you.

Ms. BURKE. Thank you.

Mr. GRIJALVA. Let me invite the next panel up, please, and we will go out of order and ask Commissioner Goodtimes of San Miguel County Commissioner to be the first one because I think he has a pending exit somewhere that he has to be at.

Thank you very much, and again thank you for waiting us out. I appreciate it and thank you for those that come a distance for being here. It is an important piece of legislation and we appreciate you being here and your comments, we are looking forward to them.

Commissioner, if you don't mind.

**STATEMENT OF ART GOODTIMES, COMMISSIONER,
SAN MIGUEL COUNTY, COLORADO, NORWOOD, COLORADO**

Mr. GOODTIMES. Thank you very much, Mr. Chairman. It is an honor to be once more before your Committee, to be here with Congresswoman DeGette, the Committee Members and staffers.

I would like to echo the testimony of Representative John Salazar, who is my elected official here in the House, and applaud Congresswoman DeGette for all of her great work as a protector of wild places and for seeking to preserve a few of our natural systems relatively free of human influences in this great State of Colorado.

I count her as the esteemed dean of the Colorado Congressional Delegation. She has been an environmental ally, an ideological colleague, and a personal political friend, and I just want to again take this opportunity to commend her for her great work with wilderness.

You know, I believe her championing of this Omnibus Colorado Wilderness Bill, House Bill 4289, in doing that she has given our centennial state a grand vision of wilderness that we need to work toward putting into law. Many of these areas are most suitable for wilderness designation by the Congress, and it is something that I think a lot of us support in the grand picture, but I think this isn't a final picture. I think the omnibus bill needs to be fine tuned in some places.

We need to have the kind of face-to-face hearings that Representative John Salazar and his staff had on the San Juan Mountains Wilderness Bill where ranchers were sitting down with the environmental community. We had hunters with motorized users, hikers, and bikers with rafters and professional guides. We had politicians from all different jurisdictions, along with special-interest groups. I think it is that kind of broad-ranged collaborative processes that are really critical as we move forward in the 21st Century into putting wild lands into protective status. We understand the needs of communities for strong economies, particularly in this downturn. At the same time, we have to preserve for the future some of these amazing areas that we have.

I think we also need kind of a full vetting process in which folks closest to the wilderness boundaries have as much say as their distant constituencies, and I believe that deeply as both as a progressive and a local elected official. I think we have started a national coalition of gateway communities specifically to address at the national level the ability of local communities to have a say in decisionmaking.

You know, we have couched it as local control, and that is not appropriate on Federal lands, but it is appropriate, I think, to have real local input and local influence and decisionmaking. So I think we need a full round of negotiations and collaborations, some round table discussions that are happening in western Colorado right now, things like the Dolores River dialogue in Cortez, and the public lands partnership in Montrose. I think those are great examples of collaborative efforts that have taken quite some time, but have been very, very useful to getting us to a better place in terms of understanding our needs both for a strong economy and for strong ecology.

I think we heard testimony from our agency people that we need to do a little bit more review on some of these areas. Some of them, as the Congresswoman has pointed out, I think are perhaps are close to ready, but some aren't. Personally I have been a life-long champion of wilderness. I have been a member of numerous community groups devoted to wilderness protection. I have been an activist who founded a local environmental group in my county, and so I know it is really important about wilderness, and so many of my constituents have worked very hard, particularly on Representative Salazar's bill.

I am Chair of the San Miguel County Board of Commissioners, I am Chair of my state association's Public Lands Committee, and I am also chair of this new National Association of County Gateway Community Subcommittee.

So, again, the effect of public lands on all aspects of peoples' lives, both as a driver for tourism, as a place of refuge for our biome, and also for a way to move forward and protect these special places. I think all of these places have real meaning for us.

You know, 11 years ago I was one of the few commissioners that supported Congresswoman DeGette when she came forward with this wilderness bill, and I think my quote appeared in the Colorado Coalition's brochure in support at that time.

In those years since that time of the initial support I have met and talked with many of my Colorado citizen constituents, and those who are for wilderness and those who have been against wilderness, and I think I have learned a number of controversies and on-the-ground skepticism expressed by rural commissioner, both progressive and conservatives, regarding House Bill 4289. I think personally what Congresswoman DeGette has offered us is an omnibus bill is a road map for investigation that can begin the arduous and lengthy task of vetting meetings, hearings, tours and detail work that will get us to a wilderness designation for suitable public lands in these areas.

I also would like to just stand by thanking her for her vision. Without this kind of vision, without this kind of idea of the areas that are so special, I think it would be a lot harder for us to move

forward. But I also hope you will defer consideration on this omnibus bill at this time and commend wilderness advocates to undertaking the region by region process that Representative Salazar's bill has demonstrated, a process that I personally would hope will become a template for how wilderness designations should be done in our country.

With that, I thank you very much, Mr. Chair, Congresswoman, Members and staffers.

[The prepared statement of Mr. Goodtimes follows:]

Statement of Commissioner Art Goodtimes, San Miguel County

I applaud Rep. Diana DeGette for being a protector of wild places and of preserving natural systems relatively free of human influences.

I count her as the esteemed dean of the Colorado congressional delegation, environmental ally, ideological colleague, and political friend.

I believe by championing this omnibus Colorado wilderness bill, she has given the Centennial State a grand vision of wilderness that we need to work towards putting into law. There are many areas most suitable for wilderness designation by the Congress included in the bill. But it's not a final picture. It's a rough draft.

The Omnibus bill needs to be fine-tuned. Ground-truthed. We need to have the kind of face-to-face hearings that Salazar's San Juan Mountains Wilderness Bill had, where ranchers sit down with enviros, hunters with motorized-users, hikers and bikers with rafters and professional guides, politicos with special-interest groups.

We need a full vetting process in which folks who live closest to wilderness boundaries have as much say as distant constituencies. We need a full round of negotiations, collaborations, round-table discussions like are becoming more common in rural Colorado, from the Dolores River Dialogue in Cortez to the Public Lands Partnership in Montrose.

I have been a lifelong champion of wilderness, a member of countless community groups devoted to wilderness protection, an activist who helped found our local environmental group in San Miguel County—where I live and which is supporting Salazar's wilderness bill.

I'm chair of the San Miguel County Board of Commissioners, chair of my state county organization's Public Lands Steering Committee, and chair of the National Association of Counties' Gateway Communities Subcommittee.

I publicly supported Rep. DeGette's omnibus Colorado wilderness proposal when she first introduced it a number of years ago. My quote appeared on the Colorado Environmental Coalition brochure supporting her bill. The bill has not won a hearing before this committee until this very year.

In the years since I first supported it, I have met and talked with many Colorado citizens, both those for and those against wilderness. I've listened to constituents who know many of these areas intimately, and I've learned of numerous controversies and seen the on-the-ground skepticism of my rural commissioner colleagues, both progressive and conservative.

What Rep. DeGette has offered us in the omnibus bill here is a roadmap for investigation to begin the arduous and lengthy task of vettings, meetings, hearings, tours and detail work that will get us to wilderness designation for suitable public lands and some other suitable designation compatible with developing forest and resource management plans in Colorado forests.

I thank her for her vision. But I hope you will defer consideration of this omnibus bill at this time, and commend wilderness advocates to undertaking the region-by-region process that Rep. Salazar's bill has demonstrated—a process that should become the template for bringing new wilderness to fruition in Colorado

Mr. GRIJALVA. And before you depart, Commissioner, Ms. DeGette have any comments?

Ms. DEGETTE. I just want to thank Mr. Goodtimes for making the long trip here, a trip which was made even longer by the collapse of one of our main roads in Colorado, which is why Commissioner Haupt couldn't be with us today. So thanks for coming. I appreciate it. We will keep working on this.

Mr. GOODTIMES. Thank you very much, Congresswoman.

Mr. GRIJALVA. And Commissioner, I am fascinated by the point that you are making because we see it all the time, that collaboration and consensus building and accommodation now has to be part and parcel of the wilderness designation process as we go forward. Local communities, interested groups, whatever kind having to be part of it.

The question that lingers for me, at what point is that process over or is it an ongoing process and never ends because that is the reverse criticism of it.

Mr. GOODTIMES. Mr. Chairman, that is an excellent question. I guess I would answer it by saying what I have discovered, particularly with the public land partnership, is that we establish a table of trust, and it took seven, eight, nine years to get that table of trust in place where when the woman who represented the timber industry spoke, I actually believe her. When the motorized community said that this was important to them, I really believe what they were saying, and they began to hear when we said that this are was very critical environmentally, they began to listen. Even though it took a long time, I think that process of building a table of trust is almost the most important element. Once you get to the table of trust and you begin listening to each other, then I think we begin to make the accommodations that make this a successful bill, and I think that is what has happened with Representative Salazar's 30,000 acres. It took us two and a half years.

Congresswoman DeGette has been working at this for 11. I think it takes awhile sometimes, but you are right, there is a point at which when you can't get people together, when you have done very reasonable thing, that you finally have to say that is enough, we need to make legislation, and with your good graces I believe that is your authority and I appreciate your willingness to take a look at that.

Ms. DEGETTE. Mr. Chairman, if I may.

Mr. GRIJALVA. Yes.

Ms. DEGETTE. I agree with a lot of what Mr. Goodtimes says. In fact, one of the key areas in Mr. Salazar's bill is an area from my bill, that was originally in my bill, McKenna Peak, so those kinds of collaborative efforts have been happening and I am sure they will continue.

Mr. GRIJALVA. Appreciate your time, Commissioner. Thank you. Good to see you again.

Mr. GOODTIMES. It is an honor, sir.

Mr. GRIJALVA. Mr. Steve Smith, Assistant Regional Director, The Wilderness Society. Welcome.

STATEMENT OF STEVE SMITH, ASSISTANT REGIONAL DIRECTOR, THE WILDERNESS SOCIETY, DENVER, COLORADO

Mr. SMITH. Thank you, Mr. Chairman. I am delighted to be here to take this generous opportunity to comment on H.R. 4289. I am always happy to speak about the remarkable splendor of Colorado wildlands in general, and the importance of promptly protecting more of our enduring resource of wilderness.

My name is Steve Smith. I live in Glenwood Springs, Colorado. I am speaking today for The Wilderness Society as well as for our

associate organizations, 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, and Congressman John Salazar who was here earlier, in whose district so many of these wonderful lands are found and who has taken important wilderness protection initiatives of his own.

Colorado is generously blessed with an astounding heritage of wilderness, some already recognized and designated by Congress, and still others so deserving of that designation. In addition to more typical wilderness of high showy mountain peaks, Colorado also boasts serpentine sandstone canyons, rich and vibrant desert ecosystems, and temperate elevation lands that provide essential seasonal habitat for wildlife and year-round respite and recreation for people.

In the pursuit of protection of this more complete tapestry of Colorado's wonder that brings us here today to seek your help. Congresswoman Diana DeGette has long stood as a true wilderness champion in Colorado. Over the past decade she has proposed variations of wilderness designations that help complete that tapestry. Her legislation before you is a well-considered installment on those new protections that are needed.

The lands in this proposal have been carefully researched on the ground to embrace the key features of these wildlands and to avoid conflicts with a variety of non-wilderness activities. We are proud to have helped with those field inventories of the areas which come from our citizen-crafted Colorado's Canyon Country Wilderness Proposal. For all that we have done on that proposal we recognize that significant work still remains 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.

The protection of natural stream flows in wilderness is an important policy question in Colorado, and H.R. 4289 proposes straightforward language for protecting streams based on Colorado water law. Normally we would endorse this clear and simple approach. Last year, however, we saw Congress approve new Colorado customized water protection language for midstream wilderness areas. That language directs Federal managers to work directly with the State of Colorado to establish state-held in-stream flow water rights for wilderness streams. This new Federal/state partnership is, I believe, the new model for midstream wilderness. Combined with the head waters language, also Colorado crafted and first approved by Congress in 1993, we think we have a good creative approach to water protection in wilderness.

Another key policy issue, the Wilderness Act declares that historical grazing is compatible with wilderness. H.R. 4289 affirms that declaration, and we support that.

Military helicopter training is a unique issue in a few of the areas proposed in this legislation, and the bill includes accommodations for that important training program based on the Congress-

woman's extensive discussions with the military and Federal managers.

More recent discussions with the national guard and army are nearing agreement on a new version of legislative provisions that will protect these areas. Once finished, we will encourage their use.

In all instances, even where we have made good progress in these and other technical issues, we all need to do more to incorporate local knowledge and to secure local support for these deserving areas, and to help facilitate a team approach among our congressional wilderness champions. Specifically critical to that teamwork, areas proposed in Colorado's Third Congressional District need to be shepherded through Congress with the insights and leadership of Congressman Salazar, who has undertaken specific wilderness negotiations and legislation in that part of our state.

In addition to the bills already introduced, we will soon bring to our representatives and to you additional proposals to establish mid-elevation wilderness in central Colorado in the White River National Forest, and as you will hear shortly, some marvelous areas along the Arkansas River Watershed.

We are blessed to have both diverse wilderness in our state and we are also blessed with a team of wilderness advocates in our Congressional Delegation. We are now poised to add to both these legacies the legacy of wilderness itself and the legacies of wilderness champions working together. This is the way successful wilderness legislation has always worked in Colorado, and this is the way we must approach the work now.

We will provide our help to getting this done. With such remarkable places at stake, each detail of their permanent protection must be resolved carefully. With so many pressures on these lands we must act quickly to protect them before we lose the opportunity to do so. Carefully and quickly are the watch words for successful wilderness legislation.

We thank Congresswoman DeGette for pressing a Colorado wilderness vision. We thank our Delegation Members for joining in that effort, and we thank the Committee for giving it its timely attention. Thank you very much.

[The prepared statement of Mr. Smith follows:]

**Statement of Steve Smith, Assistant Regional Director,
The Wilderness Society, Denver, Colorado**

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.

Mr. GRIJALVA. Thank you. Mr. Bill Dvořák, President of Dvořák Rafting & Fishing Expeditions. Welcome, sir.

**STATEMENT OF BILL DVOŘÁK, PRESIDENT, DVOŘÁK RAFTING
& FISHING EXPEDITIONS, NATHROP, COLORADO**

Mr. DVOŘÁK. Thank you. Thank you, Chairman Grijalva and Members of the Committee. My name is Bill Dvořák, and I am President of my own outfitting company, Dvořák Rafting & Fishing Expeditions, and I am here to talk today about the benefits of wilderness designation for businesses like mine.

I have been an outfitter in Colorado since 1975, and have the privilege of holding the first river-issued recreation outfitter license, Serial No. 001. Since 1984, I have owned an outfitting business and I am proud to say that our business has grown to be one of Colorado's most respected outfitters. I have served on the board of directors of some of the outfitter industry's leading organizations, including the Colorado River Outfitters Association and America Outdoors. I have also been a member of the Colorado Tourism Board and was elected to be the recreational representative for the Colorado Travel & Tourism Authority for three terms.

My company runs rafting trips on nine different rivers in five different states, as well as we do some international trips in New Zealand and Nepal. We employ about 30 to 40 people with guides and backup staff, and we have been honored by the National Geographic Adventure Magazine as one of the best 10 river-oriented adventure companies in the world for the last two years.

Colorado has a vibrant recreation community and culture. We have hundreds of outfitting businesses like mine throughout the state. Colorado is also home to lots of different gear manufacturers, rental shops, and all these folks rely on the outdoors for their livelihood. These businesses means jobs for Coloradans. The tourism sector employs about 144,000 people in Colorado, making tourism, I believe, the second largest industry in the state after manufacturing.

In 2008, the total amount spent in the state was about \$15.3 billion. Commercial rafting is a fairly small part of that. We only generate about 142 million. But other industries like skiing, I think are about 2.1 billion. A lot of people don't realize that hunting and fishing account for 2.5 billion of that tourism recreational industry, and that tourism of hunting and fishing very much relies on wilderness areas, particularly when we are getting all of the additional kinds of pressures on other sorts of areas, a lot of people, hunters in particular, are having to go into wilderness areas to find the game that they are after because there is, again, a lot of other pressure, particularly vehicle pressure in other areas.

As an outfitter, my livelihood is based upon those protected lands and rivers in which we raft, fish, and paddle. We have the benefit of operating in a state with truly remarkable natural assets, but many of these areas are undergoing pressures from increased demand on public lands. Wilderness designation is one of the vital tools the Federal government has to set aside some of our most cherished land for low impact recreation.

Colorado wilderness areas are potent draws for both in-state and out-of-state recreation. When an area is designated as wilderness, this raises its profile and acts as a draw to recreationists from around the country. Expanding wilderness in Colorado would keep

rafting and the tourism industry growing and would create new jobs in the outdoor industry.

Wilderness is valuable for many non-economic reasons as well. Wilderness areas serve as sanctuaries for wildlife of all kinds. As private land across Colorado is seeing more development and population growth, our public lands serve as a final refuge for many species.

The Colorado National Heritage Program based out of Colorado State University has assembled the most complete data of critical areas for sensitive species and natural communities in Colorado. Based on this data, the CNHP ranks in Colorado, depending on how important the habitat is to bio diversity. Many of the areas in the Colorado Wilderness Act of 2009 rank highly in those maps. For example, the proposed Sewemup Mesa, Palisade, Handies Peak, South Shell Ridge and West Elk Addition Wilderness Areas all contain areas classified as having outstanding bio diversity significance, the most critical need category.

The bill focuses on many of the landscapes that matter to me most, low-lying canyon lands that provide outstanding opportunities for rafting, fishing, and paddling. These areas are not well represented in our current wilderness areas in Colorado. Almost all the wilderness areas that we have now are high elevation alpine areas. The bill proposes to protect some of our outstanding low elevation lands, which provide unique opportunities for recreation and are no less striking in their beauty and wilderness characters.

I am familiar with many of these proposed wilderness areas in the bill. My company actively leads rafting trips every year on several of the rivers protected by the bill. For example, we run the Dolores River, which is actually my favorite river in Colorado, and my only true real claim to fame is that I actually had more runs of Snaggletooth Rapid, a Class 4 or 5 rapid, of any person alive, 17 in a day, I did 12 in a kayak, and five in a raft one time.

I floated through the Dolores River Canyons, Sewemup Mesa, Palisade, Snaggletooth areas. The Dolores River actually runs through a pristine desert area containing some of the most outstanding canyon scenery in Colorado. In some areas the cliff rise 700 feet above the water. In my opinion, the float through Slick Rock Canyon from Slick Rock down to Bed Rock is probably the prettiest Slick Rock Desert Canyon in the Southwest. I would actually rate a five or six-day trip on the Dolores River as one of the three best river trips in the country. It ranks right up there with the Grand Canyon and the Middle Fork of the Salmon River, and I think it is one of those things that really needs to be preserved.

I know there are some issues about maybe gas and oil leases on the rim, but the central corridor down in the canyon is definitely worth wilderness protection.

I am actually proud to say that my company usually has more commercial use on the Dolores than all the other river companies combined. My company also leads trips down the Colorado near the proposed Bull Gulch Wilderness Area, and while Bull Gulch does not actually include the Colorado River, it would protect remarkable lands above the river, including golden aspen, dark green spruce, and cliffs of blinding white sandstone.

The area I care about most about though is Browns Canyon along the Arkansas River in Chaffee County. It lies just in front of my home, and it is our bread and butter river. Almost a third of my trips through Browns Canyon are wilderness camping multi-day trips, and the main-attraction selling point for those trips is the fact that people do get to camp in a wilderness area, and because it is a wilderness are they get to see lots of critters.

Browns is one of the last pristine canyons in the state. The area includes important habitat for elk, deer, eagles, hawks, coyotes, bears, big horn sheep, mountain lions, bobcats, and I have even seen a couple of antelope in that area. It provides needed sanctuary for these critters. It is a stunning landscape with picturesque vistas and rugged rock outcroppings. Browns Canyon is actually the heart of the Arkansas River which is the most popular white water river in the world, and about half of the use of the Arkansas River happens in Browns Canyon. I think we had over 200,000 people that floated that canyon last year, and again the reason people come there is because it is good. The white water is good, the scenery is good, the canyon is beautiful, and that is why people want to come to that magical place.

I am not alone in wanting Browns Canyon to be protected. In addition to Representative DeGette's efforts, bills to protect Browns Canyon have been introduced by former Senator Ken Salazar, former Senator Wayne Allard and former Representative Joel Hefley. When Representative Hefley introduced his legislation in the 109th Congress to protect Browns Canyon, the bill was co-sponsored by every Colorado Member of the House of Representatives. Wilderness protection to the canyon has also been endorsed by dozens of local and statewide organizations and businesses, as well as *The Denver Post*.

In sum, I am a strong supporter of new wilderness in Colorado. Wilderness protection will increase tourism, increase jobs, and preserve some of the most special places in our state for future generations. I have spoken in favor of Wilderness protection for many years in Colorado, and appreciate the opportunity speak to Congress about the importance of protecting the areas proposed in this bill.

Thank you for having me here today and I am glad to answer any questions, and again I would love to thank Representative DeGette for having the foresight to bringing these areas to our attention.

[The prepared statement of Mr. Dvořák follows:]

**Statement of Bill Dvořák, President,
Dvořák Rafting & Fishing Expeditions**

Good morning Chairman Grijalva and members of the Subcommittee. My name is Bill Dvořák and I am President of my own outfitting company, Dvořák Rafting & Fishing Expeditions. I am here today to talk about the benefits of wilderness designation in Colorado for businesses like mine.

I have been an outfitter since 1975, and have the privilege of holding the first-issued River Recreation Outfitter license, serial number 001. Since 1984, I have owned an outfitting business, and am proud to say that our business has grown to be one of Colorado's most respected outfitters. I have served on the Board of Directors for some of the outfitting industry's leading organizations, including the Colorado River Outfitters Association, and America Outdoors. I have also been a member of the Colorado Tourism Board, and was elected as the recreational representative to the Colorado Travel and Tourism Authority for 3 terms.

My company leads rafting trips on 9 different rivers in 5 different states, as well as international trips to New Zealand and Nepal. We employ about 30 to 40 guides and support staff. We have also been honored by National Geographic Adventure Magazine as one of the 10 best river-oriented adventure travel companies in the world.

Colorado has a vibrant recreation culture and economy. In addition to my own outfitting company, there are dozens of others throughout the state. Colorado is also home to hundreds of outdoor gear manufacturers and retail goods shops that rely on customers who love the outdoors.

These businesses mean jobs for Coloradans. The tourism sector employs 144,000 people in Colorado, making tourism one of the largest industries in the state. In 2008, the total amount spent in the state from tourists was \$15.3 billion. Commercial rafting alone contributes about \$140 million annually to Colorado's economy, while providing river trips to around 500,000 people.

As an outfitter, my livelihood is based on having protected land and rivers in which to raft, fish, and paddle. We have the benefit of operating in a state with truly remarkable natural assets. But many of areas are under growing pressures from increased demands on our public lands. Wilderness designation is one of the vital tools the federal government has to set aside some of our most cherished land for low-impact recreation.

Colorado's wilderness areas are one of the potent draws for both in-state and out-of-state recreation. When an area is designated as wilderness, this raises its profile and acts as a draw to recreationalists from across the country. Expanding wilderness in Colorado would help the rafting and tourism industries grow, and would create new jobs in the outdoor industry.

Wilderness is valuable for many non-economic reasons as well. Wilderness areas serve as sanctuaries for wildlife of all kinds. As private land across Colorado is seeing more development and population growth, our public lands serve as the final refuge for many species. The Colorado Natural Heritage Program (CNHP), based out of Colorado State University, has assembled the most complete data of critical areas for sensitive species and natural communities in Colorado. Based on this data, the CNHP ranks areas in Colorado depending on how important the habitat is to biodiversity. Many of the areas in the Colorado Wilderness Act of 2009 rank highly on the CNHP maps. For example, the proposed Sewemup Mesa, Palisade, Handies Peak, South Shale Ridge, and West Elk Addition Wilderness Areas all contain areas classified as having Outstanding Biodiversity Significance—the most critical need category.

This bill focuses on many of the landscapes that matter most to me—low-lying canyon lands that provide outstanding opportunities for rafting, fishing and paddling. These areas are not well represented in our current wilderness areas in Colorado. Almost all of the wilderness areas in Colorado are high-elevation alpine areas. This bill proposes to protect some of our outstanding low elevation lands, which provide unique opportunities for recreation and are no less striking in their beauty and wilderness character.

I am very familiar with many of the proposed wilderness areas in this bill. My company actively leads rafting trips every year on several of the rivers protected by the bill. For example, we run the Dolores River, which is my personal favorite river trip and my only true claim to fame. I have more runs of the class 4-5 Snaggletooth Rapid than any other person. My record in a day was 17 runs, 12 kayaks and 5 rafts.

I have floated through the proposed Dolores River Canyon, Sewemup Mesa, Palisade, and Snaggletooth areas. The Dolores River runs through pristine desert areas containing some of the most outstanding canyon scenery in Colorado. In some areas, the cliffs rise 700 feet above the water. In my opinion the float through Slickrock Canyon is the prettiest slickrock canyon trip in the Southwest. I would rate a 5-6 day Dolores River trip as one of the 3 best trips in the lower 48, right up there with the Grand Canyon and the Middle Fork of the Salmon River in Idaho. Rafting on the Dolores also provided over \$150,000 in economic impact in 2009, with over 500 user days. I'm proud to say that my company usually has more commercial use on the Dolores than all other outfitters combined.

My company also leads trips down the Colorado River, near the proposed Bull Gulch wilderness area. While the Bull Gulch proposal does not include the Colorado River itself, it would protect the remarkable landscape above the river, including golden aspen, dark green spruce, and cliffs of blinding white sandstone.

The area I care about most deeply, though, is Browns Canyon, along the Arkansas River in Chaffee County. It lies just in front of my home and is our bread and butter river. Almost one-third of my trips through Browns Canyon are wilderness camping,

multi-day trips. The main attraction or selling point for these trips is the true wilderness aspect of camping in that area.

Browns Canyon is one of the last pristine canyons in the state. The area includes important habitat for elk, deer, eagles, hawks, coyotes, bear, bighorn sheep, mountain lions, and bobcats. I've even seen a few antelope in there. It provides needed sanctuary for all these critters. It is a stunning landscape with picturesque vistas and rugged rock outcroppings.

Browns Canyon is also one of the most popular rafting rivers in the state. In 2009, there were over 200,000 user days on the river, generating over \$60 million in economic benefit. The rafting run at Browns Canyon is 16 miles of challenging Class II and Class III rapids slicing through beautiful, solid pink granite. Protection of the remarkable wild country surrounding the river canyon would be a boon to our vital rafting business along the river and would help protect a truly magical place.

I am not alone in wanting Browns Canyon to be protected. In addition to Representative DeGette's efforts, bills to protect Browns Canyon have been introduced by former Senator Ken Salazar, former Senator Wayne Allard, and former Representative Joel Hefley. When Representative Hefley introduced legislation in the 109th Congress to protect Browns Canyon, his bill was co-sponsored by every Colorado member of the House of Representatives. Wilderness protection of the Canyon has also been endorsed by dozens of local and statewide organizations and businesses, as well as The Denver Post.

In sum, I am a strong supporter of new wilderness in Colorado. Wilderness protection will increase tourism, create jobs, and will preserve some of the most special areas in our state for future generations. I have spoken in favor of wilderness protections for many years in Colorado, and appreciate the opportunity to speak to Congress about the importance of protecting the areas proposed in this bill. Thank you for having me here today and I'll be glad to answer any questions you may have.

Mr. GRIJALVA. Thank you, sir, and you ran over your time but after I butchered your name I felt it was the least I could do. I apologize for that.

Mr. DVOŘÁK. It has happened before, believe me.

Mr. GRIJALVA. Jenn Dice, Government Affairs Director, International Mountain Bicycling Association. Welcome. Look forward to your comments.

STATEMENT OF JENN DICE, GOVERNMENT AFFAIRS DIRECTOR, INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION, BOULDER, COLORADO

Ms. DICE. Mr. Chairman, Members of the Committee, thank you for inviting me to speak today. I will begin by asking you to imagine yourself visiting Colorado. It is not a work trip. You have come to enjoy yourself, to vacation and to recreate like so many visitors do each year. You might imagine yourself hiking in one of our gorgeous mountains or casting a fishing line into a sparking river, or maybe you are a skier, or maybe you will take the opportunity to get back on a bicycle.

Remember when you were a kid and you had that wind-in-your-face feeling of freedom riding a bike? Well, thousands of visitors come to Colorado each year to mountain bike on our incredible trails. After all, it is revered as one of the best places in the world to enjoy our majestic scenery.

My name is Jenn Dice, and I work for IMBA, the International Mountain Bicycling Association, and mountain bikers are passionate about the outdoors. We cherish the places that we can take epic forays into the back country. We love trails and are amount the very first to volunteer to build and repair them. Annually, mountain bikers contribute almost 1 million volunteer hours build-

ing and repairing environmentally sound sustainable trail, and advocating for public land protection.

We share a concern with conservationists and fellow trail users that the pressures of growth in industry threaten the very qualities that make our favorite trails special. Now, wilderness designations are one of the most historically important methods for protecting natural areas. However, because bicycling is not allowed in wilderness, IMBA recommends the use of companion designations such as national conservation areas, national protection areas or national scenic areas to complement wilderness, protect more land and maintain bicycle access to Colorado's world renowned mountain bike trails.

We believe mountain biking has been caught in the cross fire of well-intentioned legislation to protect public lands. Colorado's natural areas need to be protected from poorly planned resource extraction. However, they don't need to be protected from bicycles. Fortunately, we know that land protection proposals can be crafted in a way to include mountain biking as this Committee has done in the past for several states. We believe there are many tools in the toolbox to protect public lands.

And H.R. 4989, IMBA can support 13 proposed units totaling more than 230,000 acres of wilderness, but we believe that there are significant improvements that can be made to the bill. We object to the approximate 200 miles of dirt trails and roads that would be closed to bicycling. We hope to see our traditional use protected in several parcels included in my written testimony, including Thompson Creek and Banks Canyon.

Colorado has a long history of protecting public lands through inclusive collaborate processes. We believe this bill needs to go through some more community vetting to make sure that those closest to the land have an opportunity to draw boundaries and to write robust land protections. IMBA has 30 clubs in Colorado and we stand ready to participate.

Although research shows that the impact of bicycling are much less than those caused by motorized recreation and equestrian use, and similar to hiking, outdated Forest Service regulations often equate bicyclists to motorized users, and inappropriately group bicycles into categories with motorized and mechanized in their analysis.

The Forest Service needs better management tools to address our quiet, low impact sport. We hope to work with Congress, the Forest Service, the BLM and others to write robust, strong public land protections that give land managers better forest and recreation management tools that are inclusive of our human power use.

At a time when every Federal public land agency has initiatives to get kids exercising, to get them outdoors, to get them to experience their public lands, we don't understand why we would exclude bicycles. Bicycles create future public land stewards. They make national forests more relevant to today's youth, and bicycling is fun.

In closing, mountain biking is an extremely popular sport with more than 47 million Americans participating. IMBA has inspired, trained, and organized one of the most committed volunteer corps in our nation's history. We are proud that our members have em-

braced the ethic of trail stewardship and we will continue to protect the water, wildlife, clean air and back country landscapes for the foundation of America's great outdoors.

In closing, I will thank you for the opportunity to speak and we would love to take you and your staff on a bike ride in Colorado anytime soon. Thank you.

[The prepared statement of Ms. Dice follows:]

**Statement of Jenn Dice, Government Affairs Director,
International Mountain Bicycling Association, Boulder, Colorado**

On behalf of the International Mountain Bicycling Association (IMBA) and our Colorado IMBA-affiliated clubs, thank you for the opportunity to offer comments on the Colorado Wilderness Act of 2009 H.R. 4289.

IMBA is a national and international education and advocacy organization whose mission is to create, enhance, and preserve great trail experiences for mountain bicyclists worldwide. Nationally, we represent 750 IMBA-affiliated clubs, 32,000 individual members, and more than 800 corporate partners and bike shops. Annually, mountain bikers contribute almost one million volunteer hours advocating for public land protection and building environmentally sustainable trails.

We begin by thanking Congresswoman DeGette for her outstanding support for Colorado public lands. There are many special places across our beautiful state threatened by resource extraction, development, and road building. IMBA agrees that Colorado's most treasured places must be safeguarded. Our hope is to see them protected from detrimental activities while still allowing for healthy, low-impact recreation, such as mountain biking.

Wilderness designations are one of the most historically important methods for protecting natural areas. However, because bicycling is not allowed in Wilderness by regulation, IMBA suggests a strategy of employing "companion designations," such as Natural Conservation Areas, National Scenic Areas, and Natural Protection Areas, to complement Wilderness areas and maintain access for Colorado's world-renowned mountain biking trails.

Bicycling Brings \$133 Billion to U.S. Economy and Supports 1.1 Million Jobs

Bicycling, both on road and off, contributes \$133 billion annually to the U.S. economy, supports nearly 1.1 million jobs across the U.S. and generates \$17.7 billion in annual federal and state tax revenues. Bicycling produces \$53.1 billion annually in retail sales and services, including \$6.2 billion in bicycling gear sales and services and \$46.9 billion in bicycling trip-related expenditures (Outdoor Industry Foundation 2006).

In the mountain states—combining Arizona, Colorado, Idaho, New Mexico, Montana, Utah, Nevada, and Wyoming—bicycling contributes \$6.2 billion annually to the regional economy. Bicycling supports more than \$1 billion in annual state and federal tax revenues and produces nearly \$4.1 billion annually in retail sales and services.

Colorado a Top State for Mountain Bicycling

In Colorado, IMBA represents 30 IMBA-affiliated mountain bike clubs and five volunteer mountain bike patrols. The state has 312 independent bicycle dealers that support our work. Tourism in Colorado industries is strongly influenced by mountain biking, including some of the nation's most popular races and festivals, plus guiding services, touring companies, and hut-to-hut travel.

Colorado is truly an epicenter for the mountain bike industry, with almost 100 companies building and making mountain bike frames, components, accessories, and apparel. Many prominent outdoor companies that promote outdoor recreation and mountain biking are based here, including national and regional bicycling magazines and firms that deal in events marketing, public relations, advertising, and media services. Bicycling, in general, supports more than 60,000 jobs across the Rocky Mountain region (OIF 2006), with mountain biking comprising approximately 40 percent of that figure.

Mountain bicycling is an extremely popular sport nationally. According to the National Survey on Outdoor Recreation and the Environment (NSRE 2007), the sport attracts 47 million participants, making it more popular than golf, hunting, backpacking, or horseback riding.

Many young people enjoy mountain biking, helping counter a distressing trend toward youth obesity and inactivity. The Outdoor Foundation's Outdoor Recreation

Participation Study (2008) shows that overall youth (ages 6 to 17) participation in the outdoors declined 16.7 percent over the last three years. However, youth participation in mountain bicycling, hiking, backpacking, kayaking, and skiing all showed increases. This research affirms that outdoor activities like bicycling and hiking are popular, accessible, and often lead to participation in other healthy activities.

Mountain Bicyclists Are Enthusiastic Supporters of Public Lands Protection

Mountain bicyclists are passionate about the outdoors. We believe in managing public lands as a public trust and a priceless national treasure. We cherish the places where we can enjoy epic forays into the backcountry. We love trails and are among the first to volunteer to build and repair them. We share a concern with other trail users that the pressures of growth and industry threaten the qualities that make our favorite rides special.

That's why Wilderness designations are such a difficult issue for us. Existing Wilderness protections near trails can contribute to the peace, quiet, and solitude that make them special. At the same time, Wilderness expansions and new Wilderness designations block access to those same trails.

Fortunately, we know that land protection proposals can be crafted to include mountain biking, as they have been in Colorado, Washington, Oregon, California, Georgia, and Virginia. IMBA champions the strategy of combining Wilderness protections with other land protection solutions—such as National Scenic Areas, Recreation Areas, or Protections Areas. In this manner we can both safeguard the land and preserve local mountain biking traditions. We believe that there are many tools in the toolbox to protect public lands. Preserving Colorado public lands doesn't have to be at the expense of mountain bicycling.

We believe there are significant improvements that can be made to the bill. In its present state, the legislation fails to acknowledge the large number of bicycle trails that would be closed by Wilderness boundaries. We believe that the addition of more companion designations, and corresponding adjustments to Wilderness boundaries, would create a better, more inclusive, bill.

Areas Appropriate for Wilderness in H.R. 4289

IMBA can support roughly 216,958 acres for Wilderness in the Colorado Wilderness Act of 2009. IMBA believes that these parcels are appropriate for Wilderness: Badger Creek (25,229), Beaver Creek (38,378), Browns Canyon (20,025), Cross Canyon (25,947), Deep Creek (20,843), Flat Tops (16,427), Grand Hogback (11,701), Little Bookcliffs (30,557), Maroon Bells (316), McIntyre Hills (17,318), Platte River (33), Powderhorn (3,306), and West Elk (6,878).

Areas That Need to Be Further Examined for Partial Wilderness, Companion Designations, and Boundary Adjustments

Large segments of the following parcels could also be supported as Wilderness but IMBA needs to work with Congresswoman Degette and local stakeholders to determine if boundaries need to be redrawn for existing roads and trails or if a companion designation would be a more appropriate land protection.

Further research and ground-truth efforts need to be conducted for the trails in these areas: Bull Gulch (15,155), Castle Peak (16,263), Demaree Canyon (25,881), Dolores River Canyon (41,133), Granite Creek (14,089), Norwood Canyon (13,288), Pisgah Mountain (15,679), Redcloud Peak (38,594), South Shale Ridge (27,569), Table Mountain (27,888), Weber-Menefee Mountain (14,598).

IMBA can support the Snaggletooth Wilderness (32,050), so long as the boundary of the Wilderness respects the existing Snaggletooth Trail important to local bicyclists. The current map is unclear and it is difficult to determine if this trail is in or outside of the Wilderness boundary.

Areas Important to Bicyclists That Could Be Protected Through A Companion Designation

There are many trails that would close under H.R. 4289 and areas we cannot support for Wilderness: Bangs Canyon (21,110), Grape Creek (44,372), Handies Peak (72,397), McKenna Peak (33,467), The Palisade (26,914), Roubideau (22,604), Sewmup Mesa (65,448), Thompson Creek (25,285), and Unawep (39,392).

IMBA estimates that close to 200 miles of trails or dirt roads will close to bicycle use in the bills current form. In some places a simple boundary adjustment or non-Wilderness corridors would allow for continued use. In other places, trails split parcels and a companion designation may be more appropriate, such as a National Protection Area, National Conservation Area, or National Scenic Area. In all instances, IMBA wants to make sure the land is still protected. We hope to work with the bill's

sponsor and the committee to write a robust protection that complements some of the key Wilderness areas.

Bangs Canyon

IMBA would not support Wilderness for Bangs Canyon. This parcel provides mountain bike access on dirt roads accessible for winter riding around Grand Junction as well as the nationally famous Tabeguache Trail.

Grand Junction is a world-renowned mountain bicycling destination. This area hosts an abundance of year round singletrack opportunities. IMBA's local club, the Colorado Plateau Mountain Bike Trail Association (COPMOBA), is a dedicated group of volunteers who organized in 1989 and were recently inducted into the Mountain Bike Hall of Fame for their stewardship. This group includes a board of directors and numerous member volunteers who work with land managers to protect resources in the Grand Junction, Fruita, Gateway, and Montrose areas. This group has been dedicated to maintaining trails such as the Tabeguache, Paradox, and Kokopelli trails.

The proposed Bangs Canyon parcel would close approximately five miles of the Tabeguache Trail. This trail, in its entirety, is 144 miles from Montrose to Grand Junction and was put together by the COPMOBA in 1990. The Tabeguache is also part of the three legs of the Grand Loop, a large triangle formed by the Kokopelli and Paradox trails. The closure would bi-sect this important long-distance trail and prevents completion of the Grand Loop. COPMOBA has been working with the Grand Junction Bureau of Land Management Field Office to re-route this section of trail, but nothing official has come of the process.

Grape Creek

IMBA would not support Wilderness for the Grape Creek parcel as local bicyclists of the Colorado Springs (Medicine Wheel Trail Advocates) and Canyon City (Lower Arkansas Mountain Bicycling Association) enjoy several trails that would be closed under the proposal: Bear Gulch Trail, Tanner Peak Trail, and Stultz Trail. The Grape Creek area is featured in a well-known guide, Mountain Biking Colorado Springs Guide Book, by David Crowell (Falcon Publishing).

Handies Peak

IMBA does not support the Handies Peak Wilderness proposal. This proposed area includes the Colorado Trail, which is of critical importance to mountain bikers. It is a premier backcountry singletrack experience and certain segments are an international destination. Many bicyclists put this long-distance trail on their "must-ride" list of epic backcountry rides and aspire to bike the entire distance from end to end. There is a tremendous amount of Wilderness already in the area that restricts local bicyclists. The CO Wilderness Act of 2009 would needlessly close a critical segment (#23) that would make bicyclists detour around yet another parcel of Wilderness in the Handies Peak Proposed Wilderness. Mountain bikers love this trail and would be upset to be excluded.

Already there are several Colorado Trail segments that require challenging and onerous reroutes. The Lost Creek Wilderness is a good example. Here, bicyclists must bike 71.6 miles on state highways and dirt roads to bypass roughly 20 miles of trail with no alternative trail route available. This is an enormous burden on our community. If segment #23 were closed, this would require a similar problem for this segment and require an extensive reroute for mountain bikers to stay outside of Wilderness. Other trails that would be affected in this area are West Lake Creek and Pole Creek.

McKenna Peak

IMBA would not support Wilderness for major segments of McKenna Peak. There are several dirt roads that bicyclists use to view wild horse populations in the Spring Creek area.

The Palisade

IMBA would not support the Palisade (26,914) proposal. With mountain biking on the rise in Gateway, we need to keep in mind amenities that go along with the sport such as camping. The Wilderness boundary cuts off small roads that allow for camping in the area. There is limited camping in the canyon and this area has provided bikers with numerous camping opportunities.

Roubideau

IMBA does not support the Roubideau Wilderness proposal. This section bisects a very popular long distance trail, the Tabeguache trail. As previously mentioned in the Bangs Canyon proposal, this trail is in its entirety is 144 miles from

Montrose to Grand Junction. The Tabeguache is also part of the three legs of the Grand Loop, a large triangle formed also by the Kokopelli and Paradox trails.

The proposal would eliminate the #3 Transfer Road section (7.1 miles) and #4 Roubideau Trail section (21.3 miles). This trail offers an experience for riders exploring diverse geologic areas and applying remote backcountry riding skills, a unique trail system for mountain bikers. Trail surface consists of gravel road, maintained dirt road, primitive 4WD paths, and singletrack.

Sewemup Mesa

Sewemup Mesa is another area with an important trail to bicyclists and we ask there be boundary adjustments for this parcel. Sewemup Mesa is a wonderfully wild area, but H.R. 4289 goes outside the original BLM Wilderness Study Area proposal and would impact access to existing jeep roads near the Paradox Trail. The 100-mile Paradox Trail follows the stunning Paradox valley from Colorado's high plains to Moab's desert along trails and jeep roads and was put together by the COPMOBA in 1995. Included in this proposal are a number of short sections of road and trail that mountain bicyclists currently use. Beehive Canyon is also an area that has a short section of singletrack that is important to bikers. The boundary could be adjusted to exclude these areas that our constituents find important.

Thompson Creek

IMBA does not support Wilderness designation for Thompson Creek. This parcel borders the town of Carbondale, a destination for mountain biking and home to a very active IMBA club, the Roaring Fork Mountain Bike Association. There are many important trails in this parcel including Tall Pines and Braderich Creek trails that would close under the current proposal. IMBA suggests a companion designation for this unit. We cannot support the permanent restriction of mountain bike access to this areas urban trail development.

Unaweep

IMBA would not support the Unaweep parcel for Wilderness designation. In the Unaweep area there are currently trails used by mountain bikers, which include: Lower Ute Creek (2.5 miles), Ute Creek #608 (7.7 miles), and Snowshoe #607. Although it is only 1.5 miles long, Snowshoe #607 is an important connector trail. This area provides opportunity for loop trail rides in the area. There are currently three trails that were closed in 2002, but COPMBA has been working with the U.S. Forest Service to reopen these three trails: #601, #654, and #650. A Wilderness designation would eliminate the option of allowing bikes.

H.R. 4289 Needs More Community Vetting

IMBA hopes to work with Congresswoman Degette on conducting town hall meetings across the state to better collaborate with community groups affected by the legislation. Colorado has a long history of protecting public lands through inclusive processes that bring many interest groups to the table. We believe this bill needs to go through more community stakeholder meetings to make sure those closest to the land have been involved in drawing the boundaries.

IMBA recently worked with Colorado Congressman John Salazar (D-3) over the course of several years to craft H.R. 3914 the San Juan Mountains Wilderness Act of 2009, which we support. The bill includes numerous boundary adjustments for critical trails and dirt roads that our community uses in southwest Colorado. Further, the legislation includes both Wilderness and a Special Management Area that allows our historical use to continue on one trail system. The bill recognizes the importance of outdoor recreation and also allows the Hard Rock trail running race, and heli-skiing and snowboarding, to continue on these newly protected lands.

IMBA also worked collaboratively for years with then U.S. Representative Mark Udall (D-2) on shaping the James Peak Wilderness and Protection Area (H.R. 1576, P.L. 107-216 or 16 USC 5391). James Peak is another great example of complementing Wilderness through a companion designation of a National Protection Area, as it allows for bicyclists to continue riding an important, high-alpine trail.

Last year, IMBA supported the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness Area Act (S. 3065) after working with then Colorado U.S. Senator Ken Salazar to draft a proposal that included a companion of a National Conservation Area, which protected public lands and allowed our traditional use along many important trails.

IMBA is now working with Colorado Congressman Jared Polis (D-2) and the Hidden Gems coalition to craft a robust protection measure that includes Wilderness and a companion designation for Summit, Pitkin, Eagle, and Gunnison counties.

Forest Service Needs Better Management Tools for Human-Powered Recreation

IMBA believes the time has come for the Forest Service and Congress to consider another robust public land protection that gives clear guidance to the Forest Service for management. The Forest Service has specific regulations and management guidance for Wilderness, and needs better direction for companion designations.

IMBA is asking the Forest Service to help address the disparities that unfairly restrict mountain bicycle access. Although research shows that the impacts of bicycling are much less than those caused by motorized recreation, Forest Service regulations often equate bicyclists to motorized users and inappropriately group bicycles into the category of “motorized and mechanized” in their analysis. Too often, environmental and social science research is based on the impacts of motorized users, ignoring the need for a unique analysis specific to bicycling as a low-impact, human-powered activity. The Forest Service needs better management tools to address our sport.

IMBA believes it is important that this committee consider the congressional intent of the Wilderness Act and the inspiration behind that important moment in history. It is clear from the congressional record and study group reports, which recommended the parameters of the legislation, that even back in the late 1950’s, Americans were becoming too sedentary. The pressures of development were starting to erode these treasured areas and Congress wanted places people were required to get to under their own human-power. No people movers, no motors, and no mechanized transport—which the Forest Service in 1966 defined as, “propelled by a non-living power source” (36 CFR §293.6). Since bicycles are obviously powered by a living power source, they were not contemplated by the Act. IMBA believes the congressional intent was to prohibit motorized vehicles completely and any non-motorized but non-human powered devices used to deliver people or supplies. Examples of the latter would include animal-powered wagons and mining carts.

In addition, Congress has recognized that bicycling is compatible with Wilderness values in the Rattlesnake Wilderness Act (1980) where it found that “bicycling” was a form of “primitive recreation” fitting for Wilderness.

“The Congress finds that—(1) certain lands on the Lolo National Forest in Montana have high value [as Wilderness]. This national forest area has long been used as a wilderness...as a source of solitude...and primitive recreation, to include such activities as hiking, camping, backpacking, hunting, fishing, horse riding, and bicycling....”

I mention this to further dispel the idea that bicycles are an incompatible use of pristine places. Almost 30 years have passed since the first invention of the mountain bike and twenty-five years since the 1984 Forest Service regulatory ban of bicycles in Wilderness. We have learned a lot in the last 30 years on recreation ecology and management of mountain bikes.

We now know that the resource impacts of mountain biking are similar to hiking and much less than horses, two allowed uses of Wilderness. For example, a study published by Dr. Jeffrey L. Marion, *Assessing and Understanding Trail Degradation: Results from Big South Fork National River and Recreational Areas*, United States Department of the Interior (2006), demonstrates that mountain bike trails were the least eroded, narrowest, and least muddy of the trails studied (.6 percent), including hiking (1.4 percent), equestrian (9.0 percent), ATV (24.0 percent) (See also Attachment B—*Environmental Impacts of Mountain Biking: Science Review and Best Practices*, Jeff Marion and Jeremy Wimpey). We have also learned a tremendous amount about the management of mountain bikes and shared-use trails and have hundreds of examples across the country where hikers, bicyclists, and equestrians successfully share trails. (See Minimum Tool Rule, Attachment B).

Relying solely on Wilderness designations has other drawbacks. The Forest Service is restricted in Wilderness as to what tools they can use for forest restoration, watershed protection, forest thinning, and mechanized trail building. Further, Wilderness prevents fixed anchors for climbers and backcountry structures such as yurts that back-packers and cross-country skiers would appreciate.

At a time when every federal public land agency has initiatives to get more kids exercising, into the woods, and out experiencing their public lands, why would we exclude bicyclists? Bicycling creates future public land stewards; it makes national parks and national forests more relevant to today’s youth.

As a community, mountain bikers can add a valuable new voice to campaigns to protect America’s forests, water, wildlife, and scenic landscapes. Ask any mountain biker what they think about public land protection. They absolutely do not want the lands around their trails mined, developed, or turned into road systems. The fervently agree in protecting public lands.

But the one-size fits all approach of Wilderness is no longer an adequate solution. Mountain bikers are slowly changing the national conversation on public land protection and introducing companion designations in legislation around the country. We hope to work with Congress, the Forest Service, Bureau of Land Management, and others to write better public land protections that are inclusive of our human powered use.

In closing, I want to emphasize that IMBA has inspired, trained, and organized one of the most committed volunteer trail corps in this nation's history. We're proud that our members have embraced the ethic of trail stewardship so wholeheartedly and we will continue to promote riding that respects all trail users. We will continue to protect the water, wildlife, clean air, and backcountry landscapes that are the foundation of America's matchless outdoor recreation heritage.

Thank you again for the opportunity to present this testimony.

ATTACHMENT A

Summary Excerpt: Environmental Impacts of Mountain Biking: Science Review and Best Practices.

By Jeff Marion and Jeremy Wimpey

Mountain biking is still a relatively new activity whose environmental impact and contribution to trail degradation is poorly understood. As with all recreational pursuits, it is clear that mountain biking contributes some degree of environmental degradation. In the absence of adequate research, land and trail managers have frequently been cautious, implementing restrictive regulations in some instances (Edger 1997). Surveys of managers have shown that they frequently perceive mountain biking to be a substantial contributor to trail degradation but lack scientific studies or monitoring data to substantiate such concerns (Chavez and others 1993; Schuett 1997). In recent years, however, a small number of studies have been conducted that help clarify the environmental impacts associated with mountain biking. This article describes the general impacts associated with recreational uses of natural surface trails, with a focus on those studies that have examined mountain biking impacts. [...]

Conclusion

While land managers have long been concerned about the environmental impacts of mountain biking, there are still very few good studies published in peer-reviewed journals. White and others (2006) and Hendricks (1997) note that the majority of mountain biking research has focused on social issues, such as conflicts between trail users. As a consequence, the ecological effects of mountain biking on trails and natural resources remain poorly understood.

Still, an emerging body of knowledge on the environmental impact of mountain biking can help guide current management decisions. All of the existing scientific studies indicate that while mountain biking, like all forms of recreational activity, can result in measurable impacts to vegetation, soil, water resources, and wildlife, the environmental effects of well-managed mountain biking are minimal.

Furthermore, while the impact mechanics and forces may be different from foot traffic, mountain biking impacts are little different from hiking, the most common and traditional form of trail-based recreational activity.

Key observations about the environmental impacts of mountain biking:

1. Environmental degradation can be substantially avoided or minimized when trail users are restricted to designated formal trails. Many studies have shown that the most damage to plants and soils occur with initial traffic and that the per capita increase in further impact diminishes rapidly with increasing subsequent traffic. Many environmental impacts can be avoided and the rest are substantially minimized when traffic is restricted to a well-designed and managed trail. The best trail alignments avoid the habitats of rare flora and fauna and greatly minimize soil erosion, muddiness, and tread widening by focusing traffic on side-hill trail alignments with limited grades and frequent grade reversals. Even wildlife impacts are greatly minimized when visitors stay on trails; wildlife have a well-documented capacity to habituate to non-threatening recreational uses that occur in consistent places.
2. Trail design and management are much larger factors in environmental degradation than the type or amount of use. Many studies have demonstrated that poorly designed or located trails are the biggest cause of trail impacts. As evidence, consider that use factors (type, amount, and behavior of trail visitors) are generally the same along the length of any given trail, yet there is often substantial variation in tread erosion, width, and muddiness. These impacts

are primarily attributable to differences in grade and slope alignment angle, soil type and soil moisture, and type of tread construction, surfacing, and drainage. This suggests that a sustainable trail that is properly designed, constructed, and maintained can support lower-impact uses such as hiking and mountain biking with minimal maintenance or degradation.

3. The environmental degradation caused by mountain biking is generally equivalent or less than that caused by hiking, and both are substantially less impacting than horse or motorized activities. In the small number of studies that included direct comparisons of the environmental effects of different recreational activities, mountain biking was found to have an impact that is less than or comparable to hiking. For example, Marion and Olive (2006) reported less soil loss on mountain bike trails than on hiking trails, which in turn exhibited substantially less soil loss than did horse and ATV trails. Similarly, two wildlife studies reported no difference in wildlife disturbance between hikers and mountain bikers (Taylor & Knight 2003, Gander & Ingold 1997), while two other studies found that mountain bikers caused less disturbance (Papouchis and others. 2001, Spahr 1990). Wilson and Seney (1994) found that horses made significantly more sediment available for erosion than hikers or mountain bikers, which were statistically similar to the undisturbed control.

One final point to consider, however, is that mountain bikers, like horse and vehicle users, travel further than hikers due to their higher speed of travel. This means that their use on a per-unit time basis can affect more miles of trail or wildlife than hikers. However, an evaluation of aggregate impact would need to consider the total number of trail users, and hikers are far more numerous than mountain bikers.

Mountain Bike Management Implications

So what does this mean for mountain biking? The existing body of research does not support the prohibition or restriction of mountain biking from a resource or environmental protection perspective. Existing impacts, which may be in evidence on many trails used by mountain bikers, are likely associated for the most part with poor trail designs or insufficient maintenance.

Managers should look first to correcting design-related deficiencies before considering restrictions on low-impact users. By enlisting the aid of all trail users through permanent volunteer trail maintenance efforts, they can improve trail conditions and allow for sustainable recreation.

ATTACHMENT B

Minimum Tool Rule

THE MINIMUM TOOL RULE

Public land managers who seek to provide high-quality recreation experiences on trails face the challenge of increasing user conflicts. Successful resolution of this problem depends on the management approach. The International Mountain Bicycling Association recommends that managers adopt the "minimum tool rule": Use the least intrusive measures that will solve the problem.

This approach is explained well in "Conflicts on Multiple-Use Trails: Synthesis of the Literature and State of the Practice," by Roger Moore (1994):

The nature of the recreation experience limits the manager's options in addressing the potential negative impacts of trail use. Freedom, and freedom of choice in particular, are essential for high-quality outdoor recreation on and off trails. Multiple-use trail managers must be sensitive to this fact and avoid restriction and manipulation whenever possible. The 'minimum tool rule' proposed by Hendee, Stankey, and Lucas (1990) for wilderness management is an appropriate guideline for the management of most multiple-use trails as well. They advocate using the least intrusive measures (whether physical or managerial) that will still achieve area objectives. This sensitivity is critical to maintaining the freedom and naturalness so important to most trail-based recreation.

Some managers, unaware of this principle, have fallen into a more simple and less successful approach. Andy Kulla, a recreation manager in the Lolo National Forest of Montana, calls it "Ignore or Restrict...New uses are ignored until they conflict with a traditional established use and then are managed by prohibition or restriction...The manager then tries to resolve a conflict between two or more often very angry and alienated user groups. By then it's often too late...Positions are taken, heels are dug in, and emotions rather than rational thought dominate the negotiations."

Kulla developed a list of possible management actions and arranged them according to the minimum tool rule. His hierarchy of solutions offers excellent guidance to all recreation managers.

REFERENCES:

Moore, Roger, "Conflicts on Multiple Use Trails: Synthesis of the Literature and State of the Practice," U.S. Federal Highway Administration, Report No. FHWA-PD-94-031, 1994.

Kulla, A., "A New Perspectives Approach to National Forest Recreation and its Application to Mountain Bike Management." Unpublished paper prepared for Utah State University's Professional Development for Outdoor Recreation Managers/Planners Shortcourse, 1991.

**A hierarchy of options for managing trail user conflict
by Andy Kulla, USDA Forest Service—Lolo National Forest 1994**

Listed from most preferable to least preferable.

Signing

Urge cyclists to stay on routes, slow down, limit party size, consider other users, etc. voluntarily through signing. Use signs to make sure that cyclists who care, but don't know proper etiquette, have enough information to monitor themselves. Present a good map depicting areas that are open, closed, congested, or whatever.

Peer Pressure

Encourage your friends and other cyclists to patrol their own ranks in a positive way.

Education

Work with bike shops, local clubs, universities, other user groups, city bike programs, mountain bike outfitters and guides, and other interested parties to educate bicyclists about low impact use, etiquette, and consideration for other users. Develop posters, brochures, and a logo or trademark to become a recognized reminder or symbol of considerate cycling.

Use Closed Roads

Emphasize and encourage use of closed roads as bike routes because single track trails become congested quickly and have high potential for conflict.

Soft-Cycling Training Programs

Develop training programs on low impact cycling for adults and school children to be presented by clubs, organizations, bike shops.

Trail Design

On new trails or trails that can be reconstructed, include design features that restrict speed and enhance sight distance, and build wide, or pull-out, sections to facilitate safe passing of cyclists, horses, and hikers.

Barriers To Control Speed

Leave or install barriers in the trail to control speed. Things like protruding rocks, roots, bumps, sharp curves, down trees, speed barriers and waterbars will help.

Requested Walking Zone

Request or require that cyclists walk their bikes in certain areas where speed, recklessness, or congestion are potential problems.

One-Way Only

Designate the direction of travel on trails with very heavy use to avoid the potential for head on collisions.

Post Speed Limits

Set maximum allowable or recommended speeds for cyclists. Encourage voluntary compliance or involve local cyclists in positive enforcement. Encourage speeds that allow a cyclist to stop in less than half the distance they can see.

Patrolling

Use properly trained volunteer groups to patrol and talk with cyclists.

Restrict Cyclists By Time

Allow for mountain bike use only at certain times of day.

Restrict Cyclists By Day

Allow for mountain bike use on only certain days when other use may be at lower levels. (odd/even days or weekend/week day)

Separate Sections

Construct separate routes for mountain cyclist use where there is the greatest congestion (like at trailheads).

Construct Separate Routes

Construct separate trails for mountain bikes where there is strong user support (like money and/or labor) and where no other solutions are feasible.

Zoning

Close certain areas to cycling and then allow and encourage that use in other designated areas. This method is dependent on having other areas available and usable.

Close Area To Cyclists

This should be only used as a last resort after other efforts have proven ineffective.

Mr. GRIJALVA. Thank you.

Mr. John Stansfield, Coordinator, Central Colorado Wilderness Coalition. Thank you.

STATEMENT OF JOHN STANSFIELD, COORDINATOR, CENTRAL COLORADO WILDERNESS COALITION, MONUMENT, COLORADO

Mr. STANSFIELD. Thank you, Mr. Chairman, and Congresswoman DeGette.

I am John Stansfield, representing Central Colorado Wilderness Coalition. CCWC is a regional all-volunteer organization founded in 2002, with the goal of working to secure designation of new wilderness areas in central Colorado, particularly in the Fifth Congressional District. We have 250 members working in collaboration with local groups whose membership totals 3,000-plus, and more than 30 organizations and businesses have endorsed our wilderness proposal, which includes six of the areas in the Colorado Wilderness Act of 2009.

Thank you for the opportunity to testify in favor of H.R. 4289. CCWC endorses the testimony of Steve Smith presented today on behalf of our group and others. In addition, we would like to comment specifically on five areas in the bill located in our region about which we know a fair amount and for which we care greatly. These wild and natural parcels are Beaver Creek, Grape Creek, Table Mountain, McIntyre Hills, and Badger Creek. We are also strong advocates for Browns Canyon, which Bill Dvořák has discussed in detail today.

Our group has explored, inventoried, mapped and continues to promote these areas for wilderness designation. We heartily endorse your legislative efforts to make these designations a reality in the near future.

As for myself, I have 40 years' experience as a volunteer in wild land inventory and assessment, especially in central Colorado. With a master's degree in education, I have conducted hundreds of back country educational, recreational and service trips for people of all ages in Colorado and Wyoming.

In central Colorado's Fremont County, the ancient Arkansas River and its tributaries have created countless canyons inter-

mingled with steep-sided ridges and peaks. It is in this rugged terrain the five islands of wildness, strong like uncut jewels on the chain of river flourish in close proximity to the rapidly urbanizing front range. We believe that as development takes place in the region wild public lands become inherently more valuable ecologically and recreationally.

Like many of the proposed wildernesses in H.R. 4289, the Fremont County areas are the mid-elevation range of 6,000 to 10,000 feet. In terms of ecological diversity, the importance of permanent protection for the lower elevation wildlands cannot be understated. Beaver Creek, for example, is situated in a biological cross roads of plains, mountain and New Mexican habitats blending prairie rattlesnakes and big blue stem grass with big horn elk and Engelmann spruce along with road runners, Mexican spotted owls, piñon-juniper woodland and ring tail; quite a mix, while only a few miles away Grape Creek and the other areas, a few air miles away Grape Creek and the other areas have their own blends of diverse plant and animal species.

Mid-elevation areas make for a variety of primitive recreation as well. CCWC has conducted hiking trips into each of the Arkansas River areas every month of the year. While higher streams are ice bound, year-round fishing is common in Badger Creek and Grape Creek because some wildlife species, wild turkey for instance, occur at lower elevation, so do varied hunting opportunities.

All five of the wilderness candidates have pending congressional action, receive some form of interim protection from their land management agencies in recognition of their wild and roadless values. The interim protections for each area are listed in my written testimony.

However, administrative interim protections can be lost. Water storage projects or alterations in agency regulation, for example, can spell rapid change or elimination of wilderness-quality lands. Only congressionally-designated wilderness can effectively preserve their values.

There are resource issues in two of the areas of which the Committee should be aware. There is use of motorcycles, ATVs and mountain bikes in some of the Forest Service roadless are portion of the Grape Creek proposed wilderness. A draft Federal energy corridor proposal on BLM land may impact the potential southern wilderness boundary of Badger Creek. We believe that both of those issues can be successfully mitigated via public and agency participation during the legislative process.

CCWC is extremely grateful for the de facto, and I say "de facto" interim protections all be they unofficial provided by Representative Diana DeGette's Colorado Wilderness Act proposals during the past 11 years. The recurring bills have assisted us in keeping the areas we treasure in front of the public and enabled us to keep up hope on the long road to wilderness designation, and now at last we have a hearing. Thank you.

[The prepared statement of Mr. Stansfield follows:]

**Statement of John Stansfield, Coordinator,
Central Colorado Wilderness Coalition**

Thank you, Mr. Chairman and members of the committee.

I am John Stansfield, Post Office Box 588, Monument, Colorado 80132. I represent Central Colorado Wilderness Coalition (CCWC). CCWC is a regional, all-volunteer organization founded in 2002 with the goal of working to secure designation of new wilderness areas in central Colorado, particularly in the Fifth Congressional District.

Thank you for the opportunity to testify for H.R. 4289, the Colorado Wilderness Act of 2009. CCWC is a member group of Colorado Wilderness Network and endorses the testimony of Steve Smith presented today. In addition, we would like to comment specifically on five areas in the bill, located in our region, about which we know a fair amount and for which we care greatly. These wild and natural parcels are Beaver Creek, Grape Creek, Table Mountain, McIntyre Hills, and Badger Creek. Our group has explored, inventoried, mapped, and continues to promote these areas, as well as Browns Canyon, for wilderness designation. We heartily endorse your legislative efforts to make these designations a reality in the near future.

As for myself, I have 40 years of experience as a volunteer in wild land inventory and assessment. With a master's degree in education, I have conducted hundreds of backcountry educational, recreational, and service trips for people of all ages in Colorado, Wyoming, and Alaska.

My first wilderness inventory experience took place in Beaver Creek in spring 1971. My cohorts and I, all unfamiliar with the area, forced our way up the canyon bottom, fording the icy, thigh-deep water again and again, until we came to a seemingly impassable narrows, only 30 feet wide with vertical walls 100 feet high, and the creek falling in rapids through it. We baled out of the stream bed. After climbing hand-over-hand through a steep, brushy gulch, all of a sudden there was a trail. We were so pleased to walk the scenic path back to the trailhead, unaware of the cases of poison ivy we would soon be scratching. The surprises I had that day in 1971 were only the first of many I have had over the years in my wild land inventories.

In central Colorado's Fremont County, the ancient Arkansas River and its tributaries have bored their ways through tough igneous and metamorphic rock, creating countless canyons intermingled with steep-sided ridges and peaks. It is in this rugged terrain that the five islands of wildness, strung like jewels on the chain of river, flourish in close proximity to the rapidly urbanizing Front Range. We believe that as development takes place in the region, wild public lands become inherently more valuable—economically, ecologically, recreationally.

And we can back up that contention. Our sister organization, Wild Connections, recently released a professional paper: (http://www.wildconnections.org/images/Ecosystem_Services_Economic_Value_Land_Use_Planning_Wild_Connections_2010.pdf) documenting substantial previously unquantified economic values provided by "ecosystem services", those goods, including fresh water, the regulation of wastes, the control of climate, the formation of soil, and protection from natural hazards, which an ecosystem provides for human use.

Like many of the proposed wildernesses in H.R. 4289, the Fremont County areas are in the mid-elevation range of 6,000 to 10,000 feet. (Most Colorado wilderness being at 9,000 feet and up.) In terms of ecological diversity, the importance of permanent protection for lower elevation wild lands cannot be understated. Beaver Creek, for example, is situated at a biological crossroads of plains, mountain, and New Mexican habitats, blending prairie rattlesnakes and big bluestem grass with bighorn, elk, and Engelmann spruce, along with roadrunners, Mexican spotted owls, piñon-juniper woodland, and ringtail. Quite a mix! While only a few air miles away, Grape Creek has its own blend of diverse plant and animal species.

Mid-elevation wilderness areas make for variety in primitive recreation, as well. CCWC has conducted hiking trips into each of the Arkansas River areas in every winter month. While higher streams are icebound, year-round fishing is common in Badger, Grape, and Beaver Creeks. Because some wildlife species, wild turkey, for instance, occur at lower elevation, so do varied hunting opportunities there. When I meet outdoor people who enjoy the sandstone canyonlands of southeast Utah, I encourage them to also visit the soaring granite canyonlands of Beaver Creek or the slot canyons and rain water pour-offs of McIntyre Hills for a new experience.

All five of the wilderness candidates have, pending congressional action, received some form of interim protection from their land management agencies, in recognition of the wild and roadless values they contain. Interim protections include:

- Badger Creek—Forest Service roadless area designation
- Beaver Creek—BLM Wilderness Study Area, Forest Service roadless area designation, Colorado Stewardship Trust Program (state trust inholdings only)
- Grape Creek—BLM Wilderness Study Area and Area of Critical Environmental Concern designations, Forest Service roadless area designation, Colorado Stewardship Trust Program (state trust inholdings only)

McIntyre Hills—BLM Wilderness Study Area, Colorado Stewardship Trust Program (state trust inholdings only)

Table Mountain—BLM Area of Critical Environmental Concern and Research Natural Area designations for portions of the area

However, administrative interim protections can be lost. Water storage projects, or energy-related developments, or alterations in agency regulation, for example, can spell rapid alteration or elimination of wilderness-quality lands. Only congressionally-designated wilderness can effectively preserve values on BLM and Forest Service lands which the people deem important for our nation's longterm wellbeing.

There are resource issues in two of the areas of which the committee should be aware. There is use by motorcycles and ATVs in some of the Forest Service roadless area portion of the Grape Creek proposed wilderness. A draft federal energy corridor proposal on BLM land may impact the potential southern wilderness boundary of Badger Creek. We believe that both of these issues can be successfully mitigated via public and agency participation during the legislative process.

In closing, I would like to share a highlight, factual or personal, about each of the proposed wildernesses to give you something of the experience of being there:

The top-of-the-world view looking down from the expansive grass-covered mesa top of Table Mountain into Devil's Hole and the Arkansas River 3,000 feet below.

A high school biology class discovering a bighorn ram skeleton lying at the bottom of the 200-foot-high precipice that marks the confluence of East and West Beaver Creek.

Broad, parallel fingers of wan fall grass and bright yellow aspen reaching downslope more than a mile to touch Badger Creek.

History rising through boot soles treading the grassy roadbed of the short-lived railroad that once traversed Grape Creek valley.

The feeling, in McIntyre Hills, of being what Colorado conservation pioneer Enos Mills called "watched by wildlife", and then glimpsing on the ridge above a mountain lion in motion.

CCWC is extremely grateful for the de facto interim protections, albethey unofficial, provided by Rep. Diana DeGette's Colorado Wilderness Act legislative proposals during the past 11 years. The recurring bills have assisted us in keeping the areas we treasure in front of the public and enabled us to keep up hope on the long road to wilderness designation. And now, at last, we have a hearing.

Mr. GRIJALVA. Thank you.

Mr. Kent Holsinger of Holsinger Law, Denver, Colorado. Welcome, sir, and look forward to your comments.

**STATEMENT OF KENT HOLSINGER, HOLSINGER LAW, LLC,
DENVER, COLORADO**

Mr. HOLSINGER. Thank you, Mr. Chairman, Congresswoman DeGette. My name is Kent Holsinger. I am the managing partner of Holsinger Law LLC. We are a Denver, Colorado-based natural resources law firm that specializes in lands, wildlife, and water law.

I appreciate the opportunity to be here to testify today to express the great concerns that I have personally and many of my clients, many colleagues have with this legislation of both a procedural and substantive nature.

First and perhaps foremost is a real concern with local input into this legislation. This would designate vast swaths of land, many of which are crisscrossed by roads, trails, pipelines, and other man-made facilities into the most restrictive Federal land use designation possible.

Club 20's Public Lands Committee, Club 20 is the organization representing 20 West Slope counties has expressed concerns with how wilderness bills are implemented and ultimately enacted. Their latest resolution on this subject says that wilderness bills should be passed only with the strong support of the county commissioners representing the most immediately affected counties.

Action 22, the coalition of 22 southeastern Colorado counties, has opposed H.R. 4289, again with concerns over local input. As Action 22 stated, this piece of legislation designating public lands as wilderness is the most restrictive of all Federal land designations and severely limits the opportunities for the public's use of their lands as well as the local economic benefits associated with those uses.

Colorado Counties, Inc., their own policy on wilderness designation is that wilderness be supported by the county within which the designation is proposed.

In addition to these concerns in regard to local input, we represent many folks that are interested in water in Colorado. I should note that the Colorado River Water Conservation District opposes H.R. 4289 as drafted. They have raised significant concerns, and I would echo those concerns of Congressman Salazar that this legislation could affect our compact apportioned waters, the very life blood to Colorado, our ability to grow crops and recreate and provide for domestic and municipal uses.

The Southwest Water Conservation District has raised similar concerns and have expressed their opposition to 4289 as drafted. My clients, the Montezuma Valley Irrigation Company have grave concerns about impacts that this legislation could have on them, their ability to continue to farm and even their ability to do good things to the downstream environment.

My clients, the Uncompahgre Valley Water Users Association have concerns with regards to potential impacts on their goals to create renewable hydropower on their existing water facilities. The Jackson County Water Conservancy District also has concerns with this legislation and its impacts on water.

Many of our other clients, the Colorado Cattlemen's Association, the Colorado Wool Growers Association, have great concerns with access to public lands with multiple uses and recreation, continued grazing, the ability to do new and improve existing water developments and reach their allotments. Recreation interests have concerns as well. The Colorado Off Highway Vehicle Coalition, Colorado Snowmobilers Association, the Blue Ribbon Coalition and the American Motorcyclist Association all oppose H.R. 4289 as drafted.

In summary, Mr. Chairman, we have great concerns that this legislation would have significant economic impacts at a time when Colorado faces a billion dollar budget deficit. We urge the Committee to oppose this legislation. We urge the Congresswoman to work with local communities and continue the significant efforts I know her and her staff have devoted to this bill unless and until local communities support it.

With that, I thank you, Mr. Chairman, Congresswoman DeGette.
[The prepared statement of Mr. Holsinger follows:]

Statement of Kent Holsinger, Holsinger Law, LLC

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 Qualify 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.

Mr. GRIJALVA. Thank you. Let me ask a couple of quick questions and turn it over to Congresswoman DeGette.

Mr. Holsinger, let me go back a little bit. The interests that you represent or the opinion that you represent is well taken. During the discussion of the legislation that Congressman Salazar brought before this Committee, were those interests in opposition or in support of that particular piece of legislation given the concerns?

Mr. HOLSINGER. I am sorry, Mr. Chairman, which legislation is that?

Mr. GRIJALVA. Congressman Salazar's legislation which was referred to earlier, were the interests that you represent in favor or for it or—

Mr. HOLSINGER. You know, Mr. Chairman, I have not talked to my clients about that specific legislation, but I do know several of the entities that authorized me to speak today and to relay the positions they have on 4289 are in support of Congressman Salazar's efforts.

Mr. GRIJALVA. OK, thank you.

There was one question that I had for Mr. Smith from The Wilderness Society. You made the point about the process having to be careful but quick in terms of getting these designations done, and I agree with you.

How long does the Society believe it will take to work out the problems outlined let us say by agencies or by Mr. Salazar's earlier testimony? What would be the timeline since time is one of the issues that keeps coming up in all of these discussions?

Mr. SMITH. Thank you, Mr. Chairman. I think that the timeline will vary according to which area you talk about or which watershed you talk about because it depends primarily on those local discussions and those local attitudes and some are going to come sooner than others. We are delighted to work with our full delegation, especially with Congresswoman DeGette, to cue this up on a time-frame, on a time plan to get these done.

Mr. GRIJALVA. In a designation process and you are going through a public process, hypothetically you reach a point that can't be accommodated on the designation. Those irreconcilable differences are going to occur. They occur in any one of these processes, and the suggestion that we wait or get a check off at some point on any wilderness designation on these differences to wait in-

terminably until who knows when is something that concerns me because it has always been like a de facto veto on moving forward on some of these designations. Your opinion on what happens when you reach that crucible before you cannot reconcile.

Mr. SMITH. I think that is very astute, Mr. Chairman. I will offer two quick thoughts. One is that, yes, eventually you cannot get to the perfect. You cannot get to absolute agreement, but you will come so close that most of the participants will feel satisfied, and all of the participants will realize that they can live with what happened.

The second thought is we found in several of these negotiations on these areas and on other wilderness proposals in Colorado after perhaps months of lots of posturing where organizations will say, we are sweepingly against this, when we actually sit down with maps and actually talk about specific places, we find resolution within weeks.

Mr. GRIJALVA. There are points of tolerance.

Ms. Dice, IMBA supports the San Juan Mountains Wilderness Act. Can you tell us how long it took in that process to work out the issues in that legislation because I assume there must have been some issues at the beginning of that process, and how long do you think it would take your organization in particular to work out some of the issues that you raised today regarding the Colorado Wilderness Act?

Ms. DICE. Thank you, Mr. Chairman. It took us about two years to work through the issues with the San Juan Wilderness legislation, and if you look at each one of the parcels or the units in that legislation, a lot of times you can see right outside of the boundary of the wilderness is a trail system that the local mountain bike community enjoys.

That legislation also has a companion designation of a special management area that allows us to continue to ride until there is a trigger point that turns it into wilderness in the future. So it took us about two years.

With the Colorado Wilderness Act, I could guess probably the same thing. You know, one to two years. Like Steve said, when you sit down and you look at the maps and you get to the specific places, there are a lot of things that can be worked out on the ground: boundary adjustments, companion designations, and corridors for trails.

Mr. GRIJALVA. Thank you. Ms. DeGette.

Ms. DEGETTE. Thank you. Following up, Ms. Dice. You know, I really appreciated your testimony because even though I myself am not a mountain biker I will take you up on your offer as long as it is not one of those really steep.

Ms. DICE. Nice, make it flat.

Ms. DEGETTE. On those trails I prefer to hike or go horseback riding, but I will come with you, and I also agree that we really need to have—I think that the mountain bike community needs to have a conversation with the Forest Service about some of these trails, and I also think that the Congressional Delegation can help you with that.

But I will say in the areas of my bill that are currently being managed as Wilderness Study Areas as you know because of the

current Forest Service rules mountain bikes are not allowed in those areas. So if we designated a lot of those areas that would not be removing mountain bike usage, correct?

Ms. DICE. Correct.

Ms. DEGETTE. and I also want to thank you for your endorsement of 13 of the areas in my bill that you did not mention in your verbal testimony today, and I also want to say, and this goes with just about everybody here, I think we can work out some of the specific areas that you talk about by boundary adjustments and natural discussions.

For example, the Tabawatch Trail I known in Banks Canyon is really important to the mountain bike community, so I am going to take a closer look at that to see if wilderness designation is appropriate for Banks Canyon or if we should look at something else, and like with Thompson Creek, I think we can look at some boundary issues to preserve those trails. They still have wilderness designation but allow the mountain biking.

I just want to ask you, will your association agree to work with me to keep trying to resolve the issues with the additional areas that you flagged for discussion?

Ms. DICE. Absolutely, and we look forward to working with you on it, and we look forward, of course, to taking you on a bicycle ride.

Ms. DEGETTE. OK.

Ms. DICE. But I think more so than just a boundary adjustment for existing trails like the Tabawatch Trail, we don't want the boundary to be moved and the land around our trails still mined or logged or leased.

Ms. DEGETTE. Right. You want those other kinds of designations—

Ms. DICE. Exactly.

Ms. DEGETTE.—that will still preserve the wilderness characteristics but allowing mountain bikes.

Ms. DICE. Exactly.

Ms. DEGETTE. I want to ask you, Mr. Stansfield, in the Forest Service's testimony regarding Beaver Creek they mention that the area has no nonconforming uses, but they are concerned about the ability to fight fires in this area if it is designated wilderness. You mention in your written testimony that Beaver Creek was the first area you inventoried back in 1971.

Have you ever heard this concern about fires in your many years of work, almost 30 years? No, I am sorry, 40 years—

Mr. STANSFIELD. That is OK.

Ms. DEGETTE.—of work on these issues.

Mr. STANSFIELD. I may not look that old but I really am.

Ms. DEGETTE. Yes, I know. Me too. Have you ever heard a concern about that, and does the Wilderness Act allow for fire fighting in wilderness areas?

Mr. STANSFIELD. I will answer both if I can.

Ms. DEGETTE. Super. Thanks.

Mr. STANSFIELD. No, I have never until very recently heard that concern raised about the little bit less than the 5,000 acre portion in your bill—Forest Service portion in your bill regarding Beaver Creek. So it was a surprise, and I have already talked with several

of the Forest Service representatives here today, and we will continue to explore that concern and bring the results of that discussion to you, and make you part of it as well.

Regarding generally fire, yes, the Wilderness Act does allow for appropriate methods and in some place extreme, all methods to be allowed to be approved by the agency to fight forest fires, where needed, in designated wilderness.

Ms. DEGETTE. And also to take care of other emergencies. If a hiker, for example, falls, they are allowed to be evacuated by helicopter, et cetera—

Mr. STANSFIELD. Absolutely.

Ms. DEGETTE.—under the Wilderness Act, correct?

Mr. STANSFIELD. Absolutely.

Ms. DEGETTE. Mr. Dvořák, thank you so much for your wonderful testimony today, and Mr. Chairman, I am going to reiterate my offer to take you on one of Mr. Dvořák's raft trips.

I want to ask you if you agree with Mr. Holsinger's statement that this bill would cause harm to Colorado's economy?

Mr. DVORÁK. Well, no. I guess what I actually see is that it kind of is an addition to Colorado's economy because a designated wilderness area, in my experience, has proved to be an actual good marketing tool, and I have seen that over the years wild and scenic river designation, national park designation, wilderness designation, all of those things actually add to your ability to sort of market to both domestic and international clientele.

Ms. DEGETTE. Thank you. Mr. Chairman, that is all the questions I have. I just want to sort of tell some of the folks who are here today, and also you, I agree with some of what folks have said, is that, you know, this is an omnibus bill that has been in progress for a number of years, even before I introduced it, and so my concept, and I have talked to Mr. Salazar and the rest of the delegation about this, is to really go through and determine which areas are pretty ripe, just need maybe a few boundary adjustments, some water language or something like that. They have really good community support, and so we just need to go back and talk once again to those communities, and then there are some other midterm ones. So we are going to be talking about how we proceed forward, but we think that time is of the essence, and we agree with you, and also Chairman Rahall, that we can't just let this drift along indefinitely, that at some point we have to act to preserve these very special resources, especially as the witnesses have seen in Colorado, as the population growth throughout our state on the western slope but also in our front range cities, as that continues to grow and put additional pressure, so we will be coming to you with that very, very shortly.

And I also wanted to just say one last thing about the water language. I agree with Mr. Salazar and also with Mr. Smith that the water language has now evolved even since the sand dunes language that Secretary Salazar originally negotiated, so we are going to be incorporating that language into our legislation, and that is going to help alleviate a lot of the water concerns that people have expressed.

With that, let me just thank you on behalf of myself and also everybody else who has worked on this bill for holding this hearing

today. This is the day we have been waiting for—for many, many years

Mr. GRIJALVA. Thank you, Congresswoman. I couldn't agree with you more that the pressure on those of us that are out in the West in terms of population growth, shifting demography, and the need to still try to retain some of the special places before they are overgrown, for lack of a better word, is essential. So I understand the process. I believe it is essential to get collaboration and get a good product, and get community support, but there is an underlining urgency that I think we all recognize to get some of these things moving and done, so that is why I concentrated on a lot of time questions today, because these things can go on forever and ever and ever, and I don't think anyone of us wants it to go on that long.

So thank you very much.

Ms. DEGETTE. Thank you, Mr. Chairman.

Mr. GRIJALVA. The meeting is adjourned.

[Whereupon, at 2:47 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

[A letter submitted for the record by Glenn Graham, President and Chairman of the Board, Colorado Off-Highway Vehicle Coalition, and Don Riggle, Director of Operations, Trails Preservation Alliance, follows:]

March 10, 2010

The Honorable Raúl Grijalva
Chairman House Subcommittee on
National Parks, Forests, and Public Lands
United States House of Representatives
1440 Longworth House Office Building
Washington, D.C. 20515-0307

The Honorable Rob Bishop
Ranking Minority Member
House Subcommittee on
National Parks, Forests, and Public Lands
United States House of Representatives
123 Cannon House Office Building
Washington, D.C. 20515-4401

Dear Chairman Grijalva and Ranking Member Bishop:

We are writing in opposition to H.R. 4289, the Colorado Wilderness Act of 2009 sponsored by Representative Diana DeGette and scheduled for hearing on March 11, 2010, in the House Subcommittee on National Parks, Forests, and Public Lands. Please incorporate into the record the following comments and attachments of the Colorado Off-highway Vehicle Coalition, (COHVCO) and the Trails Preservation Alliance (TPA). Additionally, the American Motorcyclist Association and its sister organization the All-Terrain Vehicle Association opposes H.R. 4289.

COHVCO is a volunteer based non-profit conservation organization that has focused on preserving and enhancing opportunities for all off-highway vehicle (OHV), and snowmobile users in Colorado since 1987. COHVCO represents nearly 200,000 Coloradans, and thousands of visitors from outside Colorado, who enjoy recreating on our public lands with off-highway vehicles. We represent motorcycle, 4WD, ATV and snowmobile enthusiasts. COHVCO, its participating clubs, and enthusiasts not only provide thousands of volunteer hours, but also contribute over \$2.5 million dollars each year to public lands, through Colorado's OHV Registration Grant Program. These funds provide maintenance, signage, restoration and opportunity on trails and roads on federal public lands in Colorado and are indispensable given continuing cutbacks in federal funding in these areas. These funds also contribute to enforcement activities and education programs for motorized recreation enthusiasts.

The Trails Preservation Alliance is a Colorado based IRS 501(c) (3) organization. It represents over 2500 members (of which a majority are military veterans), who are dedicated to preserving public access to public lands. The TPA has generated over \$500K in OHV funding to the U.S. Forest Service and the Bureau of Land Management to build and preserve single track trails for all recreational user groups. The TPA is dedicated to public recreation on public lands. The TPA has a long history of working with Region 2 of the U.S.D.A. Forest Service and other state and federal agencies in Colorado.

A recently completed study on the economic contribution to the State of Colorado by both winter and summer motorized recreation showed that these activities are responsible for about 12,000 jobs and a cash flow of over \$ 1 billion. Many of the jobs and a significant part of the total cash flow benefit smaller communities located within or near large tracts of federal public lands. In addition, the Colorado Division of Wildlife (DOW) estimates that approximately 70% of hunters use OHVs (almost exclusively ATVs) to facilitate their hunt and use 4 wheel drive vehicles to reach the general area of the hunt. Additional loss of access for this majority of hunters could have a negative effect on game management and hunter success.

Not one acre of any of the land recommended for Wilderness designation in Representative DeGette's bill is located within her district and the people and communities most affected by her proposal are not her constituents. Therefore they have no opportunity to show their opposition or support by voting for or against her in any election. In order to avoid problems and conflicts within the state and amongst organizations and local governments, the process of developing a Wilderness bill must include all affected parties. This collaborative process was not present in the development of the DeGette bill.

While Representative DeGette's website describes this proposal as a "Citizen's Wilderness Proposal", and claims that all stake holders have been involved, neither COHVCO, TPA nor any of their individual members or member clubs were contacted or asked for input to avoid conflict with existing multiple use (including, but not limited to motorized) activities. The maps posted on her website that show the individual areas proposed for Wilderness designation are so poor in quality and lacking in any geo-reference information that it has proven to be extremely difficult and time consuming to perform any analysis for any potential conflicts. With one exception, all of the maps appear to have been created by the Colorado Environmental Coalition, an avowed anti-motorized access group.

Individuals who actually live near, and recreate in the areas identified as suitable for Wilderness designation by Representative DeGette have, on their own initiative, provided comments identifying access conflicts. By their very nature, these existing uses violate the criteria for consideration as Wilderness. Those site specific comments are shown in the attachment titled On the Ground Comments. In addition, the attachment also contains a sampling of detailed map examples that show the existing conflicts and shortcomings of the maps presented on Representative DeGette's website.

In summary, our objections to H.R. 4289 can be identified as a failure to subject this legislation to previous review by all affected parties, a failure to consider the negative economic consequences to a faltering economy in the most difficult of times, a failure to consider far more practical and less restrictive means of protecting lands short of a Wilderness designation, and the lack of identification of conflicts in areas as identified by the sponsor's maps.

Parts I through III, following, contain more detailed comments on substantive and procedural flaws in the content of and process of development of H.R. 4289.

PART I

The Public and the Resource are better served by Designations other than Wilderness; such options were not considered

By some estimates, the population of Colorado will triple in the next 35 years. The current, greatest demand for public lands is for recreation of all forms allowed under the Multiple Use and Sustained Yield Act. Couple this with a Colorado population that is, at this very moment, growing dramatically older, and Wilderness designation becomes a poor choice. Americans are looking for viable alternatives to Wilderness that are friendlier to the majority of the recreating public.

Further, Wilderness designations are not in the best interests of Americans. A century or more ago, mining, mineral and timber production, and protection of watersheds were of critical importance to the nation. Extraction was the primary activity on public land then. It now appears obvious that the predominant use of public land in the 21st century may well be recreation. A recent National Visitor Use Monitoring study for the USFS shows very interesting results.

Table 1. National visitation estimate for the National Forest System, for fiscal year 2007.
Visit Type Visits

Visit Type	Visits (thousands)	90% confidence interval width (%)
Total Estimated Site Visits	206,291	3.2
Designated Wilderness Visits ^a	6,358	7.6
Total Estimated National Forest Visits	178,625	3.4

^a Designated Wilderness visits are included in the Site Visits estimate.

This USFS data demonstrates that only 3% of visits to National Forests are to designated Wilderness areas. The study goes on to demonstrate that there is a decrease in the length of visits, and that preferred visits are those to developed facilities, from campgrounds, to trailheads, and resorts. The means of access to enjoy these resources is most often motorized, whether it is via auto, or off-highway vehicle.

Millions of acres of wild lands in Colorado are already protected as Wilderness; specifically, 3.5 million acres. But this is only a small part of the complete picture. Over 4.8 million acres of Forest Service Lands are designated as Inventoried Roadless Areas (IRA). Colorado has 2 National Parks and 6 National Monuments including a list of non-multiple use prescriptions such as Areas of Critical Environmental Concern that, once added to the unusable and impassable areas of the mountains and canyon lands, leaves precious little left for a state and a nation seeking recreational opportunity and release.

All forms of motorized and mechanized recreation are prohibited in Wilderness and that includes the simple but beloved family outing by car to view the land.

The following table is a summary of the Inventoried Roadless Areas

Forest	IRA 1	IRA 2	IRA 3	Designated	Other FS Lands	Total Acres
Pike-San Isabel	582,000 21%	109,000 4%	2,000 0%	427,000 15%	1,658,000 60%	2,778,000
GMUG*	1,038,000 35%	89,000 3%	0 0%	555,000 19%	1,276,000 43%	2,958,000
White River	600,000 26%	40,000 2%	0 0%	748,000 33%	888,000 39%	2,276,000
Arapahoe						
Roosevelt	216,000 14%	167,000 10%	9,000 1%	343,000 22%	852,000 54%	1,587,000
Medicine Bow						
Routt	792,000 28%	29,000 1%	0 0%	334,000 11%	1,750,000 60%	2,905,000
Rio Grande	93,000 5%	438,000 24%	0 0%	436,000 23%	893,000 48%	1,860,000
San Juan	543,000 29%	61,000 3%	0 0%	426,000 23%	848,000 45%	1,878,000
	3,864,000 24%	933,000 6%	11,000 0%	3,269,000 20%	8,165,000 50%	16,242,000
Total IRA						4,808,000

* GMUG = Grand Mesa, Uncompahgre & Gunnison

IRA 1 = IRA, allows road construction and reconstruction

IRA 2 = IRA, does not allow road construction and reconstruction

IRA 3 = IRA, recommended wilderness

While some areas shown above are worthy of the Wilderness prescription, and no one is arguing the set aside of lands for National Parks and Monuments, the fact must be faced that the management prescriptions for these lands severely limit access to a significant majority of the recreating public. Wilderness areas, above all other designations, are available only to an elite few with the time and physical capability to enjoy them. The vast majority of citizens find Wilderness an obstacle to their enjoyment of public lands. Further, the amount of congressionally designated Wilderness to date has far surpassed the amount of Wilderness contemplated in the original Wilderness Act of 1964.

How far have we moved from the promises of the Wilderness Act? The USFS has recommended 11,000 acres of Wilderness from 4.8 million acres in Colorado IRAs. Yet what began as an inventory has been translated into a limited use prescription despite the absence of suitability as Wilderness. De facto Wilderness is not provided for in law and it can be argued violates the Multiple Use Act and the National Environmental Policy Act.

Some lands in Colorado do need protection and this protection is available in practical and useful designations that can be tailored to fit resource values and public

need equally well without locking out much of the population and threatening the very security of the nation by forever holding precious commodities out of reach in times of crisis and need.

In short, the vast majority of lands held up as suitable for Wilderness not only do not meet the criteria of the Wilderness Act, but most are clearly at odds with what the land management professionals believe should be managed as Wilderness. Congress has two well known tools that provide answers to administrative paralysis; National Conservation Areas and National Recreation Areas (NCA and NRA respectively). COHVCO and TPA also support a third designation developed by the Blue Ribbon Coalition, a nationally respected recreational advocacy group. That alternative is the Back Country Recreation Area, which will protect the land but will also allow it to be used and enjoyed by the public.

History has shown that administrative action has been unable to resolve the conflict associated with public land recreation and Inventoried Roadless Areas. It is imperative that Congress take some specific action to put this issue to rest. Congress needs to establish a land designation that provides the protection the public demands for these lands while at the same time providing the managing agencies with the necessary flexibility to respond to recreational demands and to address critical concerns of forest health, fire prevention and wildlife habitat enhancement.

Much of our public land reflects an undeveloped, back country character. Evidence of man's activities may be present and obvious to a knowledgeable observer. However, this evidence is not dominant and the landscape is generally perceived as possessing natural, primitive, or back country characteristics. It is important that these characteristics be maintained under any land designation category established by Congress.

These lands provide a very valuable resource for recreational activities that allow people to experience and enjoy these natural appearing landscapes. They provide opportunities for people to escape from the pressures of large crowds and the more developed world. This can include a wide range of recreational activities including use of ATVs and off-highway motorcycles, hunting, snowmobiling, fishing, hiking, bicycling, horseback riding and 4-wheel driving. At the same time, many of these lands are threatened by insect and disease epidemics, and by catastrophic wildfires that could destroy the very values that the public wants to see preserved. Therefore, it is essential that this land designation also allow the managing agencies the ability to apply the minimum level of management to deal with these threats.

Any management activities that are planned for these areas must also be subject to all the existing laws, regulations and policies that address the protection of the environment and cultural and historic resources. Any public land management process must also apply to these lands. In this way the public's ability to participate in and influence the process is preserved.

The establishment of a Congressional Back Country land designation can achieve all of these objectives. The land will be protected and the public will still be able to experience and understand the values of these unique areas and the countless court cases and legal challenges can be reduced. Congress needs to begin the process to make this new land designation a reality.

Representative DeGette's bill does not provide the best balance between protection of the resource and the public's desire for recreation.

PART II

H.R. 4289 was not Developed with Input from all Recreational users nor was it Developed in full Cooperation with Local Government

The Colorado Off-highway Vehicle Coalition is the umbrella organization representing individuals and families that recreate with all-terrain vehicles, trail bikes, full size 4 wheel drives, and snowmobiles. The approximately 200,000 individuals engaged in motorized recreation are represented locally by clubs all over Colorado. The Trails Preservation Alliance likewise has statewide participation. Representative DeGette's bill shows a failure to engage the motorized recreation community in Colorado at any level. It further seems that not all local governments directly affected by this Wilderness proposal have been a part of the process. This raises further questions regarding the level of contact with sportsmen, mountain bikers, equestrians and other major recreational groups.

Without question, neither COHVCO nor TPA has ever been approached by Representative DeGette or her staff on this proposal. Representative DeGette is a Representative of the City of Denver proper and while it may be her prerogative to run legislation directly affecting constituents in other Districts, it should also certainly involve engaging important affected parties. None of the 50 plus COHVCO clubs has been approached and, indeed, some of those clubs, such as the Mile High Jeep Club, whose members live in the Denver Metropolitan area, and who are her constituents,

were never contacted for their opinion. A critical element of their comments would relate to the numerous conflicts existing in the proposed Wilderness areas that infringe on the access and multiple use of such lands. These conflicts raise issues of suitability, and suitability is an essential element of a Wilderness proposal where land is withdrawn for what has been treated as final prescription.

Winter recreation has not been spared the negative impacts of the bill nor have the snowmobile clubs of Colorado been consulted. The Colorado Snowmobile Association, the statewide organization of snowmobile clubs has this to say about the legislation:

The process, or lack thereof, exhibited by the Congresswoman's office has been unprofessional and completely lacking in representation of the citizens of Western Colorado. Our opposition to H.R. 4289 also encompasses the fact that this proposal is so very piecemeal in nature. There is little apparent consistency in the reasons for proposal other than appealing to a small constituency that wants exclusive access to public land and promotes a desire to close off large chunks of land to the majority of other users.

Colorado (using 2007 statistics) has 3,431,176 Wilderness acres made up of 41 Wilderness areas and covers over 5% of Colorado public land. Couple that with the 4.1 million acres proposed in Colorado's Roadless Rule (another 6+% of Colorado public land) and much of the most beautiful part of Colorado is accessible by a minority population. A plethora of recreationists, motorized and non-motorized, are now denied the opportunity to recreate in these areas. Adding more closures through Wilderness is not in the best interest of Colorado residents or visitors.

Most, if not all, of the parcels in the Congresswoman's proposal will have a negative impact on winter motorized recreation. The forests in Colorado do not restrict snowmobiles to designated trails (with a few rare exceptions in winter wildlife habitat areas) so most areas that get adequate snow are open to snowmobiling.

More specifically, we think it is fair to say that any of the parcels in Gunnison, San Juan, Hinsdale, Eagle and Garfield County would greatly affect winter activity. These would be the West Elk Addition, Powderhorn Addition, Handies Peak, Redcloud Peak, Flat Tops Addition, Bull Gulch, Deep Creek, etc. Handies and Red Cloud are winter spots.

There are a few areas where the statement "BLM has prohibited motorized use" that may apply to summer use only. A couple of them are high altitude areas and the probability that these areas remain open to winter motorized use are high, but are not identified as such in the proposal.

The American people seek transparency in all matters of government including how their public lands are to be used. Providing website maps of a proposal that fails to identify all open roads and trails is not transparency. To the contrary it seems to indicate a guarded approach to a very public process.

Even more disconcerting is that not all County Commissioners have been consulted for their position on the impact of this bill and the various consequences to their constituents. Of course, when the bill seems to be attempting to stop future extraction of what may be critical resources, a job killing Wilderness bill of this magnitude is not a topic of polite conversation.

PART III

Failure of the DeGette Wilderness Maps to Include Sufficient Information on Transportation Systems within Proposed Wilderness Areas

The public information provided on Representative DeGette's website does not meet the standard of quality that this issue requires. It is critical that these deficiencies be considered, as they relate directly to the suitability for Wilderness designation and analyses of the effects of the proposed action on surrounding communities.

See attached On The Ground Comments & Conflict Analysis Maps.

The accompanying maps display the following features: The Pink areas are the boundaries of the proposed Colorado Wilderness Act (CWA). The Blue areas are the boundaries of the BLM Wilderness Study Areas (WSA). Blue areas overlay to form a Purple layer that defines where the WSA and the Wilderness proposal come together and where study has been done and budgets have been used to determine the suitability of the land for wilderness designation.

The maps make it immediately apparent that the proposed Wilderness segments far exceed the areas of study recommended by the agencies. To the best of our understanding, those segments that coincide with the National Forest Inventoried Roadless Areas (IRA) were not recommended to be Wilderness, failing to have the necessary Wilderness' values.

The several types of bold Red lines show the actual road and trail networks that are de-emphasized or completely missing from Representative DeGette's website.

The absence of this critical information in the DeGette maps made public makes it impossible to determine what part of the terrain is actually suitable for Wilderness designation and does not contain numerous existing roads and trails.

It is clear that IRA and WSA studies were not properly considered in determining the appropriate boundaries for wilderness, and it is obvious that the pre-existing roads and trails in virtually every segment of the proposed Colorado Wilderness act make them unsuitable for wilderness designation.

There is a clear lack of accurate information necessary for local government and the public to make informed decisions.

Respectfully Submitted,

/s/Glenn Graham

Glenn Graham
President and Chairman of the Board
COHVCO

/s/Don Riggle

Don Riggle
Director of Operations
Trails Preservation Alliance

[NOTE: Attachments have been retained in the Committee's official files.]

[The documents listed below have been retained in the Committee's official files.]

- Colorado Off-Highway Vehicle Coalition "Economic Contribution of Off-Highway Vehicle Recreation in Colorado," Executive Summary, July 2009
- IPAMS Building a Sustainable Energy Future: "Small and Temporary? Assessing the Impacts of 100 Years of Oil and Natural Gas Development in Western Colorado"
- "2006 Colorado Summary," 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation—Colorado, U.S. Fish and Wildlife Service, U.S. Department of the Interior

The following individuals have submitted documents for the record, which have been retained in the Committee's official files:

In opposition to H.R. 4289:

Brown, Allen, Commissioner, Hinsdale County
Chappell, Steve D., Commissioner, Montezuma County Board of Commissioners (2 letters)

Dolores County Commissioners
Koppenhafer, Gerald W., Commissioner, Montezuma County Board of Commissioners (2 letters)

Kukuk, Janelle, President, Colorado Snowmobile Association

Martin, John, Chair, Garfield County Board of County Commissioners

Porter, John, President, Southwestern Water Conservation District

Porter-Norton, Marsha, Facilitator, Dolores River Dialogue, Lower Dolores Plan Working Group

Preston, Michael, General Manager, Dolores Water Conservancy District (2 letters)

Rule, Larrie D., Commissioner, Montezuma County Board of Commissioners (2 letters)

Salazar, The Honorable John T., a U.S. Representative in Congress from the State of Colorado

Samson, Mike, Commissioner, Garfield County Board of County Commissioners

Treese, Christopher J., Manager, External Affairs, Colorado River District

No Position on H.R. 4289

Churchwell, Ty, Backcountry Coordinator, Trout Unlimited

In Support of H.R. 4289

Browns Canyon Wilderness Area Supporters

Central Colorado Wilderness Coalition "Wild Ten" Endorsers

DeGette, The Honorable Diana, a U.S. a Representative in Congress from the State of Colorado, Document for the record, Talmey-Drake Poll

Haupt, Tresi, Commissioner, Garfield County Commissioner

U.S. Fish and Wildlife, 2006 Colorado Summary

[A letter submitted for the record by Edward Moreland, Vice President, Government Relations, American Motorcyclist Association, follows:]



101 Constitution Avenue NW, Suite 800W, Washington, DC 20001
T: (202) 742-4301 F: (202) 742-4304

March 10, 2010

AmericanMotorcyclist.com

The Honorable Raul Grijalva
Chairman
Subcommittee on National Parks, Forests and Public Lands
U.S. House of Representatives
1440 Longworth House Office Building
Washington, D.C. 20515-0307

The Honorable Rob Bishop
Ranking Member
Subcommittee on National Parks, Forests and Public Lands
U.S. House of Representatives
123 Cannon House Office Building
Washington, D.C. 20515-4401

Dear Chairman Grijalva and Ranking Member Bishop:

Thank you for the opportunity to provide comment on H.R. 4289, the Colorado Wilderness Act of 2009, introduced by Representative Diana DeGette.

The American Motorcyclist Association (AMA) and its sister organization the All-Terrain Vehicle Association (ATVA) opposes H.R. 4289 because it will designate more than 850,000 acres of public lands as Wilderness in Colorado without any input from local elected officials and affected user groups. By designating these public lands Wilderness, the legislation will close off responsible motorized access to hundreds of thousands of acres.

Founded in 1924, the AMA is the premier advocate of the motorcycling community, representing the interests of millions of on- and off-highway motorcyclists. Our mission is to promote the motorcycle lifestyle and protect the future of motorcycling.

Public lands are for the enjoyment of all Americans and not just an elite few who would have you build a fence around them for those who are physically able to enjoy them. Enthusiasts who enjoy our nation's public lands are not just the nimble and fit but also families with small children who wish to recreate together as well as active senior citizens and handicapped who enjoy the freedom to access the outdoors that off-highway vehicles and all-terrain vehicles provide.

The AMA opposes any process that does not allow full public debate on the disposition of public lands. Indeed, these designations deserve to be considered to allow time for thoughtful deliberation and input from affected user groups, local and state elected officials and Congress. However, the AMA, Colorado Off Highway Vehicle Coalition (COHVCO), Trails Preservation Alliance (TPA) nor any of their individual members or member clubs were contacted or asked for input to avoid conflict with existing multiple use (including, but not limited to motorized) activities.

Chairman Grijalva and Ranking Member Bishop
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Furthermore, in a letter addressed to the Subcommittee from COHVCO and TPA, it states "the maps posted on her (DeGette) website that show the individual areas proposed for Wilderness designation are so poor in quality and lacking in any geo-reference information that it has proven to be extremely difficult and time consuming to perform any analysis for any potential conflicts."

While the AMA supports the appropriate designation of Wilderness areas as they apply to the definition of the 1964 Wilderness Act, H.R. 4289 does not meet the definition of Wilderness. Indeed, the Wilderness Act defines Wilderness, with a capital 'W', as those areas which are essentially in a natural state, where changes are produced by the environment itself—not by the hand of man. Much of the land in question is criss-crossed by roads, trails, power lines, dams, bridges and structures. Surely this does not meet the definition of Wilderness.

It is also important to note that all of the affected lands in H.R. 4289 are not in DeGette's congressional district. To date, not one Colorado Representative has co-sponsored H.R. 4289. This is very telling—the local population in the area affected does not support this bill.

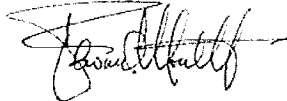
3.5 million acres are already designated as Wilderness in Colorado and by a stroke of a pen this single piece of legislation proposes to increase Wilderness by another 850,000 acres without local input of those who recreate on that land.

In fact, a compelling argument could be made that this type of broad legislation does more to protect public lands *from* future generations rather than *for* future generations.

It is my sincere hope that this Subcommittee continues to engage the public in their deliberations on the disposition of public lands. The AMA and its members stand ready to serve as a resource for you and your staff as you further consider responsible public access to America's public lands.

Again, I wish to thank the Chairman, the Ranking Member and the Subcommittee for holding this hearing on H.R. 4289.

Sincerely,



Edward Moreland
Vice President, Government Relations

