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SPEAKER: Mr. ARMSTRONG

TEXT: By Mr. ARMSTRONG:

S. 2097. A bill to designate certain additional national forest lands, national park lands, and public domain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS ACT

Mr. ARMSTRONG. Mr. President, today I am introducing Colorado wilderness legislation to designate an additional 1,044,937 acres of national forest, national park, and public domain lands in Colorado as part of the National Wilderness Preservation System. In addition, my bill would designate 19,570 acres -- Spanish Peaks Wilderness Study Area -- as a national recreation area and would release about 39,189 acres of Forest lands from wilderness study status under the 1980 Colorado Wilderness Act and the Endangered American Wilderness Act of 1978 to be managed for a broad range of public uses.

In drafting this measure, I conducted a thorough review, area by area and issue by issue -- just as I did during consideration of the Colorado Wilderness Act of 1980. I reviewed the numerous letters and comments from Coloradans, the detailed comments of State and local officials, as well as the advice of numerous interest groups. In addition, I studied the recommendations of the Federal agencies, which themselves were the product of literally thousands of letters and comments by public officials, private citizens and public interest groups. After this, I drew my proposed boundaries on official Forest Service reference maps and introduced my initial proposal in August of 1984. I then sent a delegation of my staff to the State with the official reference maps and invited people to come in for a series of open house meetings around the State to go over the maps in detail. These meetings were well attended and a great deal of additional information was generated. After this and further comments raised at the hearing before the Senate Energy and Natural Resource Subcommittee on Public Lands on the Colorado wilderness proposals, held September 18, 1984, my staff and I entered into lengthy negotiations with the other members of the Colorado delegation.

The proposal I am introducing today is a result of these discussions and tentative agreements and, in my opinion, represents an excellent compromise. However, I remain flexible with respect to modifications as the Colorado delegation works toward a consensus wilderness bill for our State.

Let me say at this point that the possibility of a Federal reserved water right arising from designation of Federal lands as wilderness is the issue with the highest priority. What began as caution on my part last year with the inclusion of a provision that would neutralize the water issue has turned into a conviction that the water rights issue must be addressed to everyone's satisfaction before agreements on boundaries can be finalized. That conviction has been underscored by the November 25, 1985 Federal Court decision in the Sierra Club versus Block litigation and by a recent reso-

lution of the Colorado Water Congress, a State association of agricultural, industrial and municipal water users representing 356 sustaining members -- cities, corporations, banks, law firms, and so forth -- and 106 individual members. That resolution states, in part:

Now, Therefore, be it RESOLVED that it is the consensus of the Colorado Water Congress that wilderness legislation covering any area in Colorado should not be passed unless it contains adequate safeguards for present and future development of Colorado water resources. This legislation should address past wilderness designations in Colorado as well. The Colorado Water Congress is willing to work this year for wilderness legislation that contains these protections for development of Colorado resources. Until such time, the Water Congress opposes the creation of additional wilderness in Colorado. If a bill goes forward, the Colorado Water Congress supports the legislation proposed by Senator Armstrong in S. 2916, 98th Congress 2nd Session ...

Mr. President, as I mentioned 2 years ago when introducing S. 2916, my original wilderness proposal, Gifford Pinchot, America's first forester, and one of the driving inspirations behind the conservation movement in this country, outlined in 1910 the objectives of conservation in these now celebrated words:

Conservation means the wise use of the earth and its resources for the lasting good of man. Conservation is the foresighted utilization, preservation, and/or renewal of forests, waters, lands and minerals for the greatest good of the greatest number for the longest time.

More than 70 years later, these words still ring true. And yet, few people today seem to speak about natural resources with such moderation and compelling good sense. Our national public discussion of natural resource issues has too often become strangely and bitterly divided between the extreme poles of development and preservation, and this country cannot be well served by any policy produced from a battle between two such extremes.

The Nation is moving through an extraordinarily important era of decisionmaking in which we will have to balance the need for resource development against the need to preserve the priceless natural and scenic values that still exist. For Colorado -- with its large undeveloped energy and water potential, its rapidly growing economy and industries, and its unique natural splendors -- this debate has special significance. The time has definitely come, in my opinion, for a return to the first principles of conservation outlined by Pinchot and a new, moderate consensus approach to the management of the public lands.

This was the moderate and reasonable spirit that guided Coloradans in 1980, when we got together and wrote a very sensible wilderness bill. That process began in controversy and covered a long list of fundamental issues. But in the end, we Coloradans agreed on a bill that was well balanced, and one that was good for our State and good for the Nation. At the same time, we laid the foundation for a lasting consensus on how to approach these critical natural resource issues. In Colorado, Mr. President, we are demonstrating how to tackle these tough issues in practical, commonsense ways.

It is in this spirit and with this intention that I am today introducing the Colorado Wilderness Act of 1986. Before going into the details of this legislation, I would like to put it in perspective by reviewing the nature of Federal land ownership in Colorado and the history of wilderness legislation in our State.

The Federal Government owns outright and actively manages 36 percent of Colorado -- covering an area larger than 13 individual States. The largest Federal landholders are the Forest Service, with 14.4 million acres, and the Bureau of Land Management, with 8.3 million acres. Our first wilderness area was created in 1931 with the Mount Zirkel/Dome Peak Primitive Area located in the Routt National Forest, and 10 more primitive areas were set aside by 1939. Five new wildernesses were designated in Colorado with the passage of the Wilderness Act of 1964. This act created the National Wilderness Preservation System and described potential wilderness as areas untrammelled by man and shaped largely by the forces of nature, offering exceptional opportunities for solitude and primitive recreation.

In the 22 years since the Wilderness Act was passed, Colorado's federally owned lands have been the subject of intense study for their wilderness character. In Colorado alone, the Forest Service has studied 6.15 million acres during its roadless area review evaluations, popularly known as RARE I and RARE II. At the same time the Bureau of Land Management and the National Park Service have been conducting studies of their own.

Colorado took the lead in addressing its wilderness concerns when the Colorado congressional delegation forged an agreement in 1980, which added 12 Colorado Forest Service areas and 1.4 million acres to the National Wilderness Preservation System. This action brought our total wilderness acreage in Colorado to 2,651,078 acres. Because the delegation was unable to reach a final decision on 18 other proposed wilderness areas consisting of nearly 675,000

acres, the 1980 legislation directed the Forest Service to study the areas in greater detail and to make recommendations by December of 1983.

In 1982, I introduced a bill, S. 2783, to complete the wilderness system in Colorado's national parks and monuments, recommending designations for National Park Service lands in Rocky Mountain National Park, Colorado National Monument and Dinosaur National Monument. Although national parks generally are already protected from several kinds of developments, we should add this extra measure of protection from the heavy development pressures that even our national parks will begin to feel. This is nowhere more true than in Colorado, where there is a large and rapidly growing population within a few hours' drive of every park in the State.

While the Forest Service studies directed by the 1980 Colorado Wilderness Act were being completed in 1984, the Colorado congressional delegation introduced proposals of their own for designating these areas wilderness. Early in 1984, Senator Hart and Congressman Wirth introduced a proposal that would have added 735,815 acres, while Congressman Kogovsek introduced a bill to designate 372,483 acres. My proposal, introduced later in 1984 (S. 2916), with the advantage of semifinal Forest Service study recommendations, would have selected 443,131 acres of national forest land plus 435,624 acres of national park land for wilderness designation.

During the course of negotiations among the delegation, two major obstacles were discussed -- the reserved water rights issue and the question of agreement on boundaries. Despite a fundamental disagreement over the necessity to include language to assure that designation did not create any new reserved rights, the Colorado congressional delegation agreed to explore the possibility of a boundary compromise. While no final agreement was reached, it appeared likely that we would recommend proposed wilderness protection for 608,100 acres of national forest and Bureau of Land Management lands, as well as 436,837 acres in national parks and monuments. In the closing days of the 98th Congress, however, the delegation was unable to reach an agreement on the reserved water rights issues raised by the *tierra Club Against Block* litigation.

On November 25, 1985, District Court Judge Kane ruled in that case that the designation National Forest System lands in Colorado carried with it a reserved water right in the Federal Government and that water resources passing through such Colorado wilderness areas are threatened. Although the court found insufficient evidence that the Forest Service was negligent in not filing for wilderness reserved water rights in the Colorado water courts, he did say that their inaction reflected at least "benign neglect." The court recognized, however, that there may be other means available to the Federal Government to protect wilderness water resources and directed the Forest Service to submit a plan to the court of how it intends to protect wilderness water resources by April 1, 1986. The State of Colorado, the Colorado Water Congress and other interests have recently filed an appeal from this decision to the U.S. Court of Appeals for the 10th Circuit.

Regardless of the final outcome of this litigation -- which is not expected in the near future -- I believe that Congress should resolve the situation as to Federal reserved water rights for wilderness purposes, so that we may finish the wilderness designation process. In proceeding, I believe there are two principles central to the final development and passage of Colorado wilderness designations. One is a respect for private property rights, and the second is that Federal lands belong to all of the people. The members of the delegation have an overriding responsibility to provide the fullest information to all concerned, but particularly to those who are directly affected in our State -- to ensure that all Coloradans have an opportunity to participate in this process.

There has already been a great deal of public input in the preparation of the bill I am introducing today and, as far as I am concerned, the more the better. I don't think any member of the Colorado delegation will claim to be an expert on forest management, land use or the intricacies of wilderness legislation. We are eager to hear from as many interested parties as possible, in order to conform this legislation more closely to the land use ideal Pinchot has set for us.

My aim is to produce a balanced bill and one that represents the interest of all Coloradans. In doing so, several management issues must be addressed. In many ways, these issues are similar to ones resolved during consideration of the Colorado wilderness bill of 1980. That legislation clarified grazing guidelines to eliminate grazing use questions that had plagued ranchers for years. The problem of access to privately owned inholdings within wilderness areas was addressed. Language was included in the law calling for a reassessment of Forest Service practices for controlling fire, disease and insect outbreaks in wilderness areas. The buffer zone questions were also addressed to give the Forest Service and nonwilderness users a degree of certainty in their land management planning. The legislation also included a nationally significant compromise on language to release nonwilderness lands to multiple use management. Finally, it designated several areas for further review, all of which are dealt with in the legislation I am introducing today.

In completing the wilderness designation process for forest and park lands, several significant management issues have arisen. First and foremost is the issue over whether designation of national forest lands creates a new and additional reserved water right for the purposes of wilderness. The second issue involves establishment of wildlife management guidelines -- much like the guidelines provided for grazing in the 1980 legislation. The third and final issue involves revised release language on which there is now general agreement, but which represents a change from our 1980 bill. The following is a detailed discussion of each of these issues.

WATER RIGHTS

There is an old story from Colorado Dust-Bowl days about a farmer who, when asked if he thinks it's going to rain, replies, "Hope so. Not so much for my sake as the children's. I've seen rain."

Colorado most valuable natural resource is water, and it is scarce -- really scarce. Colorado receives only about 16.5 inches of precipitation in an average year. It is because of this, Colorado's pioneer settlers invented a special system for the use of water to meet the practical necessities of living in arid areas of the country. Faced with severe shortages of water, these early westerners evolved the priority system of water utilization that has become the foundation for water use and water law throughout the West.

Unlike the water use system that evolved in areas with plentiful rainfall, the Western States' priority system of water use is based on the concept of "first in time, first in right" -- not who owns the land along a certain stretch of river. In Colorado first priority is given to those who first lay claim to the water and put it to beneficial use. When water supplies dwindle, later appropriators are required to stop their use to ensure an adequate supply to those who have established a prior right.

The Western States, including Colorado, have formalized the prior use theory in law, and all water users are required to file on their water right claims. All claims are adjudicated in court, quantified and given a ranking in the priority system based on the date of their adjudicated claim.

Because of the increasing scarcity of water, water rights have become the most valuable and fundamental property right in the western areas of the United States. Since a large percentage of water has now been claimed, those who need new supplies of water must either purchase rights from others or develop storage systems to accumulate excess water during periods of high runoff or low usage. Colorado's economy, based on industry, agriculture, municipal development, and recreation, is critically dependent upon our scarce water supplies, which are in turn hinged upon the priority system of water use.

In competition with these private water rights are Federal reserved water rights created by congressional withdrawals of public domain lands for special purposes. The Supreme Court ruled back at the turn of the century in the case *Winters against United States* that, when the Federal Government set aside some of its land for a specific purpose, it reserved to itself enough water for that purpose. These were labeled reserved water rights and have been the subject of considerable controversy for many years because they more often than not displace other water rights established on the same stream. After many years of struggle, Colorado has made progress against the Federal Government's reserved rights claims by forcing the Government into State water courts to quantify these otherwise vague rights. Now there is a very real threat that the reserved rights doctrine may be expanded by judicial interpretation to the detriment of private water rights and the State's system of water law -- without any congressional debate or expression of intent that such should occur. I would like to take a moment to outline this concern.

On November 25, 1985, the Federal District Court in Colorado, Judge John Kane, ruled in *Sierra Club against Block* that wilderness designation of lands previously reserved -- national forest lands in this particular case -- creates a new reservation accompanied by a wilderness reserved water right under the judicially created "implied-reservation-of-water" doctrine. Without speaking to the legal particulars of the case, I believe that the decision goes far beyond congressional intent. In enacting the Wilderness Act of 1964 and any other wilderness designation since then in Colorado, Congress never contemplated, debated, or dreamed of creating a reserved water right for wilderness purposes.

The regulation of such a water right has serious implications for water rights established by Colorado's urban and rural communities. In a June 11, 1985, memorandum to the Colorado congressional delegation, the Colorado Water Congress outlined some of the problems that can be foreseen at this time:

In defining "wilderness", the Act (1964 Wilderness Act) states that it is an area of undeveloped federal land which retains its primeval character and influence and is protected and managed so as to preserve its natural conditions. 16 U.S.C. sec. 1131(c). The term "natural conditions" is not further defined, but certainly it is the fear of the Colorado Wa-

ter Congress that it may be interpreted so as to preclude any stream depletion in wilderness areas should a federal reserved water right be recognized. Thus, under Colorado water law, even one holding a senior water right may be unable to change the place, amount, or type of his water use. For example, a senior appropriator could ostensibly be barred from changing a point of diversion for sound engineering reasons, by moving the point of diversion 100 feet upstream within the wilderness area, due to the fact that such a change could adversely affect the junior federal reserved water right in that span.

Further, though recognition of a wilderness reserved water right which prevents diversions in headwaters may provide water for downstream users, such water would be provided at the expense of senior water rights entitled to divert the headwaters out of the basin. The geography of Colorado is such that at times water must be taken out at the headwaters and transported to an adjacent watershed for use by downstream appropriators, i.e., transmountain diversion projects through wilderness areas are required. Though these projects are designed to have a minimal impact, if any, upon the wilderness area, any change of the place, type or amount of water use could be effectively forestalled by the existence of a federal reserved water right. It is therefore apparent to anyone with even a passing knowledge of the geography of the State of Colorado that the recognition of federal reserved water rights in wilderness areas would adversely impact existing and future water appropriations.

The degree of seriousness of the problem for Colorado is evident from information sent to me by Colorado's State Engineer Jeris A. Danielson, which reveals that 1,569 adjudicated private water rights exist either above or within national forest lands designated or proposed for wilderness designation in Colorado. Moreover, very few of those rights have been placed on the State's abandonment list. In 1984, Colorado began updating its list of active water rights. Of the 1,569 water rights at issue, only 239 have been challenged as abandoned. It is important to know that these rights on the abandonment list are only being questioned -- their validity has yet to be litigated in each of Colorado's 7 water divisions.

This presents a particular problem for Colorado, because the impact of a possible new Federal reserved water right for wilderness purposes has never been considered by the Congress in any wilderness designation of Federal lands in Colorado, or elsewhere to my knowledge. During the debate on the 1980 Colorado wilderness bill, the Colorado delegation took special care at looking into all perceived conflicts with wilderness designations. On the official Forest Service quadrangle maps, timber sales, mining claims, oil and gas leases inholdings, wildlife management, insect control, recreational uses, avalanche control, and other conflicts were carefully mapped out and considered. But the impact of creating Federal reserved water rights in conflict or competition with private water rights was not analyzed because there has been an historic understanding that designation of wilderness had no affect on water rights. If this historic understanding is not preserved, then as responsible legislators we will be forced to consider the impact of wilderness designation on water usage -- amonumental task. It is estimated that it will cost up to \$300,000 to map Colorado's existing water diversions that could be affected by a wilderness-reserved water right.

For this reason, my bill contains language to protect Colorado's system of water law and the integrity of existing rights that directly affect most Coloradans. This provision, found in section 8 of the bill introduced today, is identical to the provision I placed in my Colorado wilderness bill in 1984 -- S. 2916, section 7 -- and is intended to clear up any possible ambiguity in existing law. It provides that wilderness designations are neutral as to water rights, neither creating nor denying any water right, nor interfering with its implementation. On January 16, 1986, the Colorado Water Congress endorsed this language by resolution, and I ask that a letter from Mr. Harold Miskel, president of the Colorado Water Congress, along with the resolution, be placed in the Record following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILDLIFE GUIDELINES

Mr. ARMSTRONG. Mr. President, I was recently contacted by Colorado's Division of Wildlife, who expressed concern over the lack of consistent guidance for wildlife management in wilderness areas. The State division of wildlife, as you know, has the management responsibility over wildlife on State, national forest, and public domain lands -- including lands designated as wilderness. Because of this lack of guidance, the Colorado Division of Wildlife has asked that I incorporate guidelines prepared by the International Association of Fish and Wildlife Agencies into report language for the Colorado Wilderness Act of 1985 -- much like the grazing guidelines were incorporated into the report language for the Colorado Wilderness Act of 1980. I have agreed to ask that this be done.

The International Association of Fish and Wildlife Agencies is an organization whose voting membership consists mainly of State fish and wildlife agencies having legal and managerial responsibility for most of the wildlife resources

of the United States, Canada, and Mexico. Up until now, Congress has responded to concerns raised by the international and the State wildlife agencies on a piecemeal basis. An attempt to be more uniform is found in House Report No. 98-40, on the California Wilderness Act of 1983, which contains a lengthy discussion of fish and wildlife management in wilderness. However, I have been advised that, while a step in the right direction, it omits mention of certain important elements of professional fish and wildlife management. Therefore, the States are requesting that Congress set forth, at one place, policy guidance for the management of fish and wildlife in wilderness areas and wilderness study areas administered by the U.S. Forest Service and the Bureau of Land Management. At this point I ask that a letter dated October 25, 1985, and statement prepared by the Wildlife Management Institute and the International Association of Fish and Wildlife Agencies appear in the Record following my statement.

It is therefore my recommendation that the suggested guidelines be considered for inclusion in both the Senate and conference reports of the Colorado Wilderness Act of 1985.

RELEASE LANGUAGE

Included in my bill is the "release/sufficiency" language negotiated and adopted by the House and Senate in several State wilderness proposals this session -- for examples see the Senate Reports 98-461 and 98-465. Although section 107 of the Colorado Wilderness Act of 1980 contains express release language, the relevant House and Senate committees found in their review of other State wilderness bills that further clarification was necessary.

The controversy on "release" -- that is, making lands available for nonwilderness management -- began because of concern over the future management of areas that were reviewed during the 1977 RARE II process. The controversy was about whether RARE II study lands not designated for wilderness or wilderness study can again be considered for wilderness and, if so, how they will be managed in the meantime.

The "sufficiency" aspect of the question arose in 1979, when the State of California brought suit against the Secretary of Agriculture challenging the legal and factual sufficiency of the RARE II final environmental impact statement as it related to California's wilderness bill. This suit, which eventually succeeded, raised serious questions about what was a "sufficient" EIS and threatened to paralyze the RARE II process.

As one of the first States to establish wilderness in the RARE II process, Colorado in 1980 was in uncharted waters with our compromise release/sufficiency language. Since that time, a slightly different formula has been more commonly used and this new wilderness bill seems a good opportunity to standardize our release/sufficiency language. Therefore, this bill contains the same new provision used in the House-passed bill, H.R. 5426, making it clear that areas studied in the RARE II process will be considered for wilderness in the future planning process by the Forest Service, but meanwhile will be managed for multiple use. As the Senate Energy and Natural Resources Committee put it in Senate Report 98-465 at page 30:

In short, this language means that the Forest Service cannot be forced by any individual or group through a lawsuit, administrative appeal, or otherwise to manage lands not recommended for wilderness designation in a "de facto" wilderness manner. Of course, the Forest Service can, if it determines it appropriate, manage lands in an undeveloped manner, just as it can, if through the land management planning process, it determines it appropriate, develop released lands. The emphasis here is that the Forest Service will be able to manage released lands in the manner determined appropriate through the land management planning process.

Where lands managed by the Bureau of Land Management are to be released, the statutory language expressly does so.

AREA-BY-AREA DESCRIPTION

The following is an area-by-area description of the designations proposed in the bill I am introducing today, which I ask unanimous consent to have printed in the Record at the conclusion of my remarks. The boundaries are intended to follow the tentative agreements reached among the Colorado congressional delegation in the extensive discussions in the fall of 1984, as faithfully as possible -- agreements which I might add that were never finalized nor formalized. It is possible that certain details have been unintentionally overlooked. Therefore, I urge the members of the Colorado delegation to take a close look at the proposal.

I believe that this bill represents a good and practical compromise of the varied interests. As I mentioned before, in introducing this proposal, I remain flexible on all the boundary proposals in this legislation. I regard this measure as

setting the outside limit for wilderness designations of the particular areas under consideration, but I do not consider any of the proposed designations set in concrete.

There being no objection, the material was ordered to be printed in the Record, as follows:

BYERS PEAK (ST. LOUIS PEAK) WILDERNESS AREA

ARMSTONG PROPOSED COMPROMISE RECOMMENDATION: 8,600 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: None.

Located in the Arapaho National Forest in Grant County, the area is southeast of Kremmling. It lies directly north of the Williams Fork FPA and adjoins the Vasquez WSA on its eastern boundary. Elevations in the area range from 9,000 to 12,800 feet. Studied in the RARE II process, the Wilderness Act of 1980 left 12,800 acres in further planning status. In the Final Environmental Impact Statement on the Routt National Forest, the Forest Service recommended that none of the area be designated.

The major problems with the area are locating a manageable boundary and close proximity to conflicting land uses. About two-thirds of the FPA's boundary is very irregular, crosses drainages or follows broad ridges where precise topographic features are less prominent. Considerable timber cutting has occurred to the west of the area and is visible from within the area. Other external influences include the Henderson mill, railroad and other roads and water diversion facilities, which are visible and can be heard from within the area.

The proposed compromise boundary would eliminate the long narrow neck of the FPA which parallels the Henderson tunnel from the Henderson mine to the mill. Acreage would be added to the proposed Vasquez Peak Wilderness Area. The designation would avoid conflict with existing mining and water diversion activities in the area and provide more manageable boundaries. The proposed compromise boundaries do exclude, however, Saint Louis Peak itself from the designation. The proposed compromise would name the area the Byers Peak Wilderness Area.

VASQUEZ PEAK WILDERNESS AREA

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 12,700 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: 12,400 acres of wilderness.

The Vasquez Peak unit is located in the Arapahoe and Roosevelt National Forests in Grand County south of Frasier. The area lies along the Continental Divide in the Vasquez Mountains, an hour's drive from Denver. Elevations range from 8,600 to 12,000 feet. Studied in RARE II, 12,800 acres were designated a wilderness study area by the Colorado Wilderness Act of 1980. The Forest Service recommended designation of 12,800 acres in their Final Environmental Impact Statement for the Routt Land and Resource Management Plan.

Because of its closeness to the Denver Metropolitan Area, this area is popular with primitive recreationists for hiking and cross country skiing. Designation as wilderness is designed to help alleviate the pressures being felt in nearby wilderness areas from the rapidly growing communities along Colorado's Front Range of the Rocky Mountains. Wildlife species in the proposed area include elk, mule deer, black bear and the newly introduced mountain goat.

The proposed compromise proposal makes a minor westerly adjustment to the eastern boundary to accommodate the needs of the Winter Park and Berthoud Ski Areas for avalanche control and ski lift construction. Acreage was added on the western boundary to include a portion of the Saint Louis Peaks Further Planning area. The boundary was designed to avoid conflicts with the Henderson tunnel.

WILLIAMS FORK WILDERNESS AREA

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 23,800 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: None.

The area is located in the Arapaho National Forest, in Grand and Summit Counties north of Dillon and south of Kremmling. The major access is by Forest Road 138 which leaves U.S. 40 near Parshall and from Colorado Highway 9 and Forest Roads 132 and 138. Elevations in the area vary from 8,800 to 13,500 feet. After the Colorado Wilderness Act of 1980, the area containing 53,888 acres, was left in further planning status. The Forest Service, in its final Environmental Impact Statement for the Routt National Forest, recommended that none of the area be designated wilderness.

The Williams Fork area presents an interesting combination of competing and conflicting uses. The Forest Service did not recommend wilderness designation for several reasons, the most important of which was the proposed development of Denver's water rights in the north central portion of the area. In addition, evidence of man's activities can be seen and heard from most parts of the area, including the Henderson mine and mill north of the area and traffic noise from I-70 and Colorado Highway 9 on the west and south side of the Williams Fork Divide. The area also includes patented and unpatented mining claims.

On the other hand, there is an important need to provide areas closer to large population centers for the enjoyment of wilderness, and this area is quite spectacular in that it is traversed by the Continental Divide. Wildlife in the area is abundant, and the Forest Service Land and Resource Management Plan calls for semi-primitive and primitive management for most of the area, with an emphasis on non-motorized recreation.

Taking all these things into account, proposed compromise boundaries were drawn in close consultation with the Denver Water Board and Metropolitan Water Providers which eliminate areas within the FPA that would conflict with the proposed Williams Fork water diversion project. In addition, a major mining claim block, where interest in mining was indicated, was excluded from the proposed designation. Although the resulting boundaries will not be easy to manage for the Forest Service, the proposed designation will address designation of wilderness close to population areas and will eliminate the great majority of conflicts. The proposed compromise boundary would close off the Ptarmigan Peak jeep road and would include acreage on the western side of the Divide that show signs of pine beetle infestation.

LOST CREEK WILDERNESS ADDITION

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 7,300 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: None.

Located in Park County in the Pike National Forest, the east side of the area adjoins the existing Lost Creek Wilderness Area. The area is about 50 miles southwest of Denver and 10 miles from Bailey and is at the north end of the North Platte River mountains to the east of Kenosha Pass. Elevations range from about 8,500 feet to 12,300 feet. In the RARE II process, the total Lost Creek Area was inventoried and the Forest Service recommended wilderness designation of 71,000 acres and further study of 48,040 acres. In the 1980 Colorado Wilderness Act, 106,000 acres of the Lost Creek FPA were designated wilderness, leaving the 23,000 in further planning status. In the Final Environmental Impact Statement for the Pike and San Isabel National Forests, the Forest Service recommended against designation of any of the FPA.

Like the Williams Fork Area, the Lost Creek FPA presents an interesting combination of competing and conflicting uses. The area has been classified by the Forest Service as containing high to moderate potential for minerals, and the State owns the mineral estate in two tracts -- totalling 3800 acres -- in the north central part of the area. In addition the area contains 19 miles of logging roads, 600 timbered acres, a 60 acre plantation, and radio repeater site.

The proposed compromise boundaries were drawn to designate a portion of the FPA as wilderness, including the Ben Tyler, Rock and Craig trails. The proposed compromise boundaries also avoid most of the conflicts. However, a portion of the State owned mineral lands are within the proposed designation. This was done after consultation with the Colorado Land Board, the entity responsible for the State's mineral lands, which indicated its support for wilderness designation with the hope that a future exchange of these mineral rights can be worked out.

BUFFALO PEAKS WILDERNESS AREA

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 43,800 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: 36,060 acres of wilderness.

The Buffalo Peaks unit lies atop the Continental Divide between the Arkansas and South Platte Drainages in the Pike and San Isabel National Forests in Lake, Chaffee and Park Counties. It is located 80 miles southwest of Denver and 10 miles southeast of Leadville. Elevation ranged from 9,200 and 13,326 feet. In the Colorado Wilderness Act of 1980, 56,950 acres were classified as a wilderness study area. The Forest Service, in its Final Environmental Impact Statement for the Pike-San Isabel Forest Resource Management Plan, recommended designation of 36,060 acres as wilderness.

The character of this area is alpine peaks and ridges with lower wet meadows and willow areas north of the peaks. At lower elevations, there are large stands of Engelmann spruce and aspen; lodgepole pine, bristlecone pine and Doug-

las fir are also common at still lower elevations. The Buffalo Peaks area contains significant habitats for deer, elk and bighorn sheep.

The original Armstrong proposal for this area excluded the outer fringe of the study area which has a variety of conflicting non-wilderness uses. In the proposed compromise agreement, acreage adjustments included additional acreage which is habitat for big horn sheep in the south and western portions of the study area. Wildlife experts were divided on the best program to protect the sheep, but there is a strong contention that the absence of man's activity is the most important need for the sheeps' survival. Perhaps adoption of the wildlife guidelines recommended by the Colorado Division of Wildlife and the International Association of Fish and Game Agencies will take care of some of the concerns raised about the State's ability to enhance habitat for the benefit of the sheep.

Other boundary adjustments in the proposed compromise included additional acreage on the north and northwest portions of the study area to include a small drainage, but the boundary carefully avoids areas where there is logging activity and motorized recreation. On the northeastern side of the area, boundaries were drawn to avoid established mineral claims and areas with high mineral potential. Other boundary adjustments were made for more manageable boundaries.

SANGRE DE CRISTO WILDERNESS AREA

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 227,000 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: 190,500 acres of wilderness.

The Sangre de Cristo Wilderness Study unit lies along the mountains of the same name and divides the San Luis Valley and the Rio Grande Drainage from the Wet Mountain Valley and the Arkansas River drainages. The total length of the area is about 70 miles, with widths ranging from 2 to 10 miles. It is in the San Isabel and Rio Grande National Forests, in Fremont, Custer, Huerfano, Alamosa, and Saguache Counties, about 120 miles southwest of Denver, 40 miles west of Walsenburg, and 10 miles south of Salida. Elevation ranges from 8,200 to over 14,000 feet. 222,742 acres were classified as a wilderness study area by the Colorado Wilderness Act of 1980. In the Final Environmental Impact Statement for the Pike-San Isabel Forests, the Forest Service recommended designation of 190,469 acres as wilderness.

The area is nationally famous for its towering mountain peaks that rise 6,000 to 7,000 feet above the surrounding countryside. The range was formed by gigantic fault blocks of Precambrian granite which were thrust through the surrounding rocks and represent a geological formation unique in Colorado. The diversity and magnitude of the area's spectacular scenery have made it very popular for primitive recreation; it contains hundreds of miles of trails used by hikers, horsemen and other recreationists. Heavy snowfall results in abundant water supplies of high quality and has helped establish healthy populations of a wide variety of trout species together with black bear, cougar, elk, bighorn sheep, eagles, and peregrine falcons. After much analysis and discussion, a proposed compromise was reached. The following describes the highlights of the agreement, referencing the official Forest Service quadrangle maps in three parts:

NORTH PORTION: Starting at the northern end of the area, the northeast boundary was drawn on the western side of the Rainbow trail, and the northeast boundary was drawn to follow the natural ridge. Concerning Hayden pass, a boundary was established 500 feet on both sides of the pass to provide sufficient space for a possible Public Service Company of Colorado power line corridor. The eastern boundary would continue to parallel the Rainbow trail down to the Cloverdale basin. Because of oil and gas lease applications pending along the eastern edge of the study area, boundaries were drawn to include the upper portion of the Cloverdale basin, where there was no conflict. This would minimize impact on oil leases and recreational vehicle use in the southern end of the Cloverdale basin. South of Cloverdale the boundary would straighten to provide a more logical boundary and still keep the impact on oil and gas leasing to a minimum.

MIDDLE PORTION: In the Horseshoe Lake area on the eastern side of the area, the proposed compromise included acreage where there were outstanding non-surface occupancy restrictions on oil and gas leasing. This would enable wilderness to exist without seriously reducing the oil leasing potential. Continuing south, in the South Colony Lakes basin area, where there are 4 peaks over 14,000 feet, the boundary agreed to would include the whole area and close the road. The proposed agreement recognizes that closure of the road may restrict access to the area somewhat, but those most attracted to the area seem to be mountain climbers and the road is badly eroded so the designation appears to be an acceptable decision for those most likely to be affected by it. On the eastern edge, both north and south of Medano pass, the boundaries were drawn to minimize conflict with oil and gas lease applications. This section from Colony

Creek to the Huerfano addition contains what appears to be the best oil and gas potential in the area. There are lease applications along virtually the entire stretch, many of which abut existing oil and gas leases further east.

SOUTH PORTION: On the southern end of the WSA, agreement was reached to add what is known as the Huerfano addition. This area was not included in the wilderness study area, but the boundaries were drawn to close consultation with the Forest Service to include areas with minimal wilderness conflicts. The far eastern boundary follows the Strawberry Creek trail, avoiding the area east of Strawberry Creek which contains many conflicts, including old mining activity and current oil exploration. On the northern side of the addition, the boundary was drawn to follow the Ute trail from the study area to the Huerfano River and then north to the forest boundary. This agreement avoids an irrigation ditch conflict, and cuts off motorized access south of the Ute trail ... but provides an area for parking. There are no apparent conflicts in the addition, except there are private inholdings on Blanca peak. These properties, however, are at such high elevations that access is extremely difficult, and it does not appear that they would present a serious management problem in the future.

WESTERN BOUNDARY: On the western boundary of the entire area, the tentative agreement was to include National Forest lands and Bureau of Land Management lands recommended by the joint efforts of the Forest Service and Bureau for designation in wilderness at this time. Other Bureau of Land Management lands adjacent to the Wilderness Area would be recommended for further study through Senate and House Committee report language. This would insure that any logical extensions to the west of the area would be added in a timely and organized manner. Other boundary agreements were made to make the area more manageable.

GREENHORN MOUNTAIN WILDERNESS AREA

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 22,000 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: 21,100 acres of wilderness

The Greenhorn Mountain wilderness proposal is located on the southern end of the Wet Mountain Range in the San Isabel National Forest, in Huerfano and Pueblo Counties, about 130 miles south of Denver and 20 miles southwest of Pueblo. Elevation ranges from 7,600 to over 12,000 feet. The focal point of the area is Greenhorn Mountain at 12,349 feet elevation. The area, containing 22,330 acres, was classified a wilderness study area in the Colorado Wilderness Act of 1980. The Forest Service, in its final Environmental Impact Statement for the Pike and San Isabel Forest Land and Resource Management Plan recommended that the entire area be designated.

About 65 percent of the area is forested with a variety of trees, including pinon/juniper, ponderosa pine and Douglas-fir. However, little logging has occurred in the area because the slopes are too steep. The area is also habitat for endangered or threatened species, including the greenback cutthroat trout and peregrine falcon. The area is also an important habitat for mule deer and winter range for bighorn sheep.

In the original Armstrong proposal (which coincided with the House bill), a private inholding on the western boundary of the area was excluded from the designation proposal. However, the Forest Service and the owners of the private inholding, a Buddhist church organization, supported designation. Therefore, the acreage is added in the proposed compromise proposal. Nonetheless, the parties will be contacted again to insure that this is what everyone wants. On the remaining boundaries, small adjustments were made to make the boundaries more manageable.

SOUTH SAN JUAN ADDITIONS (MONTEZUMA PEAK AND V-ROCK TRAIL)

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 15,500 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: None.

The two areas adjoin the South San Juan Wilderness Area on the north and south. Both areas lie entirely within the Pagosa Ranger District of the San Juan National Forest, about 20 miles east of Pagosa Springs and to the west of the Continental Divide. They include both Archuleta and Conejos Counties. Elevation ranges between 8,200 to 13,000 feet. This expansion area was identified several years ago as potential wilderness. Included in both RARE I and RARE II, the expansions were not recommended for designation. Congress, however, in the Colorado Wilderness Act of 1980, established 13,000 acres as the Montezuma Peaks WSA and 19,800 acres as the V-Rock WSA. The Forest Service in its Final Environmental Impact Statement for the San Juan National Forest recommended against designation.

No acreage in either area was recommended in Armstrong's original bill primarily because of mining and timber conflicts. Similar to the conflicts affecting Fossil Ridge, about 37 percent of Montezuma Peak has high to moderate

potential for locatable minerals and around 48% of V-Rock has high/moderate potential for oil and gas. The areas contain two patented and 165 unpatented mining claims, 7 outstanding oil and gas leases and 3 oil lease applications covering 3,320 acres.

The Montezuma Peaks area is extremely rugged high terrain with high mountain lakes. In the last two years the major mining claim holders have done exploration work. Contacts with the claim holders indicated that some of the claims were being abandoned. Therefore, a proposed compromise boundary was agreed upon which followed the WSA boundaries, but excluded the mining claim block in the northwestern part of the WSA, where interest in mining was still active. In addition, there was some interest in off-road vehicle use of the Montezuma Peaks area on the Quartz Creek Trail. However, information we had said it was minimal and that the trails in this area were steep and few.

To accommodate the problems with the V-Rock area, the proposed compromise boundary was drawn from Flat Top Mountain directly south to intersect the WSA boundary. This excluded the portion of the WSA with the 7 active oil and gas leases, the oil and gas lease applications, and the majority of the timber proposed for sale. The proposed compromise would also leave open the V-Rock Trail to motorized use. The designation, however, would preclude a timber sale planned for 1987 by the Forest Service.

PIEDRA WILDERNESS AREA

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 41,500 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: 41,500 acres of wilderness.

The Piedra unit is located in the San Juan National Forest in parts of Archuleta and Hinsdale Counties between the towns of Durango and Pagosa Springs. Elevation in comparison to other wilderness study areas is low, ranging from 6,800 to 10,500 feet. The area was studied in RARE I and II and in the Colorado Wilderness Act of 1980 41,500 acres were classified as a wilderness study area. In the Forest Service Final Environmental Impact Statement for the San Juan Forest Resource Management Plan, the entire area was recommended for designation.

With the exception of a few open meadows and stream zones, the terrain is generally rolling and heavily wooded by a coniferous forest and is an excellent habitat for elk, deer, black bear, turkey and other wildlife. The Piedra River, the main drainage, cuts deeply through the surrounding forest to form a spectacular box canyon and a renowned fishery and river ecosystem that includes landlocked salmon and endangered river otter. Due to its low elevation, healthy wildlife populations, gentle terrain and distinctive scenery, the Piedra unit is very popular for camping and backpacking.

In the proposed compromise, acreage beyond the WSA on the northeastern boundary was not included because of existing timber operations and plans to harvest over-mature timber vulnerable to being blown down by wind. Minor boundary changes were agreed to for manageability reasons.

WEST NEEDLES WILDERNESS AREA

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 23,000 acres of wilderness

ORIGINAL ARMSTRONG ACREAGE: 20,690 acres of wilderness.

The West Needles unit is made up of both Forest Service and Bureau of Land Management lands. Located in the San Juan National Forest and the San Juan Resource Area, in San Juan and La Plata Counties, the area lies between Durango and Silverton. To the west of the Weminuche Wilderness Area, elevations in the unit range from 8,000 to 13,100 feet. Studied in both RARE I and II, 15,800 acres of Forest land were designated a Wilderness Study Area (WSA) in the Colorado Wilderness Act of 1980. As required by the Wilderness Act of 1964 and the Federal Land Policy and Management Act of 1976, the Bureau of Land Management concluded in its initial inventory of this area in 1979 and 5,780 acres of BLM land were set aside for wilderness study. This BLM acreage is often referred to as the West Needle Contiguous WSA. The West Needles Wilderness Study Area is directly across from the three areas known as Weminuche Contiguous WSA, Whitehead Gulch WSA, and Needle Creek WSA. These three areas are adjacent to the existing Weminuche Wilderness Area and are separated from the West Needles Wilderness Study Area by the Animas River Gorge. The three areas are dealt with separately in Section 2, subsection 27, as additions to the Weminuche Wilderness area.

Because of the dual jurisdiction over the area, the Forest Service and the BLM, by interagency cooperative agreement signed July of 1981, agreed to jointly study designation of the areas, with the Forest Service taking the lead as part

of its Resource Management Plan for the San Juan Forest. The Final Environmental Impact Statement on this plan recommended designation of 20,340 acres of the West Needles WSA.

This proposal contains several peaks above 13,000 feet and a number of exceptionally beautiful lakes. Its western boundary overlooks the Animas River Gorge. Wildlife is abundant in the area, including a population of mountain goats. Much of the area is accessible from U.S. highway 550 and is popular for primitive recreation, especially hiking.

The original Armstrong bill followed the boundaries recommended by the Forest Service, except south of the Andrews Lake area where Armstrong's boundary included more acreage for a more manageable boundary. The boundary, however, would still exclude a possible powerline corridor and existing snowmobile use. The proposed compromise boundaries follow the original Armstrong boundaries, except on the southwestern edge of the area where the House passed boundary was agreed to after the Forest Service assured the delegation that there were no conflicts with a wilderness designation in the extended area and that the boundary was more manageable.

The designation would include 640 acres of land owned by the State ... a school land section granted to Colorado upon statehood. The proposed compromise agreed to legislative language that would direct the Forest Service to seek an exchange with the State for this acreage.

WEMINUICHE CONTIGUOUS ADDITIONS

ARMSTRONG PROPOSED COMPROMISE RECOMMENDATION: 8,010 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: 8,010 acres of wilderness.

The Weminuche Contiguous Additions are made up of three separate wilderness study area proposals. The additions are proposed to the western border of the existing Weminuche Wilderness Area. Located in the San Juan National Forest and the San Juan Resource Area, in La Plata and San Juan Counties, the areas lie directly east of the West Needles WSA across the Animas River Gorge. The three areas are Weminuche Contiguous, Whitehead Gulch and Needle Creek. Studied in RARE I and II, the Weminuche Contiguous and Needle Creek areas were left in further planning status by the Colorado Wilderness Act of 1980. Whitehead Gulch was transferred to the Forest Service from the BLM by P.L. 98-141 on October 31, 1983. The Weminuche Contiguous FPA contains 1,980 acres; the Whitehead Gulch WSA contains 5,560 acres; and the Needle Creek FPA contains 4,540 acres. The Forest Service recommended designation of 375 acres in the Weminuche Contiguous, 3,475 acres in Whitehead Gulch, and 4,160 acres in Needle Creek. The proposed compromise adopted these boundaries.

The northern addition, called the "Weminuche Contiguous" unit is characterized by high elevations, and steep, mountainous topography, containing the headwater areas of streams that are tributary to the Animas River. Much of the area is alpine tundra, with several rugged peaks and ridges separating basins and isolating them from one another.

The middle addition, called the "Whitehead Gulch" unit, is noted by steep, rugged canyon walls rising from the channel of the Animas River on the west at about 8,800 feet elevation to peaks as high as 13,000 feet. The western boundary for the most part follows the Durango-Silverton narrow gage railroad right-of-way, through the Animas River Gorge. Except for foot and horse trails, this railroad provides the only access into the area. The higher parts of the area afford scenic vistas of vast landscape -- mountains, valleys, forest and tundra, including the West Needle Mountains, Needle Mountains, and the Grenadier Range. This combination of jagged peaks, cirque basins, alpine tundra and subalpine forest produce unique and outstanding scenic qualities.

The Needle Creek unit located on the south contains several small stream drainages which flow westerly through it, creating side canyons in the main canyon of the Animas River. The area consists of rugged mountains with high peaks, narrow canyons and several lakes, including Webb, Pear, Ruby and Emerald lakes. In conjunction with the Weminuche Wilderness Area, this unit contains outstanding opportunities for primitive and unconfined wilderness recreation.

The recommended boundaries originally introduced by Senators Armstrong and Hart were in agreement. The House, however, had excluded a cherry stem in the Needle Creek WSA, to accommodate fly-in of helicopters to the Emerald lake area. The proposed compromise agreed upon would not include the cherry stem, but would request report language protecting the existing helicopter access and landing rights to the Emerald lake area.

WHEELER GEOLOGIC WILDERNESS AREA

ARMSTRONG PROPOSED COMPROMISES RECOMMENDATION: 15,900 acres of wilderness.

ORIGINAL ARMSTRONG ACREAGE: 11,390 acres retained in study status.