

**Testimony of Keenan G. Ertel in Opposition to  
H.R. 2546 – Colorado Wilderness Act of 2019  
Before the Subcommittee on National Parks, Forests and Public Lands  
Committee on Natural Resources, U.S. House of Representatives  
1324 Longworth, Washington, DC 20515**

Thank you for the opportunity to outline my views and concerns with this legislation. I respectfully urge the members of the subcommittee to oppose H.R. 2546 unless the concerns expressed by and many of the individuals, organizations and businesses we work with are addressed.

I am testifying as a Montezuma County Commissioner. In that capacity, I can attest to the impacts this sweeping legislation would have on our County and its citizens. This legislation will negatively impact the local economy, culture and traditions. The impacts will affect individual landowners, agricultural entities, water providers, first responders, and especially the recreational tourism industry. Most importantly this legislation will negatively affect the health welfare and safety of the citizens we are sworn to protect. In addition; my fellow Montezuma County Commissioners, Dolores County Commissioners and many colleagues, friends, and fellow citizens have also encouraged me to pass along their opposition to this legislation as it stands.

Amongst the many shortcomings of this bill, one that stands out the most is the egregious manner by which input from local elected officials has been omitted. Montezuma County has five proposed wilderness areas being brought before you and yet the Congresswoman who is carrying this legislation has never once come to Montezuma County to visit with us about our concerns.

The only purpose this bill clearly has is to permanently block domestic energy production on as many acres as can be pushed into this bill. I believe H.R. 2546 is probably bad for energy production in Colorado as a whole. H.R. 2546 will also be bad for the Montezuma County economy as well, especially within Canyons of the Ancients National Monument where it has potential to limit existing CO<sub>2</sub> production which accounts for over 50% of Montezuma County's taxable revenue.

Obviously Montezuma County is feeling threatened economically by this legislation, but our real concern is with the health, safety and welfare of our citizens. This legislation puts people's very lives and property at real risk! Yet the primary proponent of this legislation has not once offered to visit with us to see if there are ways to mitigate the concerns. Wildfire risk is very, very real on the landscape these WSA's are being proposed on, and fighting fires in these areas is already a real challenge without the burden of a wilderness desingation.

We have seven major areas of concern with regard to the proposed Wilderness designations in Southwest Colorado that we feel have not been addressed with us and that the Subcommittee needs to be aware of:

**1.) Compatibility;** the potential Wilderness Area designation has some compatibility problems with the surrounding private lands, their maintenance, and public access.

**2.) Best Protection of Resources;** The proposed wilderness designations present a threat to landscapes that have been well protected under the current management. Other more suitable protective designations have not been evaluated. Bureau of Land Management (BLM) Special Recreation Management Areas (SRMA's), National Recreation Areas (NRA's), National Conservation Areas (NCA's), and even National Monuments can all be created either through BLM Resource Management Plans, or through special legislation. But all include a public process to help customize the plan to best protect the resources while meeting the needs of the public. Wilderness is a one size fits all solution to a problem that has not been evaluated.

**3.) Management Constraints;** the proposed legislation will create management difficulties for both federal land managers and for surrounding private landowners and threatens public health, safety and wellbeing.

**4.) Best Use of Resources;** the proposed legislation undermines the integrity of the BLM Land and Resource Management Planning process. Furthermore it is in conflict with the Montezuma County Comprehensive Land Use Plan.

**5.) Harm to Water Rights;** Wilderness designations can trigger intense and protracted disputes over downstream water rights.

**6.) Negative Impacts to Local Economy;** Wilderness Areas are not always good for a local economy. Wilderness designations do not allow mechanized use. This is a concern when mountain biking is one of our main recreational tourism generators. Furthermore Wilderness designation is correlated with rising property values on adjacent lands. While this may initially seem desirable, the end result is often rural gentrification and disruption to local cultures and traditions. Especially within impoverished and minority communities.

**7.) Lack of Meaningful Local Support;** the proposed legislation is a breach of the local-federal cooperation and professional etiquette. Montezuma County has gone on record in opposition to this legislation since at least 2009. During this time Congresswoman DeGette has not once made a visit to the Montezuma County Board of County Commissioners to attempt to mitigate any of the concerns raised.

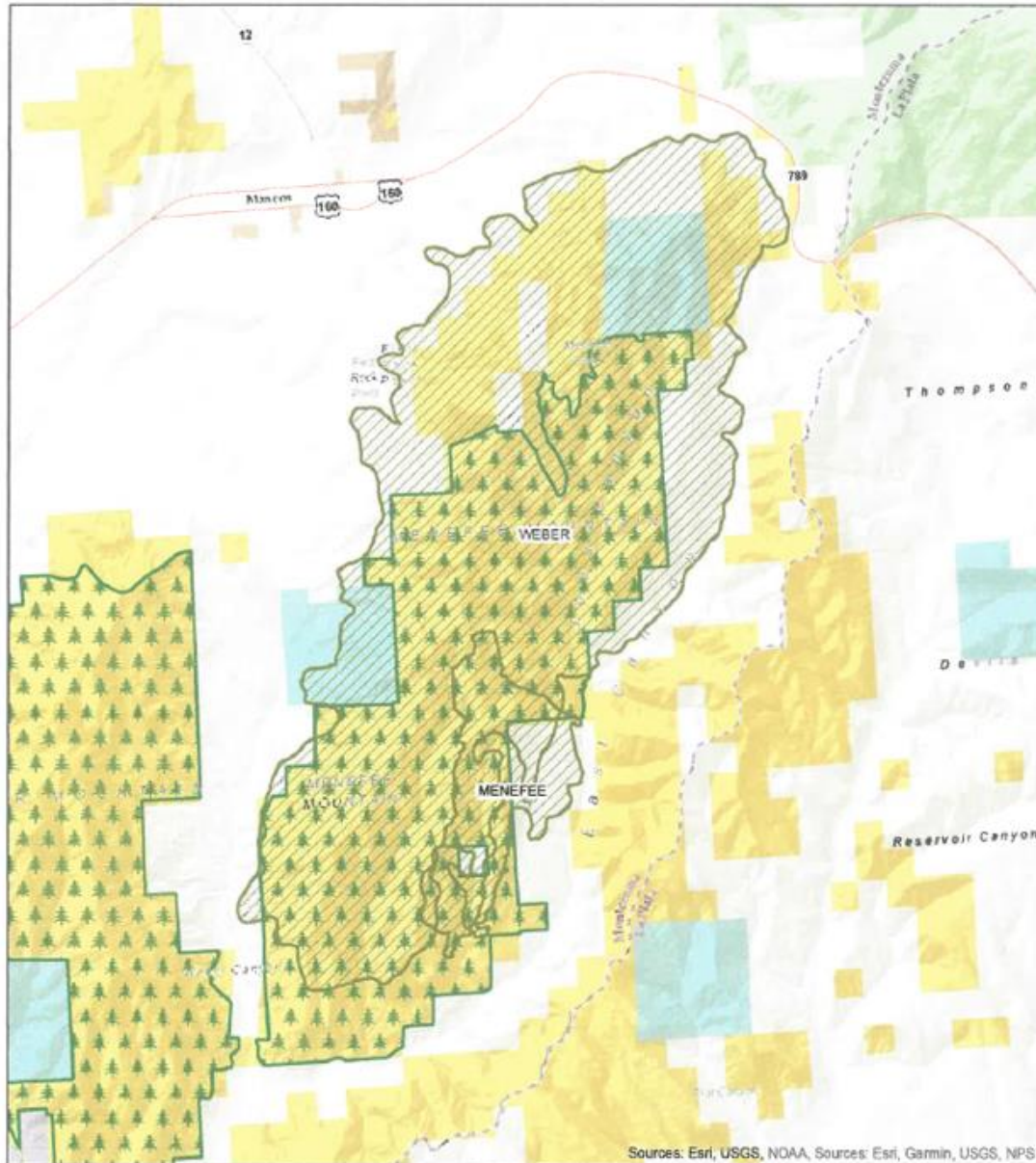
We will address the above concerns in more detail below:

**1.) Compatibility; the potential Wilderness Area designation has some compatibility problems with the surrounding private lands, their maintenance, and public access.**

The Weber and Menefee Mountain WSAs are very small, just a little over the minimum 5,000 acres in size. Both WSAs are surrounded by private lands right up to the boundary line. No buffer of public lands, or transitional rural development exists.

The Weber and Menefee Mountain WSA's lie completely within our Wildland Urban Interface (WUI). In 2012 the Menefee Mountain WSA (7,343 ac.) was almost completely consumed (90%) by a large (10,000 ac.) wildfire. Despite being surrounded by developed private lands, which to some extent acted as a fire break, the rugged terrain and lack of access made this fire very difficult to control.

Although in this case the fire was started by a vandal, Weber and Menefee Mountains are also very prone to lightning strikes. Steep, heavily vegetated areas like these WSA's create an elevated risk for surrounding residential properties.



Weber Fire & BLM Wilderness Study Area Boundaries



FIGURE A. MENELEE MOUNTIAN

Most Wilderness areas have a “let it burn policy” whereby naturally occurring wildfires can be left to burn for ecological purposes. This makes a lot of sense when a Wilderness area is miles from the nearest residence, and usually with miles of public lands buffer in between. A “let it burn policy” is not acceptable for any of the WSAs proposed in Montezuma or Dolores Counties. Residential properties are simply too close to these WSA’s and the Town of Mancos is only 1 ¼ miles from the boundary of the Menefee WSA. Given the residential growth pressures surrounding these WSA’s, we simply cannot afford to have anything less than a full suppression plan in place. Wilderness designation will hamper full suppression in wildfire events. Furthermore the restrictions on mechanized fuel treatments in Wilderness Areas will hamper effective pre-fire fuel treatments more difficult, more costly, and less effective.

Post fire rehabilitations and maintenance poses another compatibility issue. Usually wilderness areas have a transitional public lands buffer between them and private lands. In those cases rehabilitation can often simply be left up to natural courses. However with the WSA’s in Montezuma County the proposed wilderness areas are directly abutting private lands. Post fire there will be a need to mitigate mudslides, and debris flow that threaten residential structures, fill in irrigation ditches, bury roads and culverts and prevent necessary first responder access to remote residences.

Furthermore we have the ongoing battle of noxious weeds that inevitably spread after a fire. On Menefee Mountain, large areas have become dominated by noxious weeds, which move downslope onto private lands. The BLM is already having problems getting adequate funding for weed control on Weber Mountain. Wilderness designation will not facilitate this issue, it will hold it up and allow the problem to worsen. Wilderness designation will further hamper weed control efforts due to restrictions on “mechanical interventions”, as well as aerial treatments.

With no public lands buffer around these proposed WSA’s noxious weeds spread rapidly back and forth across jurisdictional boundaries, especially on burn scars. It is already very difficult to coordinate cross boundary treatments to prevent environmental degradation from monoculture weed infestations. Further restrictions on management options for weed control will harm the resource not protect it.

Public access is already difficult. This in part is why these WSA’s are as well protected as they are. County Road 41, where it crosses a short length of BLM land, provides the only public access to Weber Mountain. Otherwise Weber Mountain is completely surrounded by private lands right up to the fence line.

A large percentage of the general public appear to believe they have a “right” to access public lands. For those seeking to access wilderness that “right” appears to include crossing private lands. When no clear access to public lands is apparent, people will readily and regularly trespass to gain access. Formal designation as Wilderness will flag these areas on a map, increase the profile of these areas via social media, elevate public demand for access, and will result in increased trespass and difficulties with the surrounding private landowners.

Montezuma County realizes that recreation holds great deal of potential both for economic development. The County is transitioning from an oil and gas based economy, to a sustainable and environmentally friendly tourism and recreation based economy.

Wilderness has its place, however the restrictions it carries would be very damaging to one of the recreational niches that Montezuma County is trying to make a place for, which is for mountain biking.

While we do not foresee a mountain biking emphasis on any of the proposed WSAs, we could not preclude portions of some of them may be suitable for bicycle use. Weber Mountain for example may provide suitable opportunities for mountain biking by converting old roads to useable trails. At the same time the overall emphasis may be for equestrian and hiking use.

These proposed Wilderness Areas are not vast, remote, untouched landscapes. These proposed Wilderness Areas are small remnant BLM parcels surrounded by private lands and more intensive land uses. A Wilderness Designation is in-compatible with dominant surrounding lands use. The BLM has other designations which also provide protections and would be more appropriate for these lands which are “islands” in the middle of private lands.

**2.) Best Protection of Resources;** The proposed wilderness designations present a threat to landscapes that have been well protected under the current management.

The best protection these WSAs have is their relative obscurity. These areas have been protected by the fact that they are rugged, hard to traverse, surrounded by private lands, and relatively unknown outside of Southwest Colorado. So far they have not been a significant recreational draw outside of the local community.

The fastest way to undermine this de facto protection is to designate these areas as wilderness and flag them on area maps and social media. Wilderness designation of the proposed areas in Southwest Colorado is a solution in search of a problem. These areas are little known outside of our immediate region and would be much better protected by removing them from WSA status and developing a designated system of trails.

Any management changes that are needed should be developed incrementally through a planning process that allows for open dialogue and the development of well thought out and responsible problem solving measures in keeping with Section 101 of the National Environmental Policy Act.

Our public land agencies are already overwhelmed by escalating recreation pressures in the face of declining budgets. While both the County and the BLM agree that recreation can be desirable and low impact, Wilderness status will almost certainly increase demand in these areas before the BLM has become prepared to manage them.

None of the proposed WSA’s have designated access trails or parking areas for the public. Increasing demand for these areas before these management tools can be implemented will lead to additional resource damage and incursions onto private lands.

These WSAs do have a limited number of old roads, which are used without adverse impact by non-motorized users. Existing roads and old user generated access routes can be converted into a formal designated trail system for a wider range of non-motorized uses. Horses for example can use designated routes for access thereby protecting resources.

There are also a limited number of energy leases that are already under No-Surface Occupancy restrictions and other areas that are entirely withdrawn from leasing already. These restrictions are already working well to protect resources and are certainly sufficient for these smaller acreages which are surrounded by private lands.

Mineral development is not generally a threat to these landscapes. Weber and Menefee are small and steep and would be economically infeasible to recover minerals from the top. Private lands surround the base of these Mesas. Any potential mineral recover would likely be from these lands. However mineral resources are very limited in these areas and are not likely to be economically feasible for recovery anyway. Regardless the minerals are withdrawn on those mountains anyway.

The canyons in Canyons of the Ancients are the same situation except reverse. The canyons are deep and rugged. Any mineral recovery happens from the top of the mesas in this area rather than the bottoms of canyons. While there are more abundant mineral resources in the canyon WSAs the No Surface Occupancy stipulations already protect the canyons and all of the WSAs.

To date Congresswoman DeGette has discussed no other possible protective designations with Montezuma County Officials. Bureau of Land Management (BLM) Special Recreation Management Areas (SRMA's), National Recreation Areas (NRA's), National Conservation Areas (NCA's), and even National Monuments all carry high levels of resource protection, yet can allow mechanized use, and in some cases motorized use. Restrictions within all of these protected areas can be developed with robust public input. Resulting plans and policies can be custom crafted to protect the resources while meeting the public need for access to recreation.

Yet with these small WSA's, surrounded by private lands, close to regional municipalities, no other alternatives to Wilderness have been evaluated?

**3.) Management Concerns; The proposed legislation will create management difficulties for both local and federal land managers and for surrounding private landowners, and could threaten public health, safety and wellbeing.**

Formal designation of these WSA's would increase the management difficulties for the federal agencies and private landowners alike. Most of the adjacent lands are working agricultural lands or rural residential. These properties have ongoing maintenance needs, especially along ditches and fence lines that are not compatible with Wilderness objectives.

Since many of these features are right at the boundary of the WSA's, any activities on adjacent lands will raise the level of scrutiny for landowners. If a land owner inadvertently encroaches a

boundary, turning a piece of equipment around for example...or accidental drift in weed spray ...it becomes a federal crime.

Montezuma County also has concerns with the Weber and Menefee WSA's regarding maintenance on County Road 41, which is the boundary of the WSA's in some places. County Road 41 is currently narrow and not heavily improved, but the road has a 60' public ROW and provides access to private residences. Future growth could necessitate significant road improvements, especially for drainage structures. Wilderness designation would hamper agreements between the County and the BLM for ongoing road maintenance, and possibly for future improvements.

Formal designation of this WSA would increase the cost and difficulties in improving County Road 41 where the road abuts the WSA boundary. In some cases hazard mitigation or drainage improvement may have to be completed on uphill slopes, sometimes some distance from the ROW. In this instance the uphill slope is WSA. This area is steep and prone to erosion. How will rock fall, mudslides and drainages impacting county roads and residences be mitigated if they are within Wilderness Boundary?

In addition, and perhaps most importantly, County Road 41 provides the only north-south access into the Ute Mountain Ute Tribal Park. According to the Ute Mountain Ute Tribe Planning Department, County Road 41 has potential to become a major roadway for the Ute Tribe in the future. County Road 41 links with Highway 160 in Mancos at the north end and continues south to join with the Mancos Canyon Road in the Ute Mountain Ute Tribal Park. The Mancos Canyon Road is the major east/west roadway through the Tribal Park and is vitally important to the Ute Mountain Ute Tribe economically. Expansions to Tribal Park tours could be hampered if any needed road expansion has to deal with Wilderness Boundary on one side. Especially if the terrain dictates any significant realignments, cuts or fills.

Wilderness designation for this WSA would further complicate the ability to mitigate pre-fire conditions, and will hamper the ability to fight future wildfires. In most Wilderness areas fire can play its natural role and be a rejuvenating natural occurrence. However most of those Wilderness Areas are remote, with large buffers of public lands around them. Wildfires within the proposed WSAs simply cannot play a natural ecological role because we have private residences right up to the boundary of the WSAs. Any ignitions must be aggressively controlled for public health, safety and welfare.

The Federal Wilderness Act prohibits "mechanical interventions" in wilderness areas. From a Search and Rescue perspective that means that in an emergency threatening life, limb, or eyesight, a rescue team would have to get permission from the Forest or BLM supervisor to land a helicopter to extract a patient. In addition, helicopters may not even be allowed to drop supplies or life lines without permission.

**4.) Best Use of Resources;** the proposed legislation undermines the integrity of the BLM Land and Resource Management Planning process. Furthermore it is in conflict with the Montezuma County Comprehensive Land Use Plan.

Weber Mountain, Menefee Mountain, Cross Canyon, Cahone Canyon and Squaw and Papoose Canyon; all are BLM Wilderness Study Areas which have been thoroughly reviewed through the formal NEPA process. All were further reviewed by the BLM in 1991 under the *Wilderness Study Report Statewide Overview*. And all were found to be unsuitable by the BLM for Wilderness designation.

Our communities have put a great deal of work into helping the BLM develop their Resource Management Plans with resource protection in mind. Currently the County and the BLM are coordinating on the Transportation Alternatives Plan currently which includes planning for future access and recreational management within these areas.

Montezuma County is fortunate to have several large blocks of BLM inholdings surrounded by private lands. These areas have been designated as Special Recreation Management Areas (SRMAs) by the BLM, and each one has a special management emphasis tailored to the landscape characteristics, and suitability. These are great resources for our small county, as well as the rest of the State. Montezuma County has already designated one of these BLM parcels under 1041 powers as an Area of Special State Interest to ensure future protections and investment by the State.

The BLM Phil's World Trail Park, which is nationally known for its mountain biking experience, is one of the SRMAs. Another one of the SRMAs will have a focus on dispersed equestrian use since its soils are not conducive to mountain bikes and there are surrounding residential concerns.

In each case the county supports additional customized BLM protections for each of these landscapes. Many of these protections also focus on mineral development. For example; all of the Montezuma County WSA's include a no-surface occupancy stipulation for any potential mineral leases. Some areas such as Weber and Menefee Mountains already have their minerals administratively withdrawn from leasing.

The Weber WSA (6,300 ac.), and Menefee WSA (7,343 ac.) are that are barely large enough to qualify for wilderness based on size. Both are surrounded by private lands right up to the boundary. With current technology, many minerals could be access subsurface from private lands. Do we really need to lock down access to all minerals through Wilderness Designation? What resources are really being protected if no public surface is impacted?

We have already been working with the BLM to develop long range management plans for Weber and Menefee Mountains. Those plans include the careful development of non-motorized designated trails to protect resources while still allowing public access.

These areas will have a focus on hiking and equestrian use, and we hope to develop a well-planned trail system so that the public can enjoy these areas while still protecting resources. Wilderness designation will hinder these plans and create new difficulties for trail development and ongoing management activities. Ultimately wilderness designation will do nothing more to protect the resources than we are already doing, and it in-fact may result in causing harm to the resources.



One of the best resource protection strategies we can use is keeping people on designated trails. This is proving to be very effective in protecting archaeological resources, as well as wildlife habitat. We are having great success with this strategy. Ongoing monitoring and evaluation programs demonstrates those results.

Our community loves our public lands. Our citizens use their public lands daily. We are already fully engaged in the protection of our public land resources. They are the lifeblood of our community and are treasured for the recreational value they hold for everyone. The proposed legislation is frankly an offense to all of these community based efforts, and is potentially a threat to the very resources it purports to protect.

**5. Downstream water rights.** The proposed Wilderness designations in Montezuma County are nearly right at the State line of two different States. These Wilderness designations carry very real potential for establishing federal reserved water rights.

Federal water right claims at the state line are likely to impact Colorado Compact apportioned water managed by the Montezuma Valley Irrigation Company, the Uncompahgre Valley Water Users Association, and the Jackson County Water Conservancy District. All of whom oppose this legislation. We also understand the Colorado River Water Conservation District and the Southwestern Water Conservation District have expressed their opposition to this legislation.

Since wilderness designations come with Federal Reserve water rights we can foresee the proposed designations touching off protracted disputes over downstream water rights throughout Colorado, Utah, Arizona and New Mexico.

**6.) Negative Impacts to Local Economy;** the usual story on economics from wilderness proponents is that wilderness areas give a boost to private property values, and generally create an increase to the local economy based on recreational and scenic value. Some of this is probably true for some areas. However a growing body of evidence suggest that many rural communities with wilderness areas do not benefit economically (neutral) or are economically damaged by wilderness through the narrowing of potential uses.

Montezuma County has a very real concern regarding the narrowing of potential uses. Montezuma County realizes that public access to unspoiled public lands, and the variety of amenities that they hold for recreation, wildlife, and cultural history is one of our greatest assets.

Montezuma County also firmly supports private property rights. But in the case of increased property values, wilderness often appears to be simply promoting gentrification in rural areas. Gentrification is not necessarily any more desirable, or acceptable in a rural agricultural area on the west slope, than it is in underprivileged neighborhoods in Denver.

Wilderness designations for Weber and Menefee Mountains, as well as for the canyon WSA's in Canyons of the Ancients National Monument, will promote un-desirable increases in residential

density as private land owners seek to cash in on selling exclusive property with “Wilderness Access”.

Collectively this will result in major changes in land use, with many agricultural properties converting to residential, increases in noise, traffic, lights, pets etc. Not to mention increases in the demands on the county road department to absorb more roads, upgrade existing roads and provide more intensive road maintenance to service more exclusive properties.

Wilderness designation will also harm the County’s expanding recreational tourism market. Much of the recreational interest in Montezuma County, as well as surrounding communities like Moab and Durango, is in Mountain Biking.

The Mancos community in particular may suffer economic harm from the Wilderness designations. The Town of Mancos is investing heavily in bicycle infrastructure to meet the needs of its citizens and visitors alike. The Town is actively coordinating with the BLM to develop a trail park on 700 ac. of BLM lands adjacent to the northern Town boundary. The Town is also investing nearly \$200,000 in plans for a trail to connect the town to Mesa Verde National Park (Visitation 600,000 annual) and the BLM Phil’s World Trail Park (visitation 23,000 annual). Montezuma County is also investing \$200,000 into the same trail as a matching partner.

Bicycle access, and mechanized uses are very important for the future of Montezuma County. We are investing heavily in this alternative transportation method and the recreational, and health benefits that bicycling carries. Local business are beginning to capitalize on the recreational resources that Montezuma County has to offer. A local rental business in the nearby community of Dolores is hoping to expand his mountain bike rental business in the Mancos area. Wilderness designation on these WSA’s in Montezuma County will hamper, or harm those plans for a more sustainable future for our County.

**7. Breach of local-federal cooperation;** Montezuma County cannot speak for the rest of the western slope, but in the two decades that this legislation has been repeatedly introduced, we are still waiting for any outreach from Congress woman DeGette to work with us on our concerns and listen to our possible alternatives.

Congresswoman DeGette claims her Bill has broad based support and has been crafted through a transparent open public process. However there have been no public meeting held in Montezuma County to determine the best course of action for our residents. Metropolitan Denver appears to be well represented however.

Montezuma County was not even notified of the impending legislation ahead of time, as would be the appropriate and professional way of doing business. Montezuma County instead receives an email from Congresswoman DeGette, ironically while we were discussing the lack of communicating from her during a public meeting the day before it is introduced. This illustrates the lack of transparency, and lack of meaningful coordination with local government official in areas directly affected by her legislation.

This is pretty far reaching legislation to be introduced by a Congresswoman who has not even come to visit us about the Bill being proposed on our behalf. Some minimum communication with those who would be directly affected should certainly be merited. As you can see we have some real concerns, and some real plans to protect those WSA's for future generations, which can be done without Wilderness designation.

This is why I urge members of the subcommittee to oppose H.R. 2546. Right now the bill represents the ungrounded federal intervention that is so divisive for our state and nation, and further illustrates the political and cultural rural/ urban disconnect.

Conclusions and Recommendations.

Montezuma County objects to the proposed Wilderness designation of;

- 1.) Weber Mountain
- 2.) Menefee Mountain
- 3.) Cross Canyon
- 4.) Cahone Canyon
- 5.) Squaw and Papoose Canyon

We request that these five WSA's be dropped from the Bill. And we further request your support in delisting of those five WSAs.

We also would request your support in working with the BLM to re-designate those WSA's as Special Recreational Management Areas (SRMAs) and provide input in developing a customized protection plan for each SRMA that analyzes and mitigates the specific threats to the resources without throwing away recreational opportunities that may be perfectly suitable, and compatible with protection of resources.

We can't speak for the rest of the Western Slope, but in Montezuma County, we ask that our efforts to work with the federal land management agencies be respected. Any needed land protection measures should be developed through an open collaborative process in conjunction with mandated land and resource management planning and NEPA processes.

We do not feel that Wilderness Designation has been propose through a collaborative and transparent process at all. But, we look forward to working with the BLM, Congresswoman DeGette and any interested public in crafting specific protections that meet the public expectations, respects our culture and traditions, and truly protect resources.

Thank you,

Keenan G. Ertel, Montezuma County Commissioner