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TITLE: THE BOWEN GULCH WILDERNESS ACT OF 1991

SPEAKER: HON. DAVID E. SKAGGS OF COLORADO IN THE HOUSE OF REPRESENTATIVES

TEXT: Text that appears in UPPER CASE identifies statements or insertions which are not spoken by a Member of the House on the floor.

[*E960] MR. SKAGGS. MR. SPEAKER, REPRESENTATIVE SCHROEDER AND I ARE TODAY REINTRODUCING LEGISLATION TO EXPAND COLORADO'S NEVER SUMMER WILDERNESS TO INCLUDE AN AREA IN THE ARAPAHO NATIONAL FOREST KNOWN AS BOWEN GULCH.

THIS BEAUTIFUL AREA WAS CONSIDERED FOR WILDERNESS DESIGNATION DURING THE ROADLESS AREA REVIEW AND EVALUATION [RARE II] PROCESS IN THE MID AND LATE 1970'S; HOWEVER, THE FOREST SERVICE, TO ALLOW FOR HARVESTING THE AREA'S TIMBER, DID NOT RECOMMEND BOWEN GULCH FOR INCLUSION IN THE NEVER SUMMER WILDERNESS. THAT DECISION WAS MADE BEFORE COMPELLING NEW SCIENTIFIC INFORMATION ABOUT THE ECOLOGICAL SIGNIFICANCE OF OLD-GROWTH FORESTS HELPED CHANGE BOTH PUBLIC ATTITUDES AND FOREST SERVICE POLICY WITH RESPECT TO LOGGING OLD GROWTH.

BOWEN GULCH IS A UNIQUE FOREST THAT IS ONE OF THE BEST STANDS OF OLD-GROWTH TREES IN COLORADO. THE AREA IS ADJACENT TO THE CONTINENTAL DIVIDE, WHICH LEADS TO UNUSUALLY HIGH LEVELS OF RAINFALL, FOR COLORADO, AS THE PREVAILING WESTERLY WINDS FORCE CLOUDS HIGHER INTO THE AIR TO CARRY THEM ACROSS THE MOUNTAINS. LARGELY AS A RESULT OF THE ABUNDANT RAINFALL, SOME OF THE TREES IN THE BOWEN GULCH AREA ARE OVER 600 YEARS OLD, AND AS LARGE AS 5-FEET IN DIAMETER. THEY TOWER OVER LUSH UNDERGROWTH AND SUPPORT AN ECOSYSTEM THAT MAY NOT BE ABLE TO SURVIVE IN THEIR ABSENCE. STANDS LIKE THIS ARE RARELY FOUND IN COLORADO BECAUSE IN MOST OF COLORADO THERE'S A SHORT GROWING SEASON, LIMITED SOIL, AND LITTLE WATER. ACCORDING TO THE FOREST SERVICE, ITS ONGOING OLD-GROWTH INVENTORY OF THE

ARAPAHO NATIONAL FOREST INDICATES THIS IS THE BEST SINGLE STAND OF OLD-GROWTH TREES IN THE NATIONAL FOREST. IT WOULD BE A TERRIBLE SHAME TO LOSE THIS RARE RESOURCE. YET, WE ALMOST DID.

THE FOREST SERVICE SIGNED A CONTRACT WITH LOUISIANA PACIFIC CO. [LP] IN 1988, GIVING LP THE RIGHT TO HARVEST TIMBER IN BOWEN GULCH. UNFORTUNATELY, THE ENVIRONMENTAL ASSESSMENT OF THE THEN-PROPOSED SALE WAS PREPARED BY THE FOREST SERVICE IN 1984 -- BEFORE THE SERVICE ADOPTED ITS NEW POLICY OF PROTECTING OLD-GROWTH TREES. CONTRACTUALLY, LP HAD EVERY RIGHT TO PROCEED WITH LOGGING; HOWEVER, BECAUSE OF THE GROWING CONTROVERSY SURROUNDING THE SALE, IT AGREED NOT TO LOG BOWEN GULCH IF IT WERE PROVIDED WITH COMPARABLE SUBSTITUTE TIMBER.

DURING THE 101ST CONGRESS, I WORKED WITH MY COLLEAGUE FROM COLORADO, REPRESENTATIVE BEN NIGHTHORSE CAMPBELL, TO SEE TO IT THAT THE FOREST SERVICE HAD THE STATUTORY AUTHORITY TO SELL LP THE SUBSTITUTE TIMBER. AT OUR REQUEST, THE COMMITTEE ON APPROPRIATIONS INCLUDED LANGUAGE IN THE FISCAL YEAR 1991 INTERIOR APPROPRIATIONS BILL, WHICH WAS LATER SIGNED INTO LAW, GIVING THE FOREST SERVICE THE AUTHORITY TO MAKE THE TRADE.

I'M PLEASED TO REPORT THAT THE FOREST SERVICE RECENTLY SUBMITTED TO LP ITS PROPOSAL FOR A SUBSTITUTE TIMBER SALE. ALTHOUGH I'VE NOT YET HAD THE OPPORTUNITY TO REVIEW THE FOREST SERVICE'S OFFER CAREFULLY, I HOPE THAT IT WILL BE ACCEPTABLE TO ALL PARTIES AND THAT WE CAN CLOSE THE BOOKS PERMANENTLY ON THE BOWEN GULCH TIMBER SALE.

THE QUESTION REMAINS, HOWEVER, HOW SHOULD WE MANAGE THIS UNIQUE AREA AFTER THE LP CONTRACT IS CANCELED?

THE BILL WE'RE INTRODUCING TODAY, THE BOWEN GULCH WILDERNESS ACT OF 1991, PROVIDES THAT ONCE THE TIMBER EXCHANGE IS COMPLETED AND THE CONTRACT FOR BOWEN GULCH TIMBER IS CANCELLED, 7,400 ACRES IN THE BOWEN GULCH AREA AND IN ADJACENT WILD LANDS WOULD BECOME PART OF THE CONTIGUOUS NEVER SUMMER WILDERNESS AND BE MANAGED FOREVER UNDER THE PROVISIONS [*E961] OF THE WILDERNESS ACT. THIS IS THE ONLY WAY WE CAN BE SURE BOWEN GULCH SURVIVES, ALONG WITH ALL OF THE SPECIES THAT FLOURISH IN THE SHADOWS OF ITS TOWERING TREES. AND WE HAVE A MORAL RESPONSIBILITY TO ENSURE THAT THEY DO SURVIVE. WE WHO ARE HERE TODAY ARE BORROWING THIS LAND FROM FUTURE GENERATIONS. IT WOULD BE A GREAT TRAGEDY TO BREAK THE CHAIN OF INTERGOVERNMENTAL TRUST DURING BRIEF WATCH.

THOSE WHO ARE FAMILIAR WITH THE WILDERNESS LEGISLATION WE INTRODUCED DURING THE LAST SESSION OF CONGRESS WILL NOTICE THAT THIS YEAR WE'VE REVISED THE BILL BY PROPOSING THAT A SLIGHTLY SMALLER AREA BE SET ASIDE FOR WILDERNESS DESIGNATION AND THAT TIMBER AND MINING ACTIVITIES BE RESTRICTED IN AN ADJACENT AREA, REFERRED TO ON THE MAP AS A "TIMBER SALE PROHIBITION AREA." THIS CHANGE IS IN RESPONSE TO THE CONCERNS EXPRESSED BY BOTH GRAND COUNTY OFFICIALS AND SNOWMOBILE ENTHUSIASTS ABOUT THE ECONOMIC AND RECREATIONAL IMPACT OF OUR ORIGINAL BILL, WHICH WOULD HAVE DESIGNATED THE SOUTHERN PART OF BLUE RIDGE, DOWN TO PORPHYRY PEAKS, AS WILDERNESS.

AFTER TALKING WITH THE FOREST SERVICE, GRAND COUNTY OFFICIALS, AND ENVIRONMENTAL GROUPS, WE HAVE DETERMINED THAT THE BEST WAY TO ADDRESS THE SNOWMOBILE ISSUE WHILE STILL PRESERVING VALUABLE OLD-GROWTH STANDS IS TO PROHIBIT BY STATUTE TIMBER HARVESTING AND MINING IN AN ADJACENT 10,800-ACRE AREA. OTHERWISE, THE FOREST SERVICE WOULD MANAGE THE AREA LIKE ANY OTHER PART OF THE NATIONAL FOREST. CONSEQUENTLY, SNOWMOBILE ACTIVITY IN THE AREA WOULD BE UNAFFECTED.

AN UNUSUALLY HIGH MOISTURE LEVEL IS A MAJOR REASON FOR THE OLD-GROWTH ECOSYSTEM IN BOWEN GULCH. SO IT'S ESSENTIAL TO RESERVE THE WATER NECESSARY TO FULFILL THE PURPOSES OF THIS PARTICULAR WILDERNESS DESIGNATION. THIS BILL WOULD DO JUST THAT. THE WILDERNESS WATER PROVISION IN THIS BILL IS THE SAME AS THE LANGUAGE INCLUDED IN THE ARIZONA WILDERNESS BILL ENACTED LAST YEAR. THAT LANGUAGE DOES NOT RESERVE ALL THE UNAPPROPRIATED WATER IN THE AREA -- ONLY THE AMOUNT NECESSARY TO FULFILL THE PURPOSES OF THE WILDERNESS DESIGNATION. IN THE CASE OF BOWEN GULCH, WHERE AN ABUNDANCE OF WATER IS ESSENTIAL TO THE PURPOSES OF WILDERNESS DESIGNATION, IT WOULD BE A LARGER QUANTITY OF WATER THAN IS NECESSARY IN OTHER WILDERNESS AREAS IN THE STATE. ACCORDING TO THE FOREST SERVICE, THERE ARE NO PRIVATE IN HOLDINGS IN THE PROPOSED BOWEN GULCH WILDERNESS, AND IT WOULD INCLUDE ONLY HEADWATERS AREAS. THEREFORE, THERE SHOULD BE NO CONFLICT BETWEEN THE WILDERNESS WATER RIGHTS AND ANY FUTURE WATER RIGHTS. IN FACT, SINCE THE WILDERNESS RESERVED RIGHTS ARE TO IN-STREAM FLOWS, THOSE RIGHTS WOULD ENSURE THAT WATER REMAINS IN THE STREAMS AND IS AVAILABLE FOR CONSUMPTIVE USE DOWNSTREAM OF THE WILDERNESS ADDITION.

SINCE THE AREA WHERE TIMBERING AND MINING WOULD BE PROHIBITED IS LOCATED WITHIN A NATIONAL FOREST, IT ALREADY CARRIES WITH IT THE RESERVED WATER RIGHTS LEGALLY ACCORDED TO NATIONAL

FORESTS. THE WATER LANGUAGE WE'VE INCLUDED PERTAINING TO THAT AREA SIMPLY CLARIFIES THAT THE LEGISLATION NEITHER EXTINGUISHES EXISTING WATER RIGHTS OR CREATES NEW WATER RIGHTS FOR THE AREA.

WE ALMOST LOST THE CHANCE TO PRESERVE THIS ANCIENT STAND. LET'S NOT MAKE THAT SAME MISTAKE AGAIN. LET'S SAVE BOWEN GULCH SO THAT FUTURE GENERATIONS HAVE THE OPPORTUNITY TO EXPERIENCE ITS MAJESTY.

I URGE MY COLLEAGUES TO JOIN US IN SUPPORTING THIS IMPORTANT LEGISLATION.