

106TH CONGRESS  
1ST SESSION

# S. 323

To redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1999

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Black Canyon National  
5       Park and Gunnison Gorge National Conservation Area  
6       Act of 1999”.

7       **SEC. 2. FINDINGS.**

8       Congress finds that—

1           (1) Black Canyon of the Gunnison National  
2 Monument was established for the preservation of its  
3 spectacular gorges and additional features of scenic,  
4 scientific, and educational interest;

5           (2) the Black Canyon and adjacent upland in-  
6 clude a variety of unique ecological, geological, sce-  
7 nic, historical, and wildlife components enhanced by  
8 the serenity and rural western setting of the area;

9           (3) the Black Canyon and adjacent land provide  
10 extensive opportunities for educational and rec-  
11 reational activities, and are publicly used for hiking,  
12 camping, and fishing, and for wilderness value, in-  
13 cluding solitude;

14          (4) adjacent public land downstream of the  
15 Black Canyon of the Gunnison National Monument  
16 has wilderness value and offers unique geological,  
17 paleontological, scientific, educational, and rec-  
18 reational resources;

19          (5) public land adjacent to the Black Canyon of  
20 the Gunnison National Monument contributes to the  
21 protection of the wildlife, viewshed, and scenic quali-  
22 ties of the Black Canyon;

23          (6) some private land adjacent to the Black  
24 Canyon of the Gunnison National Monument has ex-

1 ceptional natural and scenic value, that, would be  
2 threatened by future development pressures;

3 (7) the benefits of designating public and pri-  
4 vate land surrounding the national monument as a  
5 national park include greater long-term protection of  
6 the resources and expanded visitor use opportunities;  
7 and

8 (8) land in and adjacent to the Black Canyon  
9 of the Gunnison Gorge is—

10 (A) recognized for offering exceptional  
11 multiple use opportunities;

12 (B) recognized for offering natural, cul-  
13 tural, scenic, wilderness, and recreational re-  
14 sources; and

15 (C) worthy of additional protection as a  
16 national conservation area, and with respect to  
17 the Gunnison Gorge itself, as a component of  
18 the national wilderness system.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) CONSERVATION AREA.—The term “Con-  
22 servation Area” means the Gunnison Gorge National  
23 Conservation Area, consisting of approximately  
24 57,725 acres surrounding the Gunnison Gorge as  
25 depicted on the Map.

1           (2) MAP.—The term “Map” means the map en-  
 2           titled “Black Canyon National Park and Gunnison  
 3           Gorge NCA—1/22/99”.

4           (3) PARK.—The term “Park” means the Black  
 5           Canyon National Park established under section 4  
 6           and depicted on the Map.

7           (4) SECRETARY.—The term “Secretary” means  
 8           the Secretary of the Interior.

9   **SEC. 4. ESTABLISHMENT OF BLACK CANYON NATIONAL**  
 10                           **PARK.**

11           (a) ESTABLISHMENT.—

12           (1) IN GENERAL.—There is established the  
 13           Black Canyon National Park in the State of Colo-  
 14           rado, as generally depicted on the Map.

15           (2) AVAILABILITY OF MAP.—The Map shall be  
 16           on file and available for public inspection in the of-  
 17           fices of the National Park Service of the Depart-  
 18           ment of the Interior.

19           (3) REDESIGNATION OF MONUMENT.—

20                   (A) TERMINATION OF BLACK CANYON DES-  
 21           IGNATION.—The designation of the Black Can-  
 22           yon of the Gunnison National Monument in ex-  
 23           istence on the date of enactment of this Act is  
 24           terminated.

1 (B) TRANSFER.—All land and interests  
2 within the boundary of the Black Canyon of the  
3 Gunnison National Monument are incorporated  
4 in and made part of the Black Canyon National  
5 Park, including—

6 (i) land and interests within the  
7 boundary of the Black Canyon of the Gun-  
8 nison National Monument as established  
9 by section 2(a) of the first section of Pub-  
10 lic Law 98–357; and

11 (ii) any land and interests identified  
12 on the Map and transferred by the Bureau  
13 of Land Management under this Act.

14 (C) REFERENCE TO PARK.—Any reference  
15 to the Black Canyon of the Gunnison National  
16 Monument shall be deemed a reference to Black  
17 Canyon National Park.

18 (D) FUNDS.—Any funds made available  
19 for the purposes of the Black Canyon of the  
20 Gunnison National Monument shall be available  
21 for purposes of the Park.

22 (b) AUTHORITY.—The Secretary, acting through the  
23 Director of the National Park Service, shall manage the  
24 Park subject to valid rights, in accordance with this Act

1 and the provisions of law applicable to units of the Na-  
 2 tional Park System, including—

3 (1) the Act entitled “An Act to establish a Na-  
 4 tional Park Service, and for other purposes”, ap-  
 5 proved August 25, 1916 (16 U.S.C. 1 et seq.);

6 (2) the Act entitled “An Act to provide for the  
 7 preservation of historic American sites, buildings,  
 8 objects, and antiquities of national significance, and  
 9 for other purposes”, approved August 21, 1935 (16  
 10 U.S.C. 461 et seq.); and

11 (3) other applicable provisions of law.

12 (c) GRAZING.—

13 (1) GRAZING PERMITTED.—The Secretary may  
 14 permit grazing within the Park, if the use of the  
 15 Park for grazing is permitted on the date of enact-  
 16 ment of this Act.

17 (2) GRAZING PLAN.—The Secretary shall pre-  
 18 pare a grazing management plan to administer any  
 19 grazing activities within the Park.

20 **SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUND-**  
 21 **ARY ADJUSTMENTS.**

22 (a) ADDITIONAL ACQUISITIONS.—

23 (1) IN GENERAL.—The Secretary may acquire  
 24 land or interests in land depicted on the Map as pro-  
 25 posed additions.

1 (2) METHOD OF ACQUISITION.—

2 (A) IN GENERAL.—Land or interests in  
3 land may be acquired by—

4 (i) donation;

5 (ii) transfer;

6 (iii) purchase with donated or appro-  
7 priated funds; or

8 (iv) exchange.

9 (B) CONSENT.—No land or interest in  
10 land may be acquired without the consent of  
11 the owner of the land.

12 (b) BOUNDARY REVISION.—After acquiring land for  
13 the Park, the Secretary shall—

14 (1) revise the boundary of the Park to include  
15 newly-acquired land within the boundary; and

16 (2) administer newly-acquired land subject to  
17 applicable laws (including regulations).

18 (c) BOUNDARY SURVEY.—Not later than 5 years  
19 after the date of enactment of this Act, the Secretary shall  
20 complete an official boundary survey of the Park

21 (d) HUNTING ON PRIVATELY OWNED LANDS.—

22 (1) IN GENERAL.—The Secretary may permit  
23 hunting on privately owned land added to the Park  
24 under this Act, subject to limitations, conditions, or  
25 regulations that may be prescribed by the Secretary.

1           (2) TERMINATION OF AUTHORITY.—On the  
2       date that the Secretary acquires fee ownership of  
3       any privately owned land added to the Park under  
4       this Act, the authority under paragraph (1) shall  
5       terminate with respect to the privately owned land  
6       acquired.

7   **SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNI-**  
8                           **SON WILDERNESS.**

9       (a) EXPANSION OF BLACK CANYON.—The Black  
10     Canyon of the Gunnison Wilderness, as established by  
11     subsection (b) of the first section of Public Law 94–567  
12     (90 Stat. 2692), is expanded to include the parcel of land  
13     depicted on the Map as “Tract A” and consisting of ap-  
14     proximately 4,460 acres.

15     (b) ADMINISTRATION.—The Black Canyon of the  
16     Gunnison Wilderness shall be administered as a compo-  
17     nent of the Park.

18   **SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NA-**  
19                           **TIONAL CONSERVATION AREA.**

20     (a) IN GENERAL.—There is established the Gunnison  
21     Gorge National Conservation Area, consisting of approxi-  
22     mately 57,725 acres as generally depicted on the Map.

23     (b) MANAGEMENT OF CONSERVATION AREA.—The  
24     Secretary, acting through the Director of the Bureau of  
25     Land Management, shall manage the Conservation Area

1 to protect the resources of the Conservation Area in ac-  
2 cordance with—

3 (1) this Act;

4 (2) the Federal Land Policy and Management  
5 Act of 1976 (43 U.S.C. 1701 et seq.); and

6 (3) other applicable provisions of law.

7 (c) WITHDRAWAL OF LAND.—Subject to valid rights  
8 in existence on the date of enactment of this Act, all Fed-  
9 eral land and interests within the Conservation Area ac-  
10 quired by the United States are withdrawn from—

11 (1) all forms of entry, appropriation, or disposal  
12 under the public land laws;

13 (2) location, entry, and patent under the mining  
14 laws; and

15 (3) operation of the mineral leasing and geo-  
16 thermal leasing laws.

17 (d) PERMITTED USES.—

18 (1) IN GENERAL.—The Secretary shall permit  
19 hunting, trapping, and fishing within the Conserva-  
20 tion Area in accordance with applicable laws (includ-  
21 ing regulations) of the United States and the State  
22 of Colorado.

23 (2) EXCEPTION.—The Secretary, after con-  
24 sultation with the Colorado Division of Wildlife, may  
25 issue regulations designating zones where and estab-

1        lishing periods when no hunting or trapping shall be  
2        permitted for reasons concerning—

3                    (A) public safety;

4                    (B) administration; or

5                    (C) public use and enjoyment.

6        (e) USE OF MOTORIZED VEHICLES.—In addition to  
7        the use of motorized vehicles on established roadways, the  
8        use of motorized vehicles in the Conservation Area shall  
9        be allowed—

10                    (1) to the extent the use is compatible with off-  
11        highway vehicle designations as described in the  
12        management plan in effect on the date of enactment  
13        of this Act; or

14                    (2) to the extent the use is practicable under a  
15        management plan prepared under this Act.

16        (f) CONSERVATION AREA MANAGEMENT PLAN.—

17                    (1) IN GENERAL.—Not later than 4 years after  
18        the date of enactment of this Act, the Secretary  
19        shall—

20                    (A) develop a comprehensive plan for the  
21        long-range protection and management of the  
22        Conservation Area; and

23                    (B) transmit the plan to—

24                                (i) the Committee on Energy and  
25        Natural Resources of the Senate; and

1 (ii) the Committee on Resources of  
2 the House of Representatives.

3 (2) CONTENTS OF PLAN.—The plan—

4 (A) shall describe the appropriate uses and  
5 management of the Conservation Area in ac-  
6 cordance with this Act;

7 (B) may incorporate appropriate decisions  
8 contained in any management or activity plan  
9 for the area completed prior to the date of en-  
10 actment of this Act;

11 (C) may incorporate appropriate wildlife  
12 habitat management plans or other plans pre-  
13 pared for the land within or adjacent to the  
14 Conservation Area prior to the date of enact-  
15 ment of this Act;

16 (D) shall be prepared in close consultation  
17 with appropriate Federal, State, county, and  
18 local agencies; and

19 (E) shall use information developed prior  
20 to the date of enactment of this Act in studies  
21 of the land within or adjacent to the Conserva-  
22 tion Area.

23 (g) BOUNDARY REVISIONS.—The Secretary may  
24 make revisions to the boundary of the Conservation Area

1 following acquisition of land necessary to accomplish the  
2 purposes for which the Conservation Area was designated.

3 **SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CON-**  
4 **SERVATION AREA.**

5 (a) GUNNISON GORGE WILDERNESS.—

6 (1) IN GENERAL.—Within the Conservation  
7 Area, there is designated as wilderness, and as a  
8 component of the National Wilderness Preservation  
9 System, the Gunnison Gorge Wilderness, consisting  
10 of approximately 17,700 acres, as generally depicted  
11 on the Map.

12 (2) ADMINISTRATION.—

13 (A) WILDERNESS STUDY AREA EXEMP-  
14 TION.—The approximately 300-acre portion of  
15 the wilderness study area depicted on the Map  
16 for release from section 603 of the Federal  
17 Land Policy and Management Act of 1976 (43  
18 U.S.C. 1782) shall not be subject to section  
19 603(c) of that Act.

20 (B) INCORPORATION INTO NATIONAL CON-  
21 SERVATION AREA.—The portion of the wilder-  
22 ness study area described in subparagraph (A)  
23 shall be incorporated into the Conservation  
24 Area.

1 (b) ADMINISTRATION.—Subject to valid rights in ex-  
 2 istence on the date of enactment of this Act, the wilder-  
 3 ness areas designated under this Act shall be administered  
 4 by the Secretary in accordance with the Wilderness Act  
 5 (16 U.S.C. 1131 et seq.).

6 (c) STATE RESPONSIBILITY.—As provided in section  
 7 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
 8 nothing in this Act or in the Wilderness Act shall affect  
 9 the jurisdiction or responsibilities of the State of Colorado  
 10 with respect to wildlife and fish on the public land located  
 11 in that State.

12 **SEC. 9. WITHDRAWAL.**

13 The land identified as tract B on the Map, consisting  
 14 of approximately 1,554 acres, is withdrawn—

- 15 (1) from all forms of entry, appropriation, or
- 16 disposal under the public land laws;
- 17 (2) from location, entry, and patent under the
- 18 mining laws; and
- 19 (3) from operation of the mineral leasing and
- 20 geothermal leasing laws.

21 **SEC. 10. WATER RIGHTS.**

22 (a) EFFECT ON WATER RIGHTS.—Nothing in this  
 23 Act shall—

- 24 (1) constitute an express or implied reservation
- 25 of water for any purpose; or

1           (2) affect any water rights in existence prior to  
2           the date of enactment of this Act, including any  
3           water rights held by the United States.

4           (b) **ADDITIONAL WATER RIGHTS.**—Any new water  
5           right that the Secretary determines is necessary for the  
6           purposes of this Act shall be established in accordance  
7           with the procedural and substantive requirements of the  
8           laws of the State of Colorado.

9           **SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO**  
10           **CURECANTI NATIONAL RECREATION AREA.**

11           (a) **IN GENERAL.**—Not later than 2 years after the  
12           date of enactment of this Act, the Secretary, acting  
13           through the Director of the National Park Service, shall  
14           conduct a study concerning land protection and open space  
15           within and adjacent to the area administered as the  
16           Curecanti National Recreation Area.

17           (b) **PURPOSE OF STUDY.**—The study required to be  
18           completed under subsection (a) shall—

19                   (1) assess the natural, cultural, recreational  
20                   and scenic resource value and character of the land  
21                   within and surrounding the Curecanti National  
22                   Recreation Area (including open vistas, wildlife habi-  
23                   tat, and other public benefits);

24                   (2) identify practicable alternatives that protect  
25                   the resource value and character of the land within

1 and surrounding the Curecanti National Recreation  
2 Area;

3 (3) recommend a variety of economically fea-  
4 sible and viable tools to achieve the purposes de-  
5 scribed in paragraphs (1) and (2); and

6 (4) estimate the costs of implementing the ap-  
7 proaches recommended by the study.

8 (c) SUBMISSION OF REPORT.—Not later than 3 years  
9 from the date of enactment of this Act, the Secretary shall  
10 submit a report to Congress that—

11 (1) contains the findings of the study required  
12 by subsection (a);

13 (2) makes recommendations to Congress with  
14 respect to the findings of the study required by sub-  
15 section (a); and

16 (3) makes recommendations to Congress re-  
17 garding action that may be taken with respect to the  
18 land described in the report.

19 (d) ACQUISITION OF ADDITIONAL LAND AND INTER-  
20 ESTS IN LAND.—

21 (1) IN GENERAL.—Prior to the completion of  
22 the study required by subsection (a), the Secretary  
23 may acquire certain private land or interests in land  
24 as depicted on the Map entitled “Proposed Additions  
25 to the Curecanti National Recreation Area,” dated

1       09/15/98, totaling approximately 1,065 acres and  
2       entitled “Hall and Fitti properties”.

3               (2) METHOD OF ACQUISITION.—

4               (A) IN GENERAL.—Land or an interest in  
5       land under paragraph (1) may be acquired by—

6                       (i) donation;

7                       (ii) purchase with donated or appro-  
8       priated funds; or

9                       (iii) exchange.

10              (B) CONSENT.—No land or interest in  
11       land may be acquired without the consent of  
12       the owner of the land.

13              (C) BOUNDARY REVISIONS FOLLOWING AC-  
14       QUISITION.—Following the acquisition of land  
15       under paragraph (1), the Secretary shall—

16                      (i) revise the boundary of the  
17       Curecanti National Recreation Area to in-  
18       clude newly-acquired land; and

19                      (ii) administer newly-acquired land ac-  
20       cording to applicable laws (including regu-  
21       lations).

22   **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

23       There are authorized to be appropriated such sums  
24   as are necessary to carry out this Act.

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