

Union Calendar No. 185

106TH CONGRESS
1ST Session

S. 323

[Report No. 106-307]

AN ACT

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.

SEPTEMBER 8, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1999

Referred to the Committee on Resources

SEPTEMBER 8, 1999

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 12, 1999]

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. FINDINGS.**

6 Congress finds that—

7 (1) Black Canyon of the Gunnison National
8 Monument was established for the preservation of its
9 spectacular gorges and additional features of scenic,
10 scientific, and educational interest;

11 (2) the Black Canyon of the Gunnison and ad-
12 jacent upland include a variety of unique ecological,
13 geological, scenic, historical, and wildlife components
14 enhanced by the serenity and rural western setting
15 of the area;

16 (3) the Black Canyon of the Gunnison and ad-
17 jacent land provide extensive opportunities for edu-
18 cational and recreational activities, and are publicly
19 used for hiking, camping, and fishing, and for wil-
20 derness value, including solitude;

21 (4) adjacent public land downstream of the
22 Black Canyon of the Gunnison National Monument
23 has wilderness value and offers unique geological,
24 paleontological, scientific, educational, and rec-
25 reational resources;

1 (5) public land adjacent to the Black Canyon of
2 the Gunnison National Monument contributes to the
3 protection of the wildlife, viewshed, and scenic quali-
4 ties of the Black Canyon;

5 (6) some private land adjacent to the Black
6 Canyon of the Gunnison National Monument has ex-
7 ceptional natural and scenic value that would be
8 threatened by future development pressures;

9 (7) the benefits of designating public and pri-
10 vate land surrounding the national monument as a
11 national park include greater long-term protection of
12 the resources and expanded visitor use opportunities;
13 and

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

16 (A) recognized for offering exceptional
17 multiple use opportunities;

18 (B) recognized for offering natural, cul-
19 tural, scenic, wilderness, and recreational re-
20 sources; and

21 (C) worthy of additional protection as a
22 national conservation area, and with respect to
23 the Gunnison Gorge itself, as a component of
24 the national wilderness system.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CONSERVATION AREA.—The term “Con-
4 servation Area” means the Gunnison Gorge National
5 Conservation Area, consisting of approximately
6 57,725 acres surrounding the Gunnison Gorge as
7 depicted on the Map.

8 (2) MAP.—The term “Map” means the map en-
9 titled “Black Canyon of the Gunnison National Park
10 and Gunnison Gorge NCA—1/22/99”. The map
11 shall be on file and available for public inspection in
12 the offices of the Department of the Interior.

13 (3) PARK.—The term “Park” means the Black
14 Canyon of the Gunnison National Park established
15 under section 4 and depicted on the Map.

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUN-**
19 **NISON NATIONAL PARK.**

20 (a) ESTABLISHMENT.—There is hereby established
21 the Black Canyon of the Gunnison National Park in the
22 State of Colorado as generally depicted on the map identi-
23 fied in section 3. The Black Canyon of the Gunnison Na-
24 tional Monument is hereby abolished as such, the lands
25 and interests therein are incorporated within and made
26 part of the new Black Canyon of the Gunnison National

1 Park, and any funds available for purposes of the monu-
2 ment shall be available for purposes of the park.

3 (b) ADMINISTRATION.—Upon enactment of this title,
4 the Secretary shall transfer the lands under the jurisdic-
5 tion of the Bureau of Land Management which are identi-
6 fied on the map for inclusion in the park to the adminis-
7 trative jurisdiction of the National Park Service. The Sec-
8 retary shall administer the park in accordance with this
9 Act and laws generally applicable to units of the National
10 Park System, including the Act entitled “An Act to estab-
11 lish a National Park Service, and for other purposes”, ap-
12 proved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act
13 entitled “An Act to provide for the preservation of historic
14 American sites, buildings, objects, and antiquities of na-
15 tional significance, and for other purposes, approved Au-
16 gust 21, 1935 (16 U.S.C. 461 et seq.).

17 (c) MAPS AND LEGAL DESCRIPTION.—As soon as
18 practicable after the date of enactment of this Act, the
19 Secretary shall file maps and a legal description of the
20 park with the Committee on Energy and Natural Re-
21 sources of the United States Senate and the Committee
22 on Resources of the United States House of Representa-
23 tives. Such maps and legal description shall have the same
24 force and effect as if included in this Act, except that the
25 Secretary may correct clerical and typographical errors in

1 such legal description and maps. The maps and legal de-
2 scription shall be on file and available for public inspection
3 in the appropriate offices of the National Park Service.

4 (d) WITHDRAWAL.—Subject to valid existing rights,
5 all Federal lands within the park are hereby withdrawn
6 from all forms of entry, appropriation, or disposal under
7 the public land laws; from location, entry, and patent
8 under the mining laws; and from disposition under all laws
9 relating to mineral and geothermal leasing, and all amend-
10 ments thereto.

11 (e) GRAZING.—(1)(A) Consistent with the require-
12 ments of this subsection, including the limitation in para-
13 graph (3), the Secretary shall allow the grazing of live-
14 stock within the park to continue where authorized under
15 permits or leases in existence as of the date of enactment
16 of this Act. Grazing shall be at no more than the current
17 level, and subject to applicable laws and National Park
18 Service regulations.

19 (B) Nothing in this subsection shall be construed as
20 extending grazing privileges for any party or their as-
21 signee in any area of the park where, prior to the date
22 of enactment of this Act, such use was scheduled to expire
23 according to the terms of a settlement by the U.S. Claims
24 Court affecting property incorporated into the boundary
25 of the Black Canyon of the Gunnison National Monument.

1 (C) Nothing in this subsection shall prohibit the Sec-
2 retary from accepting the voluntary termination of leases
3 or permits for grazing within the park.

4 (2) Within areas of the park designated as wilder-
5 ness, the grazing of livestock, where authorized under per-
6 mits in existence as of the date of enactment of this Act,
7 shall be permitted to continue subject to such reasonable
8 regulations, policies, and practices as the Secretary deems
9 necessary, consistent with this Act, the Wilderness Act,
10 and other applicable laws and National Park Service regu-
11 lations.

12 (3) With respect to the grazing permits and leases
13 referenced in this subsection, the Secretary shall allow
14 grazing to continue, subject to periodic renewal—

15 (A) with respect to a permit or lease issued to
16 an individual, for the lifetime of the individual who
17 was the holder of the permit or lease on the date of
18 the enactment of this Act; and

19 (B) with respect to a permit or lease issued to
20 a partnership, corporation, or other legal entity, for
21 a period which shall terminate on the same date that
22 the last permit or lease held under subparagraph (A)
23 terminates, unless the partnership, corporation, or
24 legal entity dissolves or terminates before such time,

1 in which case the permit or lease shall terminate
 2 with the partnership, corporation, or legal entity.

3 **SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUND-**
 4 **ARY ADJUSTMENTS.**

5 (a) ADDITIONAL ACQUISITIONS.—

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

9 (2) METHOD OF ACQUISITION.—

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

12 (i) donation;

13 (ii) transfer;

14 (iii) purchase with donated or appro-
 15 priated funds; or

16 (iv) exchange.

17 (B) CONSENT.—No land or interest in
 18 land may be acquired without the consent of
 19 the owner of the land.

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

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

24 (2) administer newly-acquired land subject to
 25 applicable laws (including regulations).

1 (c) BOUNDARY SURVEY.—As soon as practicable and
 2 subject to the availability of funds the Secretary shall com-
 3 plete an official boundary survey of the Park.

4 (d) HUNTING ON PRIVATELY OWNED LANDS.—

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

9 (2) TERMINATION OF AUTHORITY.—On the
 10 date that the Secretary acquires fee ownership of
 11 any privately owned land added to the Park under
 12 this Act, the authority under paragraph (1) shall
 13 terminate with respect to the privately owned land
 14 acquired.

15 **SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNI-**
 16 **SON WILDERNESS.**

17 (a) EXPANSION OF BLACK CANYON OF THE GUNNI-
 18 SON WILDERNESS.—The Black Canyon of the Gunnison
 19 Wilderness, as established by subsection (b) of the first
 20 section of Public Law 94–567 (90 Stat. 2692), is ex-
 21 panded to include the parcel of land depicted on the Map
 22 as “Tract A” and consisting of approximately 4,419 acres.

23 (b) ADMINISTRATION.—The Black Canyon of the
 24 Gunnison Wilderness shall be administered as a compo-
 25 nent of the Park.

1 **SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NA-**
2 **TIONAL CONSERVATION AREA.**

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

6 (b) MANAGEMENT OF CONSERVATION AREA.—The
7 Secretary, acting through the Director of the Bureau of
8 Land Management, shall manage the Conservation Area
9 to protect the resources of the Conservation Area in ac-
10 cordance with—

11 (1) this Act;

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

14 (3) other applicable provisions of law.

15 (c) WITHDRAWAL.—Subject to valid existing rights,
16 all Federal lands within the Conservation Area are hereby
17 withdrawn from all forms of entry, appropriation or dis-
18 posal under the public land laws; from location, entry, and
19 patent under the mining laws; and from disposition under
20 all laws relating to mineral and geothermal leasing, and
21 all amendments thereto.

22 (d) HUNTING, TRAPPING AND FISHING.—

23 (1) IN GENERAL.—The Secretary shall permit
24 hunting, trapping, and fishing within the Conserva-
25 tion Area in accordance with applicable laws (includ-

1 ing regulations) of the United States and the State
2 of Colorado.

3 (2) EXCEPTION.—The Secretary, after con-
4 sultation with the Colorado Division of Wildlife, may
5 issue regulations designating zones where and estab-
6 lishing periods when no hunting or trapping shall be
7 permitted for reasons concerning—

8 (A) public safety;

9 (B) administration; or

10 (C) public use and enjoyment.

11 (e) USE OF MOTORIZED VEHICLES.—In addition to
12 the use of motorized vehicles on established roadways, the
13 use of motorized vehicles in the Conservation Area shall
14 be allowed—

15 (1) to the extent the use is compatible with off-
16 highway vehicle designations as described in the
17 management plan in effect on the date of enactment
18 of this Act; or

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

21 (f) CONSERVATION AREA MANAGEMENT PLAN.—

22 (1) IN GENERAL.—Not later than 4 years after
23 the date of enactment of this Act, the Secretary
24 shall—

1 (A) develop a comprehensive plan for the
2 long-range protection and management of the
3 Conservation Area; and

4 (B) transmit the plan to—

5 (i) the Committee on Energy and
6 Natural Resources of the Senate; and

7 (ii) the Committee on Resources of
8 the House of Representatives.

9 (2) CONTENTS OF PLAN.—The plan—

10 (A) shall describe the appropriate uses and
11 management of the Conservation Area in ac-
12 cordance with this Act;

13 (B) may incorporate appropriate decisions
14 contained in any management or activity plan
15 for the area completed prior to the date of en-
16 actment of this Act;

17 (C) may incorporate appropriate wildlife
18 habitat management plans or other plans pre-
19 pared for the land within or adjacent to the
20 Conservation Area prior to the date of enact-
21 ment of this Act;

22 (D) shall be prepared in close consultation
23 with appropriate Federal, State, county, and
24 local agencies; and

1 (E) may use information developed prior to
2 the date of enactment of this Act in studies of
3 the land within or adjacent to the Conservation
4 Area.

5 (g) BOUNDARY REVISIONS.—The Secretary may
6 make revisions to the boundary of the Conservation Area
7 following acquisition of land necessary to accomplish the
8 purposes for which the Conservation Area was designated.

9 **SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CON-**
10 **SERVATION AREA.**

11 (a) GUNNISON GORGE WILDERNESS.—

12 (1) IN GENERAL.—Within the Conservation
13 Area, there is designated as wilderness, and as a
14 component of the National Wilderness Preservation
15 System, the Gunnison Gorge Wilderness, consisting
16 of approximately 17,700 acres, as generally depicted
17 on the Map.

18 (2) ADMINISTRATION.—

19 (A) WILDERNESS STUDY AREA EXEMP-
20 TION.—The approximately 300-acre portion of
21 the wilderness study area depicted on the Map
22 for release from section 603 of the Federal
23 Land Policy and Management Act of 1976 (43
24 U.S.C. 1782) shall not be subject to section
25 603(c) of that Act.

1 (B) INCORPORATION INTO NATIONAL CON-
2 SERVATION AREA.—The portion of the wilder-
3 ness study area described in subparagraph (A)
4 shall be incorporated into the Conservation
5 Area.

6 (b) ADMINISTRATION.—Subject to valid rights in ex-
7 istence on the date of enactment of this Act, the wilder-
8 ness areas designated under this Act shall be administered
9 by the Secretary in accordance with the Wilderness Act
10 (16 U.S.C. 1131 et seq.) except that any reference in such
11 provisions to the effective date of the Wilderness Act shall
12 be deemed to be a reference to the effective date of this
13 Act and any reference to the Secretary of Agriculture shall
14 be deemed to be a reference to the Secretary of the Inte-
15 rior.

16 (c) STATE RESPONSIBILITY.—As provided in section
17 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
18 nothing in this Act or in the Wilderness Act shall affect
19 the jurisdiction or responsibilities of the State of Colorado
20 with respect to wildlife and fish on the public land located
21 in that State.

22 (d) MAPS AND LEGAL DESCRIPTIONS.—As soon as
23 practicable after the date of enactment of this section, the
24 Secretary of the Interior shall file a map and a legal de-
25 scription of the Gunnison Gorge Wilderness with the Com-

1 mittee on Energy and Natural Resources of the United
2 States Senate and the Committee on Resources of the
3 United States House of Representatives. This map and
4 description shall have the same force and effect as if in-
5 cluded in this Act. The Secretary of the Interior may cor-
6 rect clerical and typographical errors in the map and legal
7 description. The map and legal description shall be on file
8 and available in the office of the Director of the BLM.

9 **SEC. 9. WITHDRAWAL.**

10 Subject to valid existing rights, the Federal lands
11 identified on the Map as “BLM Withdrawal (Tract B)”
12 (comprising approximately 1,154 acres) are hereby with-
13 drawn from all forms of entry, appropriation or disposal
14 under the public land laws; from location, entry, and pat-
15 ent under the mining laws; and from disposition under all
16 laws relating to mineral and geothermal leasing, and all
17 amendments thereto.

18 **SEC. 10. WATER RIGHTS.**

19 (a) EFFECT ON WATER RIGHTS.—Nothing in this
20 Act shall—

- 21 (1) constitute an express or implied reservation
22 of water for any purpose; or
23 (2) affect any water rights in existence prior to
24 the date of enactment of this Act, including any
25 water rights held by the United States.

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

6 **SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO**
 7 **CURECANTI NATIONAL RECREATION AREA.**

8 (a) IN GENERAL.—Not later than 3 years after the
 9 date of enactment of this Act, the Secretary, acting
 10 through the Director of the National Park Service, shall
 11 conduct a study concerning land protection and open space
 12 within and adjacent to the area administered as the
 13 Curecanti National Recreation Area.

14 (b) PURPOSE OF STUDY.—The study required to be
 15 completed under subsection (a) shall—

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

21 (2) identify practicable alternatives that protect
 22 the resource value and character of the land within
 23 and surrounding the Curecanti National Recreation
 24 Area;

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

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

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

9 (1) contains the findings of the study required
10 by subsection (a);

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

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

17 (d) ACQUISITION OF ADDITIONAL LAND AND INTER-
18 ESTS IN LAND.—

19 (1) IN GENERAL.—Prior to the completion of
20 the study required by subsection (a), the Secretary
21 may acquire certain private land or interests in land
22 as depicted on the Map entitled ‘Proposed Additions
23 to the Curecanti National Recreation Area,’ dated
24 01/25/99, totaling approximately 1,065 acres and
25 entitled ‘Hall and Fitti properties’.

1 (2) METHOD OF ACQUISITION.—

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

4 (i) donation;

5 (ii) purchase with donated or appro-
6 priated funds; or

7 (iii) exchange.

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

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

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

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

20 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
22 as are necessary to carry out this Act.

Passed the Senate July 1, 1999.

Attest:

GARY SISCO,
Secretary.