To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, to designate the Red Table Mountain, Pisgah Mountain, Castle Peak, Tenmile, Hoosier Ridge, and Porcupine Gulch Special Management Areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2011

Mr. Polis introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, to designate the Red Table Mountain, Pisgah Mountain, Castle Peak, Tenmile, Hoosier Ridge, and Porcupine Gulch Special Management Areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Eagle and Summit County Wilderness Preservation Act”.

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(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Designation of additional wilderness in the State of Colorado.
Sec. 4. Red Table Mountain, Pisgah Mountain, and Castle Peak Special Management Areas.
Sec. 5. Tennille and Hoosier Ridge Special Management Areas.
Sec. 6. Porcupine Gulch Special Management Area.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land administered by the Secretary of the Interior through the Bureau of Land Management.

(2) **WILDERNESS AREA.**—The term “wilderness area” means each wilderness area designated, or area of National Forest System land incorporated in an existing wilderness area, by the amendments made by sections 3(a) and 4(c).

**SEC. 3. DESIGNATION OF ADDITIONAL WILDERNESS IN THE STATE OF COLORADO.**

(a) **DESIGNATION.**—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended—
(1) in paragraph (18), by striking “1993,” and
inserting “1993, and certain lands in the Acorn
Creek/Ute Pass and Ptarmigan A areas of the White
River National Forest which comprise approximately
6,190 acres, as depicted on a map entitled ‘Addi-
tions to Ptarmigan Peak Wilderness Proposal’ and
dated September 2010,’”; and

(2) by adding at the end the following new
paragraphs:

“(22) Certain lands in the White River Na-
tional Forest which comprise approximately 4,440
acres, as depicted on a map entitled ‘Hoosier Ridge
Proposal’ and dated September 2010, and which
shall be known as the Hoosier Ridge Wilderness.

“(23) Certain lands in the White River Na-
tional Forest which comprise approximately 6,900
acres, as depicted on a map entitled ‘Adam Moun-
tain Wilderness Proposal’ and dated September
2010, and which shall be known as the Adam Moun-
tain Wilderness.

“(24) Certain lands in the White River Na-
tional Forest which comprise approximately 3,770
acres, as depicted on a map entitled ‘Tenmile Prop-
posal’ and dated September 2010, and which shall
be known as the Tenmile Wilderness.
“(25) Certain lands in the White River National Forest which comprise approximately 8,960 acres, as depicted on a map entitled ‘Williams Fork Wilderness Proposal’ and dated September 2010, and which shall be known as the Williams Fork Wilderness.

“(26) Certain public lands administered by the Colorado River Valley Field Office of the Bureau of Land Management which comprise approximately 14,670 acres, as depicted on a map entitled ‘Bull Gulch Wilderness Proposal’ and dated September 2010, and which shall be known as the Bull Gulch Wilderness.

“(27) Certain lands administered by the Colorado River Valley Field Office of the Bureau of Land Management which comprise approximately 12,080 acres, as depicted on a map entitled ‘Castle Peak Proposal’ and dated September 2010, and which shall be known as the Castle Peak Wilderness.

“(28) Certain lands in the No Name, West Lake Creek, and Woods Lake areas of the White River National Forest which comprise approximately 14,500 acres, as depicted on a map entitled ‘Additions to Holy Cross Wilderness Proposal’ and dated September 2010, and which are hereby incorporated
in and shall be deemed to be a part of the Holy
Cross Wilderness designated by section 102(a)(5) of

“(29) Certain lands in the Freeman Creek and
Spraddle Creek areas of the White River National
Forest which comprise approximately 10,280 acres,
as depicted on a map entitled ‘Additions to Eagles
Nest Wilderness Proposal’ and dated September
2010, and which are hereby incorporated in and
shall be deemed to be a part of the Eagles Nest Wil-
derness designated by the first section of Public Law
94–352 (90 Stat. 870).”.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the
date of enactment of this Act, the Secretary con-
cerned shall file a map and a legal description of
each wilderness area with—

(A) the Committee on Energy and Natural
Resources of the Senate; and

(B) the Committee on Natural Resources
of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal de-
scriptions filed under paragraph (1) shall have the
same force and effect as if included in this Act, ex-
cept that the Secretary concerned may correct typo-
graphical errors in the maps and legal descriptions.

(3) Public Availability.—Each map and
legal description filed under paragraph (1) shall be
on file and available for public inspection in the ap-
propriate offices of the Forest Service or Bureau of
Land Management.

(c) Administration.—Subject to valid existing
rights, the wilderness areas shall be administered by the
Secretary concerned in accordance with this section, Pub-
et seq.), except that—

(1) any reference in the Wilderness Act to the
effective date of that Act shall be considered to be
a reference to the date of the enactment of this Act;
and

(2) any reference in the Wilderness Act to the
Secretary of Agriculture shall be considered to be a
reference to the Secretary concerned.

(d) Fire Management and Related Activities.—

(1) Authority.—The Secretary concerned may
take such measures in a wilderness area as are nec-
essary for the control of fire, insects, and diseases
in accordance with section 4(d)(1) of the Wilderness

(2) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary concerned shall amend the local fire management plans that apply to the wilderness areas.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas, the Secretary concerned shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with the State of Colorado or local firefighting agencies.

(c) USE OF HORSES.—Subject to any terms and conditions determined to be necessary by the Secretary con-
cerned, nothing in this section precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, a wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131).

(f) **Military Helicopter Overflights.**—

(1) **In General.**—Nothing in this Act restricts or precludes, or should cause any other Federal regulation to restrict or preclude—

(A) low-level overflights of military helicopters over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing, and evaluation over the wilderness areas; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(2) **Military Aerial Navigation Training Exercises.**—The Colorado Army National Guard, through the High-Altitude Army National Guard Aviation Training Site, may conduct aerial navigation training maneuver exercises over the wilderness areas designated by the amendment made by subsection (a)(2)—
(A) in the manner and degree consistent with current authorizations, and under current interagency agreements, in effect as of the date of the enactment of this Act; or

(B) in a manner consistent with subsequent interagency agreements between the Colorado Army National Guard or Department of Defense and the Bureau of Land Management or the Forest Service.

(g) **Release of Wilderness Study Areas.**—

(1) Finding.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Castle Peak and Bull Guleh wilderness study areas that are not designated wilderness by the amendment made by subsection (a)(2) have been adequately studied for wilderness designation.

(2) Release.—Any public land referred to in paragraph (1) that is not designated as wilderness by the amendment made by subsection (a)(2)—

(A) has been adequately studied for wilderness designation pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));
(B) is no longer subject to such section;

and

(C) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 4. RED TABLE MOUNTAIN, PISGAH MOUNTAIN, AND CASTLE PEAK SPECIAL MANAGEMENT AREAS.

(a) DESIGNATION OF ADDITIONAL AREAS.—Section 9(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 764) is amended by adding at the end the following new paragraphs:

“(4) Certain lands in the White River National Forest, comprising approximately 55,320 acres as generally depicted on a map entitled ‘Red Table Mountain Area’ and dated September 2010, except that, with respect to these lands and consistent with this section, the Secretary of Agriculture may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with the State of Colorado or a local agency.

“(5) Certain public lands administered by the Colorado River Valley Field Office of the Bureau of Land Management, comprising approximately
13,770 acres as generally depicted on a map entitled ‘Pisgah Mountain Area’ and dated September 2010.

“(6) Certain public lands administered by the Colorado River Valley Field Office of the Bureau of Land Management, comprising approximately 4,000 acres as generally depicted on a map entitled ‘Castle Peak Area’ and dated September 2010.”.

(b) MANAGEMENT.—Section 9(b) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 764) is amended—

(1) in paragraph (4), by striking the second sentence; and

(2) by adding at the end the following new paragraphs:

“(4)(A) Except as otherwise provided in this Act, mechanized or motorized travel shall not be permitted in areas described in subsection (a).

“(B)(i) The Secretary of Agriculture may permit motorized travel on trail number 535 in the San Juan National Forest during periods of adequate snow cover.

“(ii) The Secretary of Agriculture shall permit bicycle travel on trail number 1912.1 (Red Hill) to the intersection with trail number 1870.1 (Mount Thomas), and on trail number 1870.1 (Mount Thomas) west of the intersec-
tion with trail number 1912.1 (Red Hill) in the White River National Forest.

“(5)(A) Nothing in this Act shall restrict, preclude or otherwise affect the use by the Colorado Army National Guard, a reserve component of the Armed Forces, of the Red Table Mountain Area, Pisgah Mountain Area or Castle Peak Area for helicopter training, testing, evaluation, emergency response, or other related air and ground operations—

“(i) in the manner and degree such uses were authorized to occur on the date of the enactment of the Eagle and Summit County Wilderness Preservation Act; or

“(ii) as authorized under future agreements between the Secretary of Agriculture, on behalf of the Forest Service, the Secretary of the Interior, on behalf of the Bureau of Land Management, and the Secretary of Defense.

“(B) Nothing in this Act restricts or precludes, or should cause any other Federal regulation to restrict or preclude—

“(i) low-level overflights of military helicopters over the Red Table Area, Pisgah Mountain Area, or Castle Peak Area;
“(ii) takeoffs or landings, or related air and ground operations in the event of an emergency or a search and rescue, emergency response, or recovery operation; or

“(iii) the designation, modification, or creation of new units of special use airspace, or the establishment of military flight training routes, over the Red Table Mountain Area, Pisgah Mountain Area, or Castle Peak Area.

“(C) Nothing in this Act shall create any protective perimeter or buffer zone. The fact that military activities or uses can be seen or heard from within the Red Table Mountain Area, Pisgah Mountain Area, or Castle Peak Area shall not preclude the conduct of those activities or uses outside the boundary of each area.”.

(e) EVENTUAL WILDERNESS DESIGNATION FOR CASTLE PEAK AND PISGAH MOUNTAIN AREAS.—Section 9 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 764) is amended by adding at the end the following new subsection:

“(d) EVENTUAL WILDERNESS DESIGNATION FOR CASTLE PEAK AND PISGAH MOUNTAIN AREAS.—

“(1) In general.—The Castle Peak and Pisgah Mountain areas designated by subsection (a) shall be designated as wilderness on the date on
which the Secretary, in consultation with the Secretary of Defense, publishes in the Federal Register a notice that the Castle Peak and Pisgah Mountain areas are no longer needed by the Colorado Army National Guard for helicopter training, testing, or evaluation.

“(2) DESIGNATION.—Upon designation under paragraph (1)—

“(A) the Castle Peak area shall be known as the Castle Peak Wilderness; and

“(B) the Pisgah Mountain area shall be known as the Pisgah Mountain Wilderness.

“(3) ADMINISTRATION.—Subject to valid existing rights, the land designated as wilderness by this subsection shall be administered by the Secretary in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.).”.

(d) CROSS REFERENCE AMENDMENT.—Section 8(b)(2)(A) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 762) is amended by striking “Piedra, Roubideau, and Tabeguache areas” and inserting “special management areas”.

(e) CLERICAL AMENDMENT.—The heading of section 9 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 764) is amended to read as follows:
SEC. 5. TENMILE AND HOOSIER RIDGE SPECIAL MANAGEMENT AREAS.

(a) DESIGNATION.—The following are hereby designated as special management areas:

(1) Certain Federal land located in the White River National Forest, comprising approximately 3,240 acres, as generally depicted on the map entitled “Tenmile Proposal” and dated September 2010, which is designated as the Tenmile Special Management Area.

(2) Certain Federal land located in the White River National Forest, comprising approximately 1,620 acres, as generally depicted on the map entitled “Hoosier Ridge Proposal” and dated September 2010, which is designated as the Hoosier Ridge Special Management Area.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of the special management areas designated by subsection (a) (referred to in this section as the “special management areas”) with—

(A) the Committee on Energy and Natural Resources of the Senate; and
(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) **ADMINISTRATION.**—The Secretary of Agriculture shall administer the special management areas in accordance with this section and any laws (including regulations) relating to the National Forest System.

(d) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land in the special management areas is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.
(c) **Prohibited Uses.**—Except as provided in subsection (g), the following shall be prohibited on the Federal land within the special management areas:

1. Permanent roads.
2. Permanent structures.
3. Timber harvesting.
4. Except as necessary to meet the minimum requirements for the administration of the special management areas and to protect public health and safety—
   - (A) the use of motorized vehicles; or
   - (B) the establishment of temporary roads.
5. Commercial enterprises, except as necessary—
   - (A) for realizing the recreational or other wilderness purposes of the special management areas; or
   - (B) to fulfill the purposes of subsections (f) and (g).

(f) **Wildfire, Insect, and Disease Management.**—Consistent with this section, the Secretary of Agriculture may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the co-
ordination of those activities with the State of Colorado or local agency.

(g) REGIONAL TRANSPORTATION PROJECTS.—Nothing in this section precludes the Secretary of Agriculture from authorizing, consistent with applicable laws (including regulations), the use or lease of Federal land within the Tenmile Special Management Area for—

(1) regional transportation projects, including highway widening or realignment and construction of multimodal transportation systems; and

(2) infrastructure, activities, or safety measures associated with the implementation or utilization of those facilities.

SEC. 6. PORCUPINE GULCH SPECIAL MANAGEMENT AREA.

(a) DESIGNATION.—Certain Federal land located in the White River National Forest, comprising approximately 6,180 acres, as generally depicted on the map entitled “Porcupine Gulch Protection Area” and dated September 2010, which is hereby designated as the Porcupine Gulch Special Management Area (referred to in this section as the “special management area”).

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of
Agriculture shall file a map and a legal description of the special management area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(e) ADMINISTRATION.—The Secretary of Agriculture shall administer the special management area—

(1) in accordance with this section and any laws (including regulations) relating to the National Forest System; and

(2) except as provided in subsection (f), to maintain the special management area’s wilderness character and potential for inclusion in the National Wilderness Preservation System.
(d) WITHDRAWAL.—Subject to valid existing rights, the Federal land in the special management area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) PROHIBITED USES.—Except as provided in subsection (f), the following shall be prohibited on the Federal land within the special management area:

(1) Permanent or temporary roads.

(2) Permanent structures.

(3) Commercial enterprises.

(4) Timber harvesting.

(5) Motorized and mechanized vehicles.

(f) REGIONAL TRANSPORTATION PROJECTS.—Nothing in this section precludes the Secretary from authorizing, consistent with applicable laws (including regulations), the use or lease of Federal land within the special management area for—

(1) regional transportation projects, including highway widening or realignment and construction of multimodal transportation systems; and
(2) infrastructure, activities, or safety measures associated with the implementation or utilization of those facilities.

(g) **Wildfire, Insect, and Disease Management.**—Consistent with this section, the Secretary of Agriculture may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(h) **Military Overflights.**—Nothing in this section restricts or precludes—

1. low-level overflights of military aircraft over the special management area, including military overflights that can be seen or heard within the special management area;
2. flight testing and evaluation; or
3. the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the special management area.