IN THE SENATE OF THE UNITED STATES

May 17, 2012

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To establish the Chimney Rock National Monument in the State of Colorado, 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.

This Act may be cited as the “Chimney Rock National Monument Establishment Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) NATIONAL MONUMENT.—The term “national monument” means the Chimney Rock National Monument established by section 3(a).

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) STATE.—The term “State” means the State of Colorado.

SEC. 3. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL MONUMENT.

(a) ESTABLISHMENT.—There is established in the State the Chimney Rock National Monument—

(1) to preserve, protect, and restore the archeological, cultural, historic, geologic, hydrologic, natural, educational, and scenic resources of Chimney Rock and adjacent land; and

(2) to provide for public interpretation and recreation consistent with the protection of the resources described in paragraph (1).

(b) BOUNDARIES.—

(1) IN GENERAL.—The national monument shall consist of approximately 4,726 acres of land
and interests in land, as generally depicted on the
map entitled “Boundary Map, Chimney Rock Na-
tional Monument” and dated January 5, 2010.

(2) MINOR ADJUSTMENTS.—The Secretary may
make minor adjustments to the boundary of the na-
tional monument to reflect the inclusion of signifi-
cant archeological resources discovered after the
date of the enactment of this Act on adjacent Na-
tional Forest System land.

(3) AVAILABILITY OF MAP.—The map described
in paragraph (1) shall be on file and available for
public inspection in the appropriate offices of the
Forest Service.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall—

(1) administer the national monument—

(A) in furtherance of the purposes for
which the national monument was established;
and

(B) in accordance with—

(i) this Act; and

(ii) any laws generally applicable to
the National Forest System; and
(2) allow only such uses of the national monument that the Secretary determines would further the purposes described in section 3(a).

(b) Tribal Uses.—

(1) In general.—The Secretary shall administer the national monument in accordance with—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(B) the policy described in Public Law 95–341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996).

(2) Traditional uses.—Subject to any terms and conditions the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the national monument by members of Indian tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

(c) Vegetation Management.—The Secretary may carry out vegetation management treatments within the national monument, except that the harvesting of timber shall only be used if the Secretary determines that the harvesting is necessary for—
(1) ecosystem restoration in furtherance of section 3(a); or

(2) the control of fire, insects, or diseases.

(d) MOTOR VEHICLES AND MOUNTAIN BIKES.—The use of motor vehicles and mountain bikes in the national monument shall be limited to the roads and trails identified by the Secretary as appropriate for the use of motor vehicles and mountain bikes.

(e) GRAZING.—The Secretary shall permit grazing within the national monument, where established before the date of the enactment of this Act—

(1) subject to all applicable laws (including regulations); and

(2) consistent with the purposes described in section 3(a).

(f) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in this Act precludes the Secretary from renewing or authorizing the upgrading of a utility right-of-way in existence as of the date of the enactment of this Act through the national monument—

(1) in accordance with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other applicable law; and
(2) subject to such terms and conditions as the Secretary determines to be appropriate.

(g) VOLUNTEERS.—The Secretary shall allow for the continued access and work of volunteers at the national monument.

(h) RESEARCH.—Scientific research, including archeological research, educational, and interpretive uses shall be permitted within the Monument.

(i) OTHER ADMINISTRATIVE COSTS.—Any signs, fixtures, alterations, or additions needed in connection with the designation or advertisement of the Monument shall be paid for only with non-Federal funds or amounts made available for such purposes in prior Acts of appropriation.

(j) DESIGNATION OF MANAGER.—As soon as practicable after the management plan is developed under section 5(a), the Secretary shall designate an employee of the Department of Agriculture whose duties shall include acting as the point of contact for the management of the national monument.

(k) OTHER RECREATIONAL USES.—The Secretary shall allow continued use of the national monument for hunting, fishing, and other recreational uses authorized on the date of the enactment of this Act, except that the Secretary may implement temporary emergency closures or restrictions of the smallest practicable area to provide for
public safety, resource conservation, or other purposes authorized by law.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes with a cultural or historic tie to Chimney Rock, shall develop a management plan for the national monument.

(b) PUBLIC COMMENT.—In developing the management plan, the Secretary shall provide an opportunity for public comment by—

(1) State and local governments;
(2) tribal governments; and
(3) any other interested organizations and individuals.

SEC. 6. LAND ACQUISITION.

The Secretary may acquire land and any interest in land within or adjacent to the boundary of the national monument by—

(1) purchase from willing sellers with donated or appropriated funds;
(2) donation; or
(3) exchange.
SEC. 7. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal land within the national monument (including any land or interest in land acquired after the date of the enactment of this Act) is withdrawn from—

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

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

(3) subject to subsection (b), operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) LIMITATION.—Notwithstanding subsection (a)(3), the Federal land is not withdrawn for the purposes of issuance of gas pipeline rights-of-way within easements in existence as of the date of the enactment of this Act.

SEC. 8. EFFECT.

(a) WATER RIGHTS.—

(1) IN GENERAL.—Nothing in this Act affects any valid water rights, including water rights held by the United States.

(2) RESERVED WATER RIGHT.—The designation of the national monument does not create a Federal reserved water right.

(b) TRIBAL RIGHTS.—Nothing in this Act affects—
(1) the rights of any Indian tribe on Indian land;

(2) any individually held trust land or Indian allotment; or

(3) any treaty rights providing for nonexclusive access to or within the national monument by members of Indian tribes for traditional and cultural purposes.

(e) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State with respect to the management of fish and wildlife on public land in the State.

(d) ADJACENT USES.—Nothing in this Act—

(1) creates a protective perimeter or buffer zone around the national monument; or

(2) affects private property outside of the boundary of the national monument.

Passed the House of Representatives May 16, 2012.

Attest: KAREN L. HAAS,

Clerk.