To designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2012

Mr. BENNET (for himself and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, 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 “Hermosa Creek Watershed Protection Act of 2012”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the ecological health and integrity of the Hermosa Creek Watershed and the economic health
of the surrounding communities that rely on the Wa-
tershed are connected;

(2) the Watershed—

(A) is the only area in the State that is not
a unit of National Wilderness Preservation Sys-
tem to achieve a designation of outstanding
waters by the State;

(B) provides a crucial source of clean
drinking water for the residents of the Animas
River Valley and the city of Durango, Colorado;
and

(C) provides high quality agricultural
water supplies from Hermosa Creek and the
Animas River;

(3) the Watershed helps ensure the economic
prosperity of local communities in the area that de-
pend on the Watershed for water supplies, recre-
ation, hunting, fishing, hiking, biking, camping, ski-
ing and related winter activities, off-road vehicle
travel for the conduct of scientific activities, sci-
entific research, mineral extraction, and sustainable
natural resource development;

(4) the world-class Hermosa Creek trail net-
work contains outstanding single track mountain
bike riding, backcountry hiking, equestrian riding, and motorcycle riding;

(5) the Watershed provides visitors the opportunity to enjoy the tremendous scenic, natural, cultural, and recreational resources of the area;

(6) ecologically sustainable grazing has been conducted in a manner that has preserved the high quality of the Watershed;

(7) the native Colorado River cutthroat trout fishery located in the Watershed—

(A) is one of the most important fisheries in the State;

(B) is crucial for the long-term survival of the cutthroat trout; and

(C) provides an opportunity for anglers to have a catch and release fishery for the cutthroat trout;

(8) the work of the State Division of Wildlife to enhance the fishery referred to in paragraph (7) has been a tremendous success and a great example of cooperative conservation efforts to recover an imperiled species of fish;

(9) the Watershed—

(A) provides some of the best backcountry elk habitat in the State; and
(B) supports outstanding hunting opportunities;

(10) the large areas of undisturbed forest in the Watershed (including some of the best stands of old growth ponderosa pine in the State) provide excellent wildlife habitat and excellent opportunities for solitude and backcountry recreation; and

(11) designation of the Hermosa Creek Wilderness Area, Watershed Protection Area, and Special Management Area would protect those areas in perpetuity for the benefit of the people of the United States.

SEC. 3. DEFINITIONS.

In this Act:


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

(3) SPECIAL MANAGEMENT AREA.—The term “Special Management Area” means the Hermosa Creek Special Management Area designated by section 5(a).

(4) STATE.—The term “State” means the State of Colorado.
(5) Watershed Protection Area.—The term “Watershed Protection Area” means the Hermosa Creek Watershed Protection Area designated by section 4(a).

SEC. 4. DESIGNATION OF HERMOSA CREEK WATERSHED PROTECTION AREA.

(a) Designation.—Certain Federal land in the San Juan National Forest comprising approximately 107,886 acres, as generally depicted on the Map, is designated as the “Hermosa Creek Watershed Protection Area”.

(b) Purposes.—The purposes of the Watershed Protection Area are—

(1) to maintain the cultural, economic, and ecological health of the Hermosa Creek Watershed and the surrounding communities that rely on the Watershed;

(2) to protect the purity of water that comes from the Hermosa Creek Watershed and supplies residents of the Animas River Valley and the city of Durango, Colorado, with clean drinking water;

(3) to protect the purity of, and water supply from, the Hermosa Creek Watershed for agricultural purposes, including irrigation and stockwater uses;

(4) to enhance the economic prosperity of local communities in the area who depend on the area for
water, recreation, and sustainable natural resource
uses;

(5) to protect and provide visitors the oppor-
tunity to enjoy the recreational, geological, cultural,
natural, scientific, recreational, wildlife, riparian,
historical, educational, and scenic resources of the
Watershed;

(6) to provide world class opportunities for ski-
ing, biking, hiking, fishing, hunting, horseback
riding, snowmobiling, motorcycle riding, snowshoeing, and camping;

(7) to provide for economic and natural re-
source development (including sustainable grazing,
vegetation management, beneficial uses of water,
and mineral extraction) in a manner consistent with
protecting the overall integrity of the Watershed;

(8) to protect the native Colorado River cut-
throat trout fishery located in the Watershed;

(9) to designate the Hermosa Creek Wilderness
Area and the Special Management Area; and

(10) to conserve, protect, and manage for a
healthy Hermosa Creek Watershed for the long-term
ecological integrity of the Watershed and the long-
term economic health of surrounding communities
by allowing sustainable economic development and
tradicional natural resource development in a matter
consistent with the purposes described in paragraphs
(1) through (9).

SEC. 5. DESIGNATION OF HERMOSA CREEK SPECIAL MAN-
AGEMENT AREA.

(a) DESIGNATION.—Subject to valid existing rights,
certain Federal land in the San Juan National Forest
comprising approximately 68,289 acres, as generally de-
picted on the Map, is designated as the “Hermosa Creek
Special Management Area”.

(b) PURPOSE.—The purpose of the Special Manage-
ment Area is to conserve and protect for the benefit of
present and future generations the watershed, geological,
cultural, natural, scientific, recreational, wildlife, riparian,
historical, educational, and scenic resources and values of
the Special Management Area.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall admin-
ister the Special Management Area—

(A) in a manner that—

(i) conserves, protects, and enhances

the resources and values of the Special

Management Area described in subsection

(b); and
(ii) protects a viable population of Colorado River Cutthroat Trout; and

(B) in accordance with—

(i) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(ii) this Act; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Special Management Area that the Secretary determines would further the purposes described in subsection (b).

(B) MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (ii) and as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Special Management Area shall be permitted only on roads and trails designated for use by such vehicles by the Secretary.

(ii) OVER-SNOW VEHICLES.—The Secretary may authorize the use of snowmobiles and other over-snow vehicles within the Special Management Area—
(I) during periods of adequate snow cover during the winter season; and

(II) subject to such terms and conditions as the Secretary may require.

(C) Grazing.—The Secretary shall permit grazing within the Special Management Area, where established before the date of enactment of this Act—

(i) subject to all applicable laws (including regulations) and Executive orders; and

(ii) consistent with the purpose described in subsection (b).

(D) Prohibited Activities.—Within the area of the Special Management Area identified on the Map as “East Hermosa Area” the following activities shall be prohibited:

(i) New road construction or the renovation of existing nonsystem roads, except as necessary to protect public health and safety.

(ii) Projects undertaken for the purpose of harvesting commercial timber
(other than activities relating to the harvest of merchantable products that are by-products of activities conducted for ecological restoration or to further the purposes described in this Act).

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and a legal description of the Special Management Area.

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

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

(e) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is acquired by the United States within the boundary of the Special Management Area shall—
(1) become part of the Special Management Area;

(2) be withdrawn in accordance with subsection (h); and

(3) be managed in accordance with—

(A) this Act; and

(B) any other applicable laws.

(f) Fish and Wildlife.—Nothing in this Act affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(g) State and Federal Water Management.—Nothing in this section affects the potential development of a water storage reservoir at the site in the Special Management Area that is identified in—

(1) pages 17 through 20 of the Statewide Water Supply Initiative studies prepared by the Colorado Water Conservation Board and issued by the State in November 2004; and

(2) page 27 of the Colorado Dam Site Inventory prepared by the Colorado Water Conservation Board and dated August 1996.

(h) Withdrawal.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land within the Special Management Area is withdrawn from—
(1) all forms of entry, appropriation, and disposal under the public land laws;
(2) location, entry, and patent under the mining laws; and
(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(i) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Congress does not intend for the designation of the Special Management Area by subsection (a) or the wilderness designated by section 2(a)(22) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by section 6(a)) to create a protective perimeter or buffer zone around the Special Management Area or wilderness.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness designated by section 2(a)(22) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by section 6(a)) shall not preclude the conduct of the activities or uses outside the boundary of the wilderness.
(j) Winter Skiing and Related Winter Activities.—Nothing in this Act alters or limits—
(1) a permit held by a ski area;
(2) the implementation of the activities governed by a ski area permit; or
(3) the authority of the Secretary to modify or expand an existing ski area permit.

(k) Vegetation Management.—Nothing in this section prevents the Secretary from conducting vegetation management projects within the Special Management Area—
(1) subject to—
(A) such reasonable regulations, policies, and practices as the Secretary determines appropriate; and
(B) all applicable laws (including regulations); and
(2) in a manner consistent with—
(A) the purposes described in subsection (b); and
(B) this section.

(l) Wildfire, Insect, and Disease Management.—Consistent with this section, the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases in the Spec-
cial Management Area, including, as the Secretary determines to be appropriate, the coordination of the measures with the State or a local agency.

(m) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for the long-term protection and management of the Special Management Area that takes into account public input.

SEC. 6. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION OF WILDERNESS.—Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) is amended by adding at the end the following:

“(22) Certain land within the San Juan National Forest which comprise approximately 37,236 acres, as generally depicted on the map entitled ‘Hermosa Creek Proposed Watershed Protection Area, 2012’ and dated March 28, 2012, and which shall be known as the ‘Hermosa Creek Wilderness’.”.

(b) EFFECTIVE DATE.—Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the
date of enactment of this Act for purposes of admin-
istering the wilderness area designated by section 2(a)(22)
note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955,
116 Stat. 1055) (as added by subsection (a)).

(c) Fire, Insects, and Diseases.—As provided in
section 4(d)(1) of the Wilderness Act (16 U.S.C.
1133(d)(1)), within the wilderness areas designated by
section 2(a)(22) of the Colorado Wilderness Act of 1993
(16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756,
(a)), the Secretary may take any measure that the Sec-
retary determines to be necessary to control fire, insects,
and diseases, subject to such terms and conditions as the
Secretary determines to be appropriate.

SEC. 7. PERINS PEAK AND ANIMAS CITY MOUNTAIN MIN-
ERAL WITHDRAWAL.

(a) Withdrawal.—Subject to valid existing rights,
the land and mineral interests described in subsection (b)
are withdrawn from all forms of—

(1) entry, appropriation, or disposal under pub-
lic land laws;

(2) location, entry, and patent under the mining
laws; and
(3) disposition under all laws relating to mineral leasing, geothermal leasing, or mineral materials.

(b) DESCRIPTION OF LAND AND MINERAL INTERESTS.—The land and mineral interests referred to in subsection (a) are—

(1) the approximately 8,549 acres of Federal land depicted on the map entitled “Perins Peak and Animas City Mountain mineral withdrawal” and dated May 3, 2012; and

(2) all Federal mineral interests contained within the boundaries of the map described in paragraph (1).