

105TH CONGRESS
2D SESSION

H. R. 4850

To designate as wilderness certain lands within Rocky Mountain National Park, in Colorado.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 1998

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

A BILL

To designate as wilderness certain lands within Rocky Mountain National Park, in Colorado.

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 AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Rocky Mountain National Park Wilderness Act of 1998”.

6 (b) PURPOSE.—The purpose of this Act is to include
7 certain lands within Rocky Mountain National Park in the
8 National Wilderness Preservation System in order to pro-
9 tect their enduring scenic and historic wilderness char-
10 acter and unique wildlife values as well as their scientific,

1 educational, inspirational, and recreational resources, val-
2 ues, and opportunities.

3 **SEC. 2. WILDERNESS DESIGNATION AND MAP.**

4 (a) DESIGNATION.—(1) In furtherance of the pur-
5 pose of the Wilderness Act (16 U.S.C. 1131 et seq.), cer-
6 tain lands within Rocky Mountain National Park, Colo-
7 rado, which comprise approximately 249,562 acres, as
8 generally depicted on a map entitled “Rocky Mountain
9 National Park Wilderness—Proposed” and dated June,
10 1998, are hereby designated as wilderness and, therefore,
11 as components of the National Wilderness Preservation
12 System and shall be known as the Rocky Mountain Na-
13 tional Park Wilderness.

14 (b) MAP AND DESCRIPTION.—As soon as practicable
15 after the date of enactment of this Act, the Secretary of
16 the Interior shall file a map and a boundary description
17 of the lands designated as wilderness by this section with
18 the Committee on Resources of the United States House
19 of Representatives and the Committee on Energy and
20 Natural Resources of the United States Senate. Such map
21 and description shall have the same force and effect as
22 if included in this Act, except that the Secretary is author-
23 ized to correct clerical and typographical errors in such
24 map and description. Such map and description shall be
25 on file and available for public inspection in the office of

1 the Director of the National Park Service, Department of
2 the Interior.

3 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

4 (a)(1) IN GENERAL.—Subject to valid existing rights,
5 lands designated as wilderness by this Act shall be man-
6 aged by the Secretary of the Interior in accordance with
7 the Wilderness Act and this Act, except that, with respect
8 to the lands designated as wilderness by this Act, any ref-
9 erence in the Wilderness Act to the effective date of the
10 Wilderness Act shall be deemed to be a reference to the
11 date of enactment of this Act.

12 (2) POTENTIAL WILDERNESS.—

13 (A) DEFINITION.—As used in this paragraph,
14 the term “potential wilderness lands” means:

15 (i) lands within the boundaries of the areas
16 designated as wilderness by this Act that are
17 identified as “potential wilderness” on the map
18 referred to in section 2(a); and

19 (ii) lands and interests therein acquired by
20 the United States on or after the date of enact-
21 ment of this Act that are located within the
22 boundaries of Rocky Mountain National Park
23 and contiguous with lands designated as wilder-
24 ness by this Act.

1 (B) MANAGEMENT.—Potential wilderness lands
2 shall be managed as components of the National
3 Wilderness Preservation System upon publication in
4 the Federal Register of a notice by the Secretary of
5 the Interior that all uses thereon inconsistent with
6 the Wilderness Act have ceased.

7 (b) WATER RIGHTS.—(1) The Congress finds that,
8 according to decisions of courts of the State of Colorado,
9 the United States has existing rights to substantial quan-
10 tities of water within Rocky Mountain National Park, and
11 that consequently there is no need for this Act to effect
12 a reservation by the United States of any additional water
13 rights to fulfill the purposes for which the wilderness des-
14 ignations made by this Act are made.

15 (2) Nothing in this Act or any action taken pursuant
16 thereto shall constitute either an express or implied res-
17 ervation of water or water rights for any purpose.

18 (c) COLORADO-BIG THOMPSON PROJECT.—

19 (1) EXISTING ACTIVITIES.—Activities on,
20 under, or affecting the lands designated as wilder-
21 ness by this Act relating to the monitoring, oper-
22 ation, maintenance, repair, replacement, or use of
23 the Colorado-Big Thompson Project and its facilities
24 which were allowed as of June 1, 1998, shall be al-

lowed to continue, and shall not be affected by the designation of such lands as wilderness.

(2) NEW ACTIVITIES.—In addition to the activities described in paragraph (1), any other activities on, under, or affecting the lands designated as wilderness by this Act that are necessary to respond to catastrophic events or emergencies and that affect the continued operation, maintenance, repair, replacement or use of the Colorado-Big Thompson Project and its facilities shall be allowed, subject to reasonable restrictions established by the Secretary of the Interior in order to protect the wilderness values of such lands; *Provided, however,* That any such restrictions shall not permanently reduce the water supply capability of the Colorado-Big Thompson Project or the Windy Gap Project.

(3) OTHER PROJECTS.—Nothing in section 1 of the Act of January 26, 1915 (16 U.S.C. 191; 38 Stat. 798) shall be construed to permit development within the lands designated as wilderness by this Act of any reclamation project not in existence on the date of enactment of this Act.

(d) EXCLUSIONS.—(1) Boundaries for the wilderness and potential wilderness areas designated by this Act specifically exclude—

1 (A) the Grand Ditch (including both the main
2 canal of the Grand Ditch and a branch thereof
3 known as the Specimen Ditch) and its right-of-way
4 as well as associated appurtenances, structures,
5 buildings, camps, and work sites in existence as of
6 June 1, 1998; and

7 (B) lands owned by the St. Vrain & Left Hand
8 Water Conservancy District, including Copeland
9 Reservoir and the inlet ditch to such reservoir from
10 the North St. Vrain Creek, amounting to approxi-
11 mately 35.38 acres.

12 (2) Nothing in this Act shall affect management or
13 use of any lands not included within the boundaries of the
14 areas designated as wilderness or potential wilderness by
15 this Act.

16 (e) NO BUFFER ZONES.—Congress does not intend
17 that the designation by this Act of wilderness areas in the
18 State of Colorado creates or implies the creation of protec-
19 tive perimeters or buffer zones around any wilderness
20 area. The fact that nonwilderness activities or uses can
21 be seen or heard from within a wilderness area shall not,
22 of itself, preclude such activities or uses up to the bound-
23 ary of the wilderness area.

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