

106TH CONGRESS
2D SESSION

H. R. 3687

To establish the Canyons of the Ancients National Conservation Area.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2000

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

A BILL

To establish the Canyons of the Ancients National
Conservation Area.

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.**

4 This Act may be cited as the “Canyons of the An-
5 cients National Conservation Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that certain areas lo-
8 cated in Dolores and Montezuma Counties, Colorado—

9 (1) contain unique and valuable historical, cul-
10 tural, scientific, archaeological, natural, and edu-
11 cational resources; and

1 (2) should be conserved, protected, and en-
2 hanced for the benefit and enjoyment of present and
3 future generations.

4 (b) PURPOSE.—The purpose of this Act is to estab-
5 lish the Canyons of the Ancients, Colorado, as a National
6 Conservation Area.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) CONSERVATION AREA.—The term “Con-
10 servation Area” means the Canyons of the Ancients
11 National Conservation Area established by section
12 4(a).

13 (2) COUNCIL.—The term “Council” means the
14 Canyons of the Ancients National Conservation Area
15 Advisory Council established under section 5(a).

16 (3) MANAGEMENT PLAN.—The term “manage-
17 ment plan” means the management plan developed
18 for the Conservation Area under section 4(e).

19 (4) MAP.—The term “Map” means the map en-
20 titled “Canyon of the Ancients National Conserva-
21 tion Area Proposal” and dated January 6, 2000.

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior, acting through the Di-
24 rector of the Bureau of Land Management.

1 **SEC. 4. CANYONS OF THE ANCIENTS NATIONAL CONSERVA-**
2 **TION AREA.**

3 (a) IN GENERAL.—There is established the Canyons
4 of the Ancients National Conservation Area in the State
5 of Colorado.

6 (b) AREAS INCLUDED.—The Conservation Area shall
7 consist of approximately 164,000 acres of public land in
8 Dolores and Montezuma Counties, Colorado, as generally
9 depicted on the Map.

10 (c) MAPS AND LEGAL DESCRIPTION.—

11 (1) IN GENERAL.—Not later than 30 days after
12 the date of enactment of this Act, the Secretary
13 shall submit to Congress a map and legal description
14 of the Conservation Area.

15 (2) FORCE AND EFFECT.—The map and legal
16 description shall have the same force and effect as
17 if included in this Act, except that the Secretary
18 may correct clerical and typographical errors in the
19 map and legal description.

20 (3) PUBLIC AVAILABILITY.—Copies of the map
21 and legal description shall be on file and available
22 for public inspection in—

23 (A) the Office of the Director of the Bu-
24 reau of Land Management;

25 (B) the appropriate office of the Bureau of
26 Land Management in Colorado; and

1 (C) the offices of the county clerks of Mon-
2 tezuma and Dolores Counties, Colorado.

3 (d) MANAGEMENT.—

4 (1) IN GENERAL.—The Secretary shall manage
5 the Conservation Area in a manner that—

6 (A) conserves, protects, and enhances the
7 resources of the Conservation Area specified in
8 section 2(a); and

9 (B) is in accordance with—

10 (i) the Federal Land Policy and Man-
11 agement Act of 1976 (43 U.S.C. 1701 et
12 seq.); and

13 (ii) other applicable law, including this
14 Act.

15 (2) USES.—The Secretary shall allow only such
16 uses of the Conservation Area as the Secretary de-
17 termines will further the purposes for which the
18 Conservation Area is established.

19 (3) VEHICULAR ACTIVITY.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B) and as needed for adminis-
22 trative purposes or to respond to an emergency,
23 use of motorized vehicles or mechanized trans-
24 port in the Conservation Area shall be per-

mitted only on roads and trails designated for vehicular use under the management plan.

(B) ACCESS TO LEASES.—Nothing in this Act prohibits vehicular access to any oil, gas, or carbon dioxide lease by road or pipeline right-of-way.

(C) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to prohibit reasonable access to private property.

(4) WITHDRAWALS.—

(A) IN GENERAL.—Subject to valid existing rights (including lease rights) and historic rights of access, and except as provided in subparagraph (B), all Federal land within the Conservation Area and all land and interests in land acquired for the Conservation Area by the United States are withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

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

(iii) disposal under the mineral leasing, mineral materials, and geothermal leasing laws.

(B) OIL AND GAS LEASING.—Notwithstanding subparagraph (A), nothing in this Act prohibits the leasing of oil, gas, or carbon dioxide (including resulting operations) within the Conservation Area under the mineral leasing laws.

(5) HUNTING AND TRAPPING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act affects hunting and trapping within the Conservation Area conducted in accordance with applicable laws (including regulations) of—

(i) the United States; and

(ii) the State of Colorado.

(B) HUNTING AND TRAPPING ZONES.—The Secretary, after consultation with the Colorado Division of Wildlife, may promulgate regulations designating zones where and establishing periods when no hunting or trapping shall be permitted in the Conservation Area for reasons of—

(i) public safety;

(ii) administration; or

(iii) public use and enjoyment.

1 (6) GRAZING.—The Secretary shall issue and
2 administer any grazing leases or permits in the Con-
3 servation Area in accordance with the same laws (in-
4 cluding regulations) and executive orders followed by
5 the Secretary in issuing and administering grazing
6 leases and permits on other land under the jurisdic-
7 tion of the Bureau of Land Management.

8 (e) MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Not later than 4 years after
10 the date of enactment of this Act, the Secretary
11 shall develop a comprehensive plan for the long-
12 range protection and management of the Conserva-
13 tion Area.

14 (2) PURPOSES.—The management plan shall—

15 (A) describe the appropriate uses and
16 management of the Conservation Area in ac-
17 cordance with—

18 (i) the Federal Land Policy and Man-
19 agement Act of 1976 (43 U.S.C. 1701 et
20 seq.); and

21 (ii) other applicable law, including this
22 Act;

23 (B) incorporate, as appropriate, decisions
24 contained in any other management or activity

1 plan for the land within or adjacent to the Con-
2 servation Area;

3 (C) take into consideration any informa-
4 tion developed in studies of the land within or
5 adjacent to the Conservation Area; and

6 (D) give appropriate consideration to the
7 historical involvement of the local community in
8 the interpretation and protection of the re-
9 sources of the Conservation Area.

10 (f) NO BUFFER ZONES.—

11 (1) IN GENERAL.—There shall be no protective
12 perimeter or buffer zone around the Conservation
13 Area.

14 (2) ACTIVITIES OUTSIDE CONSERVATION
15 AREA.—The fact that an activity on land or a use
16 of land in the Conservation Area is not permitted in-
17 side the Conservation Area shall not preclude the ac-
18 tivity on land or use of land outside the boundary
19 of the Conservation Area (or, in the Conservation
20 Area, on land that is privately held), consistent with
21 other applicable law.

22 (g) ACQUISITION OF LAND.—

23 (1) IN GENERAL.—The Secretary may acquire
24 non-federally owned land in the Conservation Area
25 only—

1 (A) from a willing seller; and

2 (B) through purchase, exchange, or dona-
3 tion.

4 (2) MODIFICATION OF BOUNDARY.—On acquisi-
5 tion of land under paragraph (1), the Secretary shall
6 modify the boundary of the Conservation Area to in-
7 clude the acquired land.

8 (3) MANAGEMENT.—Land acquired under para-
9 graph (1) shall be managed as part of the Conserva-
10 tion Area in accordance with this Act.

11 (h) INTERPRETIVE SITES.—The Secretary may es-
12 tablish sites in the Conservation Area to interpret the his-
13 torical, cultural, scientific, archaeological, natural, and
14 educational resources of the Conservation Area.

15 (i) WATER RIGHTS.—Nothing in this Act constitutes
16 an express or implied reservation of any water right.

17 (j) WILDERNESS ACTS.—Nothing in this Act alters
18 any provision of the Wilderness Act (16 U.S.C. 1131 et
19 seq.) or the Federal Land Policy and Management Act
20 of 1976 (43 U.S.C. 1701 et seq.) that applies to wilder-
21 ness resources within the Conservation Area.

22 (k) NATIONAL PARK SERVICE LANDS.—Nothing in
23 this Act affects the management of land that is within
24 the Conservation Area and under the jurisdiction of the
25 National Park Service.

1 **SEC. 5. ADVISORY COUNCIL.**

2 (a) ESTABLISHMENT.—The Secretary shall establish
3 an advisory council to be known as the “Canyons of the
4 Ancients National Conservation Area Advisory Council”.

5 (b) DUTY.—The Council shall advise the Secretary
6 with respect to preparation and implementation of the
7 management plan.

8 (c) APPLICABLE LAW.—The Council shall be subject
9 to—

10 (1) the Federal Advisory Committee Act (5
11 U.S.C. App.); and

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

14 (d) MEMBERS.—The Council shall consist of 15
15 members, to be appointed by the Secretary, as follows:

16 (1) A member of or nominated by the Dolores
17 County Commission.

18 (2) A member of or nominated by the Monte-
19 zuma County Commission.

20 (3) A member of or nominated by the Ute
21 Mountain Ute Indian Tribe.

22 (4) 12 members residing in, or within reason-
23 able proximity to, southwestern Colorado with recog-
24 nized backgrounds reflecting—

25 (A) the purposes for which the Conserva-
26 tion Area was established; and

1 (B) the interests of the stakeholders that
2 are affected by the planning and management
3 of the Conservation Area.

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this Act.

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