

108TH CONGRESS  
1ST SESSION

# H. R. 640

To designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To designate as wilderness certain lands within the Rocky Mountain National Park in the State of 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”.

6       (b) PURPOSE.—The purpose of this Act is to include  
7       in the National Wilderness Preservation System certain  
8       lands within the Rocky Mountain National Park, Colo-  
9       rado, in order to protect the enduring scenic and historic  
10       wilderness character and unique wildlife values of the

1 lands as well as the scientific, educational, inspirational,  
2 and recreational resources, values, and opportunities of  
3 the lands.

4 **SEC. 2. DESIGNATION OF ROCKY MOUNTAIN NATIONAL**  
5 **PARK WILDERNESS.**

6 (a) DESIGNATION.—In furtherance of the purposes of  
7 the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands  
8 within the Rocky Mountain National Park, Colorado,  
9 which comprise approximately 249,562 acres, as generally  
10 depicted on the map entitled “Rocky Mountain National  
11 Park, Colorado Recommended Wilderness Boundaries”,  
12 numbered as Map #121–60,403 and dated September  
13 1998, are hereby designated as wilderness and, therefore,  
14 as a component of the National Wilderness Preservation  
15 System. The designated lands shall be known as the Rocky  
16 Mountain National Park Wilderness.

17 (b) MAP AND DESCRIPTION.—

18 (1) PREPARATION AND SUBMISSION.—As soon  
19 as practicable after the date of the enactment of this  
20 Act, the Secretary of the Interior shall prepare a  
21 map and a boundary description of the Rocky Moun-  
22 tain National Park Wilderness designated by sub-  
23 section (a) and file the map and boundary descrip-  
24 tion with the Committee on Resources of the House  
25 of Representatives and the Committee on Energy

1 and Natural Resources of the Senate. The map and  
2 boundary description shall be on file and available  
3 for public inspection in the office of the Director of  
4 the National Park Service, Department of the Inte-  
5 rior.

6 (2) TREATMENT.—The map and boundary de-  
7 scription prepared under paragraph (1) shall have  
8 the same force and effect as if included in this Act.  
9 The Secretary of the Interior may correct clerical  
10 and typographical errors in the map and description.

11 (c) POTENTIAL WILDERNESS LANDS.—

12 (1) DEFINITION.—In this section, the term  
13 “potential wilderness lands” means—

14 (A) lands identified as potential wilderness  
15 on the map referred to in subsection (a); and

16 (B) lands and interests therein acquired by  
17 the United States on or after the date of the  
18 enactment of this Act that are located within  
19 the boundaries of the Rocky Mountain National  
20 Park and are contiguous with lands designated  
21 as wilderness by this Act.

22 (2) INCLUSION IN WILDERNESS.—Upon publi-  
23 cation in the Federal Register of a notice by the  
24 Secretary of the Interior that all uses of a parcel of  
25 potential wilderness lands inconsistent with the Wil-

1        derness Act have ceased, the parcel shall be included  
2        in the Rocky Mountain National Park Wilderness  
3        designated by subsection (a) and managed as pro-  
4        vided in section 3. The Secretary of the Interior  
5        shall modify the map and boundary description pre-  
6        pared under subsection (b) to reflect the inclusion of  
7        the parcel in the Rocky Mountain National Park  
8        Wilderness.

9        (d) EXCLUSION OF CERTAIN LANDS.—The bound-  
10       aries of the Rocky Mountain National Park Wilderness  
11       and the potential wilderness lands specifically exclude the  
12       following:

13            (1) The Grand Ditch (including both the main  
14       canal of the Grand Ditch and a branch thereof  
15       known as the specimen Ditch) and its right-of-way  
16       as well as associated appurtenances, structures,  
17       buildings, camps, and work sites in existence as of  
18       June 1, 1998.

19            (2) Lands owned by the St. Vrain & Left Hand  
20       Water Conservancy District, including Copeland  
21       Reservoir and the Inlet Ditch to such reservoir from  
22       the North St. Vrain Creek, amounting to approxi-  
23       mately 35.38 acres.

24            (3) Lands owned by the Wincentzen-Harms  
25       Trust, amounting to approximately 2.75 acres.

1 (e) RELATION TO LANDS OUTSIDE WILDERNESS.—  
2 Nothing in this Act shall affect the management or use  
3 of any lands not included within the boundaries of the  
4 Rocky Mountain National Park Wilderness or the poten-  
5 tial wilderness lands.

6 **SEC. 3. MANAGEMENT OF ROCKY MOUNTAIN NATIONAL**  
7 **PARK WILDERNESS.**

8 (a) MANAGEMENT GENERALLY.—Subject to valid ex-  
9 isting rights, lands designated as wilderness by section  
10 2(a) or subsequently included in the Rocky Mountain Na-  
11 tional Park Wilderness by section 2(c) shall be managed  
12 by the Secretary of the Interior in accordance with the  
13 Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.  
14 With respect to the lands designated as wilderness by sec-  
15 tion 2(a), any reference in the Wilderness Act to the effec-  
16 tive date of the Wilderness Act shall be deemed to be a  
17 reference to the date of the enactment of this Act. With  
18 respect to the lands subsequently included in the Rocky  
19 Mountain National Park Wilderness by section 2(c), any  
20 reference in the Wilderness Act to the effective date of  
21 the Wilderness Act shall be deemed to be a reference to  
22 the date on which the lands were included in the wilder-  
23 ness area.

24 (b) WATER RIGHTS.—

1           (1) FINDINGS.—The Congress finds the fol-  
2       lowing:

3           (A) According to decisions of the courts of  
4       the State of Colorado, the United States has ex-  
5       isting rights to water within the Rocky Moun-  
6       tain National Park.

7           (B) Those rights are sufficient for the pur-  
8       poses of the Rocky Mountain National Park  
9       Wilderness as designated by section 2.

10          (C) In light of the findings in subpara-  
11       graphs (A) and (B), there is no need for this  
12       Act to effect a reservation by the United States  
13       of any additional water rights to fulfill the pur-  
14       poses for which the Rocky Mountain National  
15       Park Wilderness is designated.

16          (2) NO RESERVATION.—Nothing in this Act or  
17       any action taken pursuant to this Act shall con-  
18       stitute either an express or implied reservation of  
19       water or water rights for any purpose.

20       (c) COLORADO-BIG THOMPSON PROJECT.—

21          (1) CURRENT ACTIVITIES.—Activities on,  
22       under, or affecting the lands designated as wilder-  
23       ness by section 2 relating to the monitoring, oper-  
24       ation, maintenance, repair, replacement, and use of  
25       the Colorado-Big Thompson Project and its facilities

1 which were allowed as of June 1, 1998, shall be al-  
2 lowed to continue and shall not be affected by the  
3 designation of the lands as wilderness.

4 (2) NEW ACTIVITIES.—In addition to the activi-  
5 ties described in paragraph (1), any other activities  
6 on, under, or affecting the lands designated as wil-  
7 derness by section 2 that because of emergencies or  
8 catastrophic events become necessary for the oper-  
9 ation, maintenance, repair, replacement, and con-  
10 tinue use of the Colorado-Big Thompson Project and  
11 its facilities shall be allowed, subject only to reason-  
12 able restrictions which are established by the Sec-  
13 retary of the Interior to protect the wilderness val-  
14 ues of the lands. In implementing this paragraph,  
15 the Secretary shall not establish any restrictions on  
16 the activities that would prevent the occurrence of  
17 such necessary activities or that would reduce the  
18 water supply provided by the Colorado-Big Thomp-  
19 son Project or the Windy Gap Project.

20 (3) RELATION TO AUTHORITY IN ACT ESTAB-  
21 LISHING PARK.—Nothing in the first section of the  
22 Act of January 26, 1915 (16 U.S.C. 191), shall be  
23 construed to permit development within the lands  
24 designated as wilderness by section 2 of any rec-

1       lamation project not in existence as of the date of  
2       the enactment of this Act.

3       (d) NO BUFFER ZONES.—Congress does not intend  
4       that the designation by this Act of the Rocky Mountain  
5       National Park Wilderness creates or implies the creation  
6       of protective perimeters or buffer zones around the wilder-  
7       ness area. The fact that nonwilderness activities or uses  
8       can be seen or heard from within the wilderness area shall  
9       not, of itself, preclude such activities or uses up to the  
10      boundary of the wilderness area.

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