

109TH CONGRESS
1ST SESSION

H. R. 4235

To designate certain National Forest System lands in the Pike and San Isabel National Forests and certain lands in the Royal Gorge Resource Area of the Bureau of Land Management in the State of Colorado as wilderness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2005

Mr. HEFLEY (for himself and Mr. BEAUPREZ) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To designate certain National Forest System lands in the Pike and San Isabel National Forests and certain lands in the Royal Gorge Resource Area of the Bureau of Land Management in the State of Colorado as wilderness, and for other purposes.

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 “Browns Canyon Wil-
5 derness Act”.

1 **SEC. 2. DESIGNATION OF BROWNS CANYON WILDERNESS,**
2 **PIKE AND SAN ISABEL NATIONAL FORESTS**
3 **AND ROYAL GORGE RESOURCE AREA, COLO-**
4 **RADO.**

5 (a) DESIGNATION.—

6 (1) DESIGNATION.—In furtherance of the Wil-
7 derness Act (16 U.S.C. 1131 et seq.), the following
8 lands in the State of Colorado are hereby designated
9 as wilderness and as a component of the National
10 Wilderness Preservation System to be known as
11 Browns Canyon Wilderness:

12 (A) Certain lands in the Pike and San Isa-
13 bel National Forests, comprising approximately
14 12,104 acres, as generally depicted on the wil-
15 derness map.

16 (B) Certain lands in the Royal Gorge Re-
17 source Area, which comprise approximately
18 7,921 acres, as generally depicted on the wilder-
19 ness map.

20 (2) WILDERNESS MAP AND DESCRIPTION.—As
21 soon as practicable after the date of the enactment
22 of this Act, the Secretary of Agriculture and the
23 Secretary of the Interior shall file a legal description
24 of the wilderness area with the Committee on Re-
25 sources of the House of Representatives and the
26 Committee on Energy and Natural Resources of the

1 Senate. The wilderness map and legal description
2 shall have the same force and effect as if included
3 in this Act, except that the Secretary concerned may
4 correct clerical and typographical errors in the wil-
5 derness map and legal description. The wilderness
6 map shall be on file and available for public inspec-
7 tion in appropriate offices of the Bureau of Land
8 Management and the Forest Service.

9 (b) ADMINISTRATION OF WILDERNESS AREA.—Sub-
10 ject to valid existing rights, the Secretary concerned shall
11 manage the wilderness area in accordance with the Wilder-
12 ness Act (16 U.S.C. 1131 et seq.) and this section. With
13 respect to the wilderness area, any reference in the Wilder-
14 ness Act to the effective date of the Wilderness Act shall
15 be deemed to be a reference to the date of the enactment
16 of this Act.

17 (c) GRAZING.—The grazing of livestock and the
18 maintenance of facilities related to grazing in the wilder-
19 ness areas, if established before the date of the enactment
20 of this Act, shall be permitted to continue in accordance
21 with section 4(d)(4) of the Wilderness Act (16 U.S.C.
22 1133(d)(4)), as further interpreted by section 108 of Pub-
23 lic Law 96–560 (16 U.S.C. 1133 note), and the guidelines
24 set forth in Appendix A of the report of the Committee
25 on Interior and Insular Affairs of the House of Represent-

1 atives accompanying H.R. 2570 of the 101st Congress (H.
2 Rept. 101–405).

3 (d) STATE JURISDICTION.—As provided in section
4 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
5 nothing in this Act shall be construed as affecting the ju-
6 risdiction or responsibilities of the State of Colorado with
7 respect to wildlife and fish in Colorado.

8 (e) INCORPORATION OF ACQUIRED LAND AND INTER-
9 ESTS.—Any land acquired by the United States that is
10 immediately adjacent to the boundary of the wilderness
11 area and that the Secretary concerned determines is suit-
12 able for inclusion within the National Wilderness Preser-
13 vation System shall become part of the wilderness area.

14 (f) WATER RIGHTS.—

15 (1) EFFECT ON WATER RIGHTS.—Nothing in
16 this section shall constitute an express or implied
17 reservation of water for any purpose relating to the
18 wilderness area or affect any water rights decreed
19 under the laws of Colorado before the date of the en-
20 actment of this Act, including water rights held by
21 the United States.

22 (2) ADDITIONAL WATER RIGHTS.—If the Sec-
23 retary concerned determines that a water right is
24 necessary for the purposes of administering the wil-
25 derness area, such water right shall be established in

1 accordance with the procedural and substantive re-
2 quirements of the laws of Colorado.

3 (g) WITHDRAWAL.—Subject to valid rights in exist-
4 ence on the date of enactment of this Act, the wilderness
5 area is withdrawn from all forms of entry, appropriation,
6 or disposal under the public land laws, location, entry, and
7 patent under the mining laws, and disposition under all
8 laws pertaining to mineral and geothermal leasing or min-
9 eral materials.

10 (h) FIRE, INSECT, AND DISEASE MANAGEMENT AC-
11 TIVITIES.—

12 (1) CONTROL AND PREVENTION ACTIVITIES.—

13 The Secretary concerned may undertake such meas-
14 ures in the wilderness area as are necessary for the
15 control and prevention of fire, insects, and diseases,
16 in accordance with section 4(d)(1) of the Wilderness
17 Act (16 U.S.C. 1133(d)(1)) and the report of the
18 Committee on Interior and Insular Affairs of the
19 House of Representatives to accompany H.R. 1437
20 of the 98th Congress (H. Rept. 98–40).

21 (2) REVIEW.—Not later than one year after the
22 date of the enactment of this Act, the Secretary con-
23 cerned shall review existing policies applicable to the
24 wilderness area to ensure that authorized approval
25 procedures for any fire management measures allow

1 a timely and efficient response to fire emergencies in
2 the wilderness area.

3 (i) BUFFER ZONES.—Nothing in this Act shall be
4 construed to create or imply the creation of protective pe-
5 rimeters or buffer zones around the wilderness area. Ac-
6 tivities in or uses of non-wilderness areas that can be seen
7 or heard from within the wilderness area shall not be pre-
8 cluded as a result of this Act.

9 (j) DEFINITIONS.—In this section:

10 (1) SECRETARY CONCERNED.—The term “Sec-
11 retary” means—

12 (A) the Secretary of Agriculture, with re-
13 spect to the National Forest System lands des-
14 ignated as wilderness by subsection (a)(1); and

15 (B) the Secretary of the Interior, with re-
16 spect to the lands in the Royal Gorge Resource
17 Area of the Bureau of Land Management des-
18 ignated as wilderness by subsection (a)(2).

19 (2) WILDERNESS AREA.—The term “wilderness
20 area” means the Browns Canyon Wilderness des-
21 ignated by subsection (a).

22 (3) WILDERNESS MAP.—The term “wilderness
23 map” means the map entitled “Browns Canyon Pro-
24 posed Wilderness” and dated August 9, 2005.

○