

109TH CONGRESS
2D SESSION

H. R. 4935

To designate as wilderness certain lands within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area on the Arapaho National Forest in the State of Colorado.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2006

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

A BILL

To designate as wilderness certain lands within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area on the Arapaho National Forest 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 and Indian
6 Peaks Wilderness Expansion Act”.

1 (b) PURPOSE.—The purpose of this Act is to include
2 in the National Wilderness Preservation System certain
3 lands within the Rocky Mountain National Park, Colo-
4 rado, in order to protect the enduring scenic and historic
5 wilderness character and unique wildlife values of the
6 lands as well as the scientific, educational, inspirational,
7 and recreational resources, values, and opportunities of
8 the lands; and to adjust the boundaries of the Indian
9 Peaks Wilderness and the Arapaho National Recreation
10 Area on the Arapaho National Forest in Colorado.

11 **SEC. 2. DESIGNATION OF ROCKY MOUNTAIN NATIONAL**
12 **PARK WILDERNESS.**

13 (a) DESIGNATION.—In furtherance of the purposes of
14 the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands
15 within the Rocky Mountain National Park, Colorado,
16 which comprise approximately 249,339 acres, as generally
17 depicted on the map titled “Rocky Mountain National
18 Park, Colorado Wilderness Boundaries” and dated Feb-
19 ruary 2006, are hereby designated as wilderness and,
20 therefore, as a component of the National Wilderness
21 Preservation System. The designated lands shall be known
22 as the Rocky Mountain National Park Wilderness.

23 (b) MAP AND DESCRIPTION.—

24 (1) PREPARATION AND SUBMISSION.—As soon
25 as practicable after the date of the enactment of this

1 Act, the Secretary of the Interior shall prepare a
2 map and a boundary description of the Rocky Moun-
3 tain National Park Wilderness designated by sub-
4 section (a) and file the map and boundary descrip-
5 tion with the Committee on Resources of the House
6 of Representatives and the Committee on Energy
7 and Natural Resources of the Senate. The map and
8 boundary description shall be on file and available
9 for public inspection in the office of the Director of
10 the National Park Service, Department of the Inte-
11 rior.

12 (2) TREATMENT.—The map and boundary de-
13 scription prepared under paragraph (1) shall have
14 the same force and effect as if included in this Act.
15 The Secretary of the Interior may correct clerical
16 and typographical errors in the map and description.

17 (c) POTENTIAL WILDERNESS LANDS.—

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

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

22 (B) lands and interests therein acquired by
23 the United States on or after the date of the
24 enactment of this Act that are located within
25 the boundaries of the Rocky Mountain National

1 Park and are contiguous with lands designated
2 as wilderness by this Act.

3 (2) INCLUSION IN WILDERNESS.—Upon publi-
4 cation in the Federal Register of a notice by the
5 Secretary of the Interior that all uses of a parcel of
6 potential wilderness lands inconsistent with the Wil-
7 derness Act have ceased, the parcel shall be included
8 in the Rocky Mountain National Park Wilderness
9 designated by subsection (a) and managed as pro-
10 vided in section 3. The Secretary of the Interior
11 shall modify the map and boundary description pre-
12 pared under subsection (b) to reflect the inclusion of
13 the parcel in the Rocky Mountain National Park
14 Wilderness.

15 (d) EXCLUSION OF CERTAIN LANDS.—The bound-
16 aries of the Rocky Mountain National Park Wilderness
17 and the potential wilderness lands specifically exclude the
18 following:

19 (1) The Grand Ditch (including both the main
20 canal of the Grand Ditch and a branch thereof
21 known as the specimen Ditch) and its right-of-way
22 as well as associated appurtenances, structures,
23 buildings, camps, and worksites in existence as of
24 June 1, 1998.

1 (2) Lands owned by the St. Vrain & Left Hand
2 Water Conservancy District, including Copeland
3 Reservoir and the Inlet Ditch to such reservoir from
4 the North St. Vrain Creek, amounting to approxi-
5 mately 35.38 acres.

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

8 (4) Lands within the area depicted as “East
9 Shore Trail Area” on the map described in sub-
10 section (b).

11 (e) EAST SHORE TRAIL AREA.—

12 (1) ALIGNMENT LINE AND TRAIL.—

13 (A) Not later than one year after the date
14 of the enactment of this Act, the Secretary shall
15 establish an alignment line for a trail, to be
16 known as the East Shore Trail, located within
17 the East Shore Trail Area, to maximize the op-
18 portunity for sustained use of the trail without
19 harm to affected resources or conflicts among
20 users. After establishing the alignment line, the
21 Secretary shall identify the boundaries of the
22 trail, but the trail shall not extend more than
23 25 feet east of the alignment line or be located
24 within the Rocky Mountain National Park Wil-
25 derness.

1 (B) Nothing in this Act shall be construed
2 to require the construction of a trail along the
3 alignment line established pursuant to this
4 paragraph or to limit the extent to which any
5 otherwise applicable laws or policies shall apply
6 with respect to any decision regarding construc-
7 tion of such a trail.

8 (2) MAP ADJUSTMENT.—After establishing the
9 alignment line of the East Shore Trail, the Secretary
10 shall adjust the map of the wilderness area des-
11 ignated by subsection (a) so that the western bound-
12 ary of the wilderness is 50 feet east of the alignment
13 line.

14 (3) OTHER ADJUSTMENTS.—To the extent nec-
15 essary to protect National Park resources, the Sec-
16 retary from time to time may adjust the boundaries
17 of the East Shore Trail, but no adjustment shall
18 have the effect of placing any portion of such trail
19 within the boundary of the wilderness area.

20 (4) TIME LIMITATION FOR AUTHORIZATION OF
21 USE BY NONMOTORIZED BICYCLES.—If the East
22 Shore Trail has not been constructed and authorized
23 for use by nonmotorized bicycles on or before the
24 date that is 25 years after the date of the enactment
25 of this Act, the East Shore Trail Area shall be in-

1 cluded in the Rocky Mountain National Park Wil-
2 derness designated by subsection (a) and managed
3 as provided in section 3, and the Secretary shall
4 modify the map and boundary description of such
5 wilderness area to reflect the inclusion of such lands
6 in wilderness.

7 (f) RELATION TO LANDS OUTSIDE WILDERNESS.—

8 (1) USE OF LANDS.—Except as provided in this
9 subsection, nothing in this Act shall affect the man-
10 agement or use of any lands not included within the
11 boundaries of the Rocky Mountain National Park
12 Wilderness or the potential wilderness lands.

13 (2) USE OF MOTORIZED VEHICLES.—Until the
14 date that is 25 years after the date of the enactment
15 of this Act, no use of motorized vehicles or other
16 motorized machinery not permitted on March 1,
17 2006, shall be allowed in the East Shore Trail Area,
18 except as may be necessary for constructing or
19 maintaining the East Shore Trail, if such construc-
20 tion is authorized by the Secretary.

21 (3) MANAGEMENT OF PENDING WILDERNESS.—

22 Pending their inclusion in wilderness pursuant to
23 subsection (c)(2), the potential wilderness lands shall
24 be managed to protect any wilderness characteristics

1 and to maintain their suitability for inclusion in wil-
2 derness.

3 **SEC. 3. MANAGEMENT OF ROCKY MOUNTAIN NATIONAL**
4 **PARK WILDERNESS.**

5 (a) MANAGEMENT GENERALLY.—Subject to valid ex-
6 isting rights, lands designated as wilderness by section
7 2(a) or subsequently included in the Rocky Mountain Na-
8 tional Park Wilderness by section 2(c) shall be managed
9 by the Secretary of the Interior in accordance with the
10 Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.
11 With respect to the lands designated as wilderness by sec-
12 tion 2(a), any reference in the Wilderness Act to the effec-
13 tive date of the Wilderness Act shall be deemed to be a
14 reference to the date of the enactment of this Act. With
15 respect to the lands subsequently included in the Rocky
16 Mountain National Park Wilderness by section 2(c), any
17 reference in the Wilderness Act to the effective date of
18 the Wilderness Act shall be deemed to be a reference to
19 the date on which the lands were included in the wilder-
20 ness area.

21 (b) WATER RIGHTS.—

22 (1) FINDINGS.—Congress finds the following:

23 (A) According to decisions of the courts of
24 the State of Colorado, the United States has ex-

1 isting rights to water within the Rocky Moun-
2 tain National Park.

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

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

12 (2) NO RESERVATION.—Nothing in this Act or
13 any action taken pursuant to this Act shall con-
14 stitute either an express or implied reservation of
15 water or water rights for any purpose.

16 (c) COLORADO-BIG THOMPSON PROJECT.—

17 (1) CURRENT ACTIVITIES.—Activities on,
18 under, or affecting the lands designated as wilder-
19 ness by section 2 relating to the monitoring, oper-
20 ation, maintenance, repair, replacement, and use of
21 the Colorado-Big Thompson Project and its facilities
22 which were allowed as of June 1, 1998, shall be al-
23 lowed to continue and shall not be affected by the
24 designation of the lands as wilderness.

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

17 (3) RELATION TO AUTHORITY IN ACT ESTAB-
18 LISHING PARK.—Nothing in the first section of the
19 Act of January 26, 1915 (16 U.S.C. 191), shall be
20 construed to allow development within the lands des-
21 ignated as wilderness by section 2 of any reclama-
22 tion project not in existence as of the date of the en-
23 actment of this Act.

24 (d) NO BUFFER ZONES.—Congress does not intend
25 that the designation by this Act of the Rocky Mountain

1 National Park Wilderness creates or implies the creation
2 of protective perimeters or buffer zones around the wilder-
3 ness area. The fact that nonwilderness activities or uses
4 can be seen or heard from within the wilderness area shall
5 not, of itself, preclude such activities or uses up to the
6 boundary of the wilderness area.

7 **SEC. 4. BOUNDARY ADJUSTMENT OF INDIAN PEAKS WIL-**
8 **DERNESS AND ARAPAHO NATIONAL RECRE-**
9 **ATION AREA.**

10 (a) INDIAN PEAKS WILDERNESS.—Section 3(a) of
11 Public Law 95–450 is amended—

12 (1) by striking “seventy thousand acres” and
13 inserting “74,195 acres” ; and

14 (2) by striking “dated July 1978” and inserting
15 “dated February 2006”.

16 (b) ARAPAHO NATIONAL RECREATION AREA.—Sec-
17 tion 4(a) of Public Law 95–450 is amended—

18 (1) by striking “thirty-six thousand two hun-
19 dred thirty-five acres” and inserting “35,235 acres”;
20 and

21 (2) by striking “dated July 1978” and inserting
22 “dated February 2006”.

23 **SEC. 5. AUTHORITY TO LEASE LEIFFER PROPERTY.**

24 (a) AUTHORIZATION.—The provisions of section
25 802(a) of Public Law 105–391 (16 U.S.C. 1a–2k) shall

1 apply to the tract of land described in subsection (b) to
2 the same extent as if such property was part of the Na-
3 tional Park System.

4 (b) LAND DESCRIBED.—Subsection (a) applies to the
5 tract of land near the eastern boundary of Rocky Moun-
6 tain National Park in Larimer County, Colorado, adminis-
7 tered by the National Park Service and known as the
8 Leiffer tract.

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