

110TH CONGRESS
2D SESSION

S. 3066

To designate certain National Forest System land in the Pike and San Isabel National Forests and certain land 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 SENATE OF THE UNITED STATES

MAY 22, 2008

Mr. SALAZAR introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain National Forest System land in the Pike and San Isabel National Forests and certain land 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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) the Secretary of Agriculture, with re-
4 spect to the National Forest System land des-
5 ignated as wilderness by section 3(a)(1)(A); and

6 (B) the Secretary of the Interior, with re-
7 spect to the land in the Royal Gorge Resource
8 Area of the Bureau of Land Management des-
9 ignated as wilderness by section 3(a)(1)(B).

10 (2) STATE.—The term “State” means the State
11 of Colorado.

12 (3) WILDERNESS AREA.—The term “wilderness
13 area” means the Browns Canyon Wilderness des-
14 ignated by section 3(a)(1).

15 (4) WILDERNESS MAP.—The term “wilderness
16 map” means the map entitled “Browns Canyon Pro-
17 posed Wilderness” and dated May 20, 2008.

18 **SEC. 3. DESIGNATION OF BROWNS CANYON WILDERNESS,**
19 **PIKE AND SAN ISABEL NATIONAL FORESTS**
20 **AND ROYAL GORGE RESOURCE AREA, COLO-**
21 **RADO.**

22 (a) DESIGNATION.—

23 (1) IN GENERAL.—In furtherance of the Wil-
24 derness Act (16 U.S.C. 1131 et seq.), the following
25 land in the State is designated as wilderness and as

1 a component of the National Wilderness Preserva-
2 tion System, to be known as “Browns Canyon Wil-
3 derness”:

4 (A) Certain land in the Pike and San Isa-
5 bel National Forests, comprising approximately
6 12,104 acres, as generally depicted on the wil-
7 derness map.

8 (B) Certain land in the Royal Gorge Re-
9 source Area, comprising approximately 7,921
10 acres, as generally depicted on the wilderness
11 map.

12 (2) WILDERNESS MAP AND LEGAL DESCRIP-
13 TION.—

14 (A) IN GENERAL.—As soon as practicable
15 after the date of enactment of this Act, the Sec-
16 retary of Agriculture and the Secretary of the
17 Interior shall file a legal description of the wil-
18 derness area with the Committee on Natural
19 Resources of the House of Representatives and
20 the Committee on Energy and Natural Re-
21 sources of the Senate.

22 (B) FORCE AND EFFECT.—The wilderness
23 map and legal description shall have the same
24 force and effect as if included in this Act, ex-
25 cept that the Secretary concerned may correct

1 clerical and typographical errors in the wilder-
2 ness map and legal description.

3 (C) PUBLIC AVAILABILITY.—The wilder-
4 ness map shall be on file and available for pub-
5 lic inspection in appropriate offices of the Bu-
6 reau of Land Management and the Forest Serv-
7 ice.

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

15 (c) GRAZING.—The grazing of livestock and the
16 maintenance of facilities related to grazing in the wilder-
17 ness area, if established before the date of enactment of
18 this Act, shall be permitted to continue in accordance with
19 section 4(d)(4) of the Wilderness Act (16 U.S.C.
20 1133(d)(4)), as further interpreted by section 108 of Pub-
21 lic Law 96–560 (16 U.S.C. 1133 note), and the guidelines
22 set forth in appendix A of the report of the Committee
23 on Interior and Insular Affairs of the House of Represent-
24 atives accompanying H.R. 2570 of the 101st Congress (H.
25 Rept. 101–405).

1 (d) STATE JURISDICTION.—As provided in section
 2 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
 3 nothing in this Act affects the jurisdiction or responsibil-
 4 ities of the State with respect to wildlife and fish in the
 5 State.

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

12 (f) WATER RIGHTS.—

13 (1) FINDINGS.—Congress finds that—

14 (A) the land designated as wilderness by
 15 this Act is—

16 (i) arid in nature;

17 (ii) generally not suitable for—

18 (I) the development of new water
 19 resource facilities; or

20 (II) the expansion of existing
 21 water resource facilities; and

22 (iii) located at or near the headwaters
 23 of streams on land with respect to which
 24 there are no or limited—

1 (I) actual or proposed water re-
 2 source facilities located upstream; or

3 (II) opportunities for diversion,
 4 storage, or other uses of water occur-
 5 ring outside the land;

6 (B) the boundaries of the land designated
 7 as wilderness by this Act are drawn in a man-
 8 ner that specifically precludes any conflict with
 9 the existing or future management and use of
 10 the water of the Arkansas River in the State;
 11 and

12 (C) because of the nature of the land des-
 13 ignated as wilderness by this Act, it is possible
 14 to provide for proper management and protec-
 15 tion of the wilderness and other values of the
 16 land in ways different from those used in other
 17 laws.

18 (2) LIMITATION ON NEW WATER RESOURCE FA-
 19 CILITIES.—

20 (A) DEFINITION OF WATER RESOURCE FA-
 21 CILITY.—In this paragraph, the term “water re-
 22 source facility” means an irrigation or pumping
 23 facility, reservoir, water conservation work, aq-
 24 ueduct, canal, ditch, pipeline, well, hydropower
 25 project, transmission or other ancillary facility,

1 or any other water diversion, storage, or car-
2 riage structure.

3 (B) RESTRICTION ON NEW WATER RE-
4 SOURCE FACILITIES.—Except as otherwise pro-
5 vided in this Act, on or after the date of enact-
6 ment of this Act, neither the President nor any
7 other officer, employee, or agent of the United
8 States shall fund, assist, authorize, or issue a
9 license or permit for the development of any
10 new water resource facility within the wilder-
11 ness area.

12 (C) EFFECT OF PARAGRAPH.—Nothing in
13 this paragraph affects or limits the use, oper-
14 ation, maintenance, repair, modification, or re-
15 placement of a water resource facility that is—

16 (i) located within the boundaries of
17 the wilderness area; and

18 (ii) in existence on the date of enact-
19 ment of this Act.

20 (3) EFFECT ON WATER RIGHTS.—Nothing in
21 this Act—

22 (A) affects any vested absolute or decreed
23 conditional water rights (including any water
24 rights held by the United States) in existence
25 on the date of enactment of this Act;

1 (B) establishes a precedent with regard to
2 any future wilderness designations; or

3 (C) limits, alters, or amends any interstate
4 compact or equitable apportionment decree that
5 apportions water among and between the State
6 and other States.

7 (g) WITHDRAWAL.—Subject to valid rights in exist-
8 ence on the date of enactment of this Act, the wilderness
9 area is withdrawn from—

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

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) disposition under laws relating to mineral
15 and geothermal leasing or mineral materials.

16 (h) FIRE, INSECT, AND DISEASE MANAGEMENT AC-
17 TIVITIES.—

18 (1) CONTROL AND PREVENTION ACTIVITIES.—

19 The Secretary concerned may undertake such meas-
20 ures in the wilderness area as are necessary for the
21 control and prevention of fire, insects, and diseases,
22 in accordance with section 4(d)(1) of the Wilderness
23 Act (16 U.S.C. 1133(d)(1)) and the report of the
24 Committee on Interior and Insular Affairs of the

1 House of Representatives to accompany H.R. 1437
2 of the 98th Congress (H. Rept. 98–40).

3 (2) REVIEW.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary con-
5 cerned shall review existing policies applicable to the
6 wilderness area to ensure that authorized approval
7 procedures for any fire management measures allow
8 a timely and efficient response to fire emergencies in
9 the wilderness area.

10 (i) BUFFER ZONES.—

11 (1) IN GENERAL.—Nothing in this Act creates
12 or implies the creation of protective perimeters or
13 buffer zones around the wilderness area.

14 (2) ACTIVITIES OUTSIDE WILDERNESS AREA.—

15 The fact that an activity in, or use of, non-wilder-
16 ness areas can be seen or heard from within the wil-
17 derness area shall not preclude the activity or use as
18 a result of this Act.

○