

111TH CONGRESS
1ST SESSION

H. R. 4289

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2009

Ms. DEGETTE introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, 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 AND DEFINITION.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Colorado Wilderness Act of 2009”.

6 (b) SECRETARY DEFINED.—As used in this Act, the
7 term “Secretary” means the Secretary of the Interior or
8 the Secretary of Agriculture, as appropriate.

1 **SEC. 2. ADDITIONS TO NATIONAL WILDERNESS PRESERVA-**
2 **TION SYSTEM IN THE STATE OF COLORADO.**

3 (a) ADDITIONS.—The following lands in the State of
4 Colorado administered by the Bureau of Land Manage-
5 ment or the United States Forest Service are hereby des-
6 ignated as wilderness and, therefore, as components of the
7 National Wilderness Preservation System:

8 (1) The following areas managed by the Glen-
9 wood Springs Field Office:

10 (A) Certain lands which comprise approxi-
11 mately 15,155 acres, as generally depicted on a
12 map titled “Bull Gulch Proposed Wilderness
13 Area”, dated September 17, 2007, which shall
14 be known as the Bull Gulch Wilderness.

15 (B) Certain lands which comprise approxi-
16 mately 16,263 acres, as generally depicted on a
17 map titled “Castle Peak Proposed Wilderness
18 Area”, dated September 17, 2007, which shall
19 be known as the Castle Peak Wilderness.

20 (C) Certain lands which comprise approxi-
21 mately 316 acres, as generally depicted on a
22 map titled “Maroon Bells Snowmass Proposed
23 Wilderness Area”, dated September 17, 2007,
24 which shall be known as the Maroon Bells Wil-
25 derness.

1 (D) Certain lands which comprise approxi-
2 mately 11,701 acres, as generally depicted on a
3 map titled “Grand Hogback Proposed Wilder-
4 ness Area”, dated September 17, 2007, which
5 shall be known as the Grand Hogback Wilder-
6 ness.

7 (2) The following areas managed by the Glen-
8 wood Springs Field Office or located in the White
9 River National Forest:

10 (A) Certain lands which comprise approxi-
11 mately 16,427 acres, as generally depicted on a
12 map titled “Flat Tops Addition Proposed Wil-
13 derness Area”, dated September 17, 2007, and
14 which are hereby incorporated in and shall be
15 deemed to be a part of the Flat Tops Wilder-
16 ness designated by Public Law 94–146.

17 (B) Certain lands which comprise approxi-
18 mately 25,285 acres, as generally depicted on a
19 map titled “Thompson Creek Proposed Wilder-
20 ness Area”, dated September 17, 2007, which
21 shall be known as the Thompson Creek Wilder-
22 ness.

23 (3) The following areas managed by the Grand
24 Junction Field Office:

1 (A) Certain lands which comprise approxi-
2 mately 21,110 acres, as generally depicted on a
3 map titled “Bangs Canyon Proposed Wilderness
4 Area”, dated September 17, 2007, which shall
5 be known as the Bangs Canyon Wilderness.

6 (B) Certain lands which comprise approxi-
7 mately 25,881 acres, as generally depicted on a
8 map titled “Demaree Canyon Proposed Wilder-
9 ness Area”, dated September 17, 2007, which
10 shall be known as the Demaree Canyon Wilder-
11 ness.

12 (C) Certain lands which comprise approxi-
13 mately 14,089 acres, as generally depicted on a
14 map titled “Granite Creek Proposed Wilderness
15 Area”, dated September 17, 2007, which shall
16 be known as the Granite Creek Wilderness.

17 (D) Certain lands which comprise approxi-
18 mately 30,557 acres, as generally depicted on a
19 map titled “Little Bookcliffs Proposed Wilder-
20 ness Area”, dated September 17, 2007, which
21 shall be known as the Little Bookcliffs Wilder-
22 ness.

23 (E) Certain lands which comprise approxi-
24 mately 26,914 acres, as generally depicted on a
25 map titled “The Palisade Proposed Wilderness

1 Area”, dated September 17, 2007, which shall
2 be known as the Palisade Wilderness.

3 (F) Certain lands which comprise approxi-
4 mately 27,569 acres, as generally depicted on a
5 map titled “South Shale Ridge Proposed Wil-
6 derness Area”, dated September 17, 2007,
7 which shall be known as the South Shale Ridge
8 Wilderness.

9 (4) Certain lands managed by the Grand Junc-
10 tion Field Office or located in the Uncompahgre Na-
11 tional Forest, which comprise approximately 39,392
12 acres, as generally depicted on a map titled
13 “UnawEEP Proposed Wilderness Area”, dated Sep-
14 tember 17, 2007, which shall be known as the
15 UnawEEP Wilderness.

16 (5) Certain lands managed by the Grand Junc-
17 tion Field Office and San Juan Field Office and in
18 the Manti-LaSal National Forest which comprise ap-
19 proximately 65,448 acres, as generally depicted on a
20 map titled “Sewemup Mesa Proposed Wilderness
21 Area”, dated September 17, 2007, which shall be
22 known as the Sewemup Mesa Wilderness.

23 (6) The following areas managed by Gunnison
24 Field Office:

1 (A) Certain lands which comprise approxi-
2 mately 3,306 acres, as generally depicted on a
3 map titled “Powderhorn Additions Proposed
4 Wilderness Area”, dated September 17, 2007,
5 and which are hereby incorporated in and shall
6 be deemed to be a part of the Powderhorn Wil-
7 derness designated by Public Law 103–77.

8 (B) Certain lands which comprise approxi-
9 mately 38,594 acres, as generally depicted on a
10 map titled “Redcloud Peak Proposed Wilder-
11 ness Area”, dated September 17, 2007, which
12 shall be known as the Redcloud Peak Wilder-
13 ness.

14 (C) Certain lands which comprise approxi-
15 mately 6,878 acres, as generally depicted on a
16 map titled “West Elk Addition Proposed Wil-
17 derness Area”, dated September 17, 2007, and
18 which are hereby incorporated in and shall be
19 deemed to be a part of the West Elk Wilderness
20 designated by Public Law 88–577.

21 (7) Certain lands managed by the Gunnison
22 Field Office or located in the Gunnison National
23 Forest and Rio Grande National Forest which com-
24 prise approximately 72,397 acres, as generally de-
25 picted on a map titled “Handies Peak Proposed Wil-

1 derness Area”, dated September 17, 2007, which
2 shall be known as the Handies Peak Wilderness.

3 (8) Certain lands managed by the Kremmling
4 Field Office which comprise approximately 33 acres,
5 as generally depicted on a map titled “Platte River
6 Addition Proposed Wilderness Area”, dated Sep-
7 tember 17, 2007, and which are hereby incorporated
8 in and shall be deemed to be part of the Platte River
9 Wilderness designated by Public Law 98–550.

10 (9) The following areas managed by the
11 Uncompahgre Field Office or located in the
12 Uncompahgre National Forest:

13 (A) Certain lands which comprise approxi-
14 mately 22,604 acres, as generally depicted on a
15 map titled “Roubideau Proposed Wilderness
16 Area”, dated September 17, 2007, which shall
17 be known as the Roubideau Wilderness.

18 (B) Certain lands which comprise approxi-
19 mately 13,288 acres, as generally depicted on a
20 map titled “Norwood Canyon Proposed Wilder-
21 ness Area”, dated September 17, 2007, which
22 shall be known as the Norwood Canyon Wilder-
23 ness.

24 (10) The following areas managed by the San
25 Juan Field Office:

1 (A) Certain lands which comprise approxi-
2 mately 25,947 acres, as generally depicted on a
3 map titled “Cross Canyon Proposed Wilderness
4 Area”, dated September 17, 2007, which shall
5 be known as the Cross Canyon Wilderness.

6 (B) Certain lands which comprise approxi-
7 mately 33,467 acres, as generally depicted on a
8 map titled “McKenna Peak Proposed Wilder-
9 ness Area”, dated September 17, 2007, which
10 shall be known as the McKenna Peak Wilder-
11 ness.

12 (C) Certain lands which comprise approxi-
13 mately 14,598 acres, as generally depicted on a
14 map titled “Weber-Menefee Mountain Proposed
15 Wilderness Area”, dated September 17, 2007,
16 which shall be known as the Weber-Menefee
17 Mountain Wilderness.

18 (11) Certain lands managed by the
19 Uncompahgre and San Juan Field Offices which
20 comprise approximately 41,133 acres, as generally
21 depicted on a map titled “Dolores River Canyon
22 Proposed Wilderness Area”, dated September 17,
23 2007, which shall be known as the Dolores River
24 Canyon Wilderness.

1 (12) The following areas managed by the Royal
2 Gorge Field Office:

3 (A) Certain lands which comprise approxi-
4 mately 17,318 acres, as generally depicted on a
5 map titled “McIntyre Hills Proposed Wilder-
6 ness Area”, dated September 17, 2007, which
7 shall be known as the McIntyre Wilderness.

8 (B) Certain lands which comprise approxi-
9 mately 27,888 acres, as generally depicted on a
10 map titled “Table Mountain Proposed Wilder-
11 ness Area”, dated September 17, 2007, which
12 shall be known as the Table Mountain Wilder-
13 ness.

14 (13) The following areas managed by the Royal
15 Gorge Field Office or located in the Pike National
16 Forest:

17 (A) Certain lands which comprise approxi-
18 mately 38,378 acres, as generally depicted on a
19 map titled “Beaver Creek Proposed Wilderness
20 Area”, dated September 17, 2007, which shall
21 be known as the Beaver Creek Wilderness.

22 (B) Certain lands which comprise approxi-
23 mately 25,229 acres, as generally depicted on a
24 map titled “Badger Creek Proposed Wilderness

1 Area”, dated September 17, 2007, which shall
2 be known as the Badger Creek Wilderness.

3 (C) Certain lands which comprise approxi-
4 mately 20,025 acres, as generally depicted on a
5 map titled “Browns Canyon Proposed Wilder-
6 ness Area”, dated September 17, 2007, which
7 shall be known as the Browns Canyon Wilder-
8 ness.

9 (14) Certain lands managed by the Royal Gorge
10 Resource Area or located in the San Isabel National
11 Forest which comprise approximately 44,372 acres,
12 as generally depicted on a map titled “Grape Creek
13 Proposed Wilderness Area”, dated September 17,
14 2007, which shall be known as the Grape Creek Wil-
15 derness.

16 (15) Certain lands managed by the San Juan
17 Field Office or located in the San Juan National
18 Forest which comprise approximately 32,050 acres,
19 as generally depicted on a map titled “Snaggletooth
20 Proposed Wilderness Area”, dated September 17,
21 2007, which shall be known as the Snaggletooth Wil-
22 derness.

23 (b) MAPS AND DESCRIPTIONS.—As soon as prac-
24 ticable after the date of the enactment of this Act, the
25 Secretary shall file a map and a boundary description of

1 each area designated as wilderness by this section with
2 the Committee on Natural Resources of the House of Rep-
3 resentatives and the Committee on Energy and Natural
4 Resources of the Senate. Each map and boundary descrip-
5 tion shall have the same force and effect as if included
6 in this Act, except that the Secretary may correct clerical
7 and typographical errors in the map or boundary descrip-
8 tion. The maps and boundary descriptions shall be on file
9 and available for public inspection in the Office of the Di-
10 rector of the Bureau of Land Management, Department
11 of the Interior, and in the Office of the Chief of the Forest
12 Service, Department of Agriculture, as appropriate.

13 (c) STATE AND PRIVATE LANDS.—Lands within the
14 exterior boundaries of any wilderness area designated
15 under this section that are owned by the State of Colorado
16 or by a private entity shall be included within such wilder-
17 ness area if such lands are acquired by the United States.
18 Such lands may be acquired by the United States only
19 as provided in the Wilderness Act (16 U.S.C. 1131 et
20 seq.).

21 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

22 (a) IN GENERAL.—Subject to valid existing rights,
23 lands designated as wilderness by this Act shall be man-
24 aged by the Secretary in accordance with the Wilderness
25 Act (16 U.S.C. 1131 et seq.) and this Act, except that,

1 with respect to any wilderness areas designated by this
2 Act, any reference in the Wilderness Act to the effective
3 date of the Wilderness Act shall be deemed to be a ref-
4 erence to the date of enactment of this Act.

5 (b) GRAZING.—Grazing of livestock in wilderness
6 areas designated by this Act shall be administered in ac-
7 cordance with the provisions of section 4(d)(4) of the Wil-
8 derness Act (16 U.S.C. 1133(d)(4)), as further inter-
9 preted by section 108 of Public Law 96–560, and the
10 guidelines set forth in Appendix A of House Report 101–
11 405 of the 101st Congress.

12 (c) STATE JURISDICTION.—As provided in section
13 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
14 nothing in this Act shall be construed as affecting the ju-
15 risdiction or responsibilities of the State of Colorado with
16 respect to wildlife and fish in Colorado.

17 (d) WATER.—

18 (1) IN GENERAL.—With respect to each wilder-
19 ness and potential wilderness area designated by this
20 Act, the Secretary shall obtain and exercise any
21 water rights required to fulfill the purposes of the
22 wilderness in accordance with the following provi-
23 sions:

24 (A) Such water rights shall be appro-
25 priated, adjudicated, changed, and administered

1 pursuant to the procedural requirements and
2 priority system of the laws of the State of Colo-
3 rado.

4 (B) The purposes and other substantive
5 characteristics of such water rights shall be es-
6 tablished pursuant to State law, except that the
7 Secretary is specifically authorized to appro-
8 priate water under this Act exclusively for the
9 purpose of maintaining groundwater levels, sur-
10 face water levels, and streamflows on, across,
11 and under the wilderness in order to accomplish
12 the purposes of the wilderness and to protect
13 wilderness uses.

14 (C) Such water rights shall be established
15 and used without interfering with any exercise
16 of a water right in existence on the date of the
17 enactment of this Act for a non-Federal pur-
18 pose.

19 (2) PROTECTING RIGHTS.—The Secretary and
20 all other officers of the United States shall take
21 steps necessary to protect the rights established
22 under paragraph (1), including the filing by the Sec-
23 retary of a claim for the quantification of such
24 rights in any present or future appropriate stream
25 adjudication in the courts of the State of Colorado

1 in which the United States is or may be joined and
2 which is conducted in accordance with section 208 of
3 the Department of Justice Appropriation Act, 1953
4 (43 U.S.C. 666; commonly known as the McCarran
5 Amendment).

6 (3) RELINQUISHMENT OR REDUCTION.—Noth-
7 ing in this Act shall be construed as a relinquis-
8 ment or reduction of any water rights reserved or
9 appropriated by the United States in the State of
10 Colorado on or before the date of the enactment of
11 this Act.

12 (4) WATER RESOURCE FACILITY.—With respect
13 to each wilderness and potential wilderness area des-
14 ignated by this Act, notwithstanding any other pro-
15 vision of law, on and after the date of the enactment
16 of this Act, neither the President nor any other offi-
17 cer, employee, or agent of the United States shall
18 fund, assist, authorize, or issue a license or permit
19 for development of any new irrigation and pumping
20 facility, reservoir, water conservation work, aque-
21 duct, canal, ditch, pipeline, well, hydropower project,
22 transmission, other ancillary facility, or other water
23 diversion, storage, or carriage structure.

24 (e) AERIAL NAVIGATION TRAINING EXERCISES.—

1 (1) IN GENERAL.—The Colorado Army Na-
2 tional Guard, through the High-Altitude Army Na-
3 tional Guard Aviation Training Site, may conduct
4 aerial navigation training maneuver exercises over
5 and upon the lands designated as potential wilder-
6 ness by this Act in a manner—

7 (A) consistent with the memorandum of
8 understanding dated August 4, 1987, among
9 the Colorado Army National Guard, the Bureau
10 of Land Management, and the Forest Service;
11 and

12 (B) minimizing the impact to wilderness
13 character, natural features, and a visitor’s sense
14 of solitude.

15 (2) REVIEW OF THE MEMORANDUM OF UNDER-
16 STANDING.—The parties to the memorandum of un-
17 derstanding referred to in paragraph (1)(A) shall re-
18 view the memorandum and associated annual oper-
19 ating plan not later than 180 days after the date of
20 the enactment of this Act, and annually thereafter
21 so long as the Colorado Army National Guard con-
22 ducts activity described in paragraph (1). The review
23 shall include consideration of alternative locations
24 for activities identified in the memorandum of un-
25 derstanding. Such alternative locations must be over

1 and upon National Forest System lands and lands
2 administered by the Bureau of Land Management,
3 other than lands designated as wilderness or as po-
4 tential wilderness.

5 (3) MODIFICATION OF THE MEMORANDUM OF
6 UNDERSTANDING.—The memorandum of under-
7 standing referred to in paragraph (1)(A) may be
8 modified, subject to the agreement of all parties
9 thereto, if the Colorado Army National Guard, in
10 consultation with the Bureau of Land Management
11 and the Forest Service, identifies an alternative loca-
12 tion as described in paragraph (2) that meets its
13 aerial training needs.

14 (f) POTENTIAL WILDERNESS DESIGNATIONS.—

15 (1) IN GENERAL.—The following lands are des-
16 ignated as potential wilderness areas:

17 (A) Certain lands managed by the Glen-
18 wood Springs Field Office or located in the
19 White River National Forest which comprise
20 approximately 20,843 acres, as generally de-
21 picted on a map titled “Deep Creek Proposed
22 Wilderness Area”, dated September 17, 2007,
23 which shall be known as the Deep Creek Wil-
24 derness.

1 (B) Certain lands managed by the Glen-
2 wood Springs Field Office which comprise ap-
3 proximately 15,679 acres, as generally depicted
4 on a map titled “Pisgah Mountain Proposed
5 Wilderness Area”, dated September 17, 2007,
6 which shall be known as the Pisgah Mountain
7 Wilderness.

8 (2) DESIGNATION AS WILDERNESS.—Lands de-
9 scribed in paragraph (1) shall be designated as wil-
10 derness upon the Secretary publishing in the Federal
11 Register a notice that all nonconforming uses of
12 those lands provided for under subsection (e) that
13 would be prohibited in wilderness by the Wilderness
14 Act have ceased. Such publication in the Federal
15 Register by the Secretary and subsequent designa-
16 tion as wilderness shall occur as the nonconforming
17 use ceases in any of the individual areas identified
18 and shall not be dependent on cessation of the non-
19 conforming uses in all the potential wilderness areas
20 identified.

21 (3) MANAGEMENT.—Except for activities pro-
22 vided for under subsection (e), lands described in
23 paragraph (1) shall be managed by the Secretary in
24 accordance with the Wilderness Act as wilderness

- 1 until those lands are designated as wilderness under
- 2 this subsection.

