

111TH CONGRESS  
2D SESSION

# H. R. 5223

To establish the Chimney Rock National Monument in the State of Colorado.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2010

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

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## A BILL

To establish the Chimney Rock National Monument 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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be referred to as  
5       the “Chimney Rock National Monument Act of 2010”.

6       (b) TABLE OF CONTENTS.—The table of contents of  
7       this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Establishment of Chimney Rock National Monument.
- Sec. 5. Limitations on effect and scope of Act.
- Sec. 6. Management and use of National Monument.
- Sec. 7. Development of management plan.

Sec. 8. Acquisition of land.

Sec. 9. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Chimney Rock in Southwestern Colorado  
4 contains nationally significant archeological, geo-  
5 logic, biological, cultural, educational, recreational,  
6 visual, and scenic value.

7 (2) The unique, thousand-year-old Ancestral  
8 Puebloan community located beneath the prominent  
9 Chimney Rock Pinnacles, with its dramatic 360 de-  
10 gree view of the surrounding landscape, provides an  
11 outstanding opportunity to enhance understanding  
12 and appreciation of the prehistory of North America  
13 and the accomplishments of Native American cul-  
14 tures during that period.

15 (3) The Chimney Rock Ancestral Puebloan  
16 community is one of the largest Pueblo II period  
17 (900–1150 AD) communities in southwestern Colo-  
18 rado and one of the finest examples of a Chacoan  
19 system “Outlier”. The Chacoan system was a com-  
20 plex system of interdependent communities bound by  
21 economic, social, political, and religious relation-  
22 ships. Chimney Rock contains many outstanding  
23 hallmarks of the Chacoan system and significant ar-  
24 cheological resources of other periods.

1           (4) The design of the Chimney Rock Ancestral  
2 Puebloan community incorporates Ancestral  
3 Puebloan knowledge of astronomy. The twin Chim-  
4 ney Rock Pinnacles, for example, appear to have  
5 served as a frame for viewing astronomical align-  
6 ments.

7           (5) Ancestral Puebloan culture is part of the  
8 heritage of many Southwestern Indian cultures, and  
9 has influenced the culture, art and architecture of  
10 the Western United States.

11          (6) The Chimney Rock Ancestral Puebloan  
12 community has special value for the Puebloan and  
13 Tribal people of today.

14          (7) Chimney Rock provides a dramatic record  
15 of geological and astronomical time.

16          (8) Chimney Rock is a natural laboratory that  
17 provides exceptional opportunities for scientific study  
18 in the fields of geology, ecology, prehistoric arche-  
19 ology, and the ways in which they interrelate.

20          (9) Chimney Rock provides abundant opportu-  
21 nities to enhance the understanding and apprecia-  
22 tion by the public of the achievements and ways of  
23 life of the Ancestral Pueblos, in a rugged and  
24 spectacular landscape.

1           (10) Chimney Rock has long been maintained  
2           through community care and management. Volun-  
3           teers and volunteer organizations have provided out-  
4           standing educational and interpretive programs and  
5           site stewardship, and have encouraged academic sci-  
6           entific investigation.

7   **SEC. 3. DEFINITIONS.**

8           For purposes of this Act—

9           (1) the term “Secretary” means the Secretary  
10          of Agriculture; and

11          (2) the term “National Monument” means the  
12          Chimney Rock National Monument.

13   **SEC. 4. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL**  
14                           **MONUMENT.**

15          (a) ESTABLISHMENT.—In order to preserve, protect,  
16          and restore the archeological, anthropological, geologic,  
17          hydrologic, biological, visual, and scenic resources of  
18          Chimney Rock, and to enable the public (to the extent con-  
19          sistent with the preceding purposes) to fully realize the  
20          scientific, cultural, educational, recreational, visual, and  
21          scenic value of those resources, there is hereby designated  
22          the Chimney Rock National Monument.

23          (b) LANDS AND INTERESTS IN LAND INCLUDED IN  
24          NATIONAL MONUMENT.—

1           (1) LANDS AND INTERESTS IN LAND WITHIN  
2       CERTAIN BOUNDARIES.—The National Monument  
3       shall consist of all Federal lands and interests in  
4       lands located within its boundaries. The boundaries  
5       of the National Monument shall be the boundaries  
6       depicted on the map entitled “Boundary Map, Chim-  
7       ney Rock National Monument”, dated November 24,  
8       2009, as adjusted pursuant to paragraph (2).

9           (2) ADJUSTMENT OF BOUNDARIES.—

10           (A) INCLUSION OF ARCHEOLOGICAL RE-  
11       SOURCES.—The Secretary may make minor ad-  
12       justments to the boundaries of the National  
13       Monument to include significant archeological  
14       resources discovered on public land adjacent to  
15       the National Monument after the date of the  
16       enactment of this Act.

17           (B) INCLUSION OF ACQUIRED LANDS AND  
18       INTERESTS.—The Secretary shall adjust the  
19       boundaries of the National Monument to in-  
20       clude any land or interest in land acquired  
21       under section 8.

22           (3) LEGAL DESCRIPTIONS AND MAP.—

23           (A) PREPARATION AND SUBMISSION OF  
24       LEGAL DESCRIPTIONS.—As soon as practicable  
25       after the date of the enactment of this Act, the

1 Secretary shall use the map referred to in para-  
2 graph (1) to prepare legal descriptions of the  
3 boundaries of the National Monument. The  
4 Secretary shall submit the legal descriptions to  
5 the Committee on Natural Resources and the  
6 Committee on Agriculture of the House of Rep-  
7 resentatives and to the Committee on Energy  
8 and Natural Resources and the Committee on  
9 Agriculture, Nutrition, and Forestry of the Sen-  
10 ate.

11 (B) AVAILABILITY OF MAP FOR PUBLIC IN-  
12 SPECTION.—The Secretary shall make the map  
13 referred to in paragraph (1) available for public  
14 inspection in appropriate offices of the United  
15 States Forest Service.

16 (C) CORRECTION OF CLERICAL AND TYPO-  
17 GRAPHICAL ERRORS.—The Secretary may cor-  
18 rect clerical and typographical errors in the  
19 legal descriptions and map referred to in sub-  
20 paragraph (A) and paragraph (1), respectively.

21 (c) DESIGNATION OF MANAGER.—The Secretary  
22 shall designate an individual as manager of the National  
23 Monument as soon as practicable after development of the  
24 management plan under section 7(a).

1 **SEC. 5. LIMITATIONS ON EFFECT AND SCOPE OF ACT.**

2 (a) NO INTERFERENCE WITH PROPERTY RIGHTS.—

3 No provision of this Act shall interfere with the following:

4 (1) The property rights of any Indian reserva-  
5 tion.

6 (2) Property rights in any individually held  
7 trust lands or other Indian allotments.

8 (3) Any interest in land held by the State of  
9 Colorado or by any political subdivision or special  
10 district of the State of Colorado.

11 (4) Any private property rights in property ad-  
12 jacent to the National Monument.

13 (5) The fish and wildlife rights of the State of  
14 Colorado or any tribal government.

15 (b) SCOPE OF ACT.—No provision of this Act—

16 (1) grants the Secretary new authority over  
17 non-Federal lands; or

18 (2) creates any Federal reserved water rights.

19 **SEC. 6. MANAGEMENT AND USE OF NATIONAL MONUMENT.**

20 (a) MANAGEMENT AND AUTHORIZATION OF USES.—

21 The Secretary shall manage and authorize uses of the Na-  
22 tional Monument (including any use under subsection (c))  
23 as a unit of the San Juan National Forest in conformance  
24 with the following:

25 (1) The purposes described in section 4(a).

1           (2) The management plan developed under sec-  
2           tion 7(a).

3           (3) Public Law 96–550 (16 U.S.C. 410ii et  
4           seq.).

5           (4) The Native American Graves Protection and  
6           Repatriation Act (25 U.S.C. 3001 et seq.).

7           (5) The policy expressed in the American In-  
8           dian Religious Freedom Act (42 U.S.C. 1996).

9           (6) Treaties providing for nonexclusive access to  
10          the National Monument by Indians for traditional  
11          and cultural purposes.

12         (b) VEGETATION MANAGEMENT.—The Secretary  
13         may carry out vegetative management treatments within  
14         the National Monument, except that timber harvest and  
15         the use of prescribed fire may only be used when the Sec-  
16         retary determines it necessary to address the risk of wild-  
17         fire, insects, or diseases that would endanger the National  
18         Monument or imperil public safety.

19         (c) AUTHORIZED USES.—All uses of the National  
20         Monument other than those authorized by the Secretary  
21         shall be prohibited. Authorized uses of the National Monu-  
22         ment may include the following:

23                 (1) Construction of a visitor’s center and re-  
24                 lated exhibit and curatorial facilities to interpret the



1 scientific and cultural resources of the National  
2 Monument for the benefit of the general public.

3 (2) Scientific research (including archeological  
4 research) and educational and interpretive uses.

5 (3) Acquisition, consolidation, and display of ar-  
6 tifacts found within the National Monument.

7 (4) The recreational and administrative use of  
8 mountain bikes and motorized vehicles.

9 (5) Installation, construction, and maintenance  
10 of a public utility right of way within the National  
11 Monument for a purpose described in section 4(a) if  
12 the Secretary determines that—

13 (A) there is no route outside of the Na-  
14 tional Monument that will accomplish the pur-  
15 pose; or

16 (B) the right of way will be located along  
17 a State highway crossing the National Monu-  
18 ment.

19 (6) Grazing uses, through issuance and admin-  
20 istration by the Secretary of grazing leases or per-  
21 mits.

22 (d) PROHIBITION ON ENTRY, APPROPRIATION, DIS-  
23 POSAL, AND OTHER USES.—The Federal lands and inter-  
24 ests in lands located within the boundaries of the National  
25 Monument are hereby withdrawn from—

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

3           (2) location, entry, and patent under the public  
4       land mining laws; and

5           (3) operation of the mineral leasing and geo-  
6       thermal leasing laws and the mineral materials laws.

7   **SEC. 7. DEVELOPMENT OF MANAGEMENT PLAN.**

8       (a) REQUIREMENT.—Not later than 3 years after the  
9       date of the enactment of this Act, the Secretary, in con-  
10      sultation with Indian tribes with a cultural or historic tie  
11      to the National Monument, shall develop a management  
12      plan for the management and authorization of uses of the  
13      National Monument under section 4(a).

14      (b) OPPORTUNITY FOR COMMENT.—In developing  
15      the management plan, the Secretary shall provide an op-  
16      portunity for comment to local governments, tribal govern-  
17      ments, the State of Colorado, and other local, State, and  
18      national organizations with an interest in the management  
19      and use of the National Monument.

20      (c) CONTENTS.—The management plan shall—

21           (1) identify authorized uses for the National  
22      Monument;

23           (2) provide for the continued use of the Na-  
24      tional Monument by Indian tribes for traditional

1 ceremonies and as a source of traditional plants and  
2 other materials;

3 (3) specify permitted uses of artifacts, including  
4 whether certain artifacts may be displayed for edu-  
5 cational purposes;

6 (4) identify visitor carrying capacities; and

7 (5) designate roads and trails for public and  
8 administrative use.

9 **SEC. 8. ACQUISITION OF LAND.**

10 The Secretary may acquire State, local government,  
11 tribal, and privately held land or interests in land, includ-  
12 ing conservation easements, contiguous to the boundaries  
13 of the National Monument, for inclusion in the National  
14 Monument only by—

15 (1) donation;

16 (2) exchange with a willing party; or

17 (3) purchase from a willing seller.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums  
20 as are necessary to carry out this Act.

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