

111TH CONGRESS  
1ST SESSION

# S. 188

To provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2009

Mr. UDALL of Colorado (for himself and Mr. SALAZAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, 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 “Colorado Northern  
5       Front Range Mountain Backdrop Protection Study Act”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to identify options that  
8       may be available to assist in maintaining the open space

1 characteristics of land that is part of the mountain back-  
2 drop of communities in the northern section of the Front  
3 Range area of Colorado.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) SECRETARY.—The term “Secretary” means  
7 the Secretary of Agriculture, acting through the  
8 Chief of the Forest Service.

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

11 (3) STUDY AREA.—

12 (A) IN GENERAL.—The term “study area”  
13 means the land in southern Boulder, northern  
14 Jefferson, and northern Gilpin Counties, Colo-  
15 rado, that is located west of Colorado State  
16 Highway 93, south and east of Colorado State  
17 Highway 119, and north of Colorado State  
18 Highway 46, as generally depicted on the map  
19 entitled “Colorado Northern Front Range  
20 Mountain Backdrop Protection Study Act:  
21 Study Area” and dated August 27, 2008.

22 (B) EXCLUSIONS.—The term “study area”  
23 does not include land within the city limits of  
24 the cities of Arvada, Boulder, or Golden, Colo-  
25 rado.

1 (4) UNDEVELOPED LAND.—The term “undevel-  
 2 oped land” means land—

3 (A) that is located within the study area;

4 (B) that is free or primarily free of struc-  
 5 tures; and

6 (C) the development of which is likely to  
 7 affect adversely the scenic, wildlife, or rec-  
 8 reational value of the study area.

9 **SEC. 4. COLORADO NORTHERN FRONT RANGE MOUNTAIN**  
 10 **BACKDROP STUDY.**

11 (a) STUDY; REPORT.—Not later than 1 year after the  
 12 date of enactment of this Act and except as provided in  
 13 subsection (c), the Secretary shall—

14 (1) conduct a study of the land within the study  
 15 area; and

16 (2) complete a report that—

17 (A) identifies the present ownership of the  
 18 land within the study area;

19 (B) identifies any undeveloped land that  
 20 may be at risk of development; and

21 (C) describes any actions that could be  
 22 taken by the United States, the State, a polit-  
 23 ical subdivision of the State, or any other par-  
 24 ties to preserve the open and undeveloped char-  
 25 acter of the land within the study area.

1       (b) REQUIREMENTS.—The Secretary shall conduct  
2 the study and develop the report under subsection (a) with  
3 the support and participation of one or more of the fol-  
4 lowing State and local entities:

5           (1) The Colorado Department of Natural Re-  
6 sources.

7           (2) Colorado State Forest Service.

8           (3) Colorado State Conservation Board.

9           (4) Great Outdoors Colorado.

10          (5) Boulder, Jefferson, and Gilpin Counties,  
11 Colorado.

12       (c) LIMITATION.—If the State and local entities spec-  
13 ified in subsection (b) do not support and participate in  
14 the conduct of the study and the development of the report  
15 under this section, the Secretary may—

16           (1) decrease the area covered by the study area,  
17 as appropriate; or

18           (2)(A) opt not to conduct the study or develop  
19 the report; and

20           (B) submit to the Committee on Energy and  
21 Natural Resources of the Senate and the Committee  
22 on Natural Resources of the House of Representa-  
23 tives notice of the decision not to conduct the study  
24 or develop the report.

1       (d) EFFECT.—Nothing in this Act authorizes the  
2 Secretary to take any action that would affect the use of  
3 any land not owned by the United States.

