

Calendar No. 603

111TH CONGRESS
2D SESSION**S. 3303****[Report No. 111–317]**

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

IN THE SENATE OF THE UNITED STATES

MAY 4, 2010

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

SEPTEMBER 27, 2010

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 (b) **TABLE OF CONTENTS.**—The table of contents of
 2 this Act is as follows:

See. 1: Short title; table of contents.
 See. 2: Findings.
 See. 3: Definitions.
 See. 4: Establishment of Chimney Rock National Monument.
 See. 5: Limitations on effect and scope of Act.
 See. 6: Management and use of National Monument.
 See. 7: Development of management plan.
 See. 8: Acquisition of land.
 See. 9: Authorization of appropriations.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

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

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

17 (3) The Chimney Rock Ancestral Puebloan
 18 community is one of the largest Pueblo II period
 19 (900–1150 AD) communities in southwestern Colo-
 20 rado and one of the finest examples of a Chacoan
 21 system “Outlier”. The Chacoan system was a com-

plex system of interdependent communities bound by economic, social, political, and religious relationships. Chimney Rock contains many outstanding hallmarks of the Chacoan system and significant archaeological resources of other periods.

(4) The design of the Chimney Rock Ancestral Puebloan community incorporates Ancestral Puebloan knowledge of astronomy. The twin Chimney Rock Pinnacles, for example, appear to have served as a frame for viewing astronomical alignments.

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

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

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

(8) Chimney Rock is a natural laboratory that provides exceptional opportunities for scientific study in the fields of geology, ecology, prehistoric archeology, and the ways in which they interrelate.

1 (9) Chimney Rock provides abundant opportu-
 2 nities to enhance the understanding and apprecia-
 3 tion by the public of the achievements and ways of
 4 life of the Ancestral Puebloans, in a rugged and
 5 spectacular landscape.

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

12 **SEC. 3. DEFINITIONS.**

13 For purposes of this Act—

14 (1) the term “Secretary” means the Secretary
 15 of Agriculture; and

16 (2) the term “National Monument” means the
 17 Chimney Rock National Monument.

18 **SEC. 4. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL**
 19 **MONUMENT.**

20 (a) ESTABLISHMENT.—In order to preserve, protect,
 21 and restore the archeological, anthropological, geologic,
 22 hydrologic, biological, visual, and scenic resources of
 23 Chimney Rock, and to enable the public (to the extent con-
 24 sistent with the preceding purposes) to fully realize the
 25 scientific, cultural, educational, recreational, visual, and

1 scenic value of those resources, there is hereby designated
2 the Chimney Rock National Monument.

3 ~~(b) LANDS AND INTERESTS IN LAND INCLUDED IN~~
4 ~~NATIONAL MONUMENT.—~~

5 ~~(1) LANDS AND INTERESTS IN LAND WITHIN~~
6 ~~CERTAIN BOUNDARIES.—The National Monument~~
7 ~~shall consist of all Federal lands and interests in~~
8 ~~lands located within its boundaries. The boundaries~~
9 ~~of the National Monument shall be the boundaries~~
10 ~~depicted on the map entitled “Boundary Map, Chim-~~
11 ~~ney Rock National Monument”, dated November 24,~~
12 ~~2009, as adjusted pursuant to paragraph (2).~~

13 ~~(2) ADJUSTMENT OF BOUNDARIES.—~~

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

21 ~~(B) INCLUSION OF ACQUIRED LANDS AND~~
22 ~~INTERESTS.—The Secretary shall adjust the~~
23 ~~boundaries of the National Monument to in-~~
24 ~~clude any land or interest in land acquired~~
25 ~~under section 8.~~

1 ~~(3) LEGAL DESCRIPTIONS AND MAP.—~~

2 ~~(A) PREPARATION AND SUBMISSION OF~~
3 ~~LEGAL DESCRIPTIONS.—~~As soon as practicable
4 after the date of the enactment of this Act, the
5 Secretary shall use the map referred to in para-
6 graph ~~(1)~~ to prepare legal descriptions of the
7 boundaries of the National Monument. The
8 Secretary shall submit the legal descriptions to
9 the Committee on Natural Resources and the
10 Committee on Agriculture of the House of Rep-
11 resentatives and to the Committee on Energy
12 and Natural Resources and the Committee on
13 Agriculture, Nutrition, and Forestry of the Sen-
14 ate.

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

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

1 (c) DESIGNATION OF MANAGER.—The Secretary
 2 shall designate an individual as manager of the National
 3 Monument as soon as practicable after development of the
 4 management plan under section 7(a).

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

6 (a) NO INTERFERENCE WITH PROPERTY RIGHTS.—
 7 No provision of this Act shall interfere with the following:

8 (1) The property rights of any Indian reserva-
 9 tion.

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

12 (3) Any interest in land held by the State of
 13 Colorado or by any political subdivision or special
 14 district of the State of Colorado.

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

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

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

20 (1) grants the Secretary new authority over
 21 non-Federal lands; or

22 (2) creates any Federal reserved water rights.

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

24 (a) MANAGEMENT AND AUTHORIZATION OF USES.—

25 The Secretary shall manage and authorize uses of the Na-

1 tional Monument (including any use under subsection (c))
 2 as a unit of the San Juan National Forest in conformance
 3 with the following:

4 (1) The purposes described in section 4(a):

5 (2) The management plan developed under sec-
 6 tion 7(a):

7 (3) Public Law 96-550 (16 U.S.C. 410ii et
 8 seq.):

9 (4) The Native American Graves Protection and
 10 Repatriation Act (25 U.S.C. 3001 et seq.):

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

13 (6) Treaties providing for nonexclusive access to
 14 the National Monument by Indians for traditional
 15 and cultural purposes:

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

23 (c) ~~AUTHORIZED USES.~~—All uses of the National
 24 Monument other than those authorized by the Secretary

1 shall be prohibited. Authorized uses of the National Monu-
2 ment may include the following:

3 ~~(1) Construction of a visitor's center and re-~~
4 ~~lated exhibit and curatorial facilities to interpret the~~
5 ~~scientific and cultural resources of the National~~
6 ~~Monument for the benefit of the general public.~~

7 ~~(2) Scientific research (including archeological~~
8 ~~research) and educational and interpretive uses.~~

9 ~~(3) Acquisition, consolidation, and display of ar-~~
10 ~~tifacts found within the National Monument.~~

11 ~~(4) The recreational and administrative use of~~
12 ~~mountain bikes and motorized vehicles.~~

13 ~~(5) Installation, construction, and maintenance~~
14 ~~of a public utility right of way within the National~~
15 ~~Monument for a purpose described in section 4(a) if~~
16 ~~the Secretary determines that—~~

17 ~~(A) there is no route outside of the Na-~~
18 ~~tional Monument that will accomplish the pur-~~
19 ~~pose; or~~

20 ~~(B) the right of way will be located along~~
21 ~~a State highway crossing the National Monu-~~
22 ~~ment.~~

23 ~~(6) Grazing uses, through issuance and admin-~~
24 ~~istration by the Secretary of grazing leases or per-~~
25 ~~mits.~~

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

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

7 (2) location, entry, and patent under the public
 8 land mining laws; and

9 (3) operation of the mineral leasing and geo-
 10 thermal leasing laws and the mineral materials laws.

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

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

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

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

1 (1) identify authorized uses for the National
2 Monument;

3 (2) provide for the continued use of the Na-
4 tional Monument by Indian tribes for traditional
5 ceremonies and as a source of traditional plants and
6 other materials;

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

10 (4) identify visitor carrying capacities; and

11 (5) designate roads and trails for public and
12 administrative use.

13 **SEC. 8. ACQUISITION OF LAND.**

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

19 (1) donation;

20 (2) exchange with a willing party; or

21 (3) purchase from a willing seller.

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as are necessary to carry out this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Chimney Rock National*
 3 *Monument Establishment Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *NATIONAL MONUMENT.*—*The term “national*
 7 *monument” means the Chimney Rock National*
 8 *Monument established by section 3(a).*

9 (2) *SECRETARY.*—*The term “Secretary” means*
 10 *the Secretary of Agriculture.*

11 (3) *STATE.*—*The term “State” means the State*
 12 *of Colorado.*

13 **SEC. 3. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL**
 14 **MONUMENT.**

15 (1) *ESTABLISHMENT.*—*There is established in the*
 16 *State the Chimney Rock National Monument—*

17 (1) *to preserve, protect, and restore the archeo-*
 18 *logical, cultural, historic, geologic, hydrologic, nat-*
 19 *ural, educational, and scenic resources of Chimney*
 20 *Rock and adjacent land; and*

21 (2) *to provide for public interpretation and*
 22 *recreation consistent with the protection of the re-*
 23 *sources described in paragraph (1).*

24 (2) *BOUNDARIES.*—

25 (1) *IN GENERAL.*—*The national monument shall*
 26 *consist of approximately 4,726 acres of land and in-*

1 *terests in land, as generally depicted on the map enti-*
 2 *tled “Boundary Map, Chimney Rock National Monu-*
 3 *ment” and dated January 5, 2010.*

4 (2) *MINOR ADJUSTMENTS.—The Secretary may*
 5 *make minor adjustments to the boundary of the na-*
 6 *tional monument to reflect the inclusion of significant*
 7 *archeological resources discovered after the date of en-*
 8 *actment of this Act on adjacent National Forest Sys-*
 9 *tem land.*

10 (3) *AVAILABILITY OF MAP.—The map described*
 11 *in paragraph (1) shall be on file and available for*
 12 *public inspection in the appropriate offices of the*
 13 *Forest Service.*

14 **SEC. 4. ADMINISTRATION.**

15 (a) *IN GENERAL.—The Secretary shall—*

16 (1) *administer the national monument—*

17 (A) *in furtherance of the purposes for which*
 18 *the national monument was established; and*

19 (B) *in accordance with—*

20 (i) *this Act; and*

21 (ii) *any laws generally applicable to*
 22 *the National Forest System; and*

23 (2) *allow only such uses of the national monu-*
 24 *ment that the Secretary determines would further the*
 25 *purposes described in section 3(a).*

1 (b) *TRIBAL USES*.—

2 (1) *IN GENERAL*.—*The Secretary shall admin-*
3 *ister the national monument in accordance with—*

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

7 (B) *the policy described in Public Law 95–*
8 *341 (commonly known as the “American Indian*
9 *Religious Freedom Act”)* (42 U.S.C. 1996).

10 (2) *TRADITIONAL USES*.—*Subject to any terms*
11 *and conditions the Secretary determines to be nec-*
12 *essary and in accordance with applicable law, the*
13 *Secretary shall allow for the continued use of the na-*
14 *tional monument by members of Indian tribes—*

15 (A) *for traditional ceremonies; and*

16 (B) *as a source of traditional plants and*
17 *other materials.*

18 (c) *VEGETATION MANAGEMENT*.—*The Secretary may*
19 *carry out vegetation management treatments within the na-*
20 *tional monument, except that the harvesting of timber shall*
21 *only be used if the Secretary determines that the harvesting*
22 *is necessary for—*

23 (1) *ecosystem restoration in furtherance of sec-*
24 *tion 3(a); or*

25 (2) *the control of fire, insects, or diseases.*

1 (d) *MOTOR VEHICLES AND MOUNTAIN BIKES.*—The
 2 *use of motor vehicles and mountain bikes in the national*
 3 *monument shall be limited to the roads and trails identified*
 4 *by the Secretary as appropriate for the use of motor vehicles*
 5 *and mountain bikes.*

6 (e) *GRAZING.*—The Secretary shall permit grazing
 7 *within the national monument, where established before the*
 8 *date of enactment of this Act—*

9 (1) *subject to all applicable laws (including reg-*
 10 *ulations); and*

11 (2) *consistent with the purposes described in sec-*
 12 *tion 3(a).*

13 (f) *UTILITY RIGHT-OF-WAY UPGRADES.*—Nothing in
 14 *this Act precludes the Secretary from renewing or author-*
 15 *izing the upgrading of a utility right-of-way in existence*
 16 *as of the date of enactment of this Act through the national*
 17 *monument—*

18 (1) *in accordance with—*

19 (A) *the National Environmental Policy Act*
 20 *of 1969 (42 U.S.C. 4321 et seq.); and*

21 (B) *any other applicable law; and*

22 (2) *subject to such terms and conditions as the*
 23 *Secretary determines to be appropriate.*

24 (g) *EDUCATION AND INTERPRETIVE CENTER.*—The
 25 *Secretary may develop and construct an education and in-*

1 *terpretive center to interpret the scientific and cultural re-*
 2 *sources of the national monument for the public.*

3 **SEC. 5. MANAGEMENT PLAN.**

4 (a) *IN GENERAL.*—Not later than 3 years after the
 5 *date of enactment of this Act, the Secretary, in consultation*
 6 *with Indian tribes with a cultural or historic tie to Chim-*
 7 *ney Rock, shall develop a management plan for the national*
 8 *monument.*

9 (b) *PUBLIC COMMENT.*—In developing the manage-
 10 *ment plan, the Secretary shall provide an opportunity for*
 11 *public comment by—*

12 (1) *State and local governments;*

13 (2) *tribal governments; and*

14 (3) *any other interested organizations and indi-*
 15 *viduals.*

16 **SEC. 6. LAND ACQUISITION.**

17 *The Secretary may acquire land and any interest in*
 18 *land within or adjacent to the boundary of the national*
 19 *monument by—*

20 (1) *purchase from willing sellers with donated or*
 21 *appropriated funds;*

22 (2) *donation; or*

23 (3) *exchange.*

1 **SEC. 7. WITHDRAWAL.**

2 (a) *IN GENERAL.*—Subject to valid existing rights, all
3 Federal land within the national monument (including any
4 land or interest in land acquired after the date of enactment
5 of this Act) is withdrawn from—

6 (1) entry, appropriation, or disposal under the
7 public land laws;

8 (2) location, entry, and patent under the mining
9 laws; and

10 (3) subject to subsection (b), operation of the
11 mineral leasing, mineral materials, and geothermal
12 leasing laws.

13 (b) *LIMITATION.*—Notwithstanding subsection (a)(3),
14 the Federal land is not withdrawn for the purposes of
15 issuance of gas pipeline rights-of-way within easements in
16 existence as of the date of enactment of this Act.

17 **SEC. 8. EFFECT.**

18 (a) *WATER RIGHTS.*—

19 (1) *IN GENERAL.*—Nothing in this Act affects
20 any valid water rights, including water rights held by
21 the United States.

22 (2) *RESERVED WATER RIGHT.*—The designation
23 of the national monument does not create a Federal
24 reserved water right.

25 (b) *TRIBAL RIGHTS.*—Nothing in this Act affects—

1 (1) *the rights of any Indian tribe on Indian*
 2 *land;*

3 (2) *any individually-held trust land or Indian*
 4 *allotment; or*

5 (3) *any treaty rights providing for nonexclusive*
 6 *access to or within the national monument by mem-*
 7 *bers of Indian tribes for traditional and cultural pur-*
 8 *poses.*

9 (c) *FISH AND WILDLIFE.*—*Nothing in this Act affects*
 10 *the jurisdiction of the State with respect to the management*
 11 *of fish and wildlife on public land in the State.*

12 (d) *ADJACENT USES.*—*Nothing in this Act—*

13 (1) *creates a protective perimeter or buffer zone*
 14 *around the national monument; or*

15 (2) *affects private property outside of the bound-*
 16 *ary of the national monument.*

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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