

113TH CONGRESS
2D SESSION

H. R. 5311

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, to designate the Tenmile Recreation Management Area and Porcupine Gulch Protection Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2014

Mr. POLIS 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, to designate the Tenmile Recreation Management Area and Porcupine Gulch Protection Area, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Rocky Mountain Recreation and Wilderness Preservation
6 Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Colorado wilderness additions.
- Sec. 3. Tenmile Recreation Management Area, White River National Forest, Colorado.
- Sec. 4. Porcupine Gulch Protection Area, White River National Forest, Colorado.

SEC. 2. COLORADO WILDERNESS ADDITIONS.

(a) DESIGNATION.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended—

(1) in paragraph (18), by striking “1993,” and inserting “1993, and certain Federal lands in the White River National Forest which comprise approximately 6,349 acres, as generally depicted as ‘Proposed Ute Pass Wilderness’, ‘Proposed Acorn Creek Wilderness’, and ‘Proposed Ptarmigan Additions Wilderness’ on a map entitled ‘Ptarmigan Peak Wilderness Additions Proposal’, dated July, 2014,” and

(2) by adding at the end the following new paragraphs:

“(22) HOLY CROSS WILDERNESS ADDITION.—Certain Federal lands in the White River National Forest which comprise approximately 3,942 acres, as generally depicted as ‘Proposed No Name Wilderness’ on a map entitled ‘Holy Cross Wilderness Ad-

dition Proposal’, dated July, 2014, and which are incorporated in and shall be deemed to be a part of the Holy Cross Wilderness designated by section 102(a)(5) of Public Law 96–560 (94 Stat. 3266).

“(23) HOOSIER RIDGE WILDERNESS.—Certain Federal lands in the White River National Forest which comprise approximately 5,172 acres, as generally depicted on a map entitled ‘Hoosier Ridge Wilderness Proposal’, dated July, 2014, and which shall be known as the ‘Hoosier Ridge Wilderness’.

“(24) TENMILE WILDERNESS.—Certain Federal lands in the White River National Forest which comprise approximately 7,577 acres, as generally depicted as ‘Proposed Tenmile Wilderness’ on a map entitled ‘Tenmile Proposal’, dated July, 2014, and which shall be known as the ‘Tenmile Wilderness’.

“(25) WILLIAMS FORK WILDERNESS.—Certain Federal lands in the White River National Forest which comprise approximately 9,338 acres, as generally depicted on a map entitled ‘Proposed Williams Fork Wilderness’, dated July, 2014, and which shall be known as the ‘Williams Fork Wilderness’.

“(26) EAGLES NEST WILDERNESS ADDITIONS.—

“(A) DESIGNATION OF WILDERNESS.—

Certain Federal lands in the White River National Forest which comprise approximately 7,082 acres, as generally depicted as ‘Proposed Freeman Creek Wilderness’ and ‘Proposed Spraddle Creek Wilderness’ on a map entitled ‘Eagles Nest Wilderness Additions Proposal’, dated July, 2014, and which are incorporated in and shall be deemed to be a part of the Eagles Nest Wilderness designated by Public Law 94–352 (90 Stat. 870).

“(B) POTENTIAL WILDERNESS.—

“(i) DESIGNATION.—In furtherance of the purposes of the Wilderness Act, certain Federal lands in the White River National Forest which comprise approximately 2,338 acres, as generally depicted as ‘Proposed Spraddle Creek Potential Wilderness’ on a map entitled ‘Eagles Nest Wilderness Additions Proposal’, dated July 2014, is designated as a potential wilderness area.

“(ii) MANAGEMENT.—Except as provided in clause (iii) and subject to valid existing rights, the potential wilderness area

1 designated by this subparagraph shall be
2 managed in accordance with the Wilder-
3 ness Act and this Act.

4 “(iii) ECOLOGICAL RESTORATION.—
5 For purposes of ecological restoration (in-
6 cluding any activity necessary to restore
7 the natural ecosystems and water quality
8 and protect watershed values in the poten-
9 tial wilderness area designated by this sub-
10 paragraph), the Secretary or an authorized
11 third party may use motorized and mecha-
12 nized transport and equipment in the po-
13 tential wilderness area until the date on
14 which the potential wilderness area is in-
15 corporated into the Eagles Nest Wilder-
16 ness.

17 “(iv) DESIGNATION AS WILDER-
18 NESS.—The potential wilderness area des-
19 ignated by this subparagraph shall be des-
20 ignated as wilderness and incorporated in
21 and deemed to be a part of the Eagles
22 Nest Wilderness on the earlier of—

23 “(I) the date on which the Sec-
24 retary publishes in the Federal Reg-
25 ister notice that the ecological restora-

1 tion activities identified in clause (iii)
2 have been completed by the Secretary
3 or an authorized third party; or
4 “(II) the date that is 10 years
5 after the date of enactment of the
6 Rocky Mountain Recreation and Wil-
7 derness Preservation Act.”.

8 (b) EFFECTIVE DATE.—Any reference in the Wilder-
9 ness Act (16 U.S.C. 1131 et seq.) to the effective date
10 of that Act shall be considered to be a reference to the
11 date of enactment of this Act for purposes of admin-
12 istering the Federal lands designated as wilderness by
13 paragraphs (18) and (22) through (26)(A) of section 2(a)
14 of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
15 note; Public Law 103–77), as amended or added by sub-
16 section (a).

17 (c) FIRE, INSECTS, AND DISEASES.—As provided in
18 section 4(d)(1) of the Wilderness Act (16 U.S.C.
19 1133(d)(1)), in the case of the Federal lands designated
20 as wilderness by paragraphs (18) and (22) through
21 (26)(A) of section 2(a) of the Colorado Wilderness Act of
22 1993 (16 U.S.C. 1132 note; Public Law 103–77), as
23 amended or added by subsection (a), the Secretary may
24 take any measure that the Secretary determines to be nec-
25 essary to control fire, insects, and diseases, subject to such

1 terms and conditions as the Secretary determines to be
2 appropriate.

3 (d) INCORPORATION OF ACQUIRED LAND AND IN-
4 TERESTS.—Any land or interest in land that is acquired
5 by the United States within the boundaries of the Federal
6 lands designated as wilderness by paragraphs (18) and
7 (22) through (26)(A) of section 2(a) of the Colorado Wil-
8 derness Act of 1993 (16 U.S.C. 1132 note; Public Law
9 103–77), as amended or added by subsection (a), shall—

10 (1) become part of the wilderness area of which
11 the Federal lands are a part; and

12 (2) be managed in accordance with the applica-
13 ble provisions of this Act and any other applicable
14 laws.

15 (e) GRAZING.—The grazing of livestock on the Fed-
16 eral lands designated as wilderness by paragraphs (18)
17 and (22) through (26)(A) of section 2(a) of the Colorado
18 Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law
19 103–77), as amended or added by subsection (a), if estab-
20 lished before the date of enactment of this Act, shall be
21 permitted to continue subject to such reasonable regula-
22 tions as are considered necessary by the Secretary, in ac-
23 cordance with section 4(d)(4) of the Wilderness Act (16
24 U.S.C. 1133(d)(4)).

1 (f) NO BUFFER ZONES.—Congress does not intend
2 that the designation by this Act of Federal lands as wilder-
3 ness in the State of Colorado creates or implies the cre-
4 ation of protective perimeters or buffer zones around any
5 wilderness area. The fact that nonwilderness activities or
6 uses can be seen or heard from within a wilderness area
7 shall not, of itself, preclude such activities or uses up to
8 the boundary of the wilderness area.

9 **SEC. 3. TENMILE RECREATION MANAGEMENT AREA, WHITE**
10 **RIVER NATIONAL FOREST, COLORADO.**

11 (a) DESIGNATION.—Certain Federal land in the
12 White River National Forest in the State of Colorado
13 which comprise approximately 11,417 acres, as generally
14 depicted as “Proposed Tenmile Recreation Management
15 Area” on a map entitled “Tenmile Proposal”, dated July
16 2014, is designated the “Tenmile Recreation Management
17 Area” (in this section referred to as the “Recreation Man-
18 agement Area”).

19 (b) PURPOSES.—The purposes of the Recreation
20 Management Area are to conserve, protect, and enhance
21 for the benefit and enjoyment of present and future gen-
22 erations the recreational, scenic, watershed, habitat, and
23 ecological resources of the area.

24 (c) MANAGEMENT.—

1 (1) IN GENERAL.—The Secretary of Agriculture
2 shall manage the Recreation Management Area—

3 (A) in a manner that conserves, protects,
4 and enhances—

5 (i) the purposes of the Recreation
6 Management Area described in subsection
7 (b); and

8 (ii) recreation opportunities, including
9 mountain biking, hiking, fishing, horseback
10 riding, snowshoeing, climbing, skiing,
11 camping, and hunting; and

12 (B) in accordance with—

13 (i) the Forest and Rangeland Renew-
14 able Resources Planning Act of 1974 (16
15 U.S.C. 1600 et seq.);

16 (ii) any other applicable laws (includ-
17 ing regulations); and

18 (iii) this section.

19 (2) USES.—

20 (A) IN GENERAL.—The Secretary shall
21 only allow such uses of the Recreation Manage-
22 ment Area that the Secretary determines would
23 further the purposes described in subsection
24 (b).

25 (B) VEHICLES.—

1 (i) IN GENERAL.—Except as provided
2 in clause (iii), the use of motorized vehicles
3 in the Recreation Management Area shall
4 be limited to those roads, vehicle classes,
5 and periods of use authorized for such use
6 on the date of enactment of this Act.

7 (ii) NEW OR TEMPORARY ROADS.—
8 Except as provided in clause (iii), no new
9 or temporary roads shall be constructed
10 within the Recreation Management Area.

11 (iii) EXCEPTIONS.—Nothing in clause
12 (i) or (ii) prevents the Secretary from—

13 (I) rerouting or closing an exist-
14 ing road or trail to protect natural re-
15 sources from degradation, as deter-
16 mined to be appropriate by the Sec-
17 retary;

18 (II) authorizing the use of motor-
19 ized vehicles for administrative pur-
20 poses;

21 (III) constructing temporary
22 roads or permitting the use of motor-
23 ized vehicles to carry out pre- or post-
24 fire watershed protection projects;

1 (IV) authorizing the use of mo-
2 torized vehicles to carry out activities
3 associated subsection (g), (h), or (i);
4 and

5 (V) responding to an emergency.

6 (C) COMMERCIAL TIMBER.—

7 (i) IN GENERAL.—No projects shall be
8 undertaken for the purpose of harvesting
9 commercial timber within the Recreation
10 Management Area.

11 (ii) LIMITATION.—Nothing in clause
12 (i) prevents the Secretary from harvesting
13 or selling merchantable products that are
14 byproducts of activities authorized by this
15 section.

16 (d) MAPS AND LEGAL DESCRIPTIONS.—

17 (1) FILING.—As soon as practicable after the
18 date of enactment of this Act, the Secretary shall
19 prepare a map and legal descriptions for the Recre-
20 ation Management Area.

21 (2) FORCE OF LAW.—The map and legal de-
22 scription prepared under paragraph (1) shall have
23 the same force and effect as if included in this Act,
24 except that the Secretary may correct typographical
25 errors in the maps and legal descriptions.

1 (3) PUBLIC AVAILABILITY.—The map and legal
2 description prepared under paragraph (1) shall be
3 on file and available for public inspection in the ap-
4 propriate office of the Secretary.

5 (e) WITHDRAWAL.—Subject to valid rights in exist-
6 ence on the date of enactment of this Act, the Federal
7 land within the Recreation Management Area is with-
8 drawn from—

9 (1) all forms of entry, appropriation, and dis-
10 posal under the public land laws;

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

13 (3) operation of the mineral leasing, mineral
14 materials, and geothermal leasing laws.

15 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
16 ESTS.—Any land or interest in land that is acquired by
17 the United States within the boundaries of the Recreation
18 Management Area shall—

19 (1) become part of the Recreation Management
20 Area; and

21 (2) be managed in accordance with the applica-
22 ble provisions of this Act and any other applicable
23 laws.

24 (g) FIRE, INSECTS, AND DISEASES.—The Secretary
25 may take any measure that the Secretary determines to

1 be necessary to prevent, control, and mitigate fire, insects,
2 and diseases, and hazardous fuels, subject to such terms
3 and conditions as the Secretary determines to be appro-
4 priate.

5 (h) WATER MANAGEMENT INFRASTRUCTURE.—
6 Nothing in this section affects the construction, repair, re-
7 construction, replacement, operation, maintenance, or ren-
8 ovation of water management infrastructure existing on
9 the date of enactment of this Act or such future infra-
10 structure necessary for the development or exercise of
11 water rights decreed prior to the date of enactment of this
12 Act within the Tenmile Recreation Management Area.

13 (i) REGIONAL TRANSPORTATION PROJECTS.—Noth-
14 ing in this section precludes the Secretary from author-
15 izing, consistent with applicable laws (including regula-
16 tions), the use or lease of Federal land within the Recre-
17 ation Management Area for—

18 (1) regional transportation projects, including
19 highway widening or realignment and construction
20 of multimodal transportation systems; and

21 (2) infrastructure, activities, or safety measures
22 associated with the implementation or utilization of
23 those facilities.

24 (j) APPLICATION OF LAW.—Nothing in this section
25 shall affect the designation of the Federal land within the

1 Recreation Management Area for purposes of section 303
2 of title 49, United States Code, and section 138 of title
3 23 United States Code.

4 (k) PERMITS.—Nothing in this section alters or lim-
5 its—

6 (1) a permit held by a ski area or other entity;
7 or

8 (2) the acceptance, review, or implementation of
9 associated activities or facilities proposed or author-
10 ized by law or permit outside of the Recreation Man-
11 agement Area.

12 (l) WATER.—The provisions of section 3(e) of the
13 James Peak Wilderness and Protection Area Act (Public
14 Law 107–216; 116 Stat. 1055) shall apply to the Recre-
15 ation Management Area established by this section.

16 (m) MILITARY ACTIVITIES.—

17 (1) COLORADO NATIONAL GUARD USE.—Noth-
18 ing in this section shall restrict, preclude or other-
19 wise affect the use by the Colorado Army National
20 Guard, a reserve component of the Armed Forces, of
21 the Recreation Management Area for aircraft train-
22 ing, testing, evaluation, emergency response, or
23 other related air operations—

1 (A) in the manner and degree such uses
2 were authorized to occur on the date of the en-
3 actment of this Act; or

4 (B) as authorized under future agreements
5 between the Secretary and the Secretary of De-
6 fense.

7 (2) MILITARY AIRCRAFT USE.—Nothing in this
8 section restricts or precludes, or should cause any
9 other Federal regulation to restrict or preclude—

10 (A) low-level overflights of military air-
11 craft; or

12 (B) the designation, modification, or cre-
13 ation of new units of special use airspace, or
14 the establishment of military flight training
15 routes.

16 (n) FISH AND WILDLIFE.—Nothing in this section
17 affects the jurisdiction or responsibilities of the State of
18 Colorado with respect to fish and wildlife in the State.

19 (o) NO BUFFER ZONES.—The Recreation Manage-
20 ment Area shall not create a protective perimeter or buffer
21 zone around the Recreation Management Area.

22 **SEC. 4. PORCUPINE GULCH PROTECTION AREA, WHITE**
23 **RIVER NATIONAL FOREST, COLORADO.**

24 (a) DESIGNATION.—Certain Federal land located in
25 the White River National Forest in the State of Colorado

1 which comprise approximately 5,204 acres, as generally
2 depicted on a map entitled “Porcupine Gulch Protection
3 Area Proposal”, dated July 2014, is designated the “Por-
4 cupine Gulch Protection Area” (in this section referred to
5 as the “Protection Area”).

6 (b) PURPOSES.—The purposes of the Protection Area
7 are to conserve, protect, and enhance for the benefit and
8 enjoyment of present and future generations the scenic,
9 roadless, watershed, and ecological resources of the Pro-
10 tection Area.

11 (c) MANAGEMENT.—

12 (1) IN GENERAL.—The Secretary of Agriculture
13 shall manage the Protection Area—

14 (A) in a manner that conserves, protects,
15 and enhances the purposes described in sub-
16 section (b); and

17 (B) in accordance with—

18 (i) the Forest and Rangeland Renew-
19 able Resources Planning Act of 1974 (16
20 U.S.C. 1600 et seq.);

21 (ii) any other applicable laws (includ-
22 ing regulations); and

23 (iii) this section.

24 (2) USES.—

1 (A) IN GENERAL.—The Secretary shall
2 only allow such uses of the Protection Area that
3 the Secretary determines would further the pur-
4 poses described in subsection (b).

5 (B) MOTORIZED VEHICLES.—

6 (i) IN GENERAL.—Except as provided
7 in clause (iii), the use of motorized vehicles
8 and mechanized transport in the Protec-
9 tion Area shall be prohibited.

10 (ii) NEW OR TEMPORARY ROADS.—
11 Except as provided in clause (iii), no new
12 or temporary roads shall be constructed
13 within the Protection Area.

14 (iii) EXCEPTIONS.—Nothing in clause
15 (i) or (ii) prevents the Secretary from—

16 (I) authorizing the use of motor-
17 ized vehicles for administrative pur-
18 poses;

19 (II) constructing temporary
20 roads or permitting the use of motor-
21 ized vehicles to carry out pre- or post-
22 fire watershed protection projects;

23 (III) authorizing the use of mo-
24 torized vehicles to carry out activities
25 associated subsection (g) or (h); or

1 (IV) responding to an emergency.

2 (C) COMMERCIAL TIMBER.—

3 (i) IN GENERAL.—No projects shall be
4 undertaken for the purpose of harvesting
5 commercial timber within the Protection
6 Area.

7 (ii) LIMITATION.—Nothing in clause
8 (i) prevents the Secretary from harvesting
9 or selling merchantable products that are
10 byproducts of activities authorized by this
11 section.

12 (d) MAP AND LEGAL DESCRIPTION.—

13 (1) FILING.—As soon as practicable after the
14 date of enactment of this Act, the Secretary shall
15 prepare a map and legal description for the Protec-
16 tion Area.

17 (2) FORCE OF LAW.—The map and legal de-
18 scription prepared under paragraph (1) shall have
19 the same force and effect as if included in this Act,
20 except that the Secretary may correct typographical
21 errors in the map and legal description.

22 (3) PUBLIC AVAILABILITY.—The map and legal
23 description prepared under paragraph (1) shall be
24 on file and available for public inspection in the ap-
25 propriate office of the Secretary.

1 (e) WITHDRAWAL.—Subject to valid rights in exist-
2 ence on the date of enactment of this Act, the Federal
3 land within the Protection Area is withdrawn from—

4 (1) all forms of entry, appropriation, and dis-
5 posal under the public land laws;

6 (2) location, entry, and patent under the mining
7 laws; and

8 (3) operation of the mineral leasing, mineral
9 materials, and geothermal leasing laws.

10 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
11 ESTS.—Any land or interest in land that is acquired by
12 the United States within the boundaries of the Protection
13 Area shall—

14 (1) become part of the Protection Area; and

15 (2) be managed in accordance with the applica-
16 ble provisions of this Act and any other applicable
17 laws.

18 (g) FIRE, INSECTS, AND DISEASES.—The Secretary
19 may take any measure that the Secretary determines to
20 be necessary to prevent, control, and mitigate fire, insects,
21 and diseases and hazardous fuels, subject to such terms
22 and conditions as the Secretary determines to be appro-
23 priate.

24 (h) REGIONAL TRANSPORTATION PROJECTS.—Noth-
25 ing in this section precludes the Secretary from author-

1 izing, consistent with applicable laws (including regula-
2 tions), the use or lease of Federal land within the Protec-
3 tion Area for—

4 (1) regional transportation projects, including
5 highway widening or realignment and construction
6 of multimodal transportation systems; and

7 (2) infrastructure, activities, or safety measures
8 associated with the implementation or utilization of
9 those facilities.

10 (i) APPLICATION OF LAW.—Nothing in this section
11 shall affect the designation of the Federal land within the
12 Protection Area for purposes of section 303 of title 49,
13 United States Code, and section 138 of title 23 United
14 States Code.

15 (j) WATER.—The provisions of section 3(e) of the
16 James Peak Wilderness and Protection Area Act (Public
17 Law 107–216; 116 Stat. 1055) shall apply to the Protec-
18 tion Area.

19 (k) MILITARY ACTIVITIES.—

20 (1) COLORADO ARMY NATIONAL GUARD USE.—
21 Nothing in this section shall restrict, preclude or
22 otherwise affect the use by the Colorado Army Na-
23 tional Guard, a reserve component of the Armed
24 Forces, of the Protection Area for aircraft training,

1 testing, evaluation, emergency response, or other re-
2 lated air operations—

3 (A) in the manner and degree such uses
4 were authorized to occur on the date of the en-
5 actment of this Act; or

6 (B) as authorized under future agreements
7 between the Secretary and the Secretary of De-
8 fense.

9 (2) MILITARY AIRCRAFT USE.—Nothing in this
10 section restricts or precludes, or should cause any
11 other Federal regulation to restrict or preclude—

12 (A) low-level overflights of military air-
13 craft; or

14 (B) the designation, modification, or cre-
15 ation of new units of special use airspace, or
16 the establishment of military flight training
17 routes.

18 (l) FISH AND WILDLIFE.—Nothing in this section af-
19 fects the jurisdiction or responsibilities of the State of Col-
20 orado with respect to fish and wildlife in the State.

21 (m) NO BUFFER ZONES.—The Protection Area shall
22 not create a protective perimeter or buffer zone around
23 the Protection Area.

○