

113TH CONGRESS
1ST SESSION

S. 1794

To designate certain Federal land in Chaffee County, Colorado, as a national monument and as wilderness.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2013

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

A BILL

To designate certain Federal land in Chaffee County, Colorado, as a national monument and as wilderness.

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 “Browns Canyon Na-
5 tional Monument and Wilderness Act of 2013”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) certain Federal land in the Pike and San
9 Isabel National Forests and certain Federal land
10 managed by the Bureau of Land Management in

1 Chaffee County, Colorado, known as “Browns Can-
2 yon” contain nationally significant biological, cul-
3 tural, recreational, natural, wilderness, historic, sce-
4 nic, riparian, geological, educational, and scientific
5 values;

6 (2) Browns Canyon provides world class oppor-
7 tunities for fishing, hunting, boating, hiking, horse-
8 back riding, recreational gold-panning, picnicking,
9 wildlife watching, and camping;

10 (3) permanently protecting the values described
11 in paragraph (1) while sustaining the local ranching
12 economy would enhance the economic prosperity of
13 local communities that depend on the area; and

14 (4) designating the Browns Canyon National
15 Monument and the Browns Canyon Wilderness
16 would maintain and protect the world class rec-
17 reational opportunities within the Arkansas Head-
18 waters Recreation Area.

19 (b) PURPOSES.—The purposes of this Act are—

20 (1) to preserve the nationally significant biologi-
21 cal, cultural, recreational, natural, wilderness, his-
22 toric, scenic, riparian, geological, educational, and
23 scientific values found within the National Monu-
24 ment;

1 (2) to sustain traditional uses in the Browns
2 Canyon area, including hunting, angling, livestock
3 grazing, commercial outfitting, and boating;

4 (3) to provide visitors the opportunity to enjoy
5 and learn about the biological, cultural, recreational,
6 natural, wilderness, historic, scenic, riparian, geo-
7 logical, educational, and scientific values and tradi-
8 tional uses of the National Monument;

9 (4) to designate certain land within the Na-
10 tional Monument as wilderness;

11 (5) to protect important big game wildlife habi-
12 tat and the backcountry character of certain Na-
13 tional Forest System land within the National
14 Monument that is not designated as wilderness;

15 (6) to provide for cooperative management of
16 the National Monument by the Bureau of Land
17 Management and the Forest Service; and

18 (7) to preserve the existing cooperative manage-
19 ment of the Arkansas Headwaters Recreation Area.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) **MANAGEMENT PLAN.**—The term “manage-
23 ment plan” means the management plan developed
24 under section 8.

1 (2) MAP.—The term “Map” means the map en-
 2 titled “Browns Canyon National Monument” and
 3 dated November 7, 2013.

4 (3) NATIONAL MONUMENT.—The term “Na-
 5 tional Monument” means the Browns Canyon Na-
 6 tional Monument established by section 4(a).

7 (4) SECRETARY CONCERNED.—The term “Sec-
 8 retary concerned” means—

9 (A) the Secretary of Agriculture, with re-
 10 spect to National Forest System land; and

11 (B) the Secretary of the Interior, with re-
 12 spect to Bureau of Land Management land.

13 (5) STATE.—The term “State” means the State
 14 of Colorado.

15 (6) WILDERNESS.—The term “Wilderness”
 16 means the Browns Canyon Wilderness designated by
 17 section 2(a)(22) of the Colorado Wilderness Act of
 18 1993 (16 U.S.C. 1132 note; Public Law 103–77;
 19 107 Stat. 756) (as added by section 5(a)).

20 **SEC. 4. ESTABLISHMENT OF BROWNS CANYON NATIONAL**
 21 **MONUMENT.**

22 (a) IN GENERAL.—Subject to valid existing rights,
 23 there is established in the State the Browns Canyon Na-
 24 tional Monument to preserve the nationally significant bio-
 25 logical, cultural, recreational, natural, wilderness, historic,

1 scenic, riparian, geological, educational, and scientific val-
2 ues found within the National Monument.

3 (b) BOUNDARIES.—

4 (1) IN GENERAL.—The National Monument
5 shall consist of approximately 22,000 acres of public
6 land, as generally depicted on the Map.

7 (2) ARKANSAS RIVER.—

8 (A) IN GENERAL.—In areas in which the
9 Arkansas River is used as a reference for defin-
10 ing the boundary of the National Monument,
11 the boundary shall—

12 (i) be located at the edge of the Ar-
13 kansas River; and

14 (ii) change according to the level of
15 the Arkansas River.

16 (B) EXCLUSION FROM NATIONAL MONU-
17 MENT.—Regardless of the level of the Arkansas
18 River, no portion of the Arkansas River shall be
19 included in the National Monument.

20 (3) ROAD OFFSET.—The boundary of any por-
21 tion of the National Monument that is bordered by
22 a road shall be set back 100 feet from the centerline
23 of the road.

1 **SEC. 5. DESIGNATION OF BROWNS CANYON WILDERNESS.**

2 (a) DESIGNATION.—Section 2(a) of the Colorado Wil-
 3 derness Act of 1993 (16 U.S.C. 1132 note; Public Law
 4 103–77; 107 Stat. 756; 116 Stat. 1055) is amended by
 5 adding at the end the following:

6 “(22) BROWNS CANYON WILDERNESS.—Certain
 7 Federal land in Chaffee County, Colorado, com-
 8 prising approximately 7,900 acres of land managed
 9 by the Bureau of Land Management and 2,500
 10 acres in the Pike and San Isabel National Forests,
 11 to be known as the ‘Browns Canyon Wilderness’.”.

12 (b) BOUNDARY.—Section 3 of the Colorado Wilder-
 13 ness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–
 14 77; 107 Stat. 759) is amended by adding at the end the
 15 following:

16 “(h) BOUNDARY OF BROWNS CANYON WILDER-
 17 NESS.—

18 “(1) WESTERN BOUNDARY OFFSET.—The west-
 19 ern boundary of any portion of the wilderness des-
 20 ignated by section 2(a)(22) that is formed by the
 21 Arkansas River or the railroad right-of-way shall be
 22 set back 150 feet inland on the East side and meas-
 23 ured perpendicular to the Arkansas River or the
 24 eastern edge of the legal right-of-way of the railroad
 25 line, whichever is farthest East, but in no case shall

1 the Browns Canyon Wilderness extend within 150
 2 feet of either the railroad or the Arkansas River.

3 “(2) ROAD OFFSET.—The boundary of any por-
 4 tion of the wilderness designated by section 2(a)(22)
 5 that is bordered by a road shall be set back 100 feet
 6 from the centerline of the road.”.

7 (c) EFFECTIVE DATE.—Any reference in the Wilder-
 8 ness Act (16 U.S.C. 1131 et seq.) to the effective date
 9 of that Act shall be considered to be a reference to the
 10 date of enactment of this Act for purposes of admin-
 11 istering the wilderness area designated by section 2(a)(22)
 12 of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
 13 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955,
 14 116 Stat. 1055) (as added by subsection (a)).

15 **SEC. 6. MAPS AND LEGAL DESCRIPTIONS.**

16 (a) IN GENERAL.—As soon as practicable after the
 17 date of enactment of this Act, the Secretaries concerned
 18 shall file a map and a legal description of the National
 19 Monument and the Wilderness with—

20 (1) the Committee on Energy and Natural Re-
 21 sources of the Senate; and

22 (2) the Committee on Natural Resources of the
 23 House of Representatives.

24 (b) FORCE AND EFFECT.—The map and legal de-
 25 scriptions filed under subsection (a) shall have the same

1 force and effect as if included in this Act, except that the
 2 Secretary concerned may correct clerical and typo-
 3 graphical errors in the map and legal descriptions.

4 (c) PUBLIC AVAILABILITY.—The map and legal de-
 5 scriptions filed under subsection (a) shall be available for
 6 public inspection in the appropriate offices of the Bureau
 7 of Land Management and the Forest Service.

8 **SEC. 7. MANAGEMENT OF THE NATIONAL MONUMENT AND**
 9 **WILDERNESS.**

10 (a) MANAGEMENT OF NATIONAL MONUMENT.—

11 (1) IN GENERAL.—The Secretaries concerned
 12 shall cooperatively manage the National Monu-
 13 ment—

14 (A) in a manner that conserves, protects,
 15 and enhances the purposes for which the Na-
 16 tional Monument was established; and

17 (B) in accordance with—

18 (i) this Act; and

19 (ii) any other applicable laws (includ-
 20 ing regulations).

21 (2) USES.—

22 (A) IN GENERAL.—The Secretary con-
 23 cerned shall allow only such uses of the Na-
 24 tional Monument as the Secretary concerned

determines would further the purposes for which the National Monument is established.

(B) ARKANSAS HEADWATERS RECREATION AREA.—Nothing in this Act affects the arrangements for cooperative administration of the Arkansas Headwaters Recreation Area within the National Monument by the Director of the Bureau of Land Management and the State.

(C) MOTORIZED VEHICLES AND MECHANICAL TRANSPORT.—The establishment of permanent or temporary roads, and the use of motorized vehicles or mechanical transport, shall be prohibited in the portion of the National Monument east of the Arkansas River, except—

(i) as provided in subparagraphs (D) and (E);

(ii) on roads and trails open to such uses on the date of enactment of this Act;

(iii) as necessary to meet the minimum requirements for the administration of the Federal land; and

(iv) as necessary to protect public health and safety.

(D) FOREST ROAD 184.—

1 (i) IN GENERAL.—The Secretary of
2 Agriculture shall maintain Forest Road
3 184 within the National Monument as a
4 Forest Service Level II Road, as depicted
5 on the map.

6 (ii) MANAGEMENT.—The Secretary of
7 Agriculture shall manage the road de-
8 scribed in clause (i) in accordance with ap-
9 plicable laws—

10 (I) to provide motorized and
11 mechanized access into the National
12 Monument;

13 (II) to minimize any adverse im-
14 pacts to the values described in sec-
15 tion 4(a); and

16 (III) subject to such terms and
17 conditions as the Secretary may re-
18 quire.

19 (iii) CLOSURE.—The Secretary of Ag-
20 riculture may temporarily close the road to
21 any or all uses—

22 (I) to protect public safety;

23 (II) for maintenance or other ad-
24 ministrative uses.

25 (E) GRAZING.—

1 (i) IN GENERAL.—Except as provided
2 in subparagraph (iv), the laws (including
3 regulations) and policies followed by the
4 Secretary concerned in issuing and admin-
5 istering grazing permits or leases for the
6 National Monument shall continue to apply
7 in the same manner as on the day before
8 the date of enactment of this Act.

9 (ii) EFFECT OF DESIGNATION.—There
10 shall be no curtailment of grazing in the
11 National Monument or Wilderness simply
12 because of a designation under this Act.

13 (iii) ADJUSTMENTS.—Any adjust-
14 ments in the numbers of livestock per-
15 mitted to graze in the National Monument
16 or Wilderness shall be based on revisions
17 in the normal grazing and land manage-
18 ment planning and policy setting process,
19 giving consideration to legal mandates,
20 range condition, and the protection of
21 range resources from deterioration.

22 (iv) CONTINUATION OF GRAZING.—
23 The grazing of livestock in the Wilderness,
24 if established before the date of enactment

1 of this Act, shall be permitted to continue
2 in accordance with—

3 (I) section 4(d)(4) of the Wilder-
4 ness Act (16 U.S.C. 1133(d)(4)); and

5 (II) the guidelines set forth in
6 appendix A of the report of the Com-
7 mittee on Interior and Insular Affairs
8 of the House of Representatives ac-
9 companying H.R. 2570 of the 101st
10 Congress (H. Rept. 101–405) and
11 H.R. 5487 of the 96th Congress (H.
12 Rept. 96–617).

13 (b) WITHDRAWALS.—

14 (1) IN GENERAL.—Subject to valid existing
15 rights, all Federal land described in paragraph (2)
16 within the National Monument and all land and in-
17 terests in land acquired by the United States within
18 the National Monument is withdrawn from—

19 (A) all forms of entry, appropriation, or
20 disposal under the public land laws;

21 (B) location, entry, and patent under the
22 mining laws; and

23 (C) operation of the mineral leasing, min-
24 eral materials, and geothermal leasing laws.

1 (2) DESCRIPTION OF WITHDRAWAL AREAS.—

2 The Federal land referred to in paragraph (1) is—

3 (A) all Federal land within the National
4 Monument and all land and interests in land
5 acquired by the United States within the Na-
6 tional Monument; and

7 (B) all Federal land that is—

8 (i) between the eastern and western
9 boundaries of the National Monument
10 along the Arkansas River corridor, as de-
11 scribed in section 4(b)(2); and

12 (ii) between lines paralleling the
13 northern and southern boundaries of the
14 National Monument.

15 (c) ACQUISITION OF LAND.—

16 (1) IN GENERAL.—The Secretary concerned
17 may acquire non-Federal land within and adjacent
18 to the boundaries of the National Monument or Wil-
19 derness through exchange, donation, bequest, or pur-
20 chase from a willing seller.

21 (2) MANAGEMENT.—Land acquired under para-
22 graph (1) shall—

23 (A) become part of the National Monu-
24 ment and, if applicable, the Wilderness; and

25 (B) be managed in accordance with—

- 1 (i) this Act; and
2 (ii) any other applicable laws.

3 (3) ADMINISTRATION OF SUBSEQUENTLY AC-
4 QUIRED LAND.—

5 (A) SECRETARY OF THE INTERIOR.—The
6 Secretary of the Interior shall manage any land
7 or interest in land within the boundaries of the
8 National Monument that is acquired by the Bu-
9 reau of Land Management after the date of en-
10 actment of this Act.

11 (B) SECRETARY OF AGRICULTURE.—The
12 Secretary of Agriculture shall manage any land
13 or interest in land within the boundaries of the
14 National Monument that is acquired by the
15 Forest Service after the date of enactment of
16 this Act.

17 (d) FIRE, INSECTS, AND DISEASE.—Subject to such
18 terms and conditions as the Secretary concerned deter-
19 mines to be appropriate, the Secretary concerned may un-
20 dertake such measures as are necessary to control fire,
21 insects, and disease—

22 (1) in the Wilderness, in accordance with sec-
23 tion 4(d)(1) of the Wilderness Act (16 U.S.C.
24 1133(d)(1)); and

1 (2) in the National Monument, in accordance
2 with—

3 (A) this Act; and

4 (B) any other applicable laws.

5 (e) INVASIVE SPECIES AND NOXIOUS WEEDS.—In
6 accordance with any applicable laws and subject to such
7 terms and conditions as the Secretary concerned deter-
8 mines to be appropriate, the Secretary concerned may pre-
9 scribe measures to control nonnative invasive plants and
10 noxious weeds within the National Monument and Wilder-
11 ness.

12 (f) WATER RIGHTS.—

13 (1) EFFECT.—Nothing in this Act—

14 (A) affects the use or allocation, in exist-
15 ence on the date of enactment of this Act, of
16 any water, water right, or interest in water;

17 (B) affects any vested absolute or decreed
18 conditional water right in existence on the date
19 of enactment of this Act, including any water
20 right held by the United States;

21 (C) affects any interstate water compact in
22 existence on the date of enactment of this Act;

23 (D) authorizes or imposes any new re-
24 served Federal water rights; or

1 (E) shall be considered to be a relinquish-
 2 ment or reduction of any water rights reserved
 3 or appropriated by the United States in the
 4 State on or before the date of enactment of this
 5 Act.

6 (2) NATIONAL MONUMENT WATER RIGHTS.—
 7 With respect to water within the National Monu-
 8 ment, nothing in this Act—

9 (A) authorizes any Federal agency to ap-
 10 propriate or otherwise acquire any water right
 11 on the mainstem of the Arkansas River; or

12 (B) prevents the State from appropriating
 13 or acquiring, or requires the State to appro-
 14 priate or acquire, an instream flow water right
 15 on the mainstem of the Arkansas River.

16 (g) FISH AND WILDLIFE.—Nothing in this Act di-
 17 minishes the jurisdiction of the State with respect to fish
 18 and wildlife in the State.

19 (h) COMMERCIAL ACTIVITIES.—

20 (1) IN GENERAL.—The Secretary concerned
 21 may permit commercial activities (including outfit-
 22 ting and guide activities) within the National Monu-
 23 ment and Wilderness, in accordance with—

24 (A) this Act;

1 (B) the Wilderness Act (16 U.S.C. 1131 et
2 seq.); and

3 (C) any other applicable laws (including
4 regulations).

5 (2) OUTFITTING AND GUIDE ACTIVITIES.—In
6 accordance with section 4(d)(5) of the Wilderness
7 Act (16 U.S.C. 1133(d)(5)), commercial services (in-
8 cluding authorized outfitting and guide activities)
9 are authorized in the Wilderness to the extent nec-
10 essary for activities that fulfill the recreational or
11 other wilderness purposes of the Wilderness.

12 **SEC. 8. DEVELOPMENT OF MANAGEMENT PLAN.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date of enactment of this Act, the Secretary of the Inte-
15 rior, in cooperation with the Secretary of Agriculture and
16 in consultation with the State, shall complete a com-
17 prehensive management plan for the conservation and pro-
18 tection of the National Monument and Wilderness.

19 (b) CONTENTS.—The management plan shall—

20 (1) describe the appropriate uses and manage-
21 ment of the National Monument and Wilderness in
22 accordance with—

23 (A) this Act; and

24 (B) the purposes for which the National
25 Monument and Wilderness are established;

1 (2) be developed with opportunities for public
2 input;

3 (3) be prepared in close consultation with ap-
4 propriate Federal, State, county, and local agencies;
5 and

6 (4) concentrate visitorship within the Arkansas
7 Headwaters Recreation Area and the public land
8 west of the Arkansas River.

9 (c) INCORPORATION OF EXISTING PLANS.—In devel-
10 oping the management plan under subsection (a), to the
11 extent consistent with this Act, the Secretary concerned
12 may incorporate any provision of any other applicable land
13 management plan, including the Arkansas River Recre-
14 ation Management Plan or a successor plan.

15 **SEC. 9. RELEASE OF WILDERNESS STUDY AREA.**

16 (a) IN GENERAL.—Congress finds that, for purposes
17 of section 603(c) of the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1782(c)), the portions of
19 the Browns Canyon Wilderness Study Area not designated
20 as wilderness by section 2(a)(22) of the Colorado Wilder-
21 ness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–
22 77; 107 Stat. 756) (as added by section 5(a)) have been
23 adequately studied for wilderness designation.

24 (b) RELEASE.—Any public land described in sub-
25 section (a) that is not designated as wilderness by section

1 2(a)(22) of the Colorado Wilderness Act of 1993 (16
2 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756) (as
3 added by section 5(a))—

4 (1) is no longer subject to section 603(c) of the
5 Federal Land Policy and Management Act of 1976
6 (43 U.S.C. 1782(c)); and

7 (2) shall be managed in accordance with—

8 (A) this Act; and

9 (B) the management plan developed under
10 section 8.

○