

Calendar No. 632

113TH CONGRESS
2D SESSION**S. 841****[Report No. 113–292]**

To designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2013

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

DECEMBER 10, 2014

Reported by Ms. LANDRIEU, with an amendment

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

To designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, 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 “~~Hermosa Creek Water-~~
5 ~~shed Protection Act of 2013~~”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the ecological health and integrity of the
4 Hermosa Creek Watershed and the economic health
5 of the surrounding communities that rely on the Wa-
6 tershed are connected;

7 (2) the Watershed—

8 (A) is the only area in the State that is not
9 a unit of National Wilderness Preservation Sys-
10 tem to achieve a designation of outstanding
11 waters by the State;

12 (B) provides a crucial source of clean
13 drinking water for the residents of the Animas
14 River Valley and the city of Durango, Colorado;
15 and

16 (C) provides high quality agricultural
17 water supplies from Hermosa Creek and the
18 Animas River;

19 (3) the Watershed helps ensure the economic
20 prosperity of local communities in the area that de-
21 pend on the Watershed for water supplies, recre-
22 ation, hunting, fishing, hiking, biking, camping, ski-
23 ing and related winter activities, off-road vehicle
24 travel, scientific research, mineral extraction, and
25 sustainable natural resource development;

1 (4) the world-class Hermosa Creek trail net-
2 work contains outstanding single track mountain
3 bike riding, backcountry hiking, equestrian riding,
4 and motorcycle riding;

5 (5) the Watershed provides visitors the oppor-
6 tunity to enjoy the tremendous scenic, natural, cul-
7 tural, and recreational resources of the area;

8 (6) ecologically sustainable grazing has been
9 conducted in a manner that has preserved the high
10 quality of the Watershed;

11 (7) the native Colorado River cutthroat trout
12 fishery located in the Watershed—

13 (A) is one of the most important fisheries
14 in the State;

15 (B) is crucial for the long-term survival of
16 the cutthroat trout; and

17 (C) provides an opportunity for anglers to
18 have a catch and release fishery for the cut-
19 throat trout;

20 (8) the work of Colorado Parks and Wildlife to
21 enhance the fishery referred to in paragraph (7) has
22 been a tremendous success and a great example of
23 cooperative conservation efforts to recover an imper-
24 iled species of fish;

25 (9) the Watershed—

1 (A) provides some of the best backcountry
2 elk habitat in the State; and

3 (B) supports outstanding hunting opportu-
4 nities;

5 (10) the large areas of undisturbed forest in the
6 Watershed (including some of the best stands of old
7 growth ponderosa pine in the State) provide excel-
8 lent wildlife habitat and excellent opportunities for
9 solitude and backcountry recreation; and

10 (11) designation of the Hermosa Creek Wilder-
11 ness Area, Watershed Protection Area, and Special
12 Management Area would protect those areas in per-
13 petuity for the benefit of the people of the United
14 States.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) COUNTY.—The term “County” means La
18 Plata County, Colorado.

19 (2) MAP.—The term “Map” means the map en-
20 titled “Hermosa Creek Proposed Watershed Protec-
21 tion Area, 2012” and dated March 28, 2012.

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture.

24 (4) SPECIAL MANAGEMENT AREA.—The term
25 “Special Management Area” means the Hermosa

1 Creek Special Management Area designated by sec-
 2 tion 5(a).

3 (5) STATE.—The term “State” means the State
 4 of Colorado.

5 (6) WATERSHED PROTECTION AREA.—The
 6 term “Watershed Protection Area” means the
 7 Hermosa Creek Watershed Protection Area des-
 8 ignated by section 4(a).

9 **SEC. 4. DESIGNATION OF HERMOSA CREEK WATERSHED**
 10 **PROTECTION AREA.**

11 (a) DESIGNATION.—Certain Federal land in the San
 12 Juan National Forest comprising approximately 107,886
 13 acres, as generally depicted on the Map, is designated as
 14 the “Hermosa Creek Watershed Protection Area”.

15 (b) PURPOSES.—The purposes of the Watershed Pro-
 16 tection Area are—

17 (1) to maintain the cultural, economic, and eco-
 18 logical health of the Hermosa Creek Watershed and
 19 the surrounding communities that rely on the Wa-
 20 tershed;

21 (2) to protect the purity of water that comes
 22 from the Hermosa Creek Watershed and supplies
 23 residents of the Animas River Valley and the city of
 24 Durango, Colorado, with clean drinking water;

1 ~~(3) to protect the purity of, and water supply~~
2 ~~from, the Hermosa Creek Watershed for agricultural~~
3 ~~purposes, including irrigation and stockwater uses;~~

4 ~~(4) to enhance the economic prosperity of local~~
5 ~~communities in the area who depend on the area for~~
6 ~~water, recreation, and sustainable natural resource~~
7 ~~uses;~~

8 ~~(5) to protect and provide visitors the oppor-~~
9 ~~tunity to enjoy the recreational, geological, cultural,~~
10 ~~natural, scientific, recreational, wildlife, riparian,~~
11 ~~historical, educational, and scenic resources of the~~
12 ~~Watershed;~~

13 ~~(6) to provide world class opportunities for ski-~~
14 ~~ing, biking, hiking, fishing, hunting, horseback~~
15 ~~riding, snowmobiling, motorcycle riding,~~
16 ~~snowshoeing, and camping;~~

17 ~~(7) to provide for economic and natural re-~~
18 ~~source development (including sustainable grazing,~~
19 ~~vegetation management, beneficial uses of water,~~
20 ~~and mineral extraction) in a manner consistent with~~
21 ~~protecting the overall integrity of the Watershed;~~

22 ~~(8) to protect the native Colorado River cut-~~
23 ~~throat trout fishery located in the Watershed;~~

24 ~~(9) to designate the Hermosa Creek Wilderness~~
25 ~~Area and the Special Management Area; and~~

1 (10) to conserve, protect, and manage for a
 2 healthy Hermosa Creek Watershed for the long-term
 3 ecological integrity of the Watershed and the long-
 4 term economic health of surrounding communities
 5 by allowing sustainable economic development and
 6 traditional natural resource development in a matter
 7 consistent with the purposes described in paragraphs
 8 (1) through (9).

9 **SEC. 5. DESIGNATION OF HERMOSA CREEK SPECIAL MAN-**
 10 **AGEMENT AREA.**

11 (a) DESIGNATION.—Subject to valid existing rights,
 12 certain Federal land in the San Juan National Forest
 13 comprising approximately 68,289 acres, as generally de-
 14 picted on the Map, is designated as the “Hermosa Creek
 15 Special Management Area”.

16 (b) PURPOSE.—The purpose of the Special Manage-
 17 ment Area is to conserve and protect for the benefit of
 18 present and future generations the watershed, geological,
 19 cultural, natural, scientific, recreational, wildlife, riparian,
 20 historical, educational, and scenic resources and values of
 21 the Special Management Area.

22 (c) ADMINISTRATION.—

23 (1) IN GENERAL.—The Secretary shall admin-
 24 ister the Special Management Area—

25 (A) in a manner that—

(i) conserves, protects, and enhances the resources and values of the Special Management Area described in subsection (b); and

(ii) protects a viable population of Colorado River Cutthroat Trout; and

(B) in accordance with—

(i) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(ii) this Act; and

(iii) any other applicable laws.

~~(2) USES.—~~

~~(A) IN GENERAL.—~~The Secretary shall allow only such uses of the Special Management Area that the Secretary determines would further the purposes described in subsection (b).

~~(B) MOTORIZED VEHICLES.—~~

~~(i) IN GENERAL.—~~Except as provided in clause (ii) and as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Special Management Area shall be permitted only on roads and trails designated for use by such vehicles by the Secretary.

(ii) ~~OVER-SNOW VEHICLES.~~—The Secretary may authorize the use of snowmobiles and other over-snow vehicles within the Special Management Area—

(I) during periods of adequate snow cover during the winter season; and

(II) subject to such terms and conditions as the Secretary may require.

(C) ~~GRAZING.~~—The Secretary shall permit grazing within the Special Management Area, where established before the date of enactment of this Act subject to all applicable laws (including regulations) and Executive orders.

(D) ~~PROHIBITED ACTIVITIES.~~—Within the area of the Special Management Area identified on the Map as “East Hermosa Area” the following activities shall be prohibited:

(i) New permanent or temporary road construction or the renovation of existing nonsystem roads, except as allowed under the final rule entitled “Special Areas; Roadless Area Conservation; Applicability

to the National Forests in Colorado'' (77
Fed. Reg. 39576 (July 3, 2012)).

(ii) Projects undertaken for the pur-
pose of harvesting commercial timber
(other than activities relating to the har-
vest of merchantable products that are by-
products of activities conducted for ecologi-
cal restoration or to further the purposes
described in this Act).

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after
the date of enactment of this Act, the Secretary
shall prepare a map and a legal description of the
Special Management Area.

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

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

1 (e) INCORPORATION OF ACQUIRED LAND AND INTER-
 2 ESTS IN LAND.—Any land or interest in land that is ac-
 3 quired by the United States within the boundary of the
 4 Special Management Area shall—

5 (1) become part of the Special Management
 6 Area;

7 (2) be withdrawn in accordance with subsection
 8 (h); and

9 (3) be managed in accordance with—

10 (A) this Act; and

11 (B) any other applicable laws.

12 (f) FISH AND WILDLIFE.—Nothing in this Act af-
 13 fects the jurisdiction or responsibility of the State with
 14 respect to fish and wildlife in the State.

15 (g) STATE AND FEDERAL WATER MANAGEMENT.—

16 Nothing in this section affects the potential for develop-
 17 ment, operation, or maintenance of a water storage res-
 18 ervoir at the site in the Special Management Area that
 19 is identified in—

20 (1) pages 17 through 20 of the Statewide
 21 Water Supply Initiative studies prepared by the Col-
 22 orado Water Conservation Board and issued by the
 23 State in November 2004; and

1 (2) page 27 of the Colorado Dam Site Inven-
 2 tory prepared by the Colorado Water Conservation
 3 Board and dated August 1996.

4 (h) ~~WITHDRAWAL.~~—Subject to valid rights in exist-
 5 ence on the date of enactment of this Act, the Federal
 6 land within the Special Management Area is withdrawn
 7 from—

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

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

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

14 (i) ~~ADJACENT MANAGEMENT.~~—

15 (1) ~~IN GENERAL.~~—The Special Management
 16 Area designated by subsection (a) or the wilderness
 17 designated by section 2(a)(22) of the Colorado Wil-
 18 derness Act of 1993 (16 U.S.C. 1132 note; Public
 19 Law 103–77; 107 Stat. 756; 114 Stat. 1955; 116
 20 Stat. 1055) (as added by section 6(a)) shall not cre-
 21 ate a protective perimeter or buffer zone around the
 22 Special Management Area or wilderness.

23 (2) ~~NONWILDERNESS ACTIVITIES.~~—The fact
 24 that nonwilderness activities or uses can be seen or
 25 heard from areas within the wilderness designated

1 by section 2(a)(22) of the Colorado Wilderness Act
 2 of 1993 (16 U.S.C. 1132 note; Public Law 103-77;
 3 107 Stat. 756; 114 Stat. 1955; 116 Stat. 1055) (as
 4 added by section 6(a)) shall not preclude the con-
 5 duct of the activities or uses outside the boundary
 6 of the wilderness.

7 (j) WINTER SKIING AND RELATED WINTER ACTIVI-
 8 TIES.—Nothing in this Act alters or limits—

9 (1) a permit held by a ski area;

10 (2) the implementation of the activities gov-
 11 erned by a ski area permit; or

12 (3) the authority of the Secretary to modify or
 13 expand an existing ski area permit.

14 (k) VEGETATION MANAGEMENT.—Nothing in this
 15 section prevents the Secretary from conducting vegetation
 16 management projects within the Special Management
 17 Area—

18 (1) subject to—

19 (A) such reasonable regulations, policies,
 20 and practices as the Secretary determines ap-
 21 propriate; and

22 (B) all applicable laws (including regula-
 23 tions); and

24 (2) in a manner consistent with—

1 (A) the purposes described in subsection
 2 (b); and
 3 (B) this section.

4 (H) WILDFIRE, INSECT, AND DISEASE MANAGE-
 5 MENT.—Consistent with this section, the Secretary may
 6 take any measures that the Secretary determines to be
 7 necessary to control fire, insects, and diseases in the Spe-
 8 cial Management Area, including, as the Secretary deter-
 9 mines to be appropriate, the coordination of the measures
 10 with the State or a local agency.

11 (m) MANAGEMENT PLAN.—Not later than 3 years
 12 after the date of enactment of this Act, the Secretary shall
 13 develop a management plan for the long-term protection
 14 and management of the Special Management Area that—

15 (1) takes into account public input; and
 16 (2) includes a certification by the Secretary
 17 that there are adequate opportunities in the Special
 18 Management Area for each of the recreational op-
 19 portunities referred to in section 4(b)(6).

20 **SEC. 6. ADDITIONS TO THE NATIONAL WILDERNESS PRES-**
 21 **ERVATION SYSTEM.**

22 (a) DESIGNATION OF WILDERNESS.—Section 2(a) of
 23 the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
 24 note; Public Law 103–77; 107 Stat. 756; 114 Stat. 1955;

1 116 Stat. 1055) is amended by adding at the end the fol-
 2 lowing:

3 “(22) Certain land within the San Juan Na-
 4 tional Forest which comprise approximately 37,236
 5 acres, as generally depicted on the map entitled
 6 ‘Hermosa Creek Proposed Watershed Protection
 7 Area, 2012’ and dated March 28, 2012, and which
 8 shall be known as the ‘Hermosa Creek Wilder-
 9 ness’.”.

10 (b) EFFECTIVE DATE.—Any reference in the Wilder-
 11 ness Act (16 U.S.C. 1131 et seq.) to the effective date
 12 of that Act shall be considered to be a reference to the
 13 date of enactment of this Act for purposes of admin-
 14 istering the wilderness area designated by section 2(a)(22)
 15 of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
 16 note; Public Law 103–77; 107 Stat. 756; 114 Stat. 1955;
 17 116 Stat. 1055) (as added by subsection (a)).

18 (c) FIRE, INSECTS, AND DISEASES.—As provided in
 19 section 4(d)(1) of the Wilderness Act (16 U.S.C.
 20 1133(d)(1)), within the wilderness areas designated by
 21 section 2(a)(22) of the Colorado Wilderness Act of 1993
 22 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756;
 23 114 Stat. 1955; 116 Stat. 1055) (as added by subsection
 24 (a)), the Secretary may take any measure that the Sec-
 25 retary determines to be necessary to control fire, insects,

1 and diseases, subject to such terms and conditions as the
 2 Secretary determines to be appropriate.

3 **SEC. 7. DURANGO AREA MINERAL WITHDRAWAL.**

4 (a) ~~WITHDRAWAL.~~—Subject to valid existing rights,
 5 the land and mineral interests described in subsection (b)
 6 are withdrawn from all forms of—

7 (1) entry, appropriation, or disposal under pub-
 8 lic land laws;

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

11 (3) disposition under all laws relating to min-
 12 eral leasing, geothermal leasing, or mineral mate-
 13 rials.

14 (b) ~~DESCRIPTION OF LAND AND MINERAL INTER-~~
 15 ~~ESTS.~~—The land and mineral interests referred to in sub-
 16 section (a) are—

17 (1) the approximately 13,086 acres of Federal
 18 land depicted on the map entitled “Perins Peak &
 19 Animas City Mountain, Horse Gulch and Lake
 20 Nighthorse mineral withdrawal” and dated April 5,
 21 2013; and

22 (2) all Federal mineral interests contained with-
 23 in the boundaries of the map described in paragraph
 24 (1).

25 (c) ~~BUFFER.~~—Nothing in this section may require—

1 (1) the creation of a protective perimeter or
 2 buffer area outside the boundaries of the withdrawal
 3 area described in subsection (b); or

4 (2) any prohibition on activities outside of the
 5 boundaries of the withdrawal area described in sub-
 6 section (b) that can be seen or heard from within
 7 the boundaries of the withdrawal area.

8 **SEC. 8. CONVEYANCE OF BUREAU OF LAND MANAGEMENT**
 9 **LAND TO LA PLATA COUNTY.**

10 (a) **IN GENERAL.**—On the expiration of the permit
 11 numbered COC 64651 (09) and dated February 24, 2009,
 12 the Secretary of the Interior shall convey to the County,
 13 without consideration and subject to valid existing rights,
 14 all right, title, and interest of the United States in and
 15 to the land described in subsection (b).

16 (b) **DESCRIPTION OF LAND.**—The land referred to in
 17 subsection (a) consists of approximately 111 acres of land
 18 managed by the Bureau of Land Management, Tres Rios
 19 District, Colorado, as generally depicted on the map enti-
 20 tled “La Plata County Grandview Conveyance” and dated
 21 March 27, 2013.

22 (c) **MAP AND LEGAL DESCRIPTION.**—

23 (1) **IN GENERAL.**—As soon as practicable after
 24 the date of enactment of this Act, the Secretary of

1 the Interior shall finalize the legal description of the
 2 parcel to be conveyed under this section.

3 ~~(2) MINOR ERRORS.—~~The Secretary of the In-
 4 terior may correct any minor error in—

5 (A) the map; or

6 (B) the legal description.

7 ~~(3) AVAILABILITY.—~~The map and legal descrip-
 8 tion shall be on file and available for public inspec-
 9 tion in the appropriate offices of the Bureau of
 10 Land Management.

11 ~~(d) USE OF CONVEYED LAND.—~~The land conveyed
 12 under this section shall be used only for any public pur-
 13 pose consistent with uses allowed under the Act of June
 14 14, 1926 (commonly known as the “Recreation and Public
 15 Purposes Act”) (43 U.S.C. 869 et seq.).

16 ~~(e) ADMINISTRATIVE COSTS.—~~The Secretary of the
 17 Interior shall require the County to pay all survey costs
 18 and other administrative costs necessary for the prepara-
 19 tion and completion of any patents for, and transfers of
 20 title to, the land described in subsection (b).

21 ~~(f) CONDITIONS.—~~As a condition of the conveyance
 22 under subsection (a), the County shall agree in writing
 23 to pay any administrative costs associated with the convey-
 24 ance including the costs of any environmental, wildlife,
 25 cultural, or historical resources studies.

1 **SEC. 9. RELEASE OF WILDERNESS STUDY AREAS.**

2 (a) FINDING.—Congress finds that the land de-
 3 scribed in subsection (c) has been adequately studied for
 4 wilderness designation under section 603 of the Federal
 5 Land Policy and Management Act of 1976 (43 U.S.C.
 6 1782).

7 (b) RELEASE.—The land described in subsection
 8 (c)—

9 (1) is no longer subject to section 603(c) of the
 10 Federal Land Policy and Management Act of 1976
 11 (43 U.S.C. 1782(c)); and

12 (2) shall be managed in accordance with land
 13 management plans adopted under section 202 of
 14 that Act (43 U.S.C. 1712).

15 (c) DESCRIPTION OF LAND.—The land referred to in
 16 subsections (a) and (b) is the approximately 461 acres of
 17 land in the West Needles Contiguous Wilderness Study
 18 Area of San Juan County, Colorado, that is depicted on
 19 the map entitled “West Needles Contiguous Wilderness
 20 Study Area Release Area” and dated April 5, 2013.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Hermosa Creek Water-*
 23 *shed Protection Act of 2014”.*

24 **SEC. 2. DEFINITIONS.**

25 *In this Act:*

1 (1) *CITY*.—The term “City” means the city of
2 *Durango, Colorado.*

3 (2) *COUNTY*.—The term “County” means *La*
4 *Plata County, Colorado.*

5 (3) *SECRETARY*.—The term “Secretary” means
6 *the Secretary of Agriculture.*

7 (4) *SPECIAL MANAGEMENT AREA*.—The term
8 “Special Management Area” means the *Hermosa*
9 *Creek Special Management Area* designated by section
10 3(a).

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

13 **SEC. 3. DESIGNATION OF HERMOSA CREEK SPECIAL MAN-**
14 **AGEMENT AREA.**

15 (a) *DESIGNATION*.—Subject to valid existing rights,
16 *certain Federal land in the San Juan National Forest com-*
17 *prising approximately 70,650 acres, as generally depicted*
18 *on the map entitled “Proposed Hermosa Creek Special*
19 *Management Area and Proposed Hermosa Creek Wilderness*
20 *Area” and dated November 12, 2014, is designated as the*
21 *“Hermosa Creek Special Management Area”.*

22 (b) *PURPOSE*.—The purpose of the *Special Manage-*
23 *ment Area* is to conserve and protect for the benefit of
24 *present and future generations the watershed, geological,*
25 *cultural, natural, scientific, recreational, wildlife, riparian,*

1 *historical, educational, and scenic resources of the Special*
 2 *Management Area.*

3 *(c) ADMINISTRATION.—*

4 *(1) IN GENERAL.—The Secretary shall admin-*
 5 *ister the Special Management Area—*

6 *(A) in a manner that conserves, protects,*
 7 *and manages the resources of the Special Man-*
 8 *agement Area described in subsection (b); and*

9 *(B) in accordance with—*

10 *(i) the National Forest Management*
 11 *Act of 1976 (16 U.S.C. 1600 et seq.);*

12 *(ii) this Act; and*

13 *(iii) any other applicable laws.*

14 *(2) USES.—*

15 *(A) IN GENERAL.—The Secretary shall*
 16 *allow only such uses of the Special Management*
 17 *Area as the Secretary determines would further*
 18 *the purposes described in subsection (b).*

19 *(B) MOTORIZED AND MECHANIZED VEHI-*
 20 *CLES.—*

21 *(i) IN GENERAL.—Except as provided*
 22 *in clause (ii) and as needed for administra-*
 23 *tive purposes or to respond to an emer-*
 24 *gency, the use of motorized or mechanized*
 25 *vehicles in the Special Management Area*

1 *shall be permitted only on roads and trails*
 2 *designated by the Secretary for use by those*
 3 *vehicles.*

4 *(ii) OVERSNOW VEHICLES.—The Sec-*
 5 *retary shall authorize the use of snowmo-*
 6 *biles and other oversnow vehicles within the*
 7 *Special Management Area—*

8 *(I) when there exists adequate*
 9 *snow coverage; and*

10 *(II) subject to such terms and con-*
 11 *ditions as the Secretary may require.*

12 *(C) GRAZING.—The Secretary shall permit*
 13 *grazing within the Special Management Area, if*
 14 *established before the date of enactment of this*
 15 *Act, subject to all applicable laws (including reg-*
 16 *ulations) and Executive orders.*

17 *(D) PROHIBITED ACTIVITIES.—Within the*
 18 *area of the Special Management Area identified*
 19 *as “East Hermosa Area” on the map entitled*
 20 *“Proposed Hermosa Creek Special Management*
 21 *Area and Proposed Hermosa Creek Wilderness*
 22 *Area” and dated November 12, 2014, the fol-*
 23 *lowing activities shall be prohibited:*

24 *(i) New permanent or temporary road*
 25 *construction or the renovation of existing*

nonsystem roads, except as allowed under the final rule entitled “Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado” (77 Fed. Reg. 39576 (July 3, 2012)).

(ii) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted for ecological restoration or to further the purposes described in this Act).

(d) STATE AND FEDERAL WATER MANAGEMENT.—

Nothing in this section affects the potential for development, operation, or maintenance of a water storage reservoir at the site in the Special Management Area that is identified in—

(1) pages 17 through 20 of the Statewide Water Supply Initiative studies prepared by the Colorado Water Conservation Board and issued by the State in November 2004; and

(2) page 27 of the Colorado Dam Site Inventory prepared by the Colorado Water Conservation Board and dated August 1996.

(e) WITHDRAWAL.—

1 (1) *IN GENERAL.*—*Subject to valid rights in ex-*
 2 *istence on the date of enactment of this Act and except*
 3 *as provided in paragraph (2), the Federal land with-*
 4 *in the Special Management Area is withdrawn*
 5 *from—*

6 (A) *all forms of entry, appropriation, and*
 7 *disposal under the public land laws;*

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

10 (C) *operation of the mineral leasing, min-*
 11 *eral materials, and geothermal leasing laws.*

12 (2) *EXCEPTION.*—*The withdrawal under para-*
 13 *graph (1) shall not apply to the areas identified as*
 14 *parcels A and B on the map entitled “Proposed*
 15 *Hermosa Creek Special Management Area and Pro-*
 16 *posed Hermosa Creek Wilderness Area” and dated*
 17 *November 12, 2014.*

18 (f) *WINTER SKIING AND RELATED WINTER ACTIVI-*
 19 *TIES.*—*Nothing in this section alters or limits—*

20 (1) *a permit held by a ski area;*

21 (2) *the implementation of the activities governed*
 22 *by a ski area permit; or*

23 (3) *the authority of the Secretary to modify or*
 24 *expand an existing ski area permit.*

1 (g) *VEGETATION MANAGEMENT.*—*Nothing in this sec-*
 2 *tion prevents the Secretary from conducting vegetation*
 3 *management projects within the Special Management*
 4 *Area—*

5 (1) *subject to—*

6 (A) *such reasonable regulations, policies,*
 7 *and practices as the Secretary determines to be*
 8 *appropriate; and*

9 (B) *all applicable laws (including regula-*
 10 *tions); and*

11 (2) *in a manner consistent with—*

12 (A) *the purposes described in subsections (b)*
 13 *and (h); and*

14 (B) *this section.*

15 (h) *WILDFIRE, INSECT, AND DISEASE MANAGE-*
 16 *MENT.*—*In accordance with this section, the Secretary*
 17 *may—*

18 (1) *carry out any measures that the Secretary*
 19 *determines to be necessary to manage wildland fire*
 20 *and treat hazardous fuels, insects, and diseases in the*
 21 *Special Management Area; and*

22 (2) *coordinate those measures with the appro-*
 23 *priate State or local agency, as the Secretary deter-*
 24 *mines to be necessary.*

1 (i) *MANAGEMENT PLAN.*—Not later than 3 years after
 2 the date of enactment of this Act, the Secretary shall develop
 3 a management plan for the long-term protection and man-
 4 agement of the Special Management Area that—

5 (1) takes into account public input; and

6 (2) provides for recreational opportunities to
 7 occur within the Special Management Area, including
 8 skiing, biking, hiking, fishing, hunting, horseback
 9 riding, snowmobiling, motorcycle riding, off-highway
 10 vehicle use, snowshoeing, and camping.

11 (j) *TRAIL AND OPEN AREA SNOWMOBILE USAGE.*—
 12 Nothing in this section affects the use or status of trails
 13 authorized for motorized or mechanized vehicle or open area
 14 snowmobile use on the date of enactment of this Act.

15 (k) *STATE WATER RIGHTS.*—Nothing in this section
 16 affects access to, use of, or allocation of any absolute or con-
 17 ditional water right that is—

18 (1) decreed under the laws of the State; and

19 (2) in existence on the date of enactment of this
 20 Act.

21 **SEC. 4. HERMOSA CREEK WILDERNESS.**

22 (a) *DESIGNATION OF WILDERNESS.*—Section 2(a) of
 23 the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note;
 24 107 Stat. 756; 114 Stat. 1955; 116 Stat. 1055) is amended
 25 by adding at the end the following:

1 “(22) *Certain land within the San Juan Na-*
2 *tional Forest that comprises approximately 37,236*
3 *acres, as generally depicted on the map entitled ‘Pro-*
4 *posed Hermosa Creek Special Management Area and*
5 *Proposed Hermosa Creek Wilderness Area’ and dated*
6 *November 12, 2014, which shall be known as the*
7 *‘Hermosa Creek Wilderness’.*”.

8 (b) *EFFECTIVE DATE.*—*Any reference contained in the*
9 *Wilderness 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 date*
11 *of enactment of this Act for purposes of administering the*
12 *wilderness area designated by section 2(a)(22) of the Colo-*
13 *rado Wilderness Act of 1993 (16 U.S.C. 1132 note; 107 Stat.*
14 *756; 114 Stat. 1955; 116 Stat. 1055) (as added by sub-*
15 *section (a)).*

16 (c) *FIRE, INSECTS, AND DISEASES.*—*In accordance*
17 *with section 4(d)(1) of the Wilderness Act (16 U.S.C.*
18 *1133(d)(1)), within the wilderness areas designated by sec-*
19 *tion 2(a)(22) of the Colorado Wilderness Act of 1993 (16*
20 *U.S.C. 1132 note; 107 Stat. 756; 114 Stat. 1955; 116 Stat.*
21 *1055) (as added by subsection (a)), the Secretary may carry*
22 *out any measure that the Secretary determines to be nec-*
23 *essary to control fire, insects, and diseases, subject to such*
24 *terms and conditions as the Secretary determines to be ap-*
25 *propriate.*

1 **SEC. 5. DURANGO AREA MINERAL WITHDRAWAL.**

2 (a) *WITHDRAWAL.*—Subject to valid existing rights,
3 the land and mineral interests described in subsection (b)
4 are withdrawn from all forms of—

5 (1) entry, appropriation, and disposal under the
6 public land laws;

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

9 (3) disposition under all laws relating to min-
10 eral leasing, geothermal leasing, or mineral materials.

11 (b) *DESCRIPTION OF LAND AND MINERAL INTER-*
12 *ESTS.*—The land and mineral interests referred to in sub-
13 section (a) are the Federal land and mineral interests gen-
14 erally depicted within the areas designated as “Withdrawal
15 Areas” on the map entitled “Perins Peak & Animas City
16 Mountain, Horse Gulch and Lake Nighthorse Mineral With-
17 drawal” and dated April 5, 2013.

18 (c) *PUBLIC PURPOSE CONVEYANCE.*—Notwithstanding
19 subsection (a), the Secretary of the Interior may convey any
20 portion of the land described in subsection (b) that is ad-
21 ministered by the Bureau of Land Management to the City,
22 the County, or the State—

23 (1) pursuant to the Act of June 14, 1926 (com-
24 monly known as the “Recreation and Public Purposes
25 Act”) (43 U.S.C. 869 et seq.); or

1 (2) *by exchange in accordance with applicable*
 2 *laws (including regulations).*

3 **SEC. 6. CONVEYANCE OF BUREAU OF LAND MANAGEMENT**
 4 **LAND TO COUNTY.**

5 (a) *IN GENERAL.*—*On the expiration of the permit*
 6 *numbered COC 64651 (09) and dated February 24, 2009,*
 7 *on request and agreement of the County, the Secretary of*
 8 *the Interior shall convey to the County, without consider-*
 9 *ation and subject to valid existing rights, all right, title,*
 10 *and interest of the United States in and to the land de-*
 11 *scribed in subsection (b), subject to—*

12 (1) *subsection (c);*

13 (2) *the condition that the County shall pay all*
 14 *administrative and other costs associated with the*
 15 *conveyance; and*

16 (3) *such other terms and conditions as the Sec-*
 17 *retary of the Interior determines to be necessary.*

18 (b) *DESCRIPTION OF LAND.*—*The land referred to in*
 19 *subsection (a) consists of approximately 82 acres of land*
 20 *managed by the Bureau of Land Management, Tres Rios*
 21 *District, Colorado, as generally depicted on the map enti-*
 22 *tled “La Plata County Grandview Conveyance” and dated*
 23 *May 5, 2014.*

24 (c) *USE OF CONVEYED LAND.*—*The Federal land con-*
 25 *veyed pursuant to this section may be used by the County*

1 *for any public purpose, in accordance with the Act of June*
 2 *14, 1926 (commonly known as the “Recreation and Public*
 3 *Purposes Act”)* (43 U.S.C. 869 *et seq.*).

4 (d) *REVERSION.*—*If the County ceases to use a parcel*
 5 *of the Federal land conveyed pursuant to this section in*
 6 *accordance with subsection (a), title to the parcel shall re-*
 7 *vert to the Secretary of the Interior, at the option of the*
 8 *Secretary of the Interior.*

9 **SEC. 7. MOLAS PASS RECREATION AREA; WILDERNESS**
 10 **STUDY AREA RELEASE; WILDERNESS STUDY**
 11 **AREA TRANSFER OF ADMINISTRATIVE JURIS-**
 12 **DICTION.**

13 (a) *MOLAS PASS RECREATION AREA.*—

14 (1) *DESIGNATION.*—*The approximately 461 acres*
 15 *of land in San Juan County, Colorado, that is gen-*
 16 *erally depicted as “Molas Pass Recreation Area” on*
 17 *the map entitled “Molas Pass Recreation Area and*
 18 *Molas Pass Wilderness Study Area” and dated No-*
 19 *vember 13, 2014, is designated as the “Molas Pass*
 20 *Recreation Area”.*

21 (2) *USE OF SNOWMOBILES.*—*The use of snowmo-*
 22 *biles shall be authorized in the Molas Pass Recreation*
 23 *Area—*

24 (A) *during periods of adequate snow cov-*
 25 *erage;*

1 (B) *in accordance with the Federal Land*
 2 *Policy and Management Act of 1976 (43 U.S.C.*
 3 *1701 et seq.) and other applicable laws (includ-*
 4 *ing regulations);*

5 (C) *on designated trails for winter motor-*
 6 *ized travel and grooming;*

7 (D) *in designated areas for open area mo-*
 8 *torized travel; and*

9 (E) *subject to such terms and conditions as*
 10 *the Secretary may require.*

11 (3) *OTHER RECREATIONAL OPPORTUNITIES.—In*
 12 *addition to the uses authorized under paragraph (2),*
 13 *the Secretary may authorize other recreational uses in*
 14 *the Molas Pass Recreation Area.*

15 (b) *MOLAS PASS WILDERNESS STUDY AREA.—*

16 (1) *TRANSFER OF ADMINISTRATIVE JURISDIC-*
 17 *TION.—Administrative jurisdiction over the Federal*
 18 *land generally depicted as “Molas Pass Wilderness*
 19 *Study Area” on the map entitled “Molas Pass Recre-*
 20 *ation Area and Molas Pass Wilderness Study Area”,*
 21 *and dated November 13, 2014, is transferred from the*
 22 *Bureau of Land Management to the Forest Service.*

23 (2) *ADMINISTRATION.—The Federal land de-*
 24 *scribed in paragraph (1) shall—*

1 (A) be known as the “Molas Pass Wilderness
2 Study Area”; and

3 (B) be administered by the Secretary, so as
4 to maintain the wilderness character and poten-
5 tial of the Federal land for inclusion in the Na-
6 tional Wilderness Preservation System.

7 (c) *RELEASE*.—

8 (1) *FINDING*.—Congress finds that the land de-
9 scribed in paragraph (3) has been adequately studied
10 for wilderness designation under section 603 of the
11 Federal Land Policy and Management Act of 1976
12 (43 U.S.C. 1782).

13 (2) *RELEASE*.—Effective beginning on the date
14 of enactment of this Act, the land described in para-
15 graph (3)—

16 (A) shall not be subject to section 603(c) of
17 the Federal Land Policy and Management Act of
18 1976 (43 U.S.C. 1782(c));

19 (B) shall be managed in accordance with
20 land management plans adopted under section
21 202 of that Act (43 U.S.C. 1712); and

22 (C) shall not be subject to Secretarial Order
23 3310 issued on December 22, 2010.

24 (3) *DESCRIPTION OF LAND*.—The land referred
25 to in paragraphs (1) and (2) is the approximately

1 461 acres located in the West Needles Contiguous Wil-
 2 derness Study Area of San Juan County, Colorado,
 3 that is generally depicted as “Molas Pass Recreation
 4 Area” on the map entitled “Molas Pass Recreation
 5 Area and Molas Pass Wilderness Study Area” and
 6 dated November 13, 2014.

7 **SEC. 8. GENERAL PROVISIONS.**

8 (a) *FISH AND WILDLIFE.*—Nothing in this Act affects
 9 the jurisdiction or responsibility of the State with regard
 10 to fish and wildlife in the State.

11 (b) *MAPS AND LEGAL DESCRIPTIONS.*—

12 (1) *IN GENERAL.*—As soon as practicable after
 13 the date of enactment of this Act, the Secretary or the
 14 Secretary of the Interior, as appropriate, shall pre-
 15 pare maps and legal descriptions of—

16 (A) the Special Management Area;

17 (B) the wilderness area designated by the
 18 amendment made by section 4(a);

19 (C) the withdrawal pursuant to section 5;

20 (D) the conveyance pursuant to section 6;

21 (E) the recreation area designated by sec-
 22 tion 7(a); and

23 (F) the wilderness study area designated by
 24 section (7)(b)(2).

1 (2) *FORCE OF LAW.*—*The maps and legal de-*
 2 *scriptions prepared under paragraph (1) shall have*
 3 *the same force and effect as if included in this Act,*
 4 *except that the Secretary concerned may correct any*
 5 *clerical or typographical errors in the maps and legal*
 6 *descriptions.*

7 (3) *PUBLIC AVAILABILITY.*—*The maps and legal*
 8 *descriptions prepared under paragraph (1) shall be*
 9 *on file and available for public inspection in the ap-*
 10 *propriate offices of the Forest Service and the Bureau*
 11 *of Land Management.*

12 (c) *ADJACENT MANAGEMENT.*—

13 (1) *IN GENERAL.*—*Nothing in this Act establishes*
 14 *a protective perimeter or buffer zone around—*

15 (A) *the Special Management Area; or*

16 (B) *the wilderness area designated by an*
 17 *amendment made by section 4(a).*

18 (2) *NONWILDERNESS ACTIVITIES.*—*The fact that*
 19 *a nonwilderness activity or use can be seen or heard*
 20 *from areas within the wilderness area designated by*
 21 *an amendment made by section 4(a) shall not pre-*
 22 *clude the conduct of the activity or use outside the*
 23 *boundary of the wilderness area.*

24 (d) *MILITARY OVERFLIGHTS.*—*Nothing in this Act re-*
 25 *stricts or precludes—*

1 (1) *any low-level overflight of military aircraft*
2 *over an area designated as a wilderness area under*
3 *an amendment made by this Act, including military*
4 *overflights that can be seen, heard, or detected within*
5 *the wilderness area;*

6 (2) *flight testing or evaluation; or*

7 (3) *the designation or establishment of—*

8 (A) *new units of special use airspace; or*

9 (B) *any military flight training route over*
10 *a wilderness area described in paragraph (1).*

Calendar No. 632

113TH CONGRESS
2D Session

S. 841

[Report No. 113-292]

A BILL

To designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes.

DECEMBER 10, 2014

Reported with an amendment