

115TH CONGRESS  
2D SESSION

# H. R. 6492

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2018

Ms. DEGETTE introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, 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; DEFINITION.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Colorado Wilderness Act of 2018”.

6 (b) SECRETARY DEFINED.—As used in this Act, the  
7 term “Secretary” means the Secretary of the Interior or  
8 the Secretary of Agriculture, as appropriate.

1 **SEC. 2. ADDITIONS TO NATIONAL WILDERNESS PRESERVA-**  
2 **TION SYSTEM IN THE STATE OF COLORADO.**

3 (a) ADDITIONS.—Section 2(a) of the Colorado Wil-  
4 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;  
5 16 U.S.C. 1132 note) is amended—

6 (1) by adding at the end the following para-  
7 graphs:

8 “(22) Certain lands managed by the Colorado  
9 River Valley Field Office of the Bureau of Land  
10 Management, which comprise approximately 20,171  
11 acres, as generally depicted on a map titled ‘Bull  
12 Gulch and Castle Peak Proposed Wilderness’, dated  
13 June 15, 2018, which shall be known as the Bull  
14 Gulch Wilderness.

15 “(23) Certain lands managed by the Colorado  
16 River Valley Field Office of the Bureau of Land  
17 Management, which comprise approximately 16,230  
18 acres, as generally depicted on a map titled ‘Bull  
19 Gulch and Castle Peak Proposed Wilderness Areas’,  
20 dated June 15, 2018, which shall be known as the  
21 Castle Peak Wilderness.

22 “(24) Certain lands managed by the Colorado  
23 River Valley Field Office of the Bureau of Land  
24 Management, which comprise approximately 312  
25 acres, as generally depicted on a map titled ‘Maroon  
26 Bells Addition Proposed Wilderness’, dated June 15,

1 2018, which is hereby incorporated in and shall be  
2 deemed to be a part of the Maroon Bells-Snowmass  
3 Wilderness Area designated by Public Law 88–577.

4 “(25) Certain lands managed by the Gunnison  
5 Field Office of the Bureau of Land Management,  
6 which comprise approximately 38,176 acres, as gen-  
7 erally depicted on a map titled ‘Redcloud & Handies  
8 Peak Proposed Wilderness’, dated June 16, 2018,  
9 which shall be known as the Redcloud Peak Wilder-  
10 ness.

11 “(26) Certain lands managed by the Gunnison  
12 Field Office of the Bureau of Land Management or  
13 located in the Grand Mesa, Uncompahgre, and Gun-  
14 nison National Forests, which comprise approxi-  
15 mately 26,557 acres, as generally depicted on a map  
16 titled ‘Redcloud & Handies Peak Proposed Wilder-  
17 ness’, dated June 16, 2018, which shall be known as  
18 the Handies Peak Wilderness.

19 “(27) Certain lands managed by the Royal  
20 Gorge Field Office of the Bureau of Land Manage-  
21 ment, which comprise approximately 17,213 acres,  
22 as generally depicted on a map titled ‘McIntyre Hills  
23 Proposed Wilderness’, dated June 15, 2018, which  
24 shall be known as the McIntyre Hills Wilderness.

1           “(28) Certain lands managed by the Glenwood  
2           Springs Field Office of the Bureau of Land Manage-  
3           ment, which comprise approximately 11,291 acres,  
4           as generally depicted on a map titled ‘Grand Hog-  
5           back Proposed Wilderness’, dated June 15, 2018,  
6           which shall be known as the Grand Hogback Wilder-  
7           ness.

8           “(29) Certain lands managed by the Glenwood  
9           Springs Field Office of the Bureau of Land Manage-  
10          ment or located in the White River National Forest,  
11          which comprise approximately 16,305 acres, as gen-  
12          erally depicted on a map titled ‘Flat Tops Proposed  
13          Wilderness Addition’, dated June 15, 2018, and  
14          which are hereby incorporated in and shall be  
15          deemed to be a part of the Flat Tops Wilderness  
16          designated by Public Law 94–146.

17          “(30) Certain lands managed by the Grand  
18          Junction Field Office, which comprise approximately  
19          25,897 acres, as generally depicted on a map titled  
20          ‘Demaree Canyon Proposed Wilderness’, dated June  
21          15, 2018, which shall be known as the Demaree  
22          Canyon Wilderness.

23          “(31) Certain lands managed by the Grand  
24          Junction Field Office, which comprise approximately  
25          29,045 acres, as generally depicted on a map titled

1 ‘South Shale Ridge & Little Book Cliffs Proposed  
2 Wilderness’, dated June 15, 2018, which shall be  
3 known as the Little Bookcliffs Wilderness.

4 “(32) Certain lands managed by the Grand  
5 Junction Field Office, which comprise approximately  
6 27,517 acres, as generally depicted on a map titled  
7 ‘South Shale Ridge & Little Book Cliffs Proposed  
8 Wilderness’, dated June 15, 2018, which shall be  
9 known as the South Shale Ridge Wilderness.

10 “(33) Certain lands managed by the Glenwood  
11 Springs Field Office or located in the White River  
12 National Forest, which comprise approximately  
13 20,742 acres, as generally depicted on a map titled  
14 ‘Deep Creek Proposed Wilderness’, dated June 15,  
15 2018, upon being designated as wilderness as pro-  
16 vided by section 3(h)(2) of the Colorado Wilderness  
17 Act of 2018.

18 “(34) Certain lands managed by the Glenwood  
19 Springs Field Office, which comprise approximately  
20 14,538 acres, as generally depicted on a map titled  
21 ‘Pisgah Mountain Proposed Wilderness’ and date is  
22 June 15, 2018, upon being designated as wilderness  
23 as provided by section 3(h)(2) of the Colorado Wil-  
24 derness Act of 2018.”.

1 (b) FURTHER ADDITIONS.—The following lands in  
2 the State of Colorado administered by the Bureau of Land  
3 Management or the United States Forest Service are here-  
4 by designated as wilderness and, therefore, as components  
5 of the National Wilderness Preservation System:

6 (1) Certain lands managed by the Colorado  
7 River Valley Field Office of the Bureau of Land  
8 Management or located in the White River National  
9 Forest, which comprise approximately 25,232 acres,  
10 as generally depicted on a map titled “Assignment  
11 Ridge Proposed Wilderness”, dated July 11, 2018,  
12 which shall be known as the Assignment Ridge Wil-  
13 derness.

14 (2) Certain lands managed by the Royal Gorge  
15 Field Office of the Bureau of Land Management or  
16 located in the Pike and San Isabel National Forests,  
17 which comprise approximately 25,192 acres, as gen-  
18 erally depicted on a map titled “Badger Creek Pro-  
19 posed Wilderness Area”, dated June 15, 2018,  
20 which shall be known as the Badger Creek Wilder-  
21 ness.

22 (3) Certain lands managed by the Royal Gorge  
23 Field Office of the Bureau of Land Management or  
24 located in the Pike and San Isabel National Forests,  
25 which comprise approximately 38,253 acres, as gen-

1 erally depicted on a map titled “Beaver Creek Pro-  
2 posed Wilderness Area”, dated June 15, 2018,  
3 which shall be known as the Beaver Creek Wilder-  
4 ness.

5 (4) Certain lands managed by the Royal Gorge  
6 Field Office of the Bureau of Land Management or  
7 the Bureau of Reclamation or located in the Pike  
8 and San Isabel National Forest, which comprise ap-  
9 proximately 35,535 acres, as generally depicted on a  
10 map titled “Grape Creek Proposed Wilderness”,  
11 dated June 15, 2018, which shall be known as the  
12 Grape Creek Wilderness.

13 (5) Certain lands managed by the Grand Junc-  
14 tion Field Office of the Bureau of Land Manage-  
15 ment, which comprise approximately 20,996 acres,  
16 as generally depicted on a map titled “Bangs Can-  
17 yon Proposed Wilderness”, dated June 15, 2018,  
18 which shall be known as the Bangs Canyon Wilder-  
19 ness.

20 (6) Certain lands managed by the Grand Junc-  
21 tion Field Office of the Bureau of Land Manage-  
22 ment, which comprise approximately 27,150 acres,  
23 as generally depicted on a map titled “UnawEEP &  
24 Palisade Proposed Wilderness”, dated June 15,

1 2018, which shall be known as the Palisade Wilder-  
2 ness.

3 (7) Certain lands managed by the Grand Junc-  
4 tion Field Office of the Bureau of Land Manage-  
5 ment or located in the Grand Mesa, Uncompaghre,  
6 and Gunnison National Forest, which comprise ap-  
7 proximately 20,420 acres, as generally depicted on a  
8 map titled “Unaweep & Palisade Proposed Wilder-  
9 ness”, dated June 15, 2018, which shall be known  
10 as the Unaweep Wilderness.

11 (8) Certain lands managed by the Grand Junc-  
12 tion Field Office of the Bureau of Land Manage-  
13 ment and San Juan Field Office and in the Manti-  
14 LaSal National Forest, which comprise approxi-  
15 mately 45,220 acres, as generally depicted on a map  
16 titled “Sewemup Mesa Proposed Wilderness”, dated  
17 June 15, 2018, which shall be known as the  
18 Sewemup Mesa Wilderness.

19 (9) Certain lands managed by the Kremmling  
20 Field Office of the Bureau of Land Management,  
21 which comprise approximately 31 acres, as generally  
22 depicted on a map titled “Platte River Addition Pro-  
23 posed Wilderness”, dated June 15, 2018, and which  
24 are hereby incorporated in and shall be deemed to

1 be part of the Platte River Wilderness designated by  
2 Public Law 98–550.

3 (10) Certain lands managed by the  
4 Uncompahgre Field Office of the Bureau of Land  
5 Management, which comprise approximately 17,660  
6 acres, as generally depicted on a map titled  
7 “Roubideau Proposed Wilderness”, dated June 15,  
8 2018, which shall be known as the Roubideau Wil-  
9 derness.

10 (11) Certain lands managed by the  
11 Uncompahgre Field Office of the Bureau of Land  
12 Management or located in the Grand Mesa,  
13 Uncompahgre, and Gunnison National Forest, which  
14 comprise approximately 12,986 acres, as generally  
15 depicted on a map titled “Norwood Canyon Pro-  
16 posed Wilderness”, dated June 15, 2018, which shall  
17 be known as the Norwood Canyon Wilderness.

18 (12) Certain lands managed by the San Juan  
19 Field Office of the Bureau of Land Management,  
20 which comprise approximately 26,776 acres, as gen-  
21 erally depicted on a map titled “Cross Canyon Pro-  
22 posed Wilderness”, dated June 15, 2018, which shall  
23 be known as the Cross Canyon Wilderness.

24 (13) Certain lands managed by the San Juan  
25 Field Office of the Bureau of Land Management,

1 which comprise approximately 33,114 acres, as gen-  
2 erally depicted on a map titled “McKenna Peak Pro-  
3 posed Wilderness”, dated June 15, 2018, which shall  
4 be known as the McKenna Peak Wilderness.

5 (14) Certain lands managed by the San Juan  
6 Field Office of the Bureau of Land Management  
7 Certain lands, which comprise approximately 14,339  
8 acres, as generally depicted on a map titled “Weber-  
9 Menefee Mountain Proposed Wilderness”, dated  
10 June 15, 2018, which shall be known as the Weber-  
11 Menefee Mountain Wilderness.

12 (15) Certain lands managed by the  
13 Uncompahgre and San Juan Field Offices of the  
14 Bureau of Land Management or the Bureau of Rec-  
15 lamation, which comprise approximately 34,867  
16 acres, as generally depicted on a map titled “Dolores  
17 River Canyon Proposed Wilderness”, dated June 15,  
18 2018, which shall be known as the Dolores River  
19 Canyon Wilderness.

20 (16) Certain lands managed by the San Juan  
21 Field Office of the Bureau of Land Management or  
22 located in the San Juan National Forest, which  
23 comprise approximately 31,752 acres, as generally  
24 depicted on a map titled “Snaggletooth Proposed

1 Wilderness”, dated June 15, 2018, which shall be  
2 known as the Snaggletooth Wilderness.

3 (17) Certain lands managed by the Royal Gorge  
4 Field Office of the Bureau of Land Management or  
5 located in the Pike and San Isabel National Forests,  
6 which comprise approximately 22,654 acres, as gen-  
7 erally depicted on a map titled “Browns Canyon  
8 Proposed Wilderness”, dated June 15, 2018, which  
9 shall be known as the Browns Canyon Wilderness.

10 (18) Certain lands managed by the San Luis  
11 Field Office of the Bureau of Land Management,  
12 which comprise approximately 10,871 acres, as gen-  
13 erally depicted on a map titled “San Luis Hills Pro-  
14 posed Wilderness”, dated June 15, 2018, which shall  
15 be known as the San Luis Hills Wilderness.

16 (19) Certain lands managed by the Royal Gorge  
17 Field Office of the Bureau of Land Management,  
18 which comprise approximately 27,719 acres, as gen-  
19 erally depicted on a map titled “Table Mountain  
20 Proposed Wilderness”, dated June 15, 2018, which  
21 shall be known as the Table Mountain Wilderness.

22 (c) WEST ELK ADDITION.—Certain lands in the  
23 State of Colorado administered by the Gunnison Field Of-  
24 fice of the Bureau of Land Management, the United  
25 States National Park Service, and the Bureau of Reclama-

1 tion, which comprise approximately 6,846 acres, as gen-  
2 erally depicted on a map titled “West Elk Addition Pro-  
3 posed Wilderness”, dated June 15, 2018, are hereby des-  
4 ignated as wilderness and, therefore, as components of the  
5 National Wilderness Preservation System and are hereby  
6 incorporated in and shall be deemed to be a part of the  
7 West Elk Wilderness designated by Public Law 88–577.  
8 The boundary adjacent to Blue Mesa Reservoir shall be  
9 50 feet landward from the water’s edge, and shall change  
10 according to the water level.

11 (d) BLUE MESA RESERVOIR.—If the Bureau of Rec-  
12 lamation determines that lands within the West Elk Wil-  
13 derness Addition are necessary for future expansion of the  
14 Blue Mesa Reservoir, the Secretary shall by publication  
15 of a revised boundary description in the Federal Register  
16 revise the boundary of the West Elk Wilderness Addition.

17 (e) MAPS AND DESCRIPTIONS.—As soon as prac-  
18 ticable after the date of enactment of the Act, the Sec-  
19 retary shall file a map and a boundary description of each  
20 area designated as wilderness by this section with the  
21 Committee on Natural Resources of the House of Rep-  
22 resentatives and the Committee on Energy and Natural  
23 Resources of the Senate. Each map and boundary descrip-  
24 tion shall have the same force and effect as if included  
25 in this Act, except that the Secretary may correct clerical

1 and typographical errors in the map or boundary descrip-  
2 tion. The maps and boundary descriptions shall be on file  
3 and available for public inspection in the Office of the Di-  
4 rector of the Bureau of Land Management, Department  
5 of the Interior, and in the Office of the Chief of the Forest  
6 Service, Department of Agriculture, as appropriate.

7 (f) STATE AND PRIVATE LANDS.—Lands within the  
8 exterior boundaries of any wilderness area designated  
9 under this section that are owned by a private entity or  
10 by the State of Colorado, including lands administered by  
11 the Colorado State Land Board, shall be included within  
12 such wilderness area if such lands are acquired by the  
13 United States. Such lands may be acquired by the United  
14 States only as provided in the Wilderness Act (16 U.S.C.  
15 1131 et seq.).

16 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

17 (a) IN GENERAL.—Subject to valid existing rights,  
18 lands designated as wilderness by this Act shall be man-  
19 aged by the Secretary in accordance with the Wilderness  
20 Act (16 U.S.C. 1131 et seq.) and this Act, except that,  
21 with respect to any wilderness areas designated by this  
22 Act, any reference in the Wilderness Act to the effective  
23 date of the Wilderness Act shall be deemed to be a ref-  
24 erence to the date of enactment of this Act.

1 (b) GRAZING.—Grazing of livestock in wilderness  
2 areas designated by this Act shall be administered in ac-  
3 cordance with the provisions of section 4(d)(4) of the Wil-  
4 derness Act (16 U.S.C. 1133(d)(4)), as further inter-  
5 preted by section 108 of Public Law 96–560, and the  
6 guidelines set forth in appendix A of House Report 101–  
7 405 of the 101st Congress.

8 (c) STATE JURISDICTION.—As provided in section  
9 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
10 nothing in this Act shall be construed as affecting the ju-  
11 risdiction or responsibilities of the State of Colorado with  
12 respect to wildlife and fish in Colorado.

13 (d) BUFFER ZONES.—

14 (1) IN GENERAL.—Nothing in this Act creates  
15 a protective perimeter or buffer zone around any  
16 area designated as wilderness by section 2.

17 (2) ACTIVITIES OUTSIDE WILDERNESS.—The  
18 fact that an activity or use on land outside the areas  
19 designated as wilderness by section 2 can be seen or  
20 heard within the wilderness shall not preclude the  
21 activity or use outside the boundary of the wilder-  
22 ness.

23 (e) MILITARY HELICOPTER OVERFLIGHTS.—

24 (1) IN GENERAL.—Nothing in this Act restricts  
25 or precludes—

1 (A) low-level overflights of military heli-  
2 copters over the areas designated as wilderness  
3 by section 2, including military overflights that  
4 can be seen or heard within any wilderness  
5 area;

6 (B) military flight testing and evaluation;  
7 or

8 (C) the designation or creation of new  
9 units of special use airspace, or the establish-  
10 ment of military flight training routes over any  
11 wilderness area.

12 (2) AERIAL NAVIGATION TRAINING EXER-  
13 CISES.—The Colorado Army National Guard,  
14 through the High-Altitude Army National Guard  
15 Aviation Training Site, may conduct aerial naviga-  
16 tion training maneuver exercises over the wilderness  
17 areas designated by this Act—

18 (A) in a manner consistent with the memo-  
19 randum of understanding dated August 4,  
20 1987, entered into among the Colorado Army  
21 National Guard, the Bureau of Land Manage-  
22 ment, and the Forest Service; or

23 (B) in a manner consistent with a subse-  
24 quent memorandum of understanding entered  
25 into among the Colorado Army National Guard,

1           the Bureau of Land Management, and the For-  
2           est Service.

3           (f) RUNNING EVENTS.—The Secretary may continue  
4 to authorize competitive running events currently per-  
5 mitted in the Redcloud Peak Wilderness Area and  
6 Handies Peak Wilderness Area in a manner compatible  
7 with the preservation of such areas as wilderness.

8           (g) LAND TRADES.—If the Secretary trades privately  
9 owned land within the perimeter of the Redcloud Peak  
10 Wilderness Area or the Handies Peak Wilderness Area in  
11 exchange for Federal land, then such Federal land shall  
12 be located in Hinsdale County, Colorado.

13          (h) POTENTIAL WILDERNESS DESIGNATIONS.—

14           (1) IN GENERAL.—The following lands are des-  
15 igned as potential wilderness areas:

16           (A) Certain lands managed by the Glen-  
17 wood Springs Field Office or located in the  
18 White River National Forest, which comprise  
19 approximately 20,742 acres, as generally de-  
20 picted on a map titled “Deep Creek Proposed  
21 Wilderness” and dated is June 15, 2018, which,  
22 upon designation as wilderness under para-  
23 graph (2), shall be known as the Deep Creek  
24 Wilderness.

1 (B) Certain lands managed by the Glen-  
2 wood Springs Field Office, which comprise ap-  
3 proximately 14,538 acres, as generally depicted  
4 on a map titled “Pisgah Mountain Proposed  
5 Wilderness” and dated June 15, 2018, which,  
6 upon designation as wilderness under para-  
7 graph (2), shall be known as the Pisgah Moun-  
8 tain Wilderness.

9 (2) DESIGNATION AS WILDERNESS.—Lands  
10 designated as a potential wilderness area by sub-  
11 paragraph (A) or (B) of paragraph (1) shall be des-  
12 ignated as wilderness on the date on which the Sec-  
13 retary publishes in the Federal Register a notice  
14 that all nonconforming uses of those lands author-  
15 ized by subsection (e) in the potential wilderness  
16 area that would be in violation of the Wilderness Act  
17 (16 U.S.C. 1131 et seq.) have ceased. Such publica-  
18 tion in the Federal Register and designation as wil-  
19 derness shall occur for the potential wilderness area  
20 as the nonconforming uses cease in that potential  
21 wilderness area and designation as wilderness is not  
22 dependent on cessation of nonconforming uses in the  
23 other potential wilderness area.

24 (3) MANAGEMENT.—Except for activities pro-  
25 vided for under subsection (e), lands designated as

1 a potential wilderness area by paragraph (1) shall be  
2 managed by the Secretary in accordance with the  
3 Wilderness Act as wilderness pending the designa-  
4 tion of such lands as wilderness under this sub-  
5 section.

6 **SEC. 4. WATER.**

7 (a) EFFECT ON WATER RIGHTS.—Nothing in this  
8 Act—

9 (1) affects the use or allocation, in existence on  
10 the date of enactment of this Act, of any water,  
11 water right, or interest in water;

12 (2) affects any vested absolute or decreed condi-  
13 tional water right in existence on the date of enact-  
14 ment of this Act, including any water right held by  
15 the United States;

16 (3) affects any interstate water compact in ex-  
17 istence on the date of enactment of this Act;

18 (4) authorizes or imposes any new reserved  
19 Federal water rights; and

20 (5) shall be considered to be a relinquishment  
21 or reduction of any water rights reserved or appro-  
22 priated by the United States in the State on or be-  
23 fore the date of the enactment of this Act.

24 (b) MIDSTREAM AREAS.—

1 (1) PURPOSE.—The purpose of this subsection  
2 is to protect for the benefit and enjoyment of  
3 present and future generations—

4 (A) the unique and nationally important  
5 values of areas designated as wilderness by sec-  
6 tion 2(b) (including the geological, cultural, ar-  
7 chaeological, paleontological, natural, scientific,  
8 recreational, environmental, biological, wilder-  
9 ness, wildlife, riparian, historical, educational,  
10 and scenic resources of the public land); and

11 (B) the water resources of area streams,  
12 based on seasonally available flows, that are  
13 necessary to support aquatic, riparian, and ter-  
14 restrial species and communities.

15 (2) WILDERNESS WATER RIGHTS.—

16 (A) IN GENERAL.—The Secretary shall en-  
17 sure that any water rights within the wilderness  
18 designated by section 2(b) required to fulfill the  
19 purposes of such wilderness are secured in ac-  
20 cordance with subparagraphs (B) through (G).

21 (B) STATE LAW.—

22 (i) PROCEDURAL REQUIREMENTS.—

23 Any water rights for which the Secretary  
24 pursues adjudication shall be appropriated,  
25 adjudicated, changed, and administered in

1           accordance with the procedural require-  
2           ments and priority system of State law.

3                   (ii) ESTABLISHMENT OF WATER  
4           RIGHTS.—

5                   (I) IN GENERAL.—Except as pro-  
6           vided in subclause (II), the purposes  
7           and other substantive characteristics  
8           of the water rights pursued under this  
9           paragraph shall be established in ac-  
10          cordance with State law.

11                   (II) EXCEPTION.—Notwithstand-  
12          ing subclause (I) and in accordance  
13          with this Act, the Secretary may ap-  
14          propriate and seek adjudication of  
15          water rights to maintain surface water  
16          levels and stream flows on and across  
17          the wilderness designated by section  
18          2(b) to fulfill the purposes of such  
19          wilderness.

20                   (C) DEADLINE.—The Secretary shall  
21          promptly, but not earlier than January 1, 2021,  
22          appropriate the water rights required to fulfill  
23          the purposes of the wilderness designated by  
24          section 2(b).

1           (D) REQUIRED DETERMINATION.—The  
2 Secretary shall not pursue adjudication for any  
3 instream flow water rights unless the Secretary  
4 makes a determination pursuant to subpara-  
5 graph (E)(ii) or (F).

6           (E) COOPERATIVE ENFORCEMENT.—

7           (i) IN GENERAL.—The Secretary shall  
8 not pursue adjudication of any Federal  
9 instream flow water rights established  
10 under this paragraph if—

11           (I) the Secretary determines,  
12 upon adjudication of the water rights  
13 by the Colorado Water Conservation  
14 Board, that the Board holds water  
15 rights sufficient in priority, amount,  
16 and timing to fulfill the purposes of  
17 this subsection; and

18           (II) the Secretary has entered  
19 into a perpetual agreement with the  
20 Colorado Water Conservation Board  
21 to ensure full exercise, protection, and  
22 enforcement of the State water rights  
23 within the Wilderness to reliably fulfill  
24 the purposes of this subsection.

1                   (ii) ADJUDICATION.—If the Secretary  
2                   determines that the provisions of clause (i)  
3                   have not been met, the Secretary shall ad-  
4                   judicate and exercise any Federal water  
5                   rights required to fulfill the purposes of  
6                   the Wilderness in accordance with this  
7                   paragraph.

8                   (F) INSUFFICIENT WATER RIGHTS.—If the  
9                   Colorado Water Conservation Board modifies  
10                  the instream flow water rights obtained under  
11                  subparagraph (E) to such a degree that the  
12                  Secretary determines that water rights held by  
13                  the State are insufficient to fulfill the purposes  
14                  of this Act, the Secretary shall adjudicate and  
15                  exercise Federal water rights required to fulfill  
16                  the purposes of this Act in accordance with sub-  
17                  paragraph (B).

18                  (G) FAILURE TO COMPLY.—The Secretary  
19                  shall promptly act to exercise and enforce the  
20                  water rights described in subparagraph (E) if  
21                  the Secretary determines that—

22                         (i) the State is not exercising its  
23                         water rights consistent with subparagraph  
24                         (E)(i)(I); or

1                   (ii) the agreement described in sub-  
2                   paragraph (E)(i)(II) is not fulfilled or com-  
3                   plied with sufficiently to fulfill the pur-  
4                   poses of this Act.

5                   (3) WATER RESOURCE FACILITY.—Notwith-  
6                   standing any other provision of law, beginning on  
7                   the date of enactment of this Act, neither the Presi-  
8                   dent nor any other officer, employee, or agent of the  
9                   United States shall fund, assist, authorize, or issue  
10                  a license or permit for development of any new irri-  
11                  gation and pumping facility, reservoir, water con-  
12                  servation work, aqueduct, canal, ditch, pipeline, well,  
13                  hydropower project, transmission, other ancillary fa-  
14                  cility, or other water, diversion, storage, or carriage  
15                  structure in the wilderness designated by section  
16                  2(b).

17                  (c) ACCESS AND OPERATION.—

18                  (1) DEFINITION.—As used in this subsection,  
19                  the term “water resource facility” means irrigation  
20                  and pumping facilities, reservoirs, water conserva-  
21                  tion works, aqueducts, canals, ditches, pipelines,  
22                  wells, hydropower projects, and transmission and  
23                  other ancillary facilities, and other water diversion,  
24                  storage, and carriage structures.

1           (2) ACCESS TO WATER RESOURCE FACILI-  
2 TIES.—Subject to the provisions of this subsection,  
3 the Secretary shall allow reasonable access to water  
4 resource facilities in existence on the date of enact-  
5 ment of this Act within the areas described in sec-  
6 tions 2(b) and 2(c), including motorized access  
7 where necessary and customarily employed on routes  
8 existing as of the date of enactment of this Act.

9           (3) ACCESS ROUTES.—Existing access routes  
10 within such areas customarily employed as of the  
11 date of enactment of this Act may be used, main-  
12 tained, repaired, and replaced to the extent nec-  
13 essary to maintain their present function, design,  
14 and serviceable operation, so long as such activities  
15 have no increased adverse impacts on the resources  
16 and values of the areas described in sections 2(b)  
17 and 2(c) than existed as of the date of enactment of  
18 this Act.

19           (4) USE OF WATER RESOURCE FACILITIES.—  
20 Subject to the provisions of this subsection and sub-  
21 section (a)(4), the Secretary shall allow water re-  
22 source facilities existing on the date of enactment of  
23 this Act within areas described in sections 2(b) and  
24 2(c) to be used, operated, maintained, repaired, and  
25 replaced to the extent necessary for the continued

1 exercise, in accordance with Colorado State law, of  
2 vested water rights adjudicated for use in connection  
3 with such facilities by a court of competent jurisdic-  
4 tion prior to the date of enactment of this Act. The  
5 impact of an existing facility on the water resources  
6 and values of the area shall not be increased as a  
7 result of changes in the adjudicated type of use of  
8 such facility as of the date of enactment of this Act.

9 (5) REPAIR AND MAINTENANCE.—Water re-  
10 source facilities, and access routes serving such fa-  
11 cilities, existing within the areas described in sec-  
12 tions 2(b) and 2(c) on the date of enactment of this  
13 Act shall be maintained and repaired when and to  
14 the extent necessary to prevent increased adverse  
15 impacts on the resources and values of the areas de-  
16 scribed in sections 2(b) and 2(c).

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