

112TH CONGRESS
1ST SESSION

S. 1635

To designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2011

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

A BILL

To designate certain lands in San Miguel, Ouray, and San Juan Counties, 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 “San Juan Mountains
5 Wilderness Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COVERED LAND.—The term “covered land”
9 means—

1 (A) land designated as wilderness under
 2 paragraphs (20) through (22) of section 2(a) of
 3 the Colorado Wilderness Act of 1993 (16
 4 U.S.C. 1132 note; Public Law 103–77; 107
 5 Stat. 756); and

6 (B) land in the Special Management Area.

7 (2) SECRETARY.—The term “Secretary” means
 8 the Secretary of Agriculture.

9 (3) SPECIAL MANAGEMENT AREA.—The term
 10 “Special Management Area” means the Sheep
 11 Mountain Special Management Area designated by
 12 section 4(a).

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

15 **SEC. 3. ADDITIONS TO THE NATIONAL WILDERNESS PRES-**
 16 **ERVATION SYSTEM.**

17 Section 2(a) of the Colorado Wilderness Act of 1993
 18 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756)
 19 is amended by adding at the end the following:

20 “(20) LIZARD HEAD WILDERNESS ADDITION.—
 21 Certain Federal land in the Grand Mesa,
 22 Uncompahgre, and Gunnison National Forests com-
 23 prising approximately 3,350 acres, as generally de-
 24 picted on the map entitled ‘Proposed Wilson, Sun-
 25 shine, Black Face and San Bernardo Additions to

1 the Lizard Head Wilderness’ and dated December 1,
2 2010, which is incorporated in, and shall be adminis-
3 tered as part of, the Lizard Head Wilderness.

4 “(21) MOUNT SNEFFELS WILDERNESS ADDI-
5 TIONS.—

6 “(A) LIBERTY BELL AND LAST DOLLAR
7 ADDITIONS.—Certain Federal land in the
8 Grand Mesa, Uncompahgre, and Gunnison Na-
9 tional Forests comprising approximately 8,250
10 acres, as generally depicted on the map entitled
11 ‘Proposed Liberty Bell and Last Dollar Addi-
12 tions to the Mt. Sneffels Wilderness’ and dated
13 December 1, 2010, which is incorporated in,
14 and shall be administered as part of, the Mount
15 Sneffels Wilderness.

16 “(B) WHITEHOUSE ADDITIONS.—Certain
17 Federal land in the Grand Mesa, Uncompahgre,
18 and Gunnison National Forests comprising ap-
19 proximately 13,000 acres, as generally depicted
20 on the map entitled ‘Proposed Whitehouse Ad-
21 ditions to the Mt. Sneffels Wilderness’ and
22 dated December 1, 2010, which is incorporated
23 in, and shall be administered as part of, the
24 Mount Sneffels Wilderness.

1 “(22) MCKENNA PEAK WILDERNESS.—Certain
2 Federal land in the State of Colorado comprising ap-
3 proximately 8,600 acres of Bureau of Land Manage-
4 ment land, as generally depicted on the map entitled
5 ‘McKenna Peak Wilderness’ and dated November
6 10, 2010, to be known as the ‘McKenna Peak Wil-
7 derness’.”.

8 **SEC. 4. SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.**

9 (a) DESIGNATION.—Certain Federal land in the
10 Grand Mesa, Uncompahgre, and Gunnison and San Juan
11 National Forests comprising approximately 21,620 acres
12 as generally depicted on the map entitled “Proposed Sheep
13 Mountain Special Management Area” and dated Decem-
14 ber 2, 2010, is designated as the “Sheep Mountain Special
15 Management Area”.

16 (b) PURPOSE.—The purpose of the Special Manage-
17 ment Area is to conserve and protect for the benefit and
18 enjoyment of present and future generations the geologi-
19 cal, cultural, archaeological, paleontological, natural, sci-
20 entific, recreational, wilderness, wildlife, riparian, histor-
21 ical, educational, and scenic resources of the Special Man-
22 agement Area.

23 (c) MANAGEMENT.—

24 (1) IN GENERAL.—The Secretary shall manage
25 the Special Management Area in a manner that—

1 (A) conserves, protects, and enhances the
2 resources and values of the Special Manage-
3 ment Area described in subsection (b);

4 (B) maintains or improves the wilderness
5 character of the Special Management Area and
6 the suitability of the Special Management Area
7 for potential inclusion in the National Wilder-
8 ness Preservation System; and

9 (C) is 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) PROHIBITIONS.—The following shall be pro-
15 hibited in the Special Management Area:

16 (A) Permanent roads.

17 (B) Except as necessary to meet the min-
18 imum requirements for the administration of
19 the Federal land and to protect public health
20 and safety—

21 (i) the use of motor vehicles, motor-
22 ized equipment, or mechanical transport
23 (other than provided in paragraph (3));
24 and

1 (ii) the establishment of temporary
2 roads.

3 (3) AUTHORIZED ACTIVITIES.—

4 (A) IN GENERAL.—The Secretary may
5 allow any activities (including helicopter access
6 for recreation and maintenance) that have been
7 authorized by permit or license as of the date
8 of enactment of this Act to continue within the
9 Special Management Area, subject to such
10 terms and conditions as the Secretary may re-
11 quire.

12 (B) PERMITTING.—The designation of the
13 Special Management Area by subsection (a)
14 shall not affect the issuance of permits relating
15 to the activities covered under subparagraph
16 (A) after the date of enactment of this Act.

17 (d) WATER.—

18 (1) EFFECT.—Nothing in this section—

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

22 (B) affects any vested absolute or decreed
23 conditional water right in existence on the date
24 of enactment of this Act, including any water
25 right held by the United States;

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

3 (D) authorizes or imposes any new re-
4 served Federal water rights; or

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

10 (2) STATE WATER LAW.—The Secretary shall
11 follow the procedural requirements of State law in
12 order to obtain and hold any water rights not in ex-
13 istence on the date of enactment of this Act with re-
14 spect to the covered land.

15 (3) NEW OR EXPANDED PROJECTS.—Notwith-
16 standing any other provision of law, beginning on
17 the date of enactment of this Act, neither the Presi-
18 dent nor any other officer, employee, or agent of the
19 United States shall fund, assist, authorize, or issue
20 a license or permit for the development of any new
21 irrigation and pumping facility, reservoir, water con-
22 servation work, aqueduct, canal, ditch, pipeline, well,
23 hydropower project, transmission, other ancillary fa-
24 cility, or other water, diversion, storage, or carriage
25 structure in the covered land.

1 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

2 (a) **AUTHORIZED EVENTS.**—The Secretary may con-
3 tinue to authorize the competitive running event permitted
4 since 1992 in the vicinity of the Special Management Area
5 and the Liberty Bell addition to the Mount Sneffels Wil-
6 derness designated by section 2(a)(21) of the Colorado
7 Wilderness Act of 1993 (as added by section 3) in a man-
8 ner compatible with the preservation of the areas as wil-
9 derness.

10 (b) **FISH AND WILDLIFE.**—Nothing in this Act af-
11 fects the jurisdiction or responsibility of the State with
12 respect to fish and wildlife in the State.

13 (c) **NO BUFFER ZONES.**—

14 (1) **IN GENERAL.**—Nothing in this Act creates
15 a protective perimeter or buffer zone around covered
16 land.

17 (2) **ACTIVITIES OUTSIDE WILDERNESS.**—The
18 fact that a nonwilderness activity or use on land out-
19 side of the covered land can be seen or heard from
20 within covered land shall not preclude the conduct of
21 the activity or use outside the boundary of the cov-
22 ered land.

23 (d) **MAPS AND LEGAL DESCRIPTIONS.**—

24 (1) **IN GENERAL.**—As soon as practicable after
25 the date of enactment of this Act, the Secretary or
26 the Secretary of the Interior, as appropriate, shall

1 file a map and a legal description of each wilderness
2 area designated by paragraphs (20) through (22) of
3 section 2(a) of the Colorado Wilderness Act of 1993
4 (as added by section 3) and the Special Management
5 Area with—

6 (A) the Committee on Natural Resources
7 of the House of Representatives; and

8 (B) the Committee on Energy and Natural
9 Resources of the Senate.

10 (2) FORCE OF LAW.—Each map and legal de-
11 scription filed under paragraph (1) shall have the
12 same force and effect as if included in this Act, ex-
13 cept that the Secretary or the Secretary of the Inte-
14 rior, as appropriate, may correct clerical and typo-
15 graphical errors in each map and legal description.

16 (3) PUBLIC AVAILABILITY.—Each map and
17 legal description filed under paragraph (1) shall be
18 on file and available for public inspection in the ap-
19 propriate offices of the Bureau of Land Management
20 and the Forest Service.

21 (e) ACQUISITION OF LAND.—

22 (1) IN GENERAL.—The Secretary or the Sec-
23 retary of the Interior, as appropriate, may acquire
24 any land or interest in land within the boundaries of
25 the Special Management Area or the wilderness des-

1 ignated under paragraphs (20) through (22) of sec-
2 tion 2(a) of the Colorado Wilderness Act of 1993 (as
3 added by section 3) only through exchange, dona-
4 tion, or purchase from a willing seller.

5 (2) MANAGEMENT.—Any land or interest in
6 land acquired under paragraph (1) shall be incor-
7 porated into, and administered as a part of, the wil-
8 derness or Special Management Area in which the
9 land or interest in land is located.

10 (f) GRAZING.—The grazing of livestock on covered
11 land, if established before the date of enactment of this
12 Act, shall be permitted to continue subject to such reason-
13 able regulations as are considered necessary by the Sec-
14 retary with jurisdiction over the covered land, in accord-
15 ance with—

16 (1) section 4(d)(4) of the Wilderness Act (16
17 U.S.C. 1133(d)(4)); and

18 (2) the guidelines set forth in Appendix A of
19 the report of the Committee on Interior and Insular
20 Affairs of the House of Representatives accom-
21 panying H.R. 2570 of the 101st Congress (H. Rept.
22 101–405) and H.R. 5487 of the 96th Congress (H.
23 Rept. 96–617).

24 (g) WITHDRAWAL.—Subject to valid rights in exist-
25 ence on the date of enactment of this Act, the covered

1 land and the approximately 6,600 acres generally depicted
2 on the map entitled “Proposed Naturita Canyon Mineral
3 Withdrawal Area” and dated January 26, 2010, is with-
4 drawn from—

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

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

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

11 **SEC. 6. TECHNICAL CORRECTION.**

12 Subtitle E of title II of Public Law 111–11 (16
13 U.S.C. 460zzz et seq.) is amended—

14 (1) by redesignating section 2408 (16 U.S.C.
15 460zzz–7) as section 2409; and

16 (2) by inserting after section 2407 (16 U.S.C.
17 460zzz–6) the following:

18 **“SEC. 2408. RELEASE.**

19 “(a) IN GENERAL.—Congress finds that, for the pur-
20 poses of section 603(c) of the Federal Land Policy and
21 Management Act of 1976 (43 U.S.C. 1782(c)), the por-
22 tions of the Dominguez Canyon Wilderness Study Area
23 not designated as wilderness by this subtitle have been
24 adequately studied for wilderness designation.

1 “(b) RELEASE.—Any public land referred to in sub-
2 section (a) that is not designated as wilderness by this
3 subtitle—

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

7 “(2) shall be managed in accordance with this
8 subtitle and any other applicable laws.”.

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