

DISCUSSION DRAFT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘Rocky Mountain Recreation and Wilderness Preservation Act’.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Wilderness Additions.

Sec. 4. Tenmile and Porcupine Gulch Special Management Areas.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

(2) STATE.—The term ‘State’ means the State of Colorado.

SEC. 3. WILDERNESS ADDITIONS.

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

(1) in paragraph (18), by striking ‘1993,’ and inserting ‘1993, and certain Federal lands in the White River National Forest which comprise approximately 6,190 acres, as generally depicted as ‘Proposed Ute Pass Wilderness’, ‘Proposed Acorn Creek Wilderness’, and ‘Proposed Ptarmigan Additions Wilderness’, on a map entitled ‘Ptarmigan Peak Wilderness Additions Proposal’, dated June, 2014,’; and

(2) by adding at the end the following:

“(22) HOLY CROSS WILDERNESS ADDITION.—Certain Federal lands in the White River National Forest, which comprise approximately 4,000 acres, as generally depicted as ‘Proposed No Name Wilderness’, on a map entitled ‘Holy Cross Wilderness Addition Proposal’, dated June, 2014, and which are incorporated in and shall be deemed to be a part of the Holy Cross Wilderness designated by section 102(a)(5) of Public Law 96-560 (94 Stat. 3266).

“(23) HOOSIER RIDGE WILDERNESS.—Certain Federal lands in the White River National Forest which comprise approximately 5,200 acres, as generally depicted on a map entitled ‘Hoosier Ridge Wilderness Proposal’, dated June, 2014, and which shall be known as the ‘Hoosier Ridge Wilderness’.

“(24) TENMILE WILDERNESS.—Certain Federal lands in the White River National Forest which comprise approximately 7,804 acres, as generally depicted as ‘Proposed Tenmile Wilderness’ on a map entitled ‘Tenmile Proposal’, dated June, 2014, and which shall be known as the ‘Tenmile Wilderness’.

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

“(26) EAGLES NEST WILDERNESS ADDITIONS.—

(A) DESIGNATION OF WILDERNESS.—Certain Federal lands in the White River National Forest which comprise approximately 7,928 acres, as generally depicted as ‘Proposed Freeman Creek Wilderness’ and ‘Proposed Spraddle Creek Wilderness’, on a map entitled ‘Eagles Nest Wilderness Additions Proposal’, dated June, 2014, and which are incorporated in and shall be deemed to be a part of the Eagles Nest Wilderness.

(B) POTENTIAL WILDERNESS.—

(i) DESIGNATION.—In furtherance of the purposes of the Wilderness Act, certain Federal land in the White River National Forest, which comprise approximately 2,459 acres, as generally depicted as ‘Proposed Spraddle Creek Potential Wilderness’ on a map entitled ‘Eagles Nest Wilderness Additions Proposal’, dated June, 2014, is designated as a potential wilderness area.

(ii) MANAGEMENT.—Except as provided in clause (iii) and subject to valid existing rights, the Spraddle Creek Potential Wilderness area shall be managed in accordance with the Wilderness Act and this Act.

(iii) ECOLOGICAL RESTORATION.—For purposes of ecological restoration (including the removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems and water quality in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Eagles Nest Wilderness.

(iv) DESIGNATION AS WILDERNESS.—The potential wilderness area shall be designated as wilderness and incorporated in and deemed to be a part of the Eagles Nest Wilderness designated by the first section of Public Law 94-352 (90 Stat. 870) on the earlier of—

(I) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(II) the date that is 10 years after the date of enactment of this Act.”

[N.B.: The areas above are designated as amendments to the 1993 Colorado Wilderness Act, which sets a modern legislative norm for Colorado Wilderness standards. As a result, the provisions of the 1993 Act—including its provisions disclaiming federal reserved water rights, protecting existing grazing, recognizing State jurisdiction over wildlife management, etc.—will apply to new wilderness areas in this bill just as they do to the existing areas established by the 1993 Act. The provisions below address a couple of technical issues and a couple of provisions that have become accepted as standard language but were not addressed in the 1993 Act.]

(b) EFFECTIVE DATE.—Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering the wilderness areas and additions designated by sections 2(a)(22) through (26) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by subsection (a)).

(c) FIRE, INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by sections 2(a)(22) through (26) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by subsection (a)), the Secretary may take any measure that the Secretary determines to be necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is acquired by the United States within the boundaries of a wilderness area designated by sections 2(a)(22) through (26) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by subsection (a)) shall—

- (1) become part of the wilderness area; and
- (2) be managed in accordance with the applicable provisions of this Act and any other applicable laws.

SEC. 4. TENMILE AND PORCUPINE GULCH SPECIAL MANAGEMENT AREAS.

(a) DESIGNATION.—

(1) TENMILE SPECIAL MANAGEMENT AREA.—Certain Federal land in the White River National Forest which comprise approximately 11,958 acres, as generally depicted as ‘Proposed Tenmile Special Management Area’ on a map entitled ‘Tenmile Proposal’, dated June, 2014, is designated the ‘Tenmile Special Management Area’.

(2) PORCUPINE GULCH SPECIAL MANAGEMENT AREA.—Certain Federal land located in the White River National Forest which comprise approximately 5,843 acres, as generally depicted on a map entitled ‘Porcupine Gulch Special Management Area Proposal’, dated June, 2014, is designated the ‘Porcupine Gulch Special Management Area’.

(b) PURPOSE.—The purposes of the Tenmile and Porcupine Gulch Special Management Areas are to conserve, protect, and enhance for the benefit and enjoyment of current and future generations the recreational, scenic, roadless, and ecological resources of the areas.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Special Management Areas—

(A) in a manner that conserves, protects, and enhances the resources and values described in subsection (b); and

(B) in accordance with--

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

(ii) this section; and

(iii) any other applicable laws.

(2) USES.—

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

(B) MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles and mechanized transport in the Special Management Areas shall be limited to those roads, vehicle classes, and periods of use authorized for such use on the date of enactment of this Act.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in subclause (iii), no new or temporary roads shall be constructed within the Special Management Areas.

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

(I) rerouting or closing an existing road or trail to protect natural resources from degradation, as determined to be appropriate by the Secretary;

(II) constructing a temporary road or permitting the use of motorized vehicles to carry out a post-fire watershed protection project;

(III) authorizing the use of motorized vehicles for administrative purposes;

(IV) authorizing the use of motorized vehicles to carry out operation, maintenance, repair, reconstruction, renovation, or replacement activities associated with water conveyance infrastructure existing on the date of enactment of this Act;

(V) authorizing additional use and constructing additional trails for mechanized transport within the Tenmile Special Management Area; or

(VI) responding to an emergency.

(C) TIMBER HARVESTING.—No timber harvesting shall be permitted within the Special Management Areas except as provided in subsection (d) and to the extent needed for the—

(i) reduction of hazardous fuels; or

(ii) protection of watersheds, public health or safety.

(d) FIRE, INSECTS, AND DISEASES.— The Secretary may take any measure that the Secretary determines to be necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare maps and legal descriptions for each Special Management Area.

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

(3) PUBLIC AVAILABILITY.—Each map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate office of the Secretary.

(f) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land within the Special Management Areas are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

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

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

(g) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is acquired by the United States within the boundaries of a Special Management Area shall—

(1) become part of the Special Management Area; and

(2) be managed in accordance with the applicable provisions of this Act and any other applicable laws.

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

(i) WATER MANAGEMENT INFRASTRUCTURE.—Nothing in this section affects the operation, maintenance, or renovation of water management infrastructure existing on the date of enactment of this Act within the Special Management Areas.

(j) TRANSPORTATION PROJECTS.—Nothing in this section precludes the Secretary from authorizing, consistent with applicable laws (including regulations), the use or lease of Federal land within the Special Management Areas for—

(1) mass-transit systems; and

(2) associated construction, including highway widening or realignment, infrastructure, and safety measures.

(k) APPLICATION OF LAW.—Nothing in this section shall affect the designation of the Federal land within the Special Management Areas for purposes of Title 49 U.S.C. Section 303 and Title 23 U.S.C. Section 138.

(l) WINTER SKIING AND RELATED WINTER ACTIVITIES.—Nothing in this section alters or limits—

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

(2) the implementation of the activities governed by a ski area or other permit; or

(3) the authority of the Secretary to modify or expand a ski area or other permit in effect on the date of enactment of this Act.

(m) WATER.—The provisions of section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107-216; 116 Stat. 1055) shall apply to the Special Management Areas established by this section.

(n) MILITARY ACTIVITIES.—

(1) Nothing in this section shall restrict, preclude or otherwise affect the use by the Colorado Army National Guard, a reserve component of the Armed Forces, of the Special Management Areas designated by subsection (a) for helicopter training, testing, evaluation, emergency response, or other related air operations—

(A) in the manner and degree such uses were authorized to occur on the date of the enactment of this Act; or

(B) as authorized under future agreements between the Secretary and the Secretary of Defense.

(2) Nothing in this section restricts or precludes, or should cause any other Federal regulation to restrict or preclude--

(A) low-level overflights of military helicopters; or

(B) the designation, modification, or creation of new units of special use airspace, or the establishment of military flight training routes.

(o) NO BUFFER ZONES.—The Special Management Areas shall not create a protective perimeter or buffer zone around the Special Management Areas.