

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 841

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hermosa Creek Water-
5 shed Protection Act of 2014”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

10 (2) COUNTY.—The term “County” means La
11 Plata County, Colorado.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (4) SPECIAL MANAGEMENT AREA.—The term
4 “Special Management Area” means the Hermosa
5 Creek Special Management Area designated by sec-
6 tion 3(a).

7 (5) STATE.—The term “State” means the State
8 of Colorado.

9 **SEC. 3. 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 70,650 acres, as generally de-
14 picted on the map entitled “Proposed Hermosa Creek Spe-
15 cial Management Area and Proposed Hermosa Creek Wil-
16 derness Area” and dated November 12, 2014, is des-
17 ignated as the “Hermosa Creek Special Management
18 Area”.

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

25 (c) ADMINISTRATION.—

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

3 (A) in a manner that conserves, protects,
4 and manages the resources of the Special Man-
5 agement Area described in subsection (b); and

6 (B) in accordance with—

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

9 (ii) this Act; and

10 (iii) any other applicable laws.

11 (2) USES.—

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

16 (B) MOTORIZED AND MECHANIZED VEHI-
17 CLES.—

18 (i) IN GENERAL.—Except as provided
19 in clause (ii) and as needed for administra-
20 tive purposes or to respond to an emer-
21 gency, the use of motorized or mechanized
22 vehicles in the Special Management Area
23 shall be permitted only on roads and trails
24 designated by the Secretary for use by
25 those vehicles.

1 (ii) OVERSNOW VEHICLES.—The Sec-
2 retary shall authorize the use of snowmo-
3 biles and other oversnow vehicles within
4 the Special Management Area—

5 (I) when there exists adequate
6 snow coverage; and

7 (II) subject to such terms and
8 conditions as the Secretary may re-
9 quire.

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

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

22 (i) New permanent or temporary road
23 construction or the renovation of existing
24 nonsystem roads, except as allowed under
25 the final rule entitled “Special Areas;

1 Roadless Area Conservation; Applicability
2 to the National Forests in Colorado” (77
3 Fed. Reg. 39576 (July 3, 2012)).

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

11 (d) STATE AND FEDERAL WATER MANAGEMENT.—
12 Nothing in this section affects the potential for develop-
13 ment, operation, or maintenance of a water storage res-
14 ervoir at the site in the Special Management Area that
15 is identified in—

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

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

23 (e) WITHDRAWAL.—

24 (1) IN GENERAL.—Subject to valid rights in ex-
25 istence on the date of enactment of this Act and ex-

1 cept as provided in paragraph (2), the Federal land
2 within the Special Management Area is withdrawn
3 from—

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

6 (B) location, entry, and patent under the
7 mining laws; and

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

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

16 (f) WINTER SKIING AND RELATED WINTER ACTIVI-
17 TIES.—Nothing in this section alters or limits—

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

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

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

23 (g) VEGETATION MANAGEMENT.—Nothing in this
24 section prevents the Secretary from conducting vegetation

1 management projects within the Special Management
2 Area—

3 (1) subject to—

4 (A) such reasonable regulations, policies,
5 and practices as the Secretary determines to be
6 appropriate; and

7 (B) all applicable laws (including regula-
8 tions); and

9 (2) in a manner consistent with—

10 (A) the purposes described in subsections
11 (b) and (h); and

12 (B) this section.

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

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

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

23 (i) MANAGEMENT PLAN.—Not later than 3 years
24 after the date of enactment of this Act, the Secretary shall

1 develop a management plan for the long-term protection
2 and management of the Special Management Area that—

3 (1) takes into account public input; and

4 (2) provides for recreational opportunities to
5 occur within the Special Management Area, includ-
6 ing skiing, biking, hiking, fishing, hunting, horse-
7 back riding, snowmobiling, motorcycle riding, off-
8 highway vehicle use, snowshoeing, and camping.

9 (j) TRAIL AND OPEN AREA SNOWMOBILE USAGE.—

10 Nothing in this section affects the use or status of trails
11 authorized for motorized or mechanized vehicle or open
12 area snowmobile use on the date of enactment of this Act.

13 (k) STATE WATER RIGHTS.—Nothing in this section
14 affects access to, use of, or allocation of any absolute or
15 conditional water right that is—

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

17 (2) in existence on the date of enactment of this
18 Act.

19 **SEC. 4. HERMOSA CREEK WILDERNESS.**

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

24 “(22) Certain land within the San Juan Na-
25 tional Forest that comprises approximately 37,236

1 acres, as generally depicted on the map entitled
2 ‘Proposed Hermosa Creek Special Management Area
3 and Proposed Hermosa Creek Wilderness Area’ and
4 dated November 12, 2014, which shall be known as
5 the ‘Hermosa Creek Wilderness’.”.

6 (b) EFFECTIVE DATE.—Any reference contained in
7 the Wilderness Act (16 U.S.C. 1131 et seq.) to the effec-
8 tive date of that Act shall be considered to be a reference
9 to the date of enactment of this Act for purposes of admin-
10 istering the wilderness area designated by section 2(a)(22)
11 of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
12 note; 107 Stat. 756; 114 Stat. 1955; 116 Stat. 1055) (as
13 added by subsection (a)).

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

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 mate-
11 rials.

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

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

24 (1) pursuant to the Act of June 14, 1926 (com-
25 monly known as the “Recreation and Public Pur-
26 poses 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
8 of the Interior shall convey to the County, without consid-
9 eration 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
25 conveyed pursuant to this section may be used by the

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

4 (d) REVERSION.—If the County ceases to use a par-
5 cel of the Federal land conveyed pursuant to this section
6 in accordance with subsection (a), title to the parcel shall
7 revert to the Secretary of the Interior, at the option of
8 the 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
15 acres of land in San Juan County, Colorado, that is
16 generally depicted as “Molas Pass Recreation Area”
17 on the map entitled “Molas Pass Recreation Area
18 and Molas Pass Wilderness Study Area” and dated
19 November 13, 2014, is designated as the “Molas
20 Pass Recreation Area”.

21 (2) USE OF SNOWMOBILES.—The use of snow-
22 mobiles shall be authorized in the Molas Pass Recre-
23 ation 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
10 as the Secretary may require.

11 (3) OTHER RECREATIONAL OPPORTUNITIES.—

12 In addition to the uses authorized under paragraph
13 (2), the Secretary may authorize other recreational
14 uses in 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
20 Recreation Area and Molas Pass Wilderness Study
21 Area”, and dated November 13, 2014, is transferred
22 from the Bureau of Land Management to the Forest
23 Service.

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

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

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

7 (c) RELEASE.—

8 (1) FINDING.—Congress finds that the land de-
9 scribed in paragraph (3) has been adequately stud-
10 ied for wilderness designation under section 603 of
11 the Federal Land Policy and Management Act of
12 1976 (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)
17 of the Federal Land Policy and Management
18 Act of 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
23 Order 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
2 Wilderness Study Area of San Juan County, Colo-
3 rado, that is generally depicted as “Molas Pass
4 Recreation Area” on the map entitled “Molas Pass
5 Recreation Area and Molas Pass Wilderness Study
6 Area” and dated November 13, 2014.

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

8 (a) FISH AND WILDLIFE.—Nothing in this Act af-
9 fects the jurisdiction or responsibility of the State with
10 regard 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
14 the Secretary of the Interior, as appropriate, shall
15 prepare 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
24 by 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
8 legal descriptions prepared under paragraph (1)
9 shall be on file and available for public inspection in
10 the appropriate offices of the Forest Service and the
11 Bureau of Land Management.

12 (c) ADJACENT MANAGEMENT.—

13 (1) IN GENERAL.—Nothing in this Act estab-
14 lishes 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
19 that a nonwilderness activity or use can be seen or
20 heard from areas within the wilderness area des-
21 ignated by an amendment made by section 4(a) shall
22 not preclude the conduct of the activity or use out-
23 side the boundary of the wilderness area.

24 (d) MILITARY OVERFLIGHTS.—Nothing in this Act
25 restricts 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 with-
5 in 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).