

Calender No. 907

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4275**

[Report No. 106-460]

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IN THE SENATE OF THE UNITED STATES

JULY 25, 2000

Received; read twice and referred to the Committee on Energy and Natural  
Resources

OCTOBER 2 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. MURKOWSKI, without amendment

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**AN ACT**

To establish the Colorado Canyons National Conservation  
Area and the Black Ridge Canyons 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Colorado Canyons Na-  
3 tional Conservation Area and Black Ridge Canyons Wil-  
4 derness Act of 2000”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6 (a) FINDINGS.—Congress finds that certain areas lo-  
7 cated in the Grand Valley in Mesa County, Colorado, and  
8 Grand County, Utah, should be protected and enhanced  
9 for the benefit and enjoyment of present and future gen-  
10 erations. These areas include the following:

11 (1) The areas making up the Black Ridge and  
12 Ruby Canyons of the Grand Valley and Rabbit Val-  
13 ley, which contain unique and valuable scenic, rec-  
14 reational, multiple use opportunities (including graz-  
15 ing), paleontological, natural, and wildlife compo-  
16 nents enhanced by the rural western setting of the  
17 area, provide extensive opportunities for recreational  
18 activities, and are publicly used for hiking, camping,  
19 and grazing, and are worthy of additional protection  
20 as a national conservation area.

21 (2) The Black Ridge Canyons Wilderness Study  
22 Area has wilderness value and offers unique geologi-  
23 cal, paleontological, scientific, and recreational re-  
24 sources.

25 (b) PURPOSE.—The purpose of this Act is to con-  
26 serve, protect, and enhance for the benefit and enjoyment

1 of present and future generations the unique and nation-  
2 ally important values of the public lands described in sec-  
3 tion 4(b), including geological, cultural, paleontological,  
4 natural, scientific, recreational, environmental, biological,  
5 wilderness, wildlife education, and scenic resources of such  
6 public lands, by establishing the Colorado Canyons Na-  
7 tional Conservation Area and the Black Ridge Canyons  
8 Wilderness in the State of Colorado and the State of Utah.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) CONSERVATION AREA.—The term “Con-  
12 servation Area” means the Colorado Canyons Na-  
13 tional Conservation Area established by section 4(a).

14 (2) COUNCIL.—The term “Council” means the  
15 Colorado Canyons National Conservation Area Advi-  
16 sory Council established under section 8.

17 (3) MANAGEMENT PLAN.—The term “manage-  
18 ment plan” means the management plan developed  
19 for the Conservation Area under section 6(h).

20 (4) MAP.—The term “Map” means the map en-  
21 titled “Proposed Colorado Canyons National Con-  
22 servation Area and Black Ridge Canyons Wilderness  
23 Area” and dated July 18, 2000.

1           (5) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior, acting through the Di-  
3           rector of the Bureau of Land Management.

4           (6) WILDERNESS.—The term “Wilderness”  
5           means the Black Ridge Canyons Wilderness so des-  
6           ignated in section 5.

7 **SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION**  
8           **AREA.**

9           (a) IN GENERAL.—There is established the Colorado  
10          Canyons National Conservation Area in the State of Colo-  
11          rado and the State of Utah.

12          (b) AREAS INCLUDED.—The Conservation Area shall  
13          consist of approximately 122,300 acres of public land as  
14          generally depicted on the Map.

15 **SEC. 5. BLACK RIDGE CANYONS WILDERNESS**  
16           **DESIGNATION.**

17          Certain lands in Mesa County, Colorado, and Grand  
18          County, Utah, which comprise approximately 75,550 acres  
19          as generally depicted on the Map, are hereby designated  
20          as wilderness and therefore as a component of the Na-  
21          tional Wilderness Preservation System. Such component  
22          shall be known as the Black Ridge Canyons Wilderness.

23 **SEC. 6. MANAGEMENT.**

24          (a) CONSERVATION AREA.—The Secretary shall man-  
25          age the Conservation Area in a manner that—

1           (1) conserves, protects, and enhances the re-  
2           sources of the Conservation Area specified in section  
3           2(b); and

4           (2) is in accordance with—

5                   (A) the Federal Land Policy and Manage-  
6                   ment Act of 1976 (43 U.S.C. 1701 et seq.); and

7                   (B) other applicable law, including this  
8                   Act.

9           (b) USES.—The Secretary shall allow only such uses  
10          of the Conservation Area as the Secretary determines will  
11          further the purposes for which the Conservation Area is  
12          established.

13          (c) WITHDRAWALS.—Subject to valid existing rights,  
14          all Federal land within the Conservation Area and the Wil-  
15          derness and all land and interests in land acquired for the  
16          Conservation Area or the Wilderness by the United States  
17          are withdrawn from—

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

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

22                   (3) the operation of the mineral leasing, min-  
23                   eral materials, and geothermal leasing laws, and all  
24                   amendments thereto.

1 Nothing in this subsection shall be construed to affect dis-  
2 cretionary authority of the Secretary under other Federal  
3 laws to grant, issue, or renew rights-of-way or other land  
4 use authorizations consistent with the other provisions of  
5 this Act.

6 (d) OFF-HIGHWAY VEHICLE USE.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), use of motorized vehicles in the Conserva-  
9 tion Area—

10 (A) before the effective date of a manage-  
11 ment plan under subsection (h), shall be al-  
12 lowed only on roads and trails designated for  
13 use of motor vehicles in the management plan  
14 that applies on the date of the enactment of  
15 this Act to the public lands in the Conservation  
16 Area; and

17 (B) after the effective date of a manage-  
18 ment plan under subsection (h), shall be al-  
19 lowed only on roads and trails designated for  
20 use of motor vehicles in that management plan.

21 (2) ADMINISTRATIVE AND EMERGENCY RE-  
22 SPONSE USE.—Paragraph (1) shall not limit the use  
23 of motor vehicles in the Conservation Area as needed  
24 for administrative purposes or to respond to an  
25 emergency.

1 (e) WILDERNESS.—Subject to valid existing rights,  
2 lands designated as wilderness by this Act shall be man-  
3 aged by the Secretary, as appropriate, in accordance with  
4 the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act,  
5 except that, with respect to any wilderness areas des-  
6 ignated by this Act, any reference in the Wilderness Act  
7 to the effective date of the Wilderness Act shall be deemed  
8 to be a reference to the date of the enactment of this Act.

9 (f) HUNTING, TRAPPING, AND FISHING.—

10 (1) IN GENERAL.—Hunting, trapping, and fish-  
11 ing shall be allowed within the Conservation Area  
12 and the Wilderness in accordance with applicable  
13 laws and regulations of the United States and the  
14 States of Colorado and Utah.

15 (2) AREA AND TIME CLOSURES.—The head of  
16 the Colorado Division of Wildlife (in reference to  
17 land within the State of Colorado), the head of the  
18 Utah Division of Wildlife (in reference to land within  
19 the State of Utah), or the Secretary after consulta-  
20 tion with the Colorado Division of Wildlife (in ref-  
21 erence to land within the State of Colorado) or the  
22 head of the Utah Division of Wildlife (in reference  
23 to land within the State of Utah), may issue regula-  
24 tions designating zones where, and establishing lim-  
25 ited periods when, hunting, trapping, or fishing shall

1 be prohibited in the Conservation Area or the Wil-  
2 derness for reasons of public safety, administration,  
3 or public use and enjoyment.

4 (g) GRAZING.—

5 (1) IN GENERAL.—Except as provided by para-  
6 graph (2), the Secretary shall issue and administer  
7 any grazing leases or permits in the Conservation  
8 Area and the Wilderness in accordance with the  
9 same laws (including regulations) and Executive or-  
10 ders followed by the Secretary in issuing and admin-  
11 istering grazing leases and permits on other land  
12 under the jurisdiction of the Bureau of Land Man-  
13 agement.

14 (2) GRAZING IN WILDERNESS.—Grazing of live-  
15 stock in the Wilderness shall be administered in ac-  
16 cordance with the provisions of section 4(d)(4) of  
17 the Wilderness Act (16 U.S.C. 1133(d)(4)), in ac-  
18 cordance with the guidelines set forth in Appendix A  
19 of House Report 101–405 of the 101st Congress.

20 (h) MANAGEMENT PLAN.—

21 (1) IN GENERAL.—Not later than 3 years after  
22 the date of the enactment of this Act, the Secretary  
23 shall develop a comprehensive management plan for  
24 the long-range protection and management of the



1 Conservation Area and the Wilderness and the lands  
2 described in paragraph (2)(E).

3 (2) PURPOSES.—The management plan shall—

4 (A) describe the appropriate uses and  
5 management of the Conservation Area and the  
6 Wilderness;

7 (B) take into consideration any informa-  
8 tion developed in studies of the land within the  
9 Conservation Area or the Wilderness;

10 (C) provide for the continued management  
11 of the utility corridor, Black Ridge Communica-  
12 tions Site, and the Federal Aviation Adminis-  
13 tration site as such for the land designated on  
14 the Map as utility corridor, Black Ridge Com-  
15 munications Site, and the Federal Aviation Ad-  
16 ministration site;

17 (D) take into consideration the historical  
18 involvement of the local community in the inter-  
19 pretation and protection of the resources of the  
20 Conservation Area and the Wilderness, as well  
21 as the Ruby Canyon/Black Ridge Integrated  
22 Resource Management Plan, dated March  
23 1998, which was the result of collaborative ef-  
24 forts on the part of the Bureau of Land Man-  
25 agement and the local community; and

1           (E) include all public lands between the  
2           boundary of the Conservation Area and the  
3           edge of the Colorado River and, on such lands,  
4           the Secretary shall allow only such recreational  
5           or other uses as are consistent with this Act.

6           (i) NO BUFFER ZONES.—The Congress does not in-  
7           tend for the establishment of the Conservation Area or  
8           the Wilderness to lead to the creation of protective perim-  
9           eters or buffer zones around the Conservation Area or the  
10          Wilderness. The fact that there may be activities or uses  
11          on lands outside the Conservation Area or the Wilderness  
12          that would not be allowed in the Conservation Area or the  
13          Wilderness shall not preclude such activities or uses on  
14          such lands up to the boundary of the Conservation Area  
15          or the Wilderness consistent with other applicable laws.

16          (j) ACQUISITION OF LAND.—

17               (1) IN GENERAL.—The Secretary may acquire  
18               non-federally owned land within the exterior bound-  
19               aries of the Conservation Area or the Wilderness  
20               only through purchase from a willing seller, ex-  
21               change, or donation.

22               (2) MANAGEMENT.—Land acquired under para-  
23               graph (1) shall be managed as part of the Conserva-  
24               tion Area or the Wilderness, as the case may be, in  
25               accordance with this Act.

1           (k) INTERPRETIVE FACILITIES OR SITES.—The Sec-  
2 retary may establish minimal interpretive facilities or sites  
3 in cooperation with other public or private entities as the  
4 Secretary considers appropriate. Any facilities or sites  
5 shall be designed to protect the resources referred to in  
6 section 2(b).

7           (l) WATER RIGHTS.—

8                 (1) FINDINGS.—Congress finds that—

9                     (A) the lands designated as wilderness by  
10 this Act are located at the headwaters of the  
11 streams and rivers on those lands, with few, if  
12 any, actual or proposed water resource facilities  
13 located upstream from such lands and few, if  
14 any, opportunities for diversion, storage, or  
15 other uses of water occurring outside such  
16 lands that would adversely affect the wilderness  
17 or other values of such lands;

18                     (B) the lands designated as wilderness by  
19 this Act generally are not suitable for use for  
20 development of new water resource facilities, or  
21 for the expansion of existing facilities;

22                     (C) it is possible to provide for proper  
23 management and protection of the wilderness  
24 and other values of such lands in ways different  
25 from those utilized in other legislation desig-

1 nating as wilderness lands not sharing the at-  
2 tributes of the lands designated as wilderness  
3 by this Act.

4 (2) STATUTORY CONSTRUCTION.—

5 (A) Nothing in this Act shall constitute or  
6 be construed to constitute either an express or  
7 implied reservation of any water or water rights  
8 with respect to the lands designated as a na-  
9 tional conservation area or as wilderness by this  
10 Act.

11 (B) Nothing in this Act shall affect any  
12 conditional or absolute water rights in the State  
13 of Colorado existing on the date of the enact-  
14 ment of this Act.

15 (C) Nothing in this subsection shall be  
16 construed as establishing a precedent with re-  
17 gard to any future national conservation area  
18 or wilderness designations.

19 (D) Nothing in this Act shall be construed  
20 as limiting, altering, modifying, or amending  
21 any of the interstate compacts or equitable ap-  
22 portionment decrees that apportion water  
23 among and between the State of Colorado and  
24 other States.

1           (3) COLORADO WATER LAW.—The Secretary  
2 shall follow the procedural and substantive require-  
3 ments of the law of the State of Colorado in order  
4 to obtain and hold any new water rights with respect  
5 to the Conservation Area and the Wilderness.

6           (4) NEW PROJECTS.—

7           (A) As used in this paragraph, the term  
8 “water resource facility” means irrigation and  
9 pumping facilities, reservoirs, water conserva-  
10 tion works, aqueducts, canals, ditches, pipelines,  
11 wells, hydropower projects, and transmission  
12 and other ancillary facilities, and other water  
13 diversion, storage, and carriage structures.  
14 Such term does not include any such facilities  
15 related to or used for the purpose of livestock  
16 grazing.

17           (B) Except as otherwise provided by sec-  
18 tion 6(g) or other provisions of this Act, on and  
19 after the date of the enactment of this Act, nei-  
20 ther the President nor any other officer, em-  
21 ployee, or agent of the United States shall fund,  
22 assist, authorize, or issue a license or permit for  
23 the development of any new water resource fa-  
24 cility within the wilderness area designated by  
25 this Act.

1           (C) Except as provided in this paragraph,  
2           nothing in this Act shall be construed to affect  
3           or limit the use, operation, maintenance, repair,  
4           modification, or replacement of water resource  
5           facilities in existence on the date of the enact-  
6           ment of this Act within the boundaries of the  
7           Wilderness.

8           (5) BOUNDARIES ALONG COLORADO RIVER.—

9           (A) Neither the Conservation Area nor the Wilder-  
10          ness shall include any part of the Colorado River to  
11          the 100-year high water mark.

12          (B) Nothing in this Act shall affect the author-  
13          ity that the Secretary may or may not have to man-  
14          age recreational uses on the Colorado River, except  
15          as such authority may be affected by compliance  
16          with paragraph (3). Nothing in this Act shall be  
17          construed to affect the authority of the Secretary to  
18          manage the public lands between the boundary of  
19          the Conservation Area and the edge of the Colorado  
20          River.

21          (C) Subject to valid existing rights, all lands  
22          owned by the Federal Government between the 100-  
23          year high water mark on each shore of the Colorado  
24          River, as designated on the Map from the line la-  
25          beled “Line A” on the east to the boundary between

1 the States of Colorado and Utah on the west, are  
2 hereby withdrawn from—

3 (i) all forms of entry, appropriation, or dis-  
4 posal under the public land laws;

5 (ii) location, entry, and patent under the  
6 mining laws; and

7 (iii) the operation of the mineral leasing,  
8 mineral materials, and geothermal leasing laws.

9 **SEC. 7. MAPS AND LEGAL DESCRIPTIONS.**

10 (a) **IN GENERAL.**—As soon as practicable after the  
11 date of the enactment of this Act, the Secretary shall sub-  
12 mit to Congress a copy of the Map and a legal description  
13 of the Conservation Area and of the Wilderness.

14 (b) **FORCE AND EFFECT.**—The Map and legal de-  
15 scriptions shall have the same force and effect as if in-  
16 cluded in this Act, except that the Secretary may correct  
17 clerical and typographical errors in the Map and the legal  
18 descriptions.

19 (c) **PUBLIC AVAILABILITY.**—Copies of the Map and  
20 the legal descriptions shall be on file and available for pub-  
21 lic inspection in—

22 (1) the Office of the Director of the Bureau of  
23 Land Management;

24 (2) the Grand Junction District Office of the  
25 Bureau of Land Management in Colorado;

1           (3) the appropriate office of the Bureau of  
2 Land Management in Colorado, if the Grand Junction  
3 District Office is not deemed the appropriate office;  
4 and

5           (4) the appropriate office of the Bureau of  
6 Land Management in Utah.

7           (d) MAP CONTROLLING.—Subject to section 6(l)(3),  
8 in the case of a discrepancy between the Map and the descriptions,  
9 the Map shall control.

10 **SEC. 8. ADVISORY COUNCIL.**

11           (a) ESTABLISHMENT.—Not later than 6 months after  
12 the date of the enactment of this Act, the Secretary shall  
13 establish an advisory council to be known as the “Colorado  
14 Canyons National Conservation Area Advisory Council”.

15           (b) DUTY.—The Council shall advise the Secretary  
16 with respect to preparation and implementation of the  
17 management plan, including budgetary matters, for the  
18 Conservation Area and the Wilderness.

19           (c) APPLICABLE LAW.—The Council shall be subject  
20 to—

21           (1) the Federal Advisory Committee Act (5  
22 U.S.C. App.); and

23           (2) the Federal Land Policy and Management  
24 Act of 1976 (43 U.S.C. 1701 et seq.).



1 (d) MEMBERS.—The Council shall consist of 10  
2 members to be appointed by the Secretary including, to  
3 the extent practicable:

4 (1) A member of or nominated by the Mesa  
5 County Commission.

6 (2) A member nominated by the permittees  
7 holding grazing allotments within the Conservation  
8 Area or the Wilderness.

9 (3) A member of or nominated by the North-  
10 west Resource Advisory Council.

11 (4) Seven members residing in, or within rea-  
12 sonable proximity to, Mesa County, Colorado, with  
13 recognized backgrounds reflecting—

14 (A) the purposes for which the Conserva-  
15 tion Area or Wilderness was established; and

16 (B) the interests of the stakeholders that  
17 are affected by the planning and management  
18 of the Conservation Area and the Wilderness.

19 **SEC. 9. PUBLIC ACCESS.**

20 (a) IN GENERAL.—The Secretary shall continue to  
21 allow private landowners reasonable access to inholdings  
22 in the Conservation Area and Wilderness.

23 (b) GLADE PARK.—The Secretary shall continue to  
24 allow public right of access, including commercial vehicles,  
25 to Glade Park, Colorado, in accordance with the decision





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Reported without amendment