

106TH CONGRESS
2D SESSION

S. 2956

To establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds that certain areas lo-
9 cated in the Grand Valley in Mesa County, Colorado, and
10 Grand County, Utah, should be protected and enhanced

1 for the benefit and enjoyment of present and future gen-
2 erations. These areas include the following:

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

13 (2) The Black Ridge Canyons Wilderness Study
14 Area has wilderness value and offers unique geologi-
15 cal, paleontological, scientific, and recreational re-
16 sources.

17 (b) PURPOSE.—The purpose of this Act is to con-
18 serve, protect, and enhance for the benefit and enjoyment
19 of present and future generations the unique and nation-
20 ally important values of the public lands described in sec-
21 tion 4(b), including geological, cultural, paleontological,
22 natural, scientific, recreational, environmental, biological,
23 wilderness, wildlife education, and scenic resources of such
24 public lands, by establishing the Colorado Canyons Na-

1 tional Conservation Area and the Black Ridge Canyons
2 Wilderness in the State of Colorado and the State of Utah.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

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

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

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

1 **SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION**
2 **AREA.**

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

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

9 **SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNA-**
10 **TION.**

11 Certain lands in Mesa County, Colorado, and Grand
12 County, Utah, which comprise approximately 75,550 acres
13 as generally depicted on the Map, are hereby designated
14 as wilderness and therefore as a component of the Na-
15 tional Wilderness Preservation System. Such component
16 shall be known as the Black Ridge Canyons Wilderness.

17 **SEC. 6. MANAGEMENT.**

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

20 (1) conserves, protects, and enhances the re-
21 sources of the Conservation Area specified in section
22 2(b); and

23 (2) is in accordance with—

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

1 (B) other applicable law, including this
2 Act.

3 (b) USES.—The Secretary shall allow only such uses
4 of the Conservation Area as the Secretary determines will
5 further the purposes for which the Conservation Area is
6 established.

7 (c) WITHDRAWALS.—Subject to valid existing rights,
8 all Federal land within the Conservation Area and the Wil-
9 derness and all land and interests in land acquired for the
10 Conservation Area or the Wilderness by the United States
11 are withdrawn from—

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

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

16 (3) the operation of the mineral leasing, min-
17 eral materials, and geothermal leasing laws, and all
18 amendments thereto.

19 Nothing in this subsection shall be construed to affect dis-
20 cretionary authority of the Secretary under other Federal
21 laws to grant, issue, or renew rights-of-way or other land
22 use authorizations consistent with the other provisions of
23 this Act.

24 (d) OFF-HIGHWAY VEHICLE USE.—

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

4 (A) before the effective date of a manage-
5 ment plan under subsection (h), shall be al-
6 lowed only on roads and trails designated for
7 use of motor vehicles in the management plan
8 that applies on the date of the enactment of
9 this Act to the public lands in the Conservation
10 Area; and

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

15 (2) ADMINISTRATIVE AND EMERGENCY RE-
16 SPONSE USE.—Paragraph (1) shall not limit the use
17 of motor vehicles in the Conservation Area as needed
18 for administrative purposes or to respond to an
19 emergency.

20 (e) WILDERNESS.—Subject to valid existing rights,
21 lands designated as wilderness by this Act shall be man-
22 aged by the Secretary, as appropriate, in accordance with
23 the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act,
24 except that, with respect to any wilderness areas des-
25 ignated by this Act, any reference in the Wilderness Act

1 to the effective date of the Wilderness Act shall be deemed
2 to be a reference to the date of the enactment of this Act.

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

4 (1) IN GENERAL.—Hunting, trapping, and fish-
5 ing shall be allowed within the Conservation Area
6 and the Wilderness in accordance with applicable
7 laws and regulations of the United States and the
8 States of Colorado and Utah.

9 (2) AREA AND TIME CLOSURES.—The head of
10 the Colorado Division of Wildlife (in reference to
11 land within the State of Colorado), the head of the
12 Utah Division of Wildlife (in reference to land within
13 the State of Utah), or the Secretary after consulta-
14 tion with the Colorado Division of Wildlife (in ref-
15 erence to land within the State of Colorado) or the
16 head of the Utah Division of Wildlife (in reference
17 to land within the State of Utah), may issue regula-
18 tions designating zones where, and establishing lim-
19 ited periods when, hunting, trapping, or fishing shall
20 be prohibited in the Conservation Area or the Wil-
21 derness for reasons of public safety, administration,
22 or public use and enjoyment.

23 (g) GRAZING.—

24 (1) IN GENERAL.—Except as provided by para-
25 graph (2), the Secretary shall issue and administer

1 any grazing leases or permits in the Conservation
2 Area and the Wilderness in accordance with the
3 same laws (including regulations) and Executive or-
4 ders followed by the Secretary in issuing and admin-
5 istering grazing leases and permits on other land
6 under the jurisdiction of the Bureau of Land Man-
7 agement.

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

14 (h) MANAGEMENT PLAN.—

15 (1) IN GENERAL.—Not later than 3 years after
16 the date of the enactment of this Act, the Secretary
17 shall develop a comprehensive management plan for
18 the long-range protection and management of the
19 Conservation Area and the Wilderness and the lands
20 described in paragraph (2)(E).

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

22 (A) describe the appropriate uses and
23 management of the Conservation Area and the
24 Wilderness;

1 (B) take into consideration any informa-
2 tion developed in studies of the land within the
3 Conservation Area or the Wilderness;

4 (C) provide for the continued management
5 of the utility corridor, Black Ridge Communica-
6 tions Site, and the Federal Aviation Adminis-
7 tration site as such for the land designated on
8 the Map as utility corridor, Black Ridge Com-
9 munications Site, and the Federal Aviation Ad-
10 ministration site;

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

20 (E) include all public lands between the
21 boundary of the Conservation Area and the
22 edge of the Colorado River and, on such lands,
23 the Secretary shall allow only such recreational
24 or other uses as are consistent with this Act.

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

11 (j) ACQUISITION OF LAND.—

12 (1) IN GENERAL.—The Secretary may acquire
13 non-federally owned land within the exterior bound-
14 aries of the Conservation Area or the Wilderness
15 only through purchase from a willing seller, ex-
16 change, or donation.

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

21 (k) INTERPRETIVE FACILITIES OR SITES.—The Sec-
22 retary may establish minimal interpretive facilities or sites
23 in cooperation with other public or private entities as the
24 Secretary considers appropriate. Any facilities or sites

1 shall be designed to protect the resources referred to in
2 section 2(b).

3 (l) WATER RIGHTS.—

4 (1) FINDINGS.—Congress finds that—

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

14 (B) the lands designated as wilderness by
15 this Act generally are not suitable for use for
16 development of new water resource facilities, or
17 for the expansion of existing facilities;

18 (C) it is possible to provide for proper
19 management and protection of the wilderness
20 and other values of such lands in ways different
21 from those utilized in other legislation desig-
22 nating as wilderness lands not sharing the at-
23 tributes of the lands designated as wilderness
24 by this Act.

25 (2) STATUTORY CONSTRUCTION.—

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

7 (B) Nothing in this Act shall affect any
8 conditional or absolute water rights in the State
9 of Colorado existing on the date of the enact-
10 ment of this Act.

11 (C) Nothing in this subsection shall be
12 construed as establishing a precedent with re-
13 gard to any future national conservation area
14 or wilderness designations.

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

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

1 (4) NEW PROJECTS.—

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

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

21 (C) Except as provided in this paragraph,
22 nothing in this Act shall be construed to affect
23 or limit the use, operation, maintenance, repair,
24 modification, or replacement of water resource
25 facilities in existence on the date of the enact-

1 ment of this Act within the boundaries of the
2 Wilderness.

3 (5) BOUNDARIES ALONG COLORADO RIVER.—

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

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

16 (C) Subject to valid existing rights, all lands
17 owned by the Federal Government between the 100-
18 year high water mark on each shore of the Colorado
19 River, as designated on the Map from the line la-
20 beled “Line A” on the east to the boundary between
21 the States of Colorado and Utah on the west, are
22 hereby withdrawn from—

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

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

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

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

6 (a) IN GENERAL.—As soon as practicable after the
7 date of the enactment of this Act, the Secretary shall sub-
8 mit to Congress a copy of the Map and a legal description
9 of the Conservation Area and of the Wilderness.

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

15 (c) PUBLIC AVAILABILITY.—Copies of the Map and
16 the legal descriptions shall be on file and available for pub-
17 lic inspection in—

18 (1) the Office of the Director of the Bureau of
19 Land Management;

20 (2) the Grand Junction District Office of the
21 Bureau of Land Management in Colorado;

22 (3) the appropriate office of the Bureau of
23 Land Management in Colorado, if the Grand Junc-
24 tion District Office is not deemed the appropriate of-
25 fice; and

1 (4) the appropriate office of the Bureau of
2 Land Management in Utah.

3 (d) MAP CONTROLLING.—Subject to section 6(l)(3),
4 in the case of a discrepancy between the Map and the de-
5 scriptions, the Map shall control.

6 **SEC. 8. ADVISORY COUNCIL.**

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

11 (b) DUTY.—The Council shall advise the Secretary
12 with respect to preparation and implementation of the
13 management plan, including budgetary matters, for the
14 Conservation Area and the Wilderness.

15 (c) APPLICABLE LAW.—The Council shall be subject
16 to—

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

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

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

24 (1) A member of or nominated by the Mesa
25 County Commission.

1 (2) A member nominated by the permittees
2 holding grazing allotments within the Conservation
3 Area or the Wilderness.

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

6 (4) Seven members residing in, or within rea-
7 sonable proximity to, Mesa County, Colorado, with
8 recognized backgrounds reflecting—

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

11 (B) the interests of the stakeholders that
12 are affected by the planning and management
13 of the Conservation Area and the Wilderness.

14 **SEC. 9. PUBLIC ACCESS.**

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

18 (b) GLADE PARK.—The Secretary shall continue to
19 allow public right of access, including commercial vehicles,
20 to Glade Park, Colorado, in accordance with the decision
21 in Board of County Commissioners of Mesa County v.
22 Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

○