

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1576

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IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2001

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

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## AN ACT

To designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, 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 “James Peak Wilder-  
3 ness and Protection Area Act”.

4 **SEC. 2. WILDERNESS DESIGNATION.**

5 (a) INCLUSION WITH OTHER COLORADO WILDER-  
6 NESS AREAS.—Section 2(a) of the Colorado Wilderness  
7 Act of 1993 (Public Law 103–77; 107 Stat. 756; 16  
8 U.S.C. 1132 note) is amended by adding at the end the  
9 following new paragraph:

10 “(21) Certain lands in the Arapaho/Roosevelt  
11 National Forest which comprise approximately  
12 14,000 acres, as generally depicted on a map enti-  
13 tled ‘Proposed James Peak Wilderness’, dated Sep-  
14 tember 2001, and which shall be known as the  
15 James Peak Wilderness.”.

16 (b) ADDITION TO THE INDIAN PEAKS WILDERNESS  
17 AREA.—Section 3 of the Indian Peaks Wilderness Area  
18 and Arapaho National Recreation Area and the Oregon  
19 Islands Wilderness Area Act (Public Law 95–450; 92  
20 Stat. 1095; 16 U.S.C. 1132 note) is amended by adding  
21 at the end the following new subsections:

22 “(c) The approximately 2,232 acres of Federal lands  
23 in the Arapaho/Roosevelt National Forest generally de-  
24 picted on the map entitled ‘Ranch Creek Addition to In-  
25 dian Peaks Wilderness’ dated September 2001, are hereby  
26 added to the Indian Peaks Wilderness Area.

1           “(d) The approximately 963 acres of Federal lands  
2 in the Arapaho/Roosevelt National Forest generally de-  
3 picted on the map entitled ‘Fourth of July Addition to  
4 Indian Peaks Wilderness’ dated September 2001, are  
5 hereby added to the Indian Peaks Wilderness Area.”.

6           (c) MAPS AND BOUNDARY DESCRIPTIONS.—As soon  
7 as practicable after the date of the enactment of this Act,  
8 the Secretary of Agriculture (hereafter in this Act referred  
9 to as the “Secretary”) shall file with the Committee on  
10 Resources of the House of Representatives and the Com-  
11 mittee on Energy and Natural Resources of the Senate  
12 a map and a boundary description of the area designated  
13 as wilderness by subsection (a) and of the area added to  
14 the Indian Peaks Wilderness Area by subsection (b). The  
15 maps and boundary descriptions shall have the same force  
16 and effect as if included in the Colorado Wilderness Act  
17 of 1993 and the Indian Peaks Wilderness Area and Arap-  
18 aho National Recreation Area and the Oregon Islands Wil-  
19 derness Area Act, respectively, except that the Secretary  
20 may correct clerical and typographical errors in the maps  
21 and boundary descriptions. The maps and boundary de-  
22 scriptions shall be on file and available for public inspec-  
23 tion in the office of the Chief of the Forest Service, De-  
24 partment of Agriculture and in the office of the Forest  
25 Supervisor of the Arapaho/Roosevelt National Forest.

1 **SEC. 3. DESIGNATION OF JAMES PEAK PROTECTION AREA,**  
2 **COLORADO.**

3 (a) FINDINGS AND PURPOSE.—

4 (1) FINDINGS.—The Congress finds the fol-  
5 lowing:

6 (A) The lands covered by this section in-  
7 clude important resources and values, including  
8 wildlife habitat, clean water, open space, and  
9 opportunities for solitude.

10 (B) These lands also include areas that are  
11 suitable for recreational uses, including use of  
12 snowmobiles in times of adequate snow cover as  
13 well as use of other motorized and non-  
14 motorized mechanical devices.

15 (C) These lands should be managed in a  
16 way that affords permanent protection to their  
17 resources and values while permitting continued  
18 recreational uses in appropriate locales and sub-  
19 ject to appropriate regulations.

20 (2) PURPOSE.—The purpose of this section is  
21 to provide for management of certain lands in the  
22 Arapaho/Roosevelt National Forest in a manner con-  
23 sistent with the 1997 Revised Land and Resources  
24 Management Plan for this forest in order to protect  
25 the natural qualities of these areas.

1 (b) DESIGNATION.—The approximately 16,000 acres  
2 of land in the Arapaho/Roosevelt National Forest gen-  
3 erally depicted on the map entitled “Proposed James Peak  
4 Protection Area”, dated September 2001, are hereby des-  
5 ignated as the James Peak Protection Area (hereafter in  
6 this Act referred to as the “Protection Area”).

7 (c) MAP AND BOUNDARY DESCRIPTION.—As soon as  
8 practicable after the date of the enactment of this Act,  
9 the Secretary shall file with the Committee on Resources  
10 of the House of Representatives and the Committee on  
11 Energy and Natural Resources of the Senate a map and  
12 a boundary description of the Protection Area. The map  
13 and boundary description shall have the same force and  
14 effect as if included in this Act, except that the Secretary  
15 may correct clerical and typographical errors in the map  
16 and boundary description. The map and boundary descrip-  
17 tion shall be on file and available for public inspection in  
18 the office of the Chief of the Forest Service, Department  
19 of Agriculture, and in the office of the Forest Supervisor  
20 of the Arapaho/Roosevelt National Forest.

21 (d) MANAGEMENT.—

22 (1) IN GENERAL.—Except as otherwise pro-  
23 vided in this section, the Protection Area shall be  
24 managed and administered by the Secretary in the  
25 same manner as the management area prescription

1 designations identified for these lands in the 1997  
2 Revision of the Land and Resource Management  
3 Plan for the Arapaho/Roosevelt National Forest and  
4 the Pawnee National Grasslands. Such management  
5 and administration shall be in accordance with the  
6 following:

7 (A) GRAZING.—Nothing in this Act, in-  
8 cluding the establishment of the Protection  
9 Area, shall affect grazing on lands within or  
10 outside of the Protection Area.

11 (B) MINING WITHDRAWAL.—Subject to  
12 valid existing rights, all Federal land within the  
13 Protection Area and all land and interests in  
14 land acquired for the Protection Area by the  
15 United States are withdrawn from—

16 (i) all forms of entry, appropriation,  
17 or disposal under the public land laws;

18 (ii) location, entry, and patent under  
19 the mining laws; and

20 (iii) the operation of the mineral leas-  
21 ing, mineral materials, and geothermal  
22 leasing laws, and all amendments thereto.

23 Nothing in this subparagraph shall be con-  
24 strued to affect discretionary authority of the  
25 Secretary under other Federal laws to grant,

1 issue, or renew rights-of-way or other land use  
2 authorizations consistent with the other provi-  
3 sions of this Act.

4 (C) **MOTORIZED AND MECHANIZED TRAV-**  
5 **EL.—**

6 (i) **REVIEW AND INVENTORY.—**Not  
7 later than two years after the date of the  
8 enactment of this Act, the Secretary, in  
9 consultation with interested parties, shall  
10 complete a review and inventory of all  
11 roads and trails in the Protection Area on  
12 which use was allowed on September 10,  
13 2001, except those lands managed under  
14 the management prescription referred to in  
15 subparagraph (F). During the review and  
16 inventory, the Secretary may—

17 (I) connect existing roads and  
18 trails in the inventoried area to other  
19 existing roads and trails in the inven-  
20 toried area for the purpose of mecha-  
21 nized and other nonmotorized use on  
22 any lands within the Protection Area  
23 as long as there is no net gain in the  
24 total mileage of either roads or trails

1 open for public use within the Protec-  
2 tion Area; and

3 (II) close or remove roads or  
4 trails within the Protection Area that  
5 the Secretary determines to be unde-  
6 sirable, except those roads or trails  
7 managed pursuant to paragraph (2)  
8 of this subsection or subsection (e)(3).

9 (ii) AFTER COMPLETION OF INVEN-  
10 TORY.—After completion of the review and  
11 inventory required by clause (i), the Sec-  
12 retary shall ensure that motorized and  
13 mechanized travel within the Protection  
14 Area shall be permitted only on those  
15 roads and trails identified as open to use  
16 in the inventory or established pursuant to  
17 subparagraph (D).

18 (D) NEW ROADS AND TRAILS.—No new  
19 roads or trails shall be established within the  
20 Protection Area except those which the Sec-  
21 retary shall establish as follows:

22 (i) Roads and trails established to re-  
23 place roads or trails of the same character  
24 and scope which have become nonservice-  
25 able through reasons other than neglect.



1           (ii) Nonpermanent roads as needed  
2           for hazardous fuels reduction or other con-  
3           trol of fire, insect or disease control  
4           projects, or other management purposes.

5           (iii) Roads determined to be appro-  
6           priate for reasonable access under section  
7           4(b)(2).

8           (iv) A loop trail established pursuant  
9           to section 6.

10          (v) Construction of a trail for non-  
11          motorized use following the corridor des-  
12          ignated as the Continental Divide Trail.

13          (E) **TIMBER HARVESTING.**—No timber  
14          harvesting shall be allowed within the Protec-  
15          tion Area except to the extent needed for haz-  
16          ardous fuels reduction or other control of fire,  
17          insect or disease control projects, or protection  
18          of public health or safety.

19          (F) **SPECIAL INTEREST AREA.**—The man-  
20          agement prescription applicable to the lands de-  
21          scribed in the 1997 Revision of the Land and  
22          Resource Management Plan as the James Peak  
23          Special Interest Area shall also be applicable to  
24          all the lands in the Protection Area that are  
25          bounded on the north by Rollins Pass Road, on

1 the east by the Continental Divide, and on the  
2 west by the 11,300 foot elevation contour as  
3 shown on the map referred to in subsection (b).

4 In addition, motorized vehicle use shall not be  
5 permitted on any part of the Rogers Pass trail.

6 (2) NATURAL GAS PIPELINE.—The Secretary  
7 shall allow for maintenance of rights-of-ways and ac-  
8 cess roads located within the Protection Area to the  
9 extent necessary to operate the natural gas pipeline  
10 permitted under the Arapaho/Roosevelt National  
11 Forest master permit numbered 4138.01 in a man-  
12 ner that avoids negative impacts on public safety  
13 and allows for compliance with Federal pipeline safe-  
14 ty requirements. Such maintenance may include  
15 vegetation management, road maintenance, ground  
16 stabilization, and motorized vehicle access.

17 (3) PERMANENT FEDERAL OWNERSHIP.—All  
18 right, title, and interest of the United States, held  
19 on or acquired after the date of the enactment of  
20 this Act, to lands within the boundaries of the Pro-  
21 tection Area shall be retained by the United States.

22 (e) ISSUES RELATED TO WATER.—

23 (1) STATUTORY CONSTRUCTION.—

24 (A) Nothing in this Act shall constitute or  
25 be construed to constitute either an express or

1 implied reservation of any water or water rights  
2 with respect to the lands within the Protection  
3 Area.

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

8 (C) Nothing in this subsection shall be  
9 construed as establishing a precedent with re-  
10 gard to any future protection area designation.

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

17 (2) COLORADO WATER LAW.—The Secretary  
18 shall follow the procedural and substantive require-  
19 ments of the law of the State of Colorado in order  
20 to obtain and hold any new water rights with respect  
21 to the Protection Area.

22 (3) WATER INFRASTRUCTURE.—Nothing in this  
23 Act (including the provisions related to establish-  
24 ment or management of the Protection Area) shall  
25 affect, impede, interfere with, or diminish the oper-

1 ation, existence, access, maintenance, improvement,  
2 or construction of water facilities and infrastructure,  
3 rights-of-way, or other water-related property, inter-  
4 ests, and uses, (including the use of motorized vehi-  
5 cles and equipment existing or located on lands with-  
6 in the Protection Area) on any lands except those  
7 lands managed under the management prescription  
8 referred to in subsection (d)(1)(F).

9 **SEC. 4. INHOLDINGS.**

10 (a) STATE LAND BOARD LANDS.—If the Colorado  
11 State Land Board informs the Secretary that the Board  
12 is willing to transfer to the United States some or all of  
13 the lands owned by the Board located within the Protec-  
14 tion Area, the Secretary shall promptly seek to reach  
15 agreement with the Board regarding terms and conditions  
16 for acquisition of such lands by the United States by pur-  
17 chase or exchange.

18 (b) JIM CREEK INHOLDING.—

19 (1) ACQUISITION OF LANDS.—The Secretary  
20 shall enter into negotiations with the owner of lands  
21 located within the portion of the Jim Creek drainage  
22 within the Protection Area for the purpose of acquir-  
23 ing the lands by purchase or exchange, but the  
24 United States shall not acquire such lands without  
25 the consent of the owner of the lands.

1           (2) LANDOWNER RIGHTS.—Nothing in this Act  
2 shall affect any rights of the owner of lands located  
3 within the Jim Creek drainage within the Protection  
4 Area, including any right to reasonable access to  
5 such lands by motorized or other means as deter-  
6 mined by the Forest Service and the landowner con-  
7 sistent with applicable law and relevant and appro-  
8 priate rules and regulations governing such access.

9           (c) REPORT.—

10           (1) IN GENERAL.—The Secretary shall submit  
11 to the Committee on Resources of the House of Rep-  
12 resentatives and the Committee on Energy and Nat-  
13 ural Resources of the Senate a report concerning  
14 any agreement or the status of negotiations con-  
15 ducted pursuant to—

16           (A) subsection (a), upon conclusion of an  
17 agreement for acquisition by the United States  
18 of lands referred to in subsection (a), or 1 year  
19 after the date of the enactment of this Act,  
20 whichever occurs first; and

21           (B) subsection (b), upon conclusion of an  
22 agreement for acquisition by the United States  
23 of lands referred to in subsection (b), or 1 year  
24 after the date of the enactment of this Act,  
25 whichever occurs first.

1           (2) FUNDING INFORMATION.—The report re-  
2           quired by this subsection shall indicate to what ex-  
3           tent funds are available to the Secretary as of the  
4           date of the report for the acquisition of the relevant  
5           lands and whether additional funds need to be ap-  
6           propriated or otherwise made available to the Sec-  
7           retary for such purpose.

8           (d) MANAGEMENT OF ACQUISITIONS.—Any lands  
9           within the James Peak Wilderness or the Protection Area  
10          acquired by the United States after the date of the enact-  
11          ment of this Act shall be added to the James Peak Wilder-  
12          ness or the Protection Area, respectively, and managed ac-  
13          cordingly.

14       **SEC. 5. JAMES PEAK FALL RIVER TRAILHEAD.**

15          (a) SERVICES AND FACILITIES.—Following the con-  
16          sultation required by subsection (c), the Forest Supervisor  
17          of the Arapaho/Roosevelt National Forest in the State of  
18          Colorado (in this section referred to as the “Forest Super-  
19          visor”) shall establish a trailhead and corresponding facili-  
20          ties and services to regulate use of National Forest System  
21          lands in the vicinity of the Fall River basin south of the  
22          communities of Alice Township and St. Mary’s Glacier in  
23          the State of Colorado. The facilities and services shall in-  
24          clude the following:

25               (1) Trailhead parking.

1           (2) Public restroom accommodations.

2           (3) Trailhead and trail maintenance.

3           (b) PERSONNEL.—The Forest Supervisor shall assign  
4 Forest Service personnel to provide appropriate manage-  
5 ment and oversight of the area described in subsection (a).

6           (c) CONSULTATION.—The Forest Supervisor shall  
7 consult with the Clear Creek County commissioners and  
8 with residents of Alice Township and St. Mary’s Glacier  
9 regarding—

10           (1) the appropriate location of facilities and  
11 services in the area described in subsection (a); and

12           (2) appropriate measures that may be needed in  
13 this area—

14                   (A) to provide access by emergency or law  
15 enforcement vehicles;

16                   (B) for public health; and

17                   (C) to address concerns regarding impeded  
18 access by local residents.

19           (d) REPORT.—After the consultation required by sub-  
20 section (c), the Forest Supervisor shall submit to the Com-  
21 mittee on Resources and the Committee on Appropriations  
22 of the House of Representatives and the Committee on  
23 Energy and Natural Resources and the Committee on Ap-  
24 propriations of the Senate a report regarding the amount

1 of any additional funding required to implement this sec-  
2 tion.

3 **SEC. 6. LOOP TRAIL STUDY; AUTHORIZATION.**

4 (a) **STUDY.**—Not later than three years after funds  
5 are first made available for this purpose, the Secretary,  
6 in consultation with interested parties, shall complete a  
7 study of the suitability and feasibility of establishing, con-  
8 sistent with the purpose set forth in section 3(a)(2), a loop  
9 trail for mechanized and other nonmotorized recreation  
10 connecting the trail designated as “Rogers Pass” and the  
11 trail designated as “Rollins Pass Road”.

12 (b) **ESTABLISHMENT.**—If the results of the study re-  
13 quired by subsection (a) indicate that establishment of  
14 such a loop trail would be suitable and feasible, consistent  
15 with the purpose set forth in section 3(a)(2), the Secretary  
16 shall establish the loop trail in a manner consistent with  
17 that purpose.

18 **SEC. 7. OTHER ADMINISTRATIVE PROVISIONS.**

19 (a) **BUFFER ZONES.**—The designation by this Act or  
20 by amendments made by this Act of wilderness areas and  
21 the Protection Area in the State of Colorado shall not cre-  
22 ate or imply the creation of protective perimeters or buffer  
23 zones around any wilderness area or the Protection Area.  
24 The fact that nonwilderness activities or uses can be seen  
25 or heard from within a wilderness area or Protection Area



1 shall not, of itself, preclude such activities or uses up to  
2 the boundary of the wilderness area or the Protection  
3 Area.

4 (b) ROLLINS PASS ROAD.—If requested by one or  
5 more of the Colorado Counties of Grand, Gilpin, and Boul-  
6 der, the Secretary shall provide technical assistance and  
7 otherwise cooperate with respect to repairing the Rollins  
8 Pass road in those counties sufficiently to allow two-wheel-  
9 drive vehicles to travel between Colorado State Highway  
10 119 and U.S. Highway 40. If this road is repaired to such  
11 extent, the Secretary shall close the motorized roads and  
12 trails on Forest Service land indicated on the map entitled  
13 “Rollins Pass Road Reopening: Attendant Road and Trail  
14 Closures”, dated September 2001.

15 **SEC. 8. WILDERNESS POTENTIAL.**

16 (a) IN GENERAL.—Nothing in this Act shall preclude  
17 or restrict the authority of the Secretary to evaluate the  
18 suitability of lands in the Protection Area for inclusion  
19 in the National Wilderness Preservation System or to  
20 make recommendations to Congress for such inclusion.

21 (b) EVALUATION OF CERTAIN LANDS.—In connec-  
22 tion with the first revision of the land and resources man-  
23 agement plan for the Arapaho/Roosevelt National Forest  
24 after the date of the enactment of this Act, the Secretary  
25 shall evaluate the suitability of the lands managed under

1 the management prescription referred to in section  
2 3(d)(1)(F) for inclusion in the National Wilderness Pres-  
3 ervation System and make recommendations to Congress  
4 regarding such inclusion.

Passed the House of Representatives December 11,  
2001.

Attest:

JEFF TRANDAHL,

*Clerk.*