

107TH CONGRESS  
2D SESSION

# H. R. 5722

To designate certain lands in Colorado as wilderness.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2002

Mr. McINNIS introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To designate certain lands in Colorado as wilderness.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3               **TITLE I—EXPANSION OF**  
4       **CERTAIN WILDERNESS AREAS**

5       **SEC. 101. PTARMIGAN PEAK WILDERNESS.**

6       Section 2(a)(18) of the Colorado Wilderness Act of  
7       1993 (Public Law 103–77; 16 U.S.C. 1132 note) is  
8       amended by inserting after “January, 1993” the fol-  
9       lowing: “; the approximately 2,000 acres of land known  
10      as Ute Pass and the approximately 900 acres of land  
11      known as Acorn Creek, both located in Summit County,

1 Colorado, and generally depicted on the map entitled  
 2 ‘Ptarmigan Peak’, numbered \_\_\_\_, and dated \_\_\_\_.”.

3 **SEC. 102. RAGGEDS WILDERNESS.**

4 Section 102(a)(16) of Public Law 96–560 (16 U.S.C.  
 5 1132 note; 94 Stat. 3267) is amended by inserting after  
 6 “November 1980” the following: “; and the approximately  
 7 1,500 acres of land located in Gunnison County, Colorado,  
 8 and generally depicted on the map entitled ‘Raggeds’,  
 9 numbered \_\_\_\_, and dated \_\_\_\_”.

10 **SEC. 103. HUNTER–FRYINGPAN WILDERNESS.**

11 Section 2(e) of the Endangered American Wilderness  
 12 Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 41) is amend-  
 13 ed by inserting after “Area—Proposed” the following: “;  
 14 the approximately 3,000 acres of land known as North  
 15 Independence A and the approximately 1,100 acres of land  
 16 known as Hunter both located in Pitkin County, Colorado,  
 17 and generally depicted on the map entitled ‘Hunter-  
 18 Fryingpan’, numbered \_\_\_\_, and dated \_\_\_\_”.

19 **TITLE II—RED TABLE MOUNTAIN**  
 20 **WILDERNESS**

21 **SEC. 201. RED TABLE MOUNTAIN WILDERNESS.**

22 (a) RED TABLE MOUNTAIN WILDERNESS.—In fur-  
 23 therance of the purposes of the Wilderness Act, the ap-  
 24 proximately 50,000 acres of land located in Eagle County,  
 25 Colorado, and generally depicted on the map entitled “Red

1 Table”, numbered \_\_\_\_\_, and dated \_\_\_\_\_” are hereby des-  
2 ignated as wilderness and therefore as a component of the  
3 National Wilderness Preservation System. Such compo-  
4 nent shall be known as “Red Table Mountain Wilderness”.

5 (b) MANAGEMENT.—Subject to valid existing rights,  
6 land designated as wilderness by this title shall be man-  
7 aged by the Secretary, as appropriate, in accordance with  
8 this title and—

9 (1) the Wilderness Act (16 U.S.C. 1131 et  
10 seq.), except that, with respect to any wilderness  
11 areas designated by this title, any reference in the  
12 Wilderness Act to the effective date of the Wilder-  
13 ness Act shall be deemed to be a reference to the  
14 date of the enactment of this title;

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

17 (3) other applicable law.

18 (c) WATER INFRASTRUCTURE.—Nothing in this title  
19 (including the provisions related to establishment or man-  
20 agement of the Red Table Mountain Wilderness Area)  
21 shall affect, impede, interfere with, or diminish the oper-  
22 ation, existence, access, maintenance, improvement, or  
23 construction of water facilities and infrastructure, rights-  
24 of-way, or other water-related property, interests, and  
25 uses, (including the use of motorized vehicles and equip-

1 ment existing or located on lands within the Red Table  
2 Mountain Wilderness Area).

3 (d) HIGH VOLTAGE TRANSMISSION ELECTRICITY  
4 LINES OR ELECTRICAL POWER LINES.—The Secretary  
5 shall allow for maintenance of rights-of-ways and access  
6 roads located within the Red Table Mountain Wilderness  
7 Area to the extent necessary to operate a transmission line  
8 or electrical power line in a manner that avoids negative  
9 impacts on public safety and allows for compliance with  
10 State and/or Federal safety requirements. Such mainte-  
11 nance may include vegetation management, road mainte-  
12 nance, ground stabilization, and motorized vehicle access.

13 (e) WITHDRAWALS.—Subject to valid existing rights,  
14 all Federal lands within the Red Table Mountain Wilder-  
15 ness Area are withdrawn from—

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

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

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

23 (f) AERIAL NAVIGATION TRAINING EXERCISES.—

24 (1) IN GENERAL.—The Colorado Army Na-  
25 tional Guard, through the High Altitude ARNG

1 Aviation Training Site, shall continue to be allowed  
2 to conduct aerial navigation training maneuver exer-  
3 cises over and upon the lands within the Red Table  
4 Mountain Wilderness Area in a manner consistent  
5 with the memorandum of understanding dated Au-  
6 gust 4, 1987, (or a subsequent memorandum of un-  
7 derstanding entered into by all of the same parties),  
8 among the Colorado Army National Guard, the Bu-  
9 reau of Land Management, and the United States  
10 Forest Service as interpreted and implemented prior  
11 to the date of the enactment of this title.

12 (2) REVIEW AND MODIFICATION OF MEMO-  
13 RANDUM OF UNDERSTANDING.—The memorandum  
14 of understanding referred to in paragraph (1) may  
15 be modified subject to the agreement of all parties  
16 thereto. The parties to the memorandum of under-  
17 standing shall review the memorandum and associ-  
18 ated annual operating plan not later than 180 days  
19 after the date of the enactment of this title, and an-  
20 nually thereafter while the memorandum of under-  
21 standing is in effect. The review shall include consid-  
22 eration of alternative locations over National Forest  
23 System lands and lands administered by the Bureau  
24 of Land Management outside of the Red Table  
25 Mountain Wilderness Area for the conduct of activi-

1       ties identified in the memorandum. If the Colorado  
2       Army National Guard identifies such an alternate lo-  
3       cation outside of the Red Table Mountain Wilder-  
4       ness Area that meets its aerial training needs, the  
5       memorandum of understanding shall be modified ac-  
6       cordingly, subject to the agreement of all parties  
7       thereto.

8       (g) HUNTING AND FISHING.—Nothing in this title  
9       shall affect the authority of the Colorado Division of Wild-  
10      life to regulate hunting or fishing in the Red Table Moun-  
11      tain Wilderness Area.

12      (h) GRAZING.—

13           (1) IN GENERAL.—Except as provided by para-  
14      graph (2), the Secretary shall issue and administer  
15      any grazing leases or permits in the Red Table  
16      Mountain Wilderness Area in accordance with the  
17      same laws (including regulations) and Executive or-  
18      ders followed by the Secretary in issuing and admin-  
19      istering grazing leases and permits on other land  
20      under the jurisdiction of the Forest Service.

21           (2) GRAZING IN WILDERNESS AREA.—Grazing  
22      of livestock in the Red Table Mountain Wilderness  
23      Area on lands that are under the jurisdiction of the  
24      Forest Service shall be administered in accordance  
25      with the provisions of section 4(d)(4) of the Wilder-

1       ness Act (16 U.S.C. 1133(d)(4)), in accordance with  
2       the guidelines set forth under the heading “Grazing  
3       in National Forest Wilderness” in House Report  
4       96–617 of the 96th Congress.

5       (i) NO BUFFER ZONES.—Congress does not intend  
6       for the establishment of the Red Table Mountain Wilder-  
7       ness Area to lead to the creation of protective perimeters  
8       or buffer zones around the Red Table Mountain Wilder-  
9       ness Area. The fact that there may be activities or uses  
10      on lands outside the Red Table Mountain Wilderness Area  
11      that would not be allowed in the Red Table Mountain Wil-  
12      derness Area shall not preclude such activities or uses on  
13      such lands up to the boundary of the Red Table Mountain  
14      Wilderness Area consistent with other applicable laws.

15   **SEC. 202. WATER RIGHTS.**

16       (a) FINDINGS.—Congress finds as follows:

17           (1) The lands designated as wilderness by this  
18       title are located at the headwaters of the streams  
19       and rivers on those lands, with few, if any, actual or  
20       proposed water resource facilities located upstream  
21       from such lands and few, if any, opportunities for  
22       diversion, storage, or other uses of water occurring  
23       outside such lands that would adversely affect the  
24       wilderness or other values of such lands.

1           (2) The lands designated as wilderness by this  
2 title includes several water resource facilities which  
3 provide for important water storage and trans-  
4 mission of water for the benefit of private owners of  
5 decreed water rights and the Town of Gypsum.

6           (3) It is possible to provide for proper manage-  
7 ment and protection of the wilderness and other val-  
8 ues of such lands in ways different from those used  
9 in other legislation designating as wilderness lands  
10 not sharing the attributes of the lands designated as  
11 wilderness by this title.

12       (b) STATUTORY CONSTRUCTION.—

13           (1) Nothing in this title shall constitute or be  
14 construed to constitute either an express or implied  
15 reservation of any water or water rights with respect  
16 to the land designated as wilderness by this title.

17           (2) Nothing in this title shall affect any condi-  
18 tional or absolute water rights in the State of Colo-  
19 rado existing on the date of the enactment of this  
20 title.

21           (3) Nothing in this subsection shall be con-  
22 strued as establishing a precedent with regard to  
23 any future wilderness designations.

24           (4) Nothing in this title shall be construed as  
25 limiting, altering, modifying, or amending any of the



1 interstate compacts or equitable apportionment de-  
2 crees that apportion water among and between the  
3 State of Colorado and other States.

4 (c) PROHIBITION AGAINST INSTREAM FLOW PERMIT  
5 CONDITIONS.—The Secretary shall not, as a condition of  
6 permit renewal for existing facilities on National Forest  
7 System lands, impose bypass or other minimum instream  
8 flow requirements within or upstream of the Red Table  
9 Mountain Wilderness Area.

10 **SEC. 203. MAPS AND LEGAL DESCRIPTIONS.**

11 (a) IN GENERAL.—As soon as practicable after the  
12 date of the enactment of this title, the Secretary shall sub-  
13 mit to Congress a copy of the maps referred to in section  
14 201 and legal descriptions of the land designated as wil-  
15 derness by this title. The Secretary shall reflect, as nec-  
16 essary, the boundaries referred to in subsection (e) on the  
17 maps and legal descriptions submitted under this sub-  
18 section.

19 (b) FORCE AND EFFECT.—The maps and legal de-  
20 scriptions shall have the same force and effect as if in-  
21 cluded in this title, except that the Secretary may correct  
22 clerical and typographical errors in the Map and the legal  
23 descriptions.

1 (c) PUBLIC AVAILABILITY.—Copies of the maps and  
2 the legal descriptions shall be on file and available for pub-  
3 lic inspection in—

4 (1) the office of the Chief of the Forest Service;  
5 and

6 (2) the office of the White River National For-  
7 est in Glenwood Springs, Colorado.

8 (d) MAP CONTROLLING.—In the case of a discrep-  
9 ancy between the maps and the legal descriptions, the  
10 maps shall control.

11 (e) AREAS NOT INCLUDED IN RED TABLE MOUN-  
12 TAIN WILDERNESS.—Notwithstanding the Map, or any  
13 other provision of this title, the following areas shall not  
14 be included in the Red Table Mountain Wilderness Area:

15 (1) Any FAA site, parking area, or appurtenant  
16 access roads, power lines, facility or equipment, in-  
17 cluding an area 25 yards surrounding any such site,  
18 facility, area, or equipment.

19 (2) The Town of Gypsum's Mosher intake facil-  
20 ity, and any pipes or related facilities, including an  
21 area at least 200 linear feet upstream of the present  
22 facilities and 25 yards surrounding the facility and  
23 any related pipes or facilities.

24 (3) The LEDE Ditch and Pipeline, and an ac-  
25 cess road for the LEDE Reservoir, including an area

1       25 yards surrounding any such ditch, pipeline or  
2       road.

3           (4) The Eye Lake Reservoir and Eye Lake  
4       Supply Ditch, any related facilities in existence now  
5       or developed in the future designed to develop de-  
6       creed water rights, including an area 25 yards sur-  
7       rounding any such reservoir, ditch or facilities, un-  
8       less the White River National Forest and the Town  
9       of Gypsum certify to the Chairman and Ranking  
10      Member of the House Resources Committee and the  
11      Senate Energy and Natural Resources Committee  
12      that the decreed diversion points for the above de-  
13      creed water rights have been moved to the LEDE  
14      Reservoir, and any necessary permits or actions have  
15      been taken, thereby removing the need to utilize the  
16      Eye Lake Reservoir and Eye Lake Ditch.

17           (5) Red Creek Road (FDR 425), Red Table  
18      Road (FDR 514), Muckey Lake Road (FDR  
19      425.1B), and Antones Creek Road (FKR 457), in-  
20      cluding an area 10 yards to either side of the roads.

21           (6) FDR 464, FDR 433, and FDR 431, includ-  
22      ing an area 10 yards to either side of the roads.

23           (7) White Creek Trail (FDT 1862), Sundell  
24      Trail (FDT 1863), Sourdough Lake Trail (FDT  
25      1863.1A), Muckey Lake Trail (FDT 1863.2B),

1 Mount Thomas Trail (FDT 1870), Antones Trail  
2 (FDT 1871), and Antones Lakes Trail (FDT  
3 1871.1C), including an area 10 yards to either side  
4 of the trails.

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