

Calendar No. 64

109TH CONGRESS
1ST SESSION

S. 56

[Report No. 109–45]

To establish the Rio Grande Natural Area in the State of Colorado, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. ALLARD (for himself and Mr. SALAZAR) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

MARCH 30, 2005

Reported, under authority of the order of the Senate of March 17, 2005, by
Mr. DOMENICI, without amendment

A BILL

To establish the Rio Grande Natural Area 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rio Grande Natural
5 Area Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”
4 means the Rio Grande Natural Area Commission es-
5 tablished by section 4(a).

6 (2) NATURAL AREA.—The term “Natural
7 Area” means the Rio Grande Natural Area estab-
8 lished by section 3(a).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 **SEC. 3. ESTABLISHMENT OF RIO GRANDE NATURAL AREA.**

12 (a) IN GENERAL.—There is established the Rio
13 Grande Natural Area in the State of Colorado to conserve,
14 restore, and protect the natural, historic, cultural, sci-
15 entific, scenic, wildlife, and recreational resources of the
16 Natural Area.

17 (b) BOUNDARIES.—The Natural Area shall include
18 the Rio Grande River from the southern boundary of the
19 Alamosa National Wildlife Refuge to the New Mexico
20 State border, extending $\frac{1}{4}$ mile on either side of the bank
21 of the River.

22 (c) MAP AND LEGAL DESCRIPTION.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Secretary
25 shall prepare a map and legal description of the
26 Natural Area.

1 (2) EFFECT.—The map and legal description of
2 the Natural Area shall have the same force and ef-
3 fect as if included in this Act, except that the Sec-
4 retary may correct any minor errors in the map and
5 legal description.

6 (3) PUBLIC AVAILABILITY.—The map and legal
7 description of the Natural Area shall be available for
8 public inspection in the appropriate offices of the
9 Bureau of Land Management.

10 **SEC. 4. ESTABLISHMENT OF THE COMMISSION.**

11 (a) ESTABLISHMENT.—There is established the Rio
12 Grande Natural Area Commission.

13 (b) PURPOSE.—The Commission shall—

14 (1) advise the Secretary with respect to the
15 Natural Area; and

16 (2) prepare a management plan relating to non-
17 Federal land in the Natural Area under section
18 6(b)(2)(A).

19 (c) MEMBERSHIP.—The Commission shall be com-
20 posed of 9 members appointed by the Secretary, of
21 whom—

22 (1) 1 member shall represent the Colorado
23 State Director of the Bureau of Land Management;

24 (2) 1 member shall be the manager of the
25 Alamosa National Wildlife Refuge, ex officio;

1 (3) 3 members shall be appointed based on the
2 recommendation of the Governor of Colorado, of
3 whom—

4 (A) 1 member shall represent the Colorado
5 Division of Wildlife;

6 (B) 1 member shall represent the Colorado
7 Division of Water Resources; and

8 (C) 1 member shall represent the Rio
9 Grande Water Conservation District; and

10 (4) 4 members shall—

11 (A) represent the general public;

12 (B) be citizens of the local region in which
13 the Natural Area is established; and

14 (C) have knowledge and experience in the
15 fields of interest relating to the preservation,
16 restoration, and use of the Natural Area.

17 (d) TERMS OF OFFICE.—

18 (1) IN GENERAL.—Except for the manager of
19 the Alamosa National Wildlife Refuge, the term of
20 office of a member of the Commission shall be 5
21 years.

22 (2) REAPPOINTMENT.—A member may be re-
23 appointed to the Commission on completion of the
24 term of office of the member.

1 (e) COMPENSATION.—A member of the Commission
2 shall serve without compensation for service on the Com-
3 mission.

4 (f) CHAIRPERSON.—The Commission shall elect a
5 chairperson of the Commission.

6 (g) MEETINGS.—

7 (1) IN GENERAL.—The Commission shall meet
8 at least quarterly at the call of the chairperson.

9 (2) PUBLIC MEETINGS.—A meeting of the Com-
10 mission shall be open to the public.

11 (3) NOTICE.—Notice of any meeting of the
12 Commission shall be published in advance of the
13 meeting.

14 (h) TECHNICAL ASSISTANCE.—The Secretary and
15 the heads of other Federal agencies shall, to the maximum
16 extent practicable, provide any information and technical
17 services requested by the Commission to assist in carrying
18 out the duties of the Commission.

19 **SEC. 5. POWERS OF THE COMMISSION.**

20 (a) HEARINGS.—The Commission may hold such
21 hearings, meet and act at such times and places, take such
22 testimony, and receive such evidence as the Commission
23 considers advisable to carry out this Act.

24 (b) COOPERATIVE AGREEMENTS.—

1 (1) IN GENERAL.—For purposes of carrying out
2 the management plan on non-Federal land in the
3 Natural Area, the Commission may enter into a co-
4 operative agreement with the State of Colorado, a
5 political subdivision of the State, or any person.

6 (2) REQUIREMENTS.—A cooperative agreement
7 entered into under paragraph (1) shall establish pro-
8 cedures for providing notice to the Commission of
9 any action proposed by the State of Colorado, a po-
10 litical subdivision of the State, or any person that
11 may affect the implementation of the management
12 plan on non-Federal land in the Natural Area.

13 (3) EFFECT.—A cooperative agreement entered
14 into under paragraph (1) shall not enlarge or dimin-
15 ish any right or duty of a Federal agency under
16 Federal law.

17 (c) PROHIBITION OF ACQUISITION OF REAL PROP-
18 ERTY.—The Commission may not acquire any real prop-
19 erty or interest in real property.

20 (d) IMPLEMENTATION OF MANAGEMENT PLAN.—

21 (1) IN GENERAL.—The Commission shall assist
22 the Secretary in implementing the management plan
23 by carrying out the activities described in paragraph
24 (2) to preserve and interpret the natural, historic,

1 cultural, scientific, scenic, wildlife, and recreational
2 resources of the Natural Area.

3 (2) AUTHORIZED ACTIVITIES.—In assisting
4 with the implementation of the management plan
5 under paragraph (1), the Commission may—

6 (A) assist the State of Colorado in pre-
7 serving State land and wildlife within the Nat-
8 ural Area;

9 (B) assist the State of Colorado and polit-
10 ical subdivisions of the State in increasing pub-
11 lic awareness of, and appreciation for, the nat-
12 ural, historic, scientific, scenic, wildlife, and rec-
13 reational resources in the Natural Area;

14 (C) encourage political subdivisions of the
15 State of Colorado to adopt and implement land
16 use policies that are consistent with—

17 (i) the management of the Natural
18 Area; and

19 (ii) the management plan; and

20 (D) encourage and assist private land-
21 owners in the Natural Area in the implementa-
22 tion of the management plan.

23 **SEC. 6. MANAGEMENT PLAN.**

24 (a) IN GENERAL.—Not later than 4 years after the
25 date of enactment of this Act, the Secretary and the Com-

1 mission, in coordination with appropriate agencies in the
 2 State of Colorado, political subdivisions of the State, and
 3 private landowners in the Natural Area, shall prepare
 4 management plans for the Natural Area as provided in
 5 subsection (b).

6 (b) DUTIES OF SECRETARY AND COMMISSION.—

7 (1) SECRETARY.—The Secretary shall prepare
 8 a management plan relating to the management of
 9 Federal land in the Natural Area.

10 (2) COMMISSION.—

11 (A) IN GENERAL.—The Commission shall
 12 prepare a management plan relating to the
 13 management of the non-Federal land in the
 14 Natural Area.

15 (B) APPROVAL OR DISAPPROVAL.—

16 (i) IN GENERAL.—The Commission
 17 shall submit to the Secretary the manage-
 18 ment plan prepared under subparagraph
 19 (A) for approval or disapproval.

20 (ii) ACTION FOLLOWING DIS-
 21 APPROVAL.—If the Secretary disapproves
 22 the management plan submitted under
 23 clause (i), the Secretary shall—

24 (I) notify the Commission of the
 25 reasons for the disapproval; and

1 (II) allow the Commission to sub-
2 mit to the Secretary revisions to the
3 management plan submitted under
4 clause (i).

5 (3) COOPERATION.—The Secretary and the
6 Commission shall cooperate to ensure that the man-
7 agement plans relating to the management of Fed-
8 eral land and non-Federal land are consistent.

9 (c) REQUIREMENTS.—The management plans shall—
10 (1) take into consideration Federal, State, and
11 local plans in existence on the date of enactment of
12 this Act to present a unified preservation, restora-
13 tion, and conservation plan for the Natural Area;

14 (2) with respect to Federal land in the Natural
15 Area—

16 (A) be developed in accordance with sec-
17 tion 202 of the Federal Land Policy and Man-
18 agement Act of 1976 (43 U.S.C. 1712);

19 (B) be consistent, to the maximum extent
20 practicable, with the management plans adopted
21 by the Director of the Bureau of Land Manage-
22 ment for land adjacent to the Natural Area;
23 and

1 (C) be considered to be an amendment to
2 the San Luis Resource Management Plan of the
3 Bureau of Land Management; and

4 (3) include—

5 (A) an inventory of the resources contained
6 in the Natural Area (including a list of property
7 in the Natural Area that should be preserved,
8 restored, managed, developed, maintained, or
9 acquired to further the purposes of the Natural
10 Area); and

11 (B) a recommendation of policies for re-
12 source management, including the use of inter-
13 governmental cooperative agreements, that—

14 (i) protect the resources of the Nat-
15 ural Area; and

16 (ii) provide for solitude, quiet use, and
17 pristine natural values of the Natural
18 Area.

19 (d) PUBLICATION.—The Secretary shall publish no-
20 tice of the management plans in the Federal Register.

21 **SEC. 7. ADMINISTRATION OF NATURAL AREA.**

22 (a) IN GENERAL.—The Secretary shall administer
23 the Federal land in the Natural Area—

24 (1) in accordance with—

1 (A) the laws (including regulations) appli-
2 cable to public land; and

3 (B) the management plan; and
4 (2) in a manner that provides for—

5 (A) the conservation, restoration, and pro-
6 tection of the natural, historic, scientific, scenic,
7 wildlife, and recreational resources of the Nat-
8 ural Area;

9 (B) the continued use of the Natural Area
10 for purposes of education, scientific study, and
11 limited public recreation in a manner that does
12 not substantially impair the purposes for which
13 the Natural Area is established;

14 (C) the protection of the wildlife habitat of
15 the Natural Area;

16 (D) a prohibition on the construction of
17 water storage facilities in the Natural Area; and

18 (E) the reduction in the use of or removal
19 of roads in the Natural Area and, to the max-
20 imum extent practicable, the reduction in or
21 prohibition against the use of motorized vehicles
22 in the Natural Area (including the removal of
23 roads and a prohibition against motorized use
24 on Federal land in the area on the western side

1 of the Rio Grande River from Lobatos Bridge
2 south to the New Mexico State line).

3 (b) CHANGES IN STREAMFLOW.—The Secretary is
4 encouraged to negotiate with the State of Colorado, the
5 Rio Grande Water Conservation District, and affected
6 water users in the State to determine if changes in the
7 streamflow that are beneficial to the Natural Area may
8 be accommodated.

9 (c) PRIVATE LAND.—The management plan prepared
10 under section 6(b)(2)(A) shall apply to private land in the
11 Natural Area only to the extent that the private landowner
12 agrees in writing to be bound by the management plan.

13 (d) WITHDRAWAL.—Subject to valid existing rights,
14 all Federal land in the Natural Area is withdrawn from—

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

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

19 (3) disposition under the mineral leasing laws
20 (including geothermal leasing laws).

21 (e) ACQUISITION OF LAND.—

22 (1) IN GENERAL.—The Secretary may acquire
23 from willing sellers by purchase, exchange, or dona-
24 tion land or an interest in land in the Natural Area.

1 (2) ADMINISTRATION.—Any land or interest in
2 land acquired under paragraph (1) shall be adminis-
3 tered in accordance with the management plan and
4 this Act.

5 (f) APPLICABLE LAW.—Section 5(d)(1) of the Wild
6 and Scenic Rivers Act (16 U.S.C. 1276(d)(1)) shall not
7 apply to the Natural Area.

8 **SEC. 8. EFFECT.**

9 Nothing in this Act—

10 (1) amends, modifies, or is in conflict with the
11 Rio Grande Compact, consented to by Congress in
12 the Act of May 31, 1939 (53 Stat. 785, ch. 155);

13 (2) authorizes the regulation of private land in
14 the Natural Area;

15 (3) authorizes the imposition of any mandatory
16 streamflow requirements;

17 (4) creates an express or implied Federal re-
18 served water right;

19 (5) imposes any Federal water quality standard
20 within or upstream of the Natural Area that is more
21 restrictive than would be applicable had the Natural
22 Area not been established; or

23 (6) prevents the State of Colorado from acquir-
24 ing an instream flow through the Natural Area
25 under the terms, conditions, and limitations of State

1 law to assist in protecting the natural environment
2 to the extent and for the purposes authorized by
3 State law.

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this Act.

7 **SEC. 10. TERMINATION OF COMMISSION.**

8 The Commission shall terminate on the date that is
9 10 years after the date of enactment of this Act.

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