

111TH CONGRESS
2D SESSION

S. 3303

To establish the Chimney Rock National Monument in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2010

Mr. BENNET (for himself and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Chimney Rock National Monument in the State of Colorado.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be referred to as
5 the “Chimney Rock National Monument Act of 2010”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Establishment of Chimney Rock National Monument.
- Sec. 5. Limitations on effect and scope of Act.
- Sec. 6. Management and use of National Monument.
- Sec. 7. Development of management plan.

Sec. 8. Acquisition of land.

Sec. 9. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Chimney Rock in Southwestern Colorado
4 contains nationally significant archeological, geo-
5 logic, biological, cultural, educational, recreational,
6 visual, and scenic value.

7 (2) The unique, thousand-year-old Ancestral
8 Puebloan community located beneath the prominent
9 Chimney Rock Pinnacles, with its dramatic 360 de-
10 gree view of the surrounding landscape, provides an
11 outstanding opportunity to enhance understanding
12 and appreciation of the prehistory of North America
13 and the accomplishments of Native American cul-
14 tures during that period.

15 (3) The Chimney Rock Ancestral Puebloan
16 community is one of the largest Pueblo II period
17 (900–1150 AD) communities in southwestern Colo-
18 rado and one of the finest examples of a Chacoan
19 system “Outlier”. The Chacoan system was a com-
20 plex system of interdependent communities bound by
21 economic, social, political, and religious relation-
22 ships. Chimney Rock contains many outstanding
23 hallmarks of the Chacoan system and significant ar-
24 cheological resources of other periods.

1 (4) The design of the Chimney Rock Ancestral
2 Puebloan community incorporates Ancestral
3 Puebloan knowledge of astronomy. The twin Chim-
4 ney Rock Pinnacles, for example, appear to have
5 served as a frame for viewing astronomical align-
6 ments.

7 (5) Ancestral Puebloan culture is part of the
8 heritage of many Southwestern Indian cultures, and
9 has influenced the culture, art and architecture of
10 the Western United States.

11 (6) The Chimney Rock Ancestral Puebloan
12 community has special value for the Puebloan and
13 Tribal people of today.

14 (7) Chimney Rock provides a dramatic record
15 of geological and astronomical time.

16 (8) Chimney Rock is a natural laboratory that
17 provides exceptional opportunities for scientific study
18 in the fields of geology, ecology, prehistoric arche-
19 ology, and the ways in which they interrelate.

20 (9) Chimney Rock provides abundant opportu-
21 nities to enhance the understanding and apprecia-
22 tion by the public of the achievements and ways of
23 life of the Ancestral Puebloans, in a rugged and
24 spectacular landscape.

1 (10) Chimney Rock has long been maintained
2 through community care and management. Volun-
3 teers and volunteer organizations have provided out-
4 standing educational and interpretive programs and
5 site stewardship, and have encouraged academic sci-
6 entific investigation.

7 **SEC. 3. DEFINITIONS.**

8 For purposes of this Act—

9 (1) the term “Secretary” means the Secretary
10 of Agriculture; and

11 (2) the term “National Monument” means the
12 Chimney Rock National Monument.

13 **SEC. 4. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL**
14 **MONUMENT.**

15 (a) ESTABLISHMENT.—In order to preserve, protect,
16 and restore the archeological, anthropological, geologic,
17 hydrologic, biological, visual, and scenic resources of
18 Chimney Rock, and to enable the public (to the extent con-
19 sistent with the preceding purposes) to fully realize the
20 scientific, cultural, educational, recreational, visual, and
21 scenic value of those resources, there is hereby designated
22 the Chimney Rock National Monument.

23 (b) LANDS AND INTERESTS IN LAND INCLUDED IN
24 NATIONAL MONUMENT.—

1 (1) LANDS AND INTERESTS IN LAND WITHIN
2 CERTAIN BOUNDARIES.—The National Monument
3 shall consist of all Federal lands and interests in
4 lands located within its boundaries. The boundaries
5 of the National Monument shall be the boundaries
6 depicted on the map entitled “Boundary Map, Chim-
7 ney Rock National Monument”, dated November 24,
8 2009, as adjusted pursuant to paragraph (2).

9 (2) ADJUSTMENT OF BOUNDARIES.—

10 (A) INCLUSION OF ARCHEOLOGICAL RE-
11 SOURCE.—The Secretary may make minor ad-
12 justments to the boundaries of the National
13 Monument to include significant archeological
14 resources discovered on public land adjacent to
15 the National Monument after the date of the
16 enactment of this Act.

17 (B) INCLUSION OF ACQUIRED LANDS AND
18 INTERESTS.—The Secretary shall adjust the
19 boundaries of the National Monument to in-
20 clude any land or interest in land acquired
21 under section 8.

22 (3) LEGAL DESCRIPTIONS AND MAP.—

23 (A) PREPARATION AND SUBMISSION OF
24 LEGAL DESCRIPTIONS.—As soon as practicable
25 after the date of the enactment of this Act, the

1 Secretary shall use the map referred to in para-
2 graph (1) to prepare legal descriptions of the
3 boundaries of the National Monument. The
4 Secretary shall submit the legal descriptions to
5 the Committee on Natural Resources and the
6 Committee on Agriculture of the House of Rep-
7 resentatives and to the Committee on Energy
8 and Natural Resources and the Committee on
9 Agriculture, Nutrition, and Forestry of the Sen-
10 ate.

11 (B) AVAILABILITY OF MAP FOR PUBLIC IN-
12 SPECTION.—The Secretary shall make the map
13 referred to in paragraph (1) available for public
14 inspection in appropriate offices of the United
15 States Forest Service.

16 (C) CORRECTION OF CLERICAL AND TYPO-
17 GRAPHICAL ERRORS.—The Secretary may cor-
18 rect clerical and typographical errors in the
19 legal descriptions and map referred to in sub-
20 paragraph (A) and paragraph (1), respectively.

21 (c) DESIGNATION OF MANAGER.—The Secretary
22 shall designate an individual as manager of the National
23 Monument as soon as practicable after development of the
24 management plan under section 7(a).

1 **SEC. 5. LIMITATIONS ON EFFECT AND SCOPE OF ACT.**

2 (a) NO INTERFERENCE WITH PROPERTY RIGHTS.—

3 No provision of this Act shall interfere with the following:

4 (1) The property rights of any Indian reserva-
5 tion.

6 (2) Property rights in any individually held
7 trust lands or other Indian allotments.

8 (3) Any interest in land held by the State of
9 Colorado or by any political subdivision or special
10 district of the State of Colorado.

11 (4) Any private property rights in property ad-
12 jacent to the National Monument.

13 (5) The fish and wildlife rights of the State of
14 Colorado or any tribal government.

15 (b) SCOPE OF ACT.—No provision of this Act—

16 (1) grants the Secretary new authority over
17 non-Federal lands; or

18 (2) creates any Federal reserved water rights.

19 **SEC. 6. MANAGEMENT AND USE OF NATIONAL MONUMENT.**

20 (a) MANAGEMENT AND AUTHORIZATION OF USES.—

21 The Secretary shall manage and authorize uses of the Na-
22 tional Monument (including any use under subsection (c))
23 as a unit of the San Juan National Forest in conformance
24 with the following:

25 (1) The purposes described in section 4(a).

1 (2) The management plan developed under sec-
2 tion 7(a).

3 (3) Public Law 96–550 (16 U.S.C. 410ii et
4 seq.).

5 (4) The Native American Graves Protection and
6 Repatriation Act (25 U.S.C. 3001 et seq.).

7 (5) The policy expressed in the American In-
8 dian Religious Freedom Act (42 U.S.C. 1996).

9 (6) Treaties providing for nonexclusive access to
10 the National Monument by Indians for traditional
11 and cultural purposes.

12 (b) VEGETATION MANAGEMENT.—The Secretary
13 may carry out vegetative management treatments within
14 the National Monument, except that timber harvest and
15 the use of prescribed fire may only be used when the Sec-
16 retary determines it necessary to address the risk of wild-
17 fire, insects, or diseases that would endanger the National
18 Monument or imperil public safety.

19 (c) AUTHORIZED USES.—All uses of the National
20 Monument other than those authorized by the Secretary
21 shall be prohibited. Authorized uses of the National Monu-
22 ment may include the following:

23 (1) Construction of a visitor’s center and re-
24 lated exhibit and curatorial facilities to interpret the

1 scientific and cultural resources of the National
2 Monument for the benefit of the general public.

3 (2) Scientific research (including archeological
4 research) and educational and interpretive uses.

5 (3) Acquisition, consolidation, and display of ar-
6 tifacts found within the National Monument.

7 (4) The recreational and administrative use of
8 mountain bikes and motorized vehicles.

9 (5) Installation, construction, and maintenance
10 of a public utility right of way within the National
11 Monument for a purpose described in section 4(a) if
12 the Secretary determines that—

13 (A) there is no route outside of the Na-
14 tional Monument that will accomplish the pur-
15 pose; or

16 (B) the right of way will be located along
17 a State highway crossing the National Monu-
18 ment.

19 (6) Grazing uses, through issuance and admin-
20 istration by the Secretary of grazing leases or per-
21 mits.

22 (d) PROHIBITION ON ENTRY, APPROPRIATION, DIS-
23 POSAL, AND OTHER USES.—The Federal lands and inter-
24 ests in lands located within the boundaries of the National
25 Monument are hereby withdrawn from—

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

3 (2) location, entry, and patent under the public
4 land mining laws; and

5 (3) operation of the mineral leasing and geo-
6 thermal leasing laws and the mineral materials laws.

7 **SEC. 7. DEVELOPMENT OF MANAGEMENT PLAN.**

8 (a) REQUIREMENT.—Not later than 3 years after the
9 date of the enactment of this Act, the Secretary, in con-
10 sultation with Indian tribes with a cultural or historic tie
11 to the National Monument, shall develop a management
12 plan for the management and authorization of uses of the
13 National Monument under section 4(a).

14 (b) OPPORTUNITY FOR COMMENT.—In developing
15 the management plan, the Secretary shall provide an op-
16 portunity for comment to local governments, tribal govern-
17 ments, the State of Colorado, and other local, State, and
18 national organizations with an interest in the management
19 and use of the National Monument.

20 (c) CONTENTS.—The management plan shall—

21 (1) identify authorized uses for the National
22 Monument;

23 (2) provide for the continued use of the Na-
24 tional Monument by Indian tribes for traditional

1 ceremonies and as a source of traditional plants and
2 other materials;

3 (3) specify permitted uses of artifacts, including
4 whether certain artifacts may be displayed for edu-
5 cational purposes;

6 (4) identify visitor carrying capacities; and

7 (5) designate roads and trails for public and
8 administrative use.

9 **SEC. 8. ACQUISITION OF LAND.**

10 The Secretary may acquire State, local government,
11 tribal, and privately held land or interests in land, includ-
12 ing conservation easements, contiguous to the boundaries
13 of the National Monument, for inclusion in the National
14 Monument only by—

15 (1) donation;

16 (2) exchange with a willing party; or

17 (3) purchase from a willing seller.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums
20 as are necessary to carry out this Act.

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