

115TH CONGRESS
2D SESSION

S. 2721

To designate certain land in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, to designate certain special management areas in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2018

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

A BILL

To designate certain land in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, to designate certain special management areas 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 “San Juan Mountains
5 Wilderness Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COVERED LAND.—The term “covered land”
 2 means—

3 (A) land designated as wilderness under
 4 paragraphs (23) through (25) of section 2(a) of
 5 the Colorado Wilderness Act of 1993 (16
 6 U.S.C. 1132 note; Public Law 103–77) (as
 7 added by section 3); and

8 (B) land designated as a Special Manage-
 9 ment Area.

10 (2) SECRETARY.—The term “Secretary” means
 11 the Secretary of Agriculture.

12 (3) SPECIAL MANAGEMENT AREA.—The term
 13 “Special Management Area” means each of—

14 (A) the Sheep Mountain Special Manage-
 15 ment Area designated by section 4(a)(1); and

16 (B) the Liberty Bell East Special Manage-
 17 ment Area designated by section 4(a)(2).

18 (4) STATE.—The term “State” means the State
 19 of Colorado.

20 **SEC. 3. ADDITIONS TO THE NATIONAL WILDERNESS PRES-**
 21 **ERVATION SYSTEM.**

22 Section 2(a) of the Colorado Wilderness Act of 1993
 23 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756;
 24 114 Stat. 1955; 116 Stat. 1055; 127 Stat. 3824) is
 25 amended by adding at the end the following:

1 “(23) LIZARD HEAD WILDERNESS ADDITION.—
 2 Certain Federal land in the Grand Mesa,
 3 Uncompahgre, and Gunnison National Forests com-
 4 prising approximately 3,141 acres, as generally de-
 5 picted on the map entitled ‘Proposed Wilson, Sun-
 6 shine, Black Face and San Bernardo Additions to
 7 the Lizard Head Wilderness’ and dated March 8,
 8 2018, which is incorporated in, and shall be adminis-
 9 tered as part of, the Lizard Head Wilderness.

10 “(24) MOUNT SNEFFELS WILDERNESS ADDI-
 11 TIONS.—

12 “(A) LIBERTY BELL AND LAST DOLLAR
 13 ADDITIONS.—Certain Federal land in the
 14 Grand Mesa, Uncompahgre, and Gunnison Na-
 15 tional Forests comprising approximately 7,279
 16 acres, as generally depicted on the map entitled
 17 ‘Proposed Liberty Bell and Last Dollar Addi-
 18 tions to the Mt. Sneffels Wilderness, Liberty
 19 Bell East Special Management Area’ and dated
 20 March 8, 2018, which is incorporated in, and
 21 shall be administered as part of, the Mount
 22 Sneffels Wilderness.

23 “(B) WHITEHOUSE ADDITIONS.—Certain
 24 Federal land in the Grand Mesa, Uncompahgre,
 25 and Gunnison National Forests comprising ap-

proximately 12,468 acres, as generally depicted on the map entitled ‘Proposed Whitehouse Additions to the Mt. Sneffels Wilderness’ and dated March 22, 2018, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

“(25) MCKENNA PEAK WILDERNESS.—Certain Federal land in the State of Colorado comprising approximately 8,600 acres of Bureau of Land Management land, as generally depicted on the map entitled ‘McKenna Peak Wilderness’ and dated April 14, 2016, to be known as the ‘McKenna Peak Wilderness’.”.

SEC. 4. SPECIAL MANAGEMENT AREAS.

(a) DESIGNATION.—

(1) SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests in the State comprising approximately 21,675 acres, as generally depicted on the map entitled “Proposed Sheep Mountain Special Management Area” and dated March 8, 2018, is designated as the “Sheep Mountain Special Management Area”.

(2) LIBERTY BELL EAST SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa,

1 Uncompahgre, and Gunnison National Forests in
2 the State comprising approximately 792 acres, as
3 generally depicted on the map entitled “Proposed
4 Liberty Bell and Last Dollar Additions to the Mt.
5 Sneffels Wilderness, Liberty Bell East Special Man-
6 agement Area” and dated March 8, 2018, is des-
7 ignated as the “Liberty Bell East Special Manage-
8 ment Area”.

9 (b) PURPOSE.—The purpose of the Special Manage-
10 ment Areas is to conserve and protect for the benefit and
11 enjoyment of present and future generations the geologi-
12 cal, cultural, archaeological, paleontological, natural, sci-
13 entific, recreational, wilderness, wildlife, riparian, histor-
14 ical, educational, and scenic resources of the Special Man-
15 agement Areas.

16 (c) MANAGEMENT.—

17 (1) IN GENERAL.—The Secretary shall manage
18 the Special Management Areas in a manner that—

19 (A) conserves, protects, and enhances the
20 resources and values of the Special Manage-
21 ment Areas described in subsection (b);

22 (B) subject to paragraph (3), maintains or
23 improves the wilderness character of the Special
24 Management Areas and the suitability of the
25 Special Management Areas for potential inclu-

sion in the National Wilderness Preservation System; and

(C) is in accordance with—

(i) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(ii) this Act; and

(iii) any other applicable laws.

(2) PROHIBITIONS.—The following shall be prohibited in the Special Management Areas:

(A) Permanent roads.

(B) Except as necessary to meet the minimum requirements for the administration of the Federal land, to provide access for abandoned mine cleanup, and to protect public health and safety—

(i) the use of motor vehicles, motorized equipment, or mechanical transport (other than provided in paragraph (3)); and

(ii) the establishment of temporary roads.

(3) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may allow any activities (including helicopter access for recreation and maintenance and the com-

1 petitive running event permitted since 1992)
2 that have been authorized by permit or license
3 as of the date of enactment of this Act to con-
4 tinue within the Special Management Areas,
5 subject to such terms and conditions as the
6 Secretary may require.

7 (B) PERMITTING.—The designation of the
8 Special Management Areas by subsection (a)
9 shall not affect the issuance of permits relating
10 to the activities covered under subparagraph
11 (A) after the date of enactment of this Act.

12 (C) BICYCLES.—The Secretary may permit
13 the use of bicycles in—

14 (i) the portion of the Sheep Mountain
15 Special Management Area identified as
16 “Ophir Valley Area” on the map entitled
17 “Proposed Sheep Mountain Special Man-
18 agement Area” and dated March 8, 2018;
19 and

20 (ii) the portion of the Liberty Bell
21 East Special Management Area identified
22 as “Liberty Bell Corridor” on the map en-
23 titled “Proposed Liberty Bell and Last
24 Dollar Additions to the Mt. Sneffels Wil-

1 derness, Liberty Bell East Special Manage-
2 ment Area” and dated March 8, 2018.

3 (d) APPLICABLE LAW.—Water and water rights in
4 the Special Management Areas shall be administered in
5 accordance with section 8 of the Colorado Wilderness Act
6 of 1993 (Public Law 103–77; 107 Stat. 762), except
7 that—

8 (1) any reference in that section to “the lands
9 designated as wilderness by this Act”, “the Piedra,
10 Roubideau, and Tabeguache areas identified in sec-
11 tion 9 of this Act, or the Bowen Gulch Protection
12 Area or the Fossil Ridge Recreation Management
13 Area identified in sections 5 and 6 of this Act”, or
14 “the areas described in sections 2, 5, 6, and 9 of
15 this Act” shall be considered to be a reference to the
16 “the Special Management Areas”; and

17 (2) any reference in that section to “this Act”
18 shall be considered to be a reference to “the San
19 Juan Mountains Wilderness Act”.

20 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

21 (a) FISH AND WILDLIFE.—Nothing in this Act af-
22 fects the jurisdiction or responsibility of the State with
23 respect to fish and wildlife in the State.

24 (b) NO BUFFER ZONES.—

1 (1) IN GENERAL.—Nothing in this Act creates
 2 a protective perimeter or buffer zone around covered
 3 land.

4 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
 5 fact that a nonwilderness activity or use on land out-
 6 side of the covered land can be seen or heard from
 7 within covered land shall not preclude the conduct of
 8 the activity or use outside the boundary of the cov-
 9 ered land.

10 (c) MAPS AND LEGAL DESCRIPTIONS.—

11 (1) IN GENERAL.—As soon as practicable after
 12 the date of enactment of this Act, the Secretary or
 13 the Secretary of the Interior, as appropriate, shall
 14 file a map and a legal description of each wilderness
 15 area designated by paragraphs (23) through (25) of
 16 section 2(a) of the Colorado Wilderness Act of 1993
 17 (16 U.S.C. 1132 note; Public Law 103–77) (as
 18 added by section 3) and the Special Management
 19 Areas with—

20 (A) the Committee on Natural Resources
 21 of the House of Representatives; and

22 (B) the Committee on Energy and Natural
 23 Resources of the Senate.

24 (2) FORCE OF LAW.—Each map and legal de-
 25 scription filed under paragraph (1) shall have the

1 same force and effect as if included in this Act, ex-
2 cept that the Secretary or the Secretary of the Inte-
3 rior, as appropriate, may correct clerical and typo-
4 graphical errors in each map and legal description.

5 (3) PUBLIC AVAILABILITY.—Each map and
6 legal description filed under paragraph (1) shall be
7 on file and available for public inspection in the ap-
8 propriate offices of the Bureau of Land Management
9 and the Forest Service.

10 (d) ACQUISITION OF LAND.—

11 (1) IN GENERAL.—The Secretary or the Sec-
12 retary of the Interior, as appropriate, may acquire
13 any land or interest in land within the boundaries of
14 a Special Management Area or the wilderness des-
15 ignated under paragraphs (23) through (25) of sec-
16 tion 2(a) of the Colorado Wilderness Act of 1993
17 (16 U.S.C. 1132 note; Public Law 103–77) (as
18 added by section 3) only through exchange, dona-
19 tion, or purchase from a willing seller.

20 (2) MANAGEMENT.—Any land or interest in
21 land acquired under paragraph (1) shall be incor-
22 porated into, and administered as a part of, the wil-
23 derness or Special Management Area in which the
24 land or interest in land is located.

1 (e) GRAZING.—The grazing of livestock on covered
2 land, if established before the date of enactment of this
3 Act, shall be permitted to continue subject to such reason-
4 able regulations as are considered necessary by the Sec-
5 retary with jurisdiction over the covered land, in accord-
6 ance with—

7 (1) section 4(d)(4) of the Wilderness Act (16
8 U.S.C. 1133(d)(4)); and

9 (2) the applicable guidelines set forth in Appen-
10 dix A of the report of the Committee on Interior and
11 Insular Affairs of the House of Representatives ac-
12 companying H.R. 2570 of the 101st Congress (H.
13 Rept. 101–405) or H.R. 5487 of the 96th Congress
14 (H. Rept. 96–617).

15 (f) WITHDRAWAL.—Subject to valid rights in exist-
16 ence on the date of enactment of this Act, the covered
17 land and the approximately 6,590 acres generally depicted
18 on the map entitled “Proposed Naturita Canyon Mineral
19 Withdrawal Area” and dated March 8, 2018, is withdrawn
20 from—

21 (1) entry, appropriation, and disposal under the
22 public land laws;

23 (2) location, entry, and patent under mining
24 laws; and

1 (3) operation of the mineral leasing, mineral
2 materials, and geothermal leasing laws.

3 **SEC. 6. TECHNICAL CORRECTION.**

4 Subtitle E of title II of Public Law 111–11 (16
5 U.S.C. 460zzz et seq.) is amended—

6 (1) by redesignating section 2408 (16 U.S.C.
7 460zzz–7) as section 2409; and

8 (2) by inserting after section 2407 (16 U.S.C.
9 460zzz–6) the following:

10 **“SEC. 2408. RELEASE.**

11 “(a) IN GENERAL.—Congress finds that, for the pur-
12 poses of section 603(c) of the Federal Land Policy and
13 Management Act of 1976 (43 U.S.C. 1782(c)), the por-
14 tions of the Dominguez Canyon Wilderness Study Area
15 not designated as wilderness by this subtitle have been
16 adequately studied for wilderness designation.

17 “(b) RELEASE.—Any public land referred to in sub-
18 section (a) that is not designated as wilderness by this
19 subtitle—

20 “(1) is no longer subject to section 603(c) of
21 the Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1782(c)); and

23 “(2) shall be managed in accordance with this
24 subtitle and any other applicable laws.”.

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