



## AGENDA

Federal, State & Intergovernmental Relations Policy Committee

February 19, 2021

1:00 pm

TELECONFERENCE

Council Member Angela Lawson, Chair  
Council Member Curtis Gardner, Vice Chair  
Council Member Nicole Johnston, Member

Council Goal: Serve as leaders and partner with other governments and jurisdictions

Dial in number: 1-408-418-9388

Access Code: 146 211 8783

	Pages
1. Call to Order	
2. Approval of Minutes	
3. Consent Items	
4. General Business	
4.a. Resolution Military Family Open Enrollment	1
4.b. Federal Legislative Update	
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RESOLUTION NO. R2021- \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S STRONG SUPPORT OF THE COLORADO GENERAL ASSEMBLY'S PROPOSED 2021 MILITARY FAMILY OPEN ENROLLMENT IN PUBLIC SCHOOLS HOUSE BILL

WHEREAS, The City of Aurora appreciates the sacrifices that active duty military families make in order to keep our county safe, and recognize that these sacrifices include frequent moves to military installations throughout the world; and

WHEREAS, the Colorado General Assembly's 2021 Military Family Open Enrollment In Public Schools House Bill concerning active duty military family enrollment in public schools requires a school district, a district charter school, and an institute charter school to accept the school liaison address for the military installation for purposes of demonstrating residency for inbound active duty military members enrolling their children in schools; and

WHEREAS, the Military Family Open Enrollment In Public Schools House Bill requires a school district, district charter school, and institute charter school to treat the child of an inbound active duty military member, and the younger sibling or siblings of the child, as resident students in subsequent school years after the child has open enrolled in a school; and

WHEREAS, the bill creates a military open enrollment lottery for eligible inbound active duty military members who are defined as those who will live on the military installation, who receive new orders or a command letter in lieu of orders on or after December 1 of the year immediately preceding the year in which the child will attend school, and who have not previously enrolled in or participated in open enrollment for the particular school in the lottery; and

WHEREAS, each school district school, district charter school, and institute charter school shall reserve at least 10 percent of the available open enrollment slots for the upcoming school year for the children of eligible inbound active duty military members.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The City Council of the City of Aurora, Colorado, resolves its support for the 2021 Military Family Open Enrollment In Public Schools House Bill concerning active duty military family enrollment in public schools.

Section 2. This Resolution shall take effect immediately without reconsideration.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.


RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RACHEL ALLEN, Client Group Manager

DRAFT

RESOLUTION NO. R2021- \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE COLORADO CONGRESSIONAL REDISTRICTING COMMISSION'S AND COLORADO LEGISLATIVE REDISTRICTING COMMISSION'S EFFORTS TO PROMOTE MUNICIPAL INTEGRITY

WHEREAS, named in 1907 and incorporated in 1929, Aurora is one of Colorado's largest home rule cities, spanning 3 counties, Adams, Arapahoe, and Douglas, and is Colorado's third largest municipality by population; and

WHEREAS, the City of Aurora's status as a home rule municipality has allowed the City to better serve its people and better the quality of life for the people who call Aurora home; and

WHEREAS, Aurora is a major hub of social and economic activity with significant private sector employers representing healthcare, defense and space, and technology; and

WHEREAS, The City of Aurora serves as the primary source of governmental interaction with its residents, as do cities across the metropolitan area. These primary services include housing and community resources, public works, roads and bridges, and economic and workforce development; and

WHEREAS, as the City of Aurora has grown in geography and population, the importance of meaningful and direct representation in the U.S. Congress and in the Colorado General Assembly has continued to increase and become more relevant to the lives of Aurora residents; and

WHEREAS, in 2011, Judge Hyatt observed that Aurora should not be split between congressional districts because "it is a community of interest in and of itself," recognizing also that the City of Aurora has "common local leadership and common services;" and the 2011 decision remedied past redistricting decisions that diluted and diminished Aurora's ability to serve its people by splitting the City of Aurora between multiple congressional districts; and

WHEREAS, Constitutional Amendments Y and Z, approved by Colorado's voters, task a new Colorado Congressional Redistricting Commission and a new Colorado Legislative Redistricting Commission with new rules in drawing legislative maps in 2021 and afford the commissions the opportunity to better prioritize Aurora's integrity and interests.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The City Council of the City of Aurora, Colorado resolves its support for the efforts of the Colorado Congressional Redistricting Commission and the Colorado Legislative Redistricting Commission to promote municipal integrity in redistricting. The City Council urges the Commission to keep Aurora whole in a single congressional district, to

consolidate the number of state Senate and state Representative districts within the City's boundaries, and to not divide communities and neighborhoods between districts.

Section 2. This Resolution shall take effect immediately without reconsideration.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.


RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RACHEL ALLEN, Client Group Manager

**MEMORANDUM**

**TO:** FSIR COMMITTEE  
**FROM:** TERESA SEDMAK, CITY TREASURER  
**SUBJECT:** TAX-EXEMPT ADVANCE REFUNDING BONDS  
**DATE:** 2/2/21

**Information Item**

An information item attached to this memorandum summarizes consequences to municipal debt issuers resulting from a provision included in the 2017 Tax Cuts and Jobs Act (TCJA). Specifically, the TCJA prohibited the issuance of tax-exempt advance refunding bonds. As further outlined in the attached item, tax-exempt advance refundings were a financial tool which allowed states and local issuers to refinance their outstanding debt, on a tax-exempt basis, to realize cash flow savings. These savings could then be utilized to directly reduce their expenses or be otherwise redirected to other critical governmental functions or projects.

The prohibition of tax-exempt refunding bonds eliminated a valuable tool which was previously available to municipal issuers to manage their long-term liabilities and financial condition.

**City staff the FSIR committee support legislative initiatives to reinstate the ability for municipal issuers to issue tax-exempt refunding bonds.**

## The Case for Advance Refundings

### Summary:

The Tax Cut and Jobs Act of 2017 (TCJA), included a prohibition against the advance refunding of municipal bonds on a tax-exempt basis beginning in January of 2018, essentially eliminating the advantages and appeal of a valuable tool municipalities had to reduce their cost of capital and manage their financial affairs.

A refunding occurs when an issuer refinances outstanding bonds prior to their maturity or final payment date. Much like individuals' ability to refinance their home mortgages, most municipal issuers of bonds structure their debt issues with the ability to prepay ("call") their outstanding bonds prior to their final maturity date. Most often, this optional call date occurs ten years after the initial issuance of the bonds.

There are two ways state and local governments may refinance their outstanding debt, one being a "current" refunding and the other being an "advance" refunding, both described in more detail below. By eliminating the ability of issuers to advance refund their bonds on a tax-exempt basis taxable advance refundings are still an option, though more expensive than those which are tax-exempt. State and local municipalities have lost a valuable tool previously utilized to reduce debt service expenses.

### Background:

In the United States, state and local governments utilize municipal bond markets to borrow funds to finance infrastructure and other capital assets. The overwhelming majority of municipal bonds are issued on a tax-exempt basis, such that interest earned by investors is exempt from federal income taxes. This tax-exemption provides investors a tax benefit, allowing municipalities to borrow at levels below what could be achieved in the taxable markets.

In addition to enjoying tax-exempt status, most municipal bonds are sold to investors with the understanding that they may be "called" or refinanced after a certain period of time, typically ten years after issuance. This call structure guarantees investors a particular return up until the call date then allows the issuer to redeem the bonds, at its option, at or after the call date. The option to call the bonds allows issuers to refinance their borrowings when interest rates decline, producing debt service savings which may be redirected to other essential projects or services.

There are two primary refinancing structures utilized in the municipal bond market. One is referred to as a "current" refunding and the other as an "advance" refunding.

Current Refunding: In a current refunding, a municipal issuer completes a refinancing within 90 days of the call date (typically, but not always, 10 years after initial issuance). A current refunding is much like the refinancing of a home mortgage. Under this structure, new (refunding) bonds are issued, and proceeds from the new bonds are applied immediately to the retirement of prior bonds. Once the prior bonds are refunded, the borrower (issuer) is left with a lower interest

rate loan. The refunding bonds retain their tax-exempt status and debt service savings may be redirected to other governmental purposes. Under current law, there are no restrictions on the number of times current refundings may be performed.

Advance Refunding: The Act prohibited tax-exempt advance refundings beginning in 2018. It is important to note that advance refundings may still be performed, on a taxable basis, albeit they generally provide less present value savings benefit versus a tax-exempt issuance.

Before 2018, tax-exempt advance refundings were common in municipal finance. Advance refundings allowed an issuer to capture the economic benefits of a decline in interest rates to refinance higher rate debt. However, unlike current refundings, which were unrestricted as to frequency, federal tax law provides that an advance refunding on any issue of bonds may only be performed once. Because of this restriction, many municipal issuers instituted strict guidelines related to the use of this tool (i.e. minimum savings thresholds, etc.).

In an advance refunding, a municipal issuer sells refunding bonds at an interest rate lower than that of the existing bonds, outside of the 90-day current refunding window, often many years in advance. Proceeds from the new (refunding) bonds are placed in an escrow consisting of U.S. Treasury securities, such that cash flows from that escrow satisfy debt service payments prior to the stated call date and fully fund remaining principal and interest on the call date.

Once bonds were advance refunded, the refunded bonds were considered legally defeased (repaid) and no longer considered a liability on the issuer's books. It is important to note that, while the original (refunded) bonds were legally defeased, there were then existing two sets of tax-exempt bonds outstanding simultaneously, related to the financing of the same project or program (the original bonds and the refunding bonds).

#### Significance of Prohibition of Tax-Exempt Advance Refundings:

The Government Finance Officers Association estimates that, between the years 2007 and 2017, over 12,000 advance refundings were performed nationwide, generating over \$18 billion in savings for rate payers and taxpayers over the period. Advance refunding represented 27% of municipal bond market activity in 2016 and 19% in 2017. Without the ability to advance refund debt and lock in interest rate savings, issuers are at risk of market fluctuations which may eliminate any interest rate savings. In other words, the interest rate savings they may have been able to realize today may well not be available once the bonds become currently callable at some point in the future.

The new law forces issuers to accept market conditions in the 90-day current refunding window and takes away issuers' ability to refinance for debt service savings when interest rates are favorable, outside the 90-day current refunding window.

As stated above, while the TCJA prohibited tax-exempt advance refundings, they may still be performed on a taxable basis. To put the economic advantage of the tax exemption into perspective, I will use some of the City's bonds as an example. The City currently has approximately \$332 million of bonds outstanding that could be advance-refunded for significant savings. On a taxable basis, assuming current interest rates, the City could save approximately



\$29 million (an 8.8% present value savings). If the City could advance-refund these same bonds on a tax-exempt basis (it cannot, as it were, as they have already been advance-refunded once) the savings would be \$45 million (or 13.75% present value savings). As you can see, the value of the tax-exemption is significant, and, without it, many municipal issuers, including Aurora, are unable to take advantage of opportunities that would otherwise be available to improve their balance sheets.

Congressional justification for eliminating tax-exempt advance refundings:

The tax-exemption on municipal bonds allows state and local governments to issue debt at interest rates considerably less than comparable taxable bonds. Yet the tax-exemption which provides such a valuable benefit to state and local municipalities precludes the federal government from tax revenue on the bonds. In essence then, the federal government looks at the tax exemption as a form of subsidy.

While congress gave little policy justification for the repeal of tax-exempt advance refundings, it is generally thought that the provision was advanced as a revenue offset.

Conclusion:

The prohibition of tax-exempt refunding bonds eliminated a valuable tool which was previously available to municipal issuers to manage their long-term liabilities and financial condition.

**City Staff recommend the FSIR committee support legislative initiatives to reinstate the ability for municipal issuers to issue tax-exempt refunding bonds.**

# MEMORANDUM



City of Aurora

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**To:** Federal, State and Intergovernmental Relations

**Through:** Marshall P. Brown, General Manager, Aurora Water  
Alex Davis, Deputy Director of Water Resources

**From:** Kathy Kitzmann, Water Resources Principal

**Date:** February 19, 2021

**Subject:** Aurora Water – Federal Legislation CORE Act

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### *Item and Committee History:*

On July 29, 2015, FSIR approved of Aurora Water requesting Forest Service assistance in drafting a potential Holy Cross Wilderness Boundary adjustment and approved of opposing H.R. 2554 [114<sup>th</sup>] Continental Divide Wilderness and Recreation Act or similar bills.

On March 8, 2019, FSIR approved of Aurora Water request to oppose S.241 /H.R.823 [116<sup>th</sup>] Colorado Outdoor Recreation and Economy Act (CORE Act) and any similar bills without inclusion of a Holy Cross Wilderness boundary adjustment that benefits water supply project development.

### *Item Background:*

Senator Bennet and Representative Neguse introduced the first version of the CORE Act on January 28, 2019. The CORE Act combines several previous Wilderness and lands bills including the Continental Divide Wilderness, Camp Hale National Historic Landscape, San Juan Mountain Wilderness, Thompson Divide land management, and Curecanti National Recreation Area proposals. The Camp Hale National Historic Landscape and portions of the Continental Divide Wilderness proposals are within Eagle County where Aurora and its partners have significant water and land rights. To protect and support Aurora's ability to develop its future water supply, Aurora Water has been opposing these bills, working on language revisions with federal staff to address areas of our objections, and working on a potential Holy Cross Wilderness boundary adjustment.

Senator Bennet's staff have worked with Aurora and Colorado Springs to revise water rights and wetland restoration language within the Camp Hale National Historic Landscape section. The Senate revisions have had attorney review and are compatible with development and operations of our water supply systems. Senator Bennet re-introduced the CORE Act on February 2, 2021 with substantive changes including our critical requested revisions. As revised and introduced, Aurora Water recommends that we change our position of oppose to neutral for S.173 [117<sup>th</sup>] CORE Act. However, Representative Neguse re-introduced the 116<sup>th</sup> House version, H.R.577 [117<sup>th</sup>] CORE Act on January 28, 2021 without the Senate revisions, and we recommend continuing opposition until it is amended to reflect the more recent Senate version. Representative Neguse staff have assured that H.R. 577 will be revised to match S.173 when it moves to the House floor.

Aurora Water continues to pursue a Holy Cross Wilderness boundary adjustment; however, this adjustment is controversial and not fully ready at this time. Should the Holy Cross Wilderness adjustment be added to the CORE Act or similar legislation, we would come back to FSIR with a recommendation of support.

*Questions:*

Does FSIR approve of changing Aurora's position of oppose to neutral for S.173 CORE Act as introduced, continue opposition of H.R. 577 CORE Act unless amended to the Senate version, and oppose any further amendments to the CORE Act that would create barriers to developing and operating Aurora's water supply system?

Does FSIR support sending the S.173 / H.R 577 comment letter to the bill sponsors expressing our change of opposition to a neutral position for the Senate version?

Water Administration  
15151 E. Alameda Parkway, Suite 3600  
Aurora, Colorado 80012  
303.739.7370

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February 19, 2021

The Honorable Michael Bennet  
United States Senate  
261 Russell Senate Building  
Washington, D.C. 20510

The Honorable Joe Neguse  
United States House of Representatives  
1419 Longworth House Office Building  
Washington, D.C. 20515

Re: S. 173 / H.R. 577 [117<sup>th</sup>] Colorado Outdoor Recreation and Economy Act - Section 107  
Camp Hale National Historic Landscape Designation

Dear Senator Bennet and Representative Neguse,

The Colorado Outdoor Recreation and Economy Act (CORE Act) has undergone a lengthy process of public outreach and revision including Section 107 Camp Hale National Historic Landscape Designation. The Camp Hale valley is a remarkable place with multiple uses and several collaborative stakeholder planning efforts. S.173 will support those efforts and bring increased awareness to the cultural and ecological facets of the valley. We appreciate the continued effort in working with Aurora, its partners, and diverse interests to bridge differences.

The attached Senate version dated February 2, 2021 and introduced as S.173 includes revisions that Aurora requested. We believe this version is compatible with our water rights and land interests in the upper Eagle River basin, including plans for wetland projects in and around Camp Hale. Aurora will not oppose this Senate version of the CORE Act as written. H.R. 577 was introduced on January 28, 2021 with the 116<sup>th</sup> House passed language. Aurora has provided previous letters explaining opposition to the older language. We understand that H.R. 577 will be amended to mirror S.173 either in committee or on the House floor.

Thank you and your staff for working so diligently to resolve our concerns and being patient in finding language that is agreeable to all. Should any amendments become necessary as S.173 is considered and enacted into law, we commit to work on any necessary revisions that will honor the history, support healthy ecosystems, and protect development of critical water supplies. Should you have any questions, please contact Kathy Kitzmann [kkitzman@auroragov.org](mailto:kkitzman@auroragov.org) or (303) 739-7533.

Sincerely,

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Marshall P. Brown  
General Manager, Aurora Water

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide for the designation of certain wilderness areas, recreation management areas, and conservation areas in the State of Colorado, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. BENNET (for himself and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide for the designation of certain wilderness areas, recreation management areas, and conservation 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Colorado Outdoor Recreation and Economy Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of State.

## 2

## TITLE I—CONTINENTAL DIVIDE

- Sec. 101. Definitions.
- Sec. 102. Colorado Wilderness additions.
- Sec. 103. Williams Fork Mountains Wilderness.
- Sec. 104. Tennile Recreation Management Area.
- Sec. 105. Porcupine Gulch Wildlife Conservation Area.
- Sec. 106. Williams Fork Mountains Wildlife Conservation Area.
- Sec. 107. Camp Hale National Historic Landscape.
- Sec. 108. White River National Forest boundary modification.
- Sec. 109. Rocky Mountain National Park Potential Wilderness boundary adjustment.
- Sec. 110. Administrative provisions.

## TITLE II—SAN JUAN MOUNTAINS

- Sec. 201. Definitions.
- Sec. 202. Additions to National Wilderness Preservation System.
- Sec. 203. Special management areas.
- Sec. 204. Release of wilderness study areas.
- Sec. 205. Administrative provisions.

## TITLE III—THOMPSON DIVIDE

- Sec. 301. Purposes.
- Sec. 302. Definitions.
- Sec. 303. Thompson Divide Withdrawal and Protection Area.
- Sec. 304. Thompson Divide lease exchange.
- Sec. 305. Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program.
- Sec. 306. Effect.

## TITLE IV—CURECANTI NATIONAL RECREATION AREA

- Sec. 401. Definitions.
- Sec. 402. Curecanti National Recreation Area.
- Sec. 403. Acquisition of land; boundary management.
- Sec. 404. General management plan.
- Sec. 405. Boundary survey.

1 **SEC. 2. DEFINITION OF STATE.**

2       In this Act, the term “State” means the State of Col-  
3 orado.

4 **TITLE I—CONTINENTAL DIVIDE**5 **SEC. 101. DEFINITIONS.**

6       In this title:

7           (1) **COVERED AREA.**—The term “covered area”  
8       means any area designated as wilderness by the

1 amendments to section 2(a) of the Colorado Wilder-  
2 ness Act of 1993 (16 U.S.C. 1132 note; Public Law  
3 103-77) made by section 102(a).

4 (2) HISTORIC LANDSCAPE.—The term “His-  
5 toric Landscape” means the Camp Hale National  
6 Historic Landscape designated by section 107(a).

7 (3) RECREATION MANAGEMENT AREA.—The  
8 term “Recreation Management Area” means the  
9 Tenmile Recreation Management Area designated by  
10 section 104(a).

11 (4) SECRETARY.—The term “Secretary” means  
12 the Secretary of Agriculture.

13 (5) WILDLIFE CONSERVATION AREA.—The  
14 term “Wildlife Conservation Area” means, as appli-  
15 cable—

16 (A) the Porcupine Gulch Wildlife Con-  
17 servation Area designated by section 105(a);  
18 and

19 (B) the Williams Fork Mountains Wildlife  
20 Conservation Area designated by section  
21 106(a).

22 **SEC. 102. COLORADO WILDERNESS ADDITIONS.**

23 (a) DESIGNATION.—Section 2(a) of the Colorado Wil-  
24 derness Act of 1993 (16 U.S.C. 1132 note; Public Law  
25 103-77) is amended—

1           (1) in paragraph (18), by striking “1993,” and  
2           inserting “1993, and certain Federal land within the  
3           White River National Forest that comprises approxi-  
4           mately 6,896 acres, as generally depicted as ‘Pro-  
5           posed Ptarmigan Peak Wilderness Additions’ on the  
6           map entitled ‘Proposed Ptarmigan Peak Wilderness  
7           Additions’ and dated June 24, 2019,”; and

8           (2) by adding at the end the following:

9           “(23) HOLY CROSS WILDERNESS ADDITION.—  
10          Certain Federal land within the White River Na-  
11          tional Forest that comprises approximately 3,866  
12          acres, as generally depicted as ‘Proposed Megan  
13          Dickie Wilderness Addition’ on the map entitled  
14          ‘Holy Cross Wilderness Addition Proposal’ and  
15          dated June 24, 2019, which shall be incorporated  
16          into, and managed as part of, the Holy Cross Wil-  
17          derness designated by section 102(a)(5) of Public  
18          Law 96–560 (94 Stat. 3266).

19          “(24) HOOSIER RIDGE WILDERNESS.—Certain  
20          Federal land within the White River National Forest  
21          that comprises approximately 5,235 acres, as gen-  
22          erally depicted as ‘Proposed Hoosier Ridge Wilder-  
23          ness’ on the map entitled ‘Tenmile Proposal’ and  
24          dated June 24, 2019, which shall be known as the  
25          ‘Hoosier Ridge Wilderness’.



1           “(25) TENMILE WILDERNESS.—Certain Federal  
2           land within the White River National Forest that  
3           comprises approximately 7,624 acres, as generally  
4           depicted as ‘Proposed Tenmile Wilderness’ on the  
5           map entitled ‘Tenmile Proposal’ and dated June 24,  
6           2019, which shall be known as the ‘Tenmile Wilder-  
7           ness’.

8           “(26) EAGLES NEST WILDERNESS ADDI-  
9           TIONS.—Certain Federal land within the White  
10          River National Forest that comprises approximately  
11          9,670 acres, as generally depicted as ‘Proposed  
12          Freeman Creek Wilderness Addition’ and ‘Proposed  
13          Spraddle Creek Wilderness Addition’ on the map en-  
14          titled ‘Eagles Nest Wilderness Additions Proposal’  
15          and dated June 24, 2019, which shall be incor-  
16          porated into, and managed as part of, the Eagles  
17          Nest Wilderness designated by Public Law 94–352  
18          (90 Stat. 870).”.

19          (b) APPLICABLE LAW.—Any reference in the Wilder-  
20          ness Act (16 U.S.C. 1131 et seq.) to the effective date  
21          of that Act shall be considered to be a reference to the  
22          date of enactment of this Act for purposes of admin-  
23          istering a covered area.

24          (c) FIRE, INSECTS, AND DISEASES.—In accordance  
25          with section 4(d)(1) of the Wilderness Act (16 U.S.C.

1 1133(d)(1)), the Secretary may carry out any activity in  
2 a covered area that the Secretary determines to be nec-  
3 essary for the control of fire, insects, and diseases, subject  
4 to such terms and conditions as the Secretary determines  
5 to be appropriate.

6 (d) GRAZING.—The grazing of livestock on a covered  
7 area, if established before the date of enactment of this  
8 Act, shall be permitted to continue subject to such reason-  
9 able regulations as are considered to be necessary by the  
10 Secretary, in accordance with—

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

13 (2) the guidelines set forth in Appendix A of  
14 the report of the Committee on Interior and Insular  
15 Affairs of the House of Representatives accom-  
16 panying H.R. 2570 of the 101st Congress (H. Rept.  
17 101-405).

18 (e) COORDINATION.—For purposes of administering  
19 the Federal land designated as wilderness by paragraph  
20 (26) of section 2(a) of the Colorado Wilderness Act of  
21 1993 (16 U.S.C. 1132 note; Public Law 103-77) (as  
22 added by subsection (a)(2)), the Secretary shall, as deter-  
23 mined to be appropriate for the protection of watersheds,  
24 coordinate the activities of the Secretary in response to  
25 fires and flooding events with interested State and local

1 agencies, including operations using aircraft or mecha-  
2 nized equipment.

3 **SEC. 103. WILLIAMS FORK MOUNTAINS WILDERNESS.**

4 (a) DESIGNATION.—In furtherance of the purposes of  
5 the Wilderness Act (16 U.S.C. 1131 et seq.), certain Fed-  
6 eral land in the White River National Forest in the State,  
7 comprising approximately 8,036 acres, as generally de-  
8 picted as “Proposed Williams Fork Mountains Wilder-  
9 ness” on the map entitled “Williams Fork Mountains Pro-  
10 posal” and dated June 24, 2019, is designated as a poten-  
11 tial wilderness area.

12 (b) MANAGEMENT.—Subject to valid existing rights  
13 and except as provided in subsection (d), the potential wil-  
14 derness area designated by subsection (a) shall be man-  
15 aged in accordance with—

16 (1) the Wilderness Act (16 U.S.C. 1131 et  
17 seq.); and

18 (2) this section.

19 (c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

20 (1) IN GENERAL.—Not later than 3 years after  
21 the date of enactment of this Act, in accordance  
22 with applicable laws (including regulations), the Sec-  
23 retary shall publish a determination regarding  
24 whether to authorize livestock grazing or other use  
25 by livestock on the vacant allotments known as—

1 (A) the “Big Hole Allotment”; and

2 (B) the “Blue Ridge Allotment”.

3 (2) MODIFICATION OF ALLOTMENTS.—In pub-  
4 lishing a determination pursuant to paragraph (1),  
5 the Secretary may modify or combine the vacant al-  
6 lotments referred to in that paragraph.

7 (3) PERMIT OR OTHER AUTHORIZATION.—Not  
8 later than 1 year after the date on which a deter-  
9 mination of the Secretary to authorize livestock  
10 grazing or other use by livestock is published under  
11 paragraph (1), if applicable, the Secretary shall  
12 grant a permit or other authorization for that live-  
13 stock grazing or other use in accordance with appli-  
14 cable laws (including regulations).

15 (d) RANGE IMPROVEMENTS.—

16 (1) IN GENERAL.—If the Secretary permits live-  
17 stock grazing or other use by livestock on the poten-  
18 tial wilderness area under subsection (c), the Sec-  
19 retary, or a third party authorized by the Secretary,  
20 may use any motorized or mechanized transport or  
21 equipment for purposes of constructing or rehabili-  
22 tating such range improvements as are necessary to  
23 obtain appropriate livestock management objectives  
24 (including habitat and watershed restoration).

1 (2) TERMINATION OF AUTHORITY.—The au-  
2 thority provided by this subsection terminates on the  
3 date that is 2 years after the date on which the Sec-  
4 retary publishes a positive determination under sub-  
5 section (c)(3).

6 (e) DESIGNATION AS WILDERNESS.—

7 (1) DESIGNATION.—The potential wilderness  
8 area designated by subsection (a) shall be designated  
9 as wilderness, to be known as the “Williams Fork  
10 Mountains Wilderness”—

11 (A) effective not earlier than the date that  
12 is 180 days after the date of enactment this  
13 Act; and

14 (B) on the earliest of—

15 (i) the date on which the Secretary  
16 publishes in the Federal Register a notice  
17 that the construction or rehabilitation of  
18 range improvements under subsection (d)  
19 is complete;

20 (ii) the date described in subsection  
21 (d)(2); and

22 (iii) the effective date of a determina-  
23 tion of the Secretary not to authorize live-  
24 stock grazing or other use by livestock  
25 under subsection (c)(1).

1           (2) ADMINISTRATION.—Subject to valid existing  
2 rights, the Secretary shall manage the Williams  
3 Fork Mountains Wilderness in accordance with—

4                   (A) the Colorado Wilderness Act of 1993  
5           (16 U.S.C. 1132 note; Public Law 103–77);  
6           and

7                   (B) this title.

8 **SEC. 104. TENMILE RECREATION MANAGEMENT AREA.**

9           (a) DESIGNATION.—Subject to valid existing rights,  
10 the approximately 17,122 acres of Federal land in the  
11 White River National Forest in the State, as generally de-  
12 picted as “Proposed Tenmile Recreation Management  
13 Area” on the map entitled “Tenmile Proposal” and dated  
14 June 24, 2019, are designated as the “Tenmile Recreation  
15 Management Area”.

16           (b) PURPOSES.—The purposes of the Recreation  
17 Management Area are to conserve, protect, and enhance  
18 for the benefit and enjoyment of present and future gen-  
19 erations the recreational, scenic, watershed, habitat, and  
20 ecological resources of the Recreation Management Area.

21           (c) MANAGEMENT.—

22                   (1) IN GENERAL.—The Secretary shall manage  
23 the Recreation Management Area—

24                           (A) in a manner that conserves, protects,  
25                           and enhances—

1 (i) the purposes of the Recreation  
2 Management Area described in subsection  
3 (b); and

4 (ii) recreation opportunities, including  
5 mountain biking, hiking, fishing, horseback  
6 riding, snowshoeing, climbing, skiing,  
7 camping, and hunting; and

8 (B) in accordance with—

9 (i) the Forest and Rangeland Renew-  
10 able Resources Planning Act of 1974 (16  
11 U.S.C. 1600 et seq.);

12 (ii) any other applicable laws (includ-  
13 ing regulations); and

14 (iii) this section.

15 (2) USES.—

16 (A) IN GENERAL.—The Secretary shall  
17 only allow such uses of the Recreation Manage-  
18 ment Area as the Secretary determines would  
19 further the purposes described in subsection  
20 (b).

21 (B) VEHICLES.—

22 (i) IN GENERAL.—Except as provided  
23 in clause (iii), the use of motorized vehicles  
24 in the Recreation Management Area shall  
25 be limited to the roads, vehicle classes, and

1 periods authorized for motorized vehicle  
2 use on the date of enactment of this Act.

3 (ii) NEW OR TEMPORARY ROADS.—  
4 Except as provided in clause (iii), no new  
5 or temporary road shall be constructed in  
6 the Recreation Management Area.

7 (iii) EXCEPTIONS.—Nothing in clause  
8 (i) or (ii) prevents the Secretary from—

9 (I) rerouting or closing an exist-  
10 ing road or trail to protect natural re-  
11 sources from degradation, as the Sec-  
12 retary determines to be appropriate;

13 (II) authorizing the use of motor-  
14 ized vehicles for administrative pur-  
15 poses or roadside camping;

16 (III) constructing temporary  
17 roads or permitting the use of motor-  
18 ized vehicles to carry out pre- or post-  
19 fire watershed protection projects;

20 (IV) authorizing the use of mo-  
21 torized vehicles to carry out any activ-  
22 ity described in subsection (d), (e)(1),  
23 or (f); or

24 (V) responding to an emergency.

25 (C) COMMERCIAL TIMBER.—



1 (i) IN GENERAL.—Subject to clause  
2 (ii), no project shall be carried out in the  
3 Recreation Management Area for the pur-  
4 pose of harvesting commercial timber.

5 (ii) LIMITATION.—Nothing in clause  
6 (i) prevents the Secretary from harvesting  
7 or selling a merchantable product that is a  
8 byproduct of an activity authorized under  
9 this section.

10 (d) FIRE, INSECTS, AND DISEASES.—The Secretary  
11 may carry out any activity, in accordance with applicable  
12 laws (including regulations), that the Secretary deter-  
13 mines to be necessary to prevent, control, or mitigate fire,  
14 insects, or disease in the Recreation Management Area,  
15 subject to such terms and conditions as the Secretary de-  
16 termines to be appropriate.

17 (e) WATER.—

18 (1) EFFECT ON WATER MANAGEMENT INFRA-  
19 STRUCTURE.—Nothing in this section affects the  
20 construction, repair, reconstruction, replacement, op-  
21 eration, maintenance, or renovation within the  
22 Recreation Management Area of—

23 (A) water management infrastructure in  
24 existence on the date of enactment of this Act;  
25 or

1 (B) any future infrastructure necessary for  
2 the development or exercise of water rights de-  
3 creed before the date of enactment of this Act.

4 (2) APPLICABLE LAW.—Section 3(e) of the  
5 James Peak Wilderness and Protection Area Act  
6 (Public Law 107–216; 116 Stat. 1058) shall apply  
7 to the Recreation Management Area.

8 (f) REGIONAL TRANSPORTATION PROJECTS.—Noth-  
9 ing in this section precludes the Secretary from author-  
10 izing, in accordance with applicable laws (including regula-  
11 tions), the use or leasing of Federal land within the Recre-  
12 ation Management Area for—

13 (1) a regional transportation project, includ-  
14 ing—

15 (A) highway widening or realignment; and

16 (B) construction of multimodal transpor-  
17 tation systems; or

18 (2) any infrastructure, activity, or safety meas-  
19 ure associated with the implementation or use of a  
20 facility constructed under paragraph (1).

21 (g) APPLICABLE LAW.—Nothing in this section af-  
22 fects the designation of the Federal land within the Recre-  
23 ation Management Area for purposes of—

24 (1) section 138 of title 23, United States Code;

25 or

1 (2) section 303 of title 49, United States Code.

2 (h) PERMITS.—Nothing in this section alters or lim-  
3 its—

4 (1) any permit held by a ski area or other enti-  
5 ty; or

6 (2) the acceptance, review, or implementation of  
7 associated activities or facilities proposed or author-  
8 ized by law or permit outside the boundaries of the  
9 Recreation Management Area.

10 **SEC. 105. PORCUPINE GULCH WILDLIFE CONSERVATION**

11 **AREA.**

12 (a) DESIGNATION.—Subject to valid existing rights,  
13 the approximately 8,287 acres of Federal land located in  
14 the White River National Forest, as generally depicted as  
15 “Proposed Porcupine Gulch Wildlife Conservation Area”  
16 on the map entitled “Porcupine Gulch Wildlife Conserva-  
17 tion Area Proposal” and dated June 24, 2019, are des-  
18 igned as the “Porcupine Gulch Wildlife Conservation  
19 Area” (referred to in this section as the “Wildlife Con-  
20 servation Area”).

21 (b) PURPOSES.—The purposes of the Wildlife Con-  
22 servation Area are—

23 (1) to conserve and protect a wildlife migration  
24 corridor over Interstate 70; and

1           (2) to conserve, protect, and enhance for the  
2 benefit and enjoyment of present and future genera-  
3 tions the wildlife, scenic, roadless, watershed, and  
4 ecological resources of the Wildlife Conservation  
5 Area.

6 (c) MANAGEMENT.—

7           (1) IN GENERAL.—The Secretary shall manage  
8 the Wildlife Conservation Area—

9           (A) in a manner that conserves, protects,  
10 and enhances the purposes described in sub-  
11 section (b); and

12           (B) in accordance with—

13           (i) the Forest and Rangeland Renew-  
14 able Resources Planning Act of 1974 (16  
15 U.S.C. 1600 et seq.);

16           (ii) any other applicable laws (includ-  
17 ing regulations); and

18           (iii) this section.

19 (2) USES.—

20           (A) IN GENERAL.—The Secretary shall  
21 only allow such uses of the Wildlife Conserva-  
22 tion Area as the Secretary determines would  
23 further the purposes described in subsection  
24 (b).

1 (B) RECREATION.—The Secretary may  
2 permit such recreational activities in the Wild-  
3 life Conservation Area that the Secretary deter-  
4 mines are consistent with the purposes de-  
5 scribed in subsection (b).

6 (C) MOTORIZED VEHICLES AND MECHA-  
7 NIZED TRANSPORT; NEW OR TEMPORARY  
8 ROADS.—

9 (i) MOTORIZED VEHICLES AND  
10 MECHANIZED TRANSPORT.—Except as pro-  
11 vided in clause (iii), the use of motorized  
12 vehicles and mechanized transport in the  
13 Wildlife Conservation Area shall be prohib-  
14 ited.

15 (ii) NEW OR TEMPORARY ROADS.—  
16 Except as provided in clause (iii) and sub-  
17 section (e), no new or temporary road shall  
18 be constructed within the Wildlife Con-  
19 servation Area.

20 (iii) EXCEPTIONS.—Nothing in clause  
21 (i) or (ii) prevents the Secretary from—

22 (I) authorizing the use of motor-  
23 ized vehicles or mechanized transport  
24 for administrative purposes;

18

1 (II) constructing temporary  
2 roads or permitting the use of motor-  
3 ized vehicles or mechanized transport  
4 to carry out pre- or post-fire water-  
5 shed protection projects;

6 (III) authorizing the use of mo-  
7 torized vehicles or mechanized trans-  
8 port to carry out activities described  
9 in subsection (d) or (e); or

10 (IV) responding to an emergency.

11 (D) COMMERCIAL TIMBER.—

12 (i) IN GENERAL.—Subject to clause  
13 (ii), no project shall be carried out in the  
14 Wildlife Conservation Area for the purpose  
15 of harvesting commercial timber.

16 (ii) LIMITATION.—Nothing in clause  
17 (i) prevents the Secretary from harvesting  
18 or selling a merchantable product that is a  
19 byproduct of an activity authorized under  
20 this section.

21 (d) FIRE, INSECTS, AND DISEASES.—The Secretary  
22 may carry out any activity, in accordance with applicable  
23 laws (including regulations), that the Secretary deter-  
24 mines to be necessary to prevent, control, or mitigate fire,  
25 insects, or disease in the Wildlife Conservation Area, sub-

1 ject to such terms and conditions as the Secretary deter-  
2 mines to be appropriate.

3 (e) REGIONAL TRANSPORTATION PROJECTS.—Noth-  
4 ing in this section or section 110(f) precludes the Sec-  
5 retary from authorizing, in accordance with applicable  
6 laws (including regulations), the use or leasing of Federal  
7 land within the Wildlife Conservation Area for—

8 (1) a regional transportation project, includ-  
9 ing—

10 (A) highway widening or realignment; and

11 (B) construction of multimodal transpor-  
12 tation systems; or

13 (2) any infrastructure, activity, or safety meas-  
14 ure associated with the implementation or use of a  
15 facility constructed under paragraph (1).

16 (f) APPLICABLE LAW.—Nothing in this section af-  
17 fects the designation of the Federal land within the Wild-  
18 life Conservation Area for purposes of—

19 (1) section 138 of title 23, United States Code;  
20 or

21 (2) section 303 of title 49, United States Code.

22 (g) WATER.—Section 3(e) of the James Peak Wilder-  
23 ness and Protection Area Act (Public Law 107–216; 116  
24 Stat. 1058) shall apply to the Wildlife Conservation Area.

1 **SEC. 106. WILLIAMS FORK MOUNTAINS WILDLIFE CON-**  
2 **SERVATION AREA.**

3 (a) **DESIGNATION.**—Subject to valid existing rights,  
4 the approximately 3,528 acres of Federal land in the  
5 White River National Forest in the State, as generally de-  
6 picted as “Proposed Williams Fork Mountains Wildlife  
7 Conservation Area” on the map entitled “Williams Fork  
8 Mountains Proposal” and dated June 24, 2019, are des-  
9 ignated as the “Williams Fork Mountains Wildlife Con-  
10 servation Area” (referred to in this section as the “Wild-  
11 life Conservation Area”).

12 (b) **PURPOSES.**—The purposes of the Wildlife Con-  
13 servation Area are to conserve, protect, and enhance for  
14 the benefit and enjoyment of present and future genera-  
15 tions the wildlife, scenic, roadless, watershed, recreational,  
16 and ecological resources of the Wildlife Conservation Area.

17 (c) **MANAGEMENT.**—

18 (1) **IN GENERAL.**—The Secretary shall manage  
19 the Wildlife Conservation Area—

20 (A) in a manner that conserves, protects,  
21 and enhances the purposes described in sub-  
22 section (b); and

23 (B) in accordance with—

24 (i) the Forest and Rangeland Renew-  
25 able Resources Planning Act of 1974 (16  
26 U.S.C. 1600 et seq.);



- 1 (ii) any other applicable laws (includ-  
2 ing regulations); and  
3 (iii) this section.

4 (2) USES.—

5 (A) IN GENERAL.—The Secretary shall  
6 only allow such uses of the Wildlife Conserva-  
7 tion Area as the Secretary determines would  
8 further the purposes described in subsection  
9 (b).

10 (B) MOTORIZED VEHICLES.—

11 (i) IN GENERAL.—Except as provided  
12 in clause (iii), the use of motorized vehicles  
13 in the Wildlife Conservation Area shall be  
14 limited to designated roads and trails.

15 (ii) NEW OR TEMPORARY ROADS.—  
16 Except as provided in clause (iii), no new  
17 or temporary road shall be constructed in  
18 the Wildlife Conservation Area.

19 (iii) EXCEPTIONS.—Nothing in clause  
20 (i) or (ii) prevents the Secretary from—

21 (I) authorizing the use of motor-  
22 ized vehicles for administrative pur-  
23 poses;

1 (II) authorizing the use of motor-  
2 ized vehicles to carry out activities de-  
3 scribed in subsection (d); or

4 (III) responding to an emer-  
5 gency.

6 (C) BICYCLES.—The use of bicycles in the  
7 Wildlife Conservation Area shall be limited to  
8 designated roads and trails.

9 (D) COMMERCIAL TIMBER.—

10 (i) IN GENERAL.—Subject to clause  
11 (ii), no project shall be carried out in the  
12 Wildlife Conservation Area for the purpose  
13 of harvesting commercial timber.

14 (ii) LIMITATION.—Nothing in clause  
15 (i) prevents the Secretary from harvesting  
16 or selling a merchantable product that is a  
17 byproduct of an activity authorized under  
18 this section.

19 (E) GRAZING.—The laws (including regu-  
20 lations) and policies followed by the Secretary  
21 in issuing and administering grazing permits or  
22 leases on land under the jurisdiction of the Sec-  
23 retary shall continue to apply with regard to  
24 the land in the Wildlife Conservation Area, con-

1           sistent with the purposes described in sub-  
2           section (b).

3           (d) FIRE, INSECTS, AND DISEASES.—The Secretary  
4 may carry out any activity, in accordance with applicable  
5 laws (including regulations), that the Secretary deter-  
6 mines to be necessary to prevent, control, or mitigate fire,  
7 insects, or disease in the Wildlife Conservation Area, sub-  
8 ject to such terms and conditions as the Secretary deter-  
9 mines to be appropriate.

10          (e) REGIONAL TRANSPORTATION PROJECTS.—Noth-  
11 ing in this section or section 110(f) precludes the Sec-  
12 retary from authorizing, in accordance with applicable  
13 laws (including regulations), the use or leasing of Federal  
14 land within the Wildlife Conservation Area for—

15           (1) a regional transportation project, includ-  
16           ing—

17                   (A) highway widening or realignment; and

18                   (B) construction of multimodal transpor-  
19           tation systems; or

20           (2) any infrastructure, activity, or safety meas-  
21           ure associated with the implementation or use of a  
22           facility constructed under paragraph (1).

23           (f) WATER.—Section 3(e) of the James Peak Wilder-  
24 ness and Protection Area Act (Public Law 107–216; 116  
25 Stat. 1058) shall apply to the Wildlife Conservation Area.

1 **SEC. 107. CAMP HALE NATIONAL HISTORIC LANDSCAPE.**

2 (a) DESIGNATION.—Subject to valid existing rights,  
3 the approximately 28,676 acres of Federal land in the  
4 White River National Forest in the State, as generally de-  
5 picted as “Proposed Camp Hale National Historic Land-  
6 scape” on the map entitled “Camp Hale National Historic  
7 Landscape Proposal” and dated June 24, 2019, are des-  
8 ignated the “Camp Hale National Historic Landscape”.

9 (b) PURPOSES.—The purposes of the Historic Land-  
10 scape are—

11 (1) to provide for—

12 (A) the interpretation of historic events,  
13 activities, structures, and artifacts of the His-  
14 toric Landscape, including with respect to the  
15 role of the Historic Landscape in local, na-  
16 tional, and world history;

17 (B) the historic preservation of the His-  
18 toric Landscape, consistent with—

19 (i) the designation of the Historic  
20 Landscape as a national historic site; and

21 (ii) the other purposes of the Historic  
22 Landscape;

23 (C) recreational opportunities, with an em-  
24 phasis on the activities related to the historic  
25 use of the Historic Landscape, including skiing,  
26 snowshoeing, snowmobiling, hiking, horseback

1 riding, climbing, other road- and trail-based ac-  
2 tivities, and other outdoor activities; and

3 (D) the continued environmental remedi-  
4 ation and removal of unexploded ordnance at  
5 the Camp Hale Formerly Used Defense Site  
6 and the Camp Hale historic cantonment area;  
7 and

8 (2) to conserve, protect, restore, and enhance  
9 for the benefit and enjoyment of present and future  
10 generations the scenic, watershed, and ecological re-  
11 sources of the Historic Landscape.

12 (c) MANAGEMENT.—

13 (1) IN GENERAL.—The Secretary shall manage  
14 the Historic Landscape in accordance with—

15 (A) the purposes of the Historic Landscape  
16 described in subsection (b); and

17 (B) any other applicable laws (including  
18 regulations).

19 (2) MANAGEMENT PLAN.—

20 (A) IN GENERAL.—Not later than 5 years  
21 after the date of enactment of this Act, the Sec-  
22 retary shall prepare a management plan for the  
23 Historic Landscape.

1 (B) CONTENTS.—The management plan  
2 prepared under subparagraph (A) shall include  
3 plans for—

4 (i) improving the interpretation of his-  
5 toric events, activities, structures, and arti-  
6 facts of the Historic Landscape, including  
7 with respect to the role of the Historic  
8 Landscape in local, national, and world  
9 history;

10 (ii) conducting historic preservation  
11 and veteran outreach and engagement ac-  
12 tivities;

13 (iii) managing recreational opportuni-  
14 ties, including the use and stewardship  
15 of—

16 (I) the road and trail systems;  
17 and

18 (II) dispersed recreation re-  
19 sources;

20 (iv) the conservation, protection, res-  
21 toration, or enhancement of the scenic, wa-  
22 tershed, and ecological resources of the  
23 Historic Landscape, including—

1 (I) conducting the restoration  
2 and enhancement project under sub-  
3 section (d);

4 (II) forest fuels, wildfire, and  
5 mitigation management; and

6 (III) watershed health and pro-  
7 tection;

8 (v) environmental remediation and,  
9 consistent with subsection (e)(2), the re-  
10 moval of unexploded ordnance; and

11 (vi) managing the Historic Landscape  
12 in accordance with subsection (g).

13 (3) EXPLOSIVE HAZARDS.—The Secretary shall  
14 provide to the Secretary of the Army a notification  
15 of any unexploded ordnance (as defined in section  
16 101(e) of title 10, United States Code) that is dis-  
17 covered in the Historic Landscape.

18 (d) CAMP HALE RESTORATION AND ENHANCEMENT  
19 PROJECT.—

20 (1) IN GENERAL.—The Secretary shall conduct  
21 a restoration and enhancement project in the His-  
22 toric Landscape—

23 (A) to improve aquatic, riparian, and wet-  
24 land conditions in and along the Eagle River  
25 and tributaries of the Eagle River;

1 (B) to maintain or improve recreation and  
2 interpretive opportunities and facilities; and

3 (C) to conserve historic values in the Camp  
4 Hale area.

5 (2) COORDINATION.—In carrying out the  
6 project described in paragraph (1), the Secretary  
7 shall coordinate with, and provide the opportunity to  
8 collaborate on the project to—

9 (A) the Corps of Engineers;

10 (B) the Camp Hale-Eagle River Head-  
11 waters Collaborative Group;

12 (C) the National Forest Foundation;

13 (D) the Colorado Department of Public  
14 Health and Environment;

15 (E) the Colorado State Historic Preserva-  
16 tion Office;

17 (F) the Colorado Department of Natural  
18 Resources;

19 (G) units of local government; and

20 (H) other interested organizations and  
21 members of the public.

22 (e) ENVIRONMENTAL REMEDIATION.—

23 (1) IN GENERAL.—The Secretary of the Army  
24 shall continue to carry out the projects and activities  
25 of the Department of the Army in existence on the



1 date of enactment of this Act relating to cleanup  
2 of—

3 (A) the Camp Hale Formerly Used De-  
4 fense Site; or

5 (B) the Camp Hale historic cantonment  
6 area.

7 (2) REMOVAL OF UNEXPLODED ORDNANCE.—

8 (A) IN GENERAL.—The Secretary of the  
9 Army may remove unexploded ordnance (as de-  
10 fined in section 101(e) of title 10, United  
11 States Code) from the Historic Landscape, as  
12 the Secretary of the Army determines to be ap-  
13 propriate in accordance with applicable law (in-  
14 cluding regulations).

15 (B) ACTION ON RECEIPT OF NOTICE.—On  
16 receipt from the Secretary of a notification of  
17 unexploded ordnance under subsection (c)(3),  
18 the Secretary of the Army may remove the  
19 unexploded ordnance in accordance with—

20 (i) the program for environmental res-  
21 toration of formerly used defense sites  
22 under section 2701 of title 10, United  
23 States Code;

1 (ii) the Comprehensive Environmental  
2 Response, Compensation, and Liability Act  
3 of 1980 (42 U.S.C. 9601 et seq.); and

4 (iii) any other applicable provision of  
5 law (including regulations).

6 (3) EFFECT OF SUBSECTION.—Nothing in this  
7 subsection modifies any obligation in existence on  
8 the date of enactment of this Act relating to envi-  
9 ronmental remediation or removal of any unexploded  
10 ordnance located in or around the Camp Hale his-  
11 toric cantonment area, the Camp Hale Formerly  
12 Used Defense Site, or the Historic Landscape, in-  
13 cluding such an obligation under—

14 (A) the program for environmental restora-  
15 tion of formerly used defense sites under sec-  
16 tion 2701 of title 10, United States Code;

17 (B) the Comprehensive Environmental Re-  
18 sponse, Compensation, and Liability Act of  
19 1980 (42 U.S.C. 9601 et seq.); or

20 (C) any other applicable provision of law  
21 (including regulations).

22 (f) INTERAGENCY AGREEMENT.—The Secretary and  
23 the Secretary of the Army shall enter into an agreement—

24 (1) to specify—

1 (A) the activities of the Secretary relating  
2 to the management of the Historic Landscape;  
3 and

4 (B) the activities of the Secretary of the  
5 Army relating to environmental remediation  
6 and the removal of unexploded ordnance in ac-  
7 cordance with subsection (e) and other applica-  
8 ble laws (including regulations); and

9 (2) to require the Secretary to provide to the  
10 Secretary of the Army, by not later than 1 year  
11 after the date of enactment of this Act and periodi-  
12 cally thereafter, as appropriate, a management plan  
13 for the Historic Landscape for purposes of the re-  
14 moval activities described in subsection (e).

15 (g) EFFECT.—Nothing in this section—

16 (1) affects the jurisdiction of the State over any  
17 water law, water right, or adjudication or adminis-  
18 tration relating to any water resource;

19 (2) affects any water right in existence on the  
20 date of enactment of this Act, or the exercise of such  
21 a water right, including—

22 (A) a water right subject to an interstate  
23 water compact (including full development of  
24 any apportionment made in accordance with  
25 such a compact);

1 (B) a water right decreed within, above,  
2 below, or through the Historic Landscape;

3 (C) a change, exchange, plan for aug-  
4 mentation, or other water decree with respect to  
5 a water right, including a conditional water  
6 right, in existence on the date of enactment of  
7 this Act—

8 (i) that is consistent with the pur-  
9 poses described in subsection (b); and

10 (ii) that does not result in diversion of  
11 a greater flow rate or volume of water for  
12 such a water right in existence on the date  
13 of enactment of this Act;

14 (D) a water right held by the United  
15 States;

16 (E) the management or operation of any  
17 reservoir, including the storage, management,  
18 release, or transportation of water; and

19 (F) the construction or operation of such  
20 infrastructure as is determined to be necessary  
21 by an individual or entity holding water rights  
22 to develop and place to beneficial use those  
23 rights, subject to applicable Federal, State, and  
24 local law (including regulations);

1 (3) constitutes an express or implied reservation  
2 by the United States of any reserved or appropria-  
3 tive water right;

4 (4) alters or limits—

5 (A) a permit held by a ski area;

6 (B) the implementation of activities gov-  
7 erned by a ski area permit; or

8 (C) the authority of the Secretary to mod-  
9 ify or expand an existing ski area permit;

10 (5) prevents the Secretary from closing portions  
11 of the Historic Landscape for public safety, environ-  
12 mental remediation, or other use in accordance with  
13 applicable laws; or

14 (6) affects—

15 (A) any special use permit in effect on the  
16 date of enactment of this Act; or

17 (B) the renewal of a permit described in  
18 subparagraph (A).

19 (h) FUNDING.—

20 (1) IN GENERAL.—There is established in the  
21 general fund of the Treasury a special account, to  
22 be known as the “Camp Hale Historic Preservation  
23 and Restoration Fund”.

24 (2) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to the Camp

1 Hale Historic Preservation and Restoration Fund  
2 \$10,000,000, to be available to the Secretary until  
3 expended, for activities relating to historic interpre-  
4 tation, preservation, and restoration carried out in  
5 and around the Historic Landscape.

6 (i) DESIGNATION OF OVERLOOK.—The interpretive  
7 site located beside United States Route 24 in the State,  
8 at 39.431N 106.323W, is designated as the “Sandy Treat  
9 Overlook”.

10 **SEC. 108. WHITE RIVER NATIONAL FOREST BOUNDARY**  
11 **MODIFICATION.**

12 (a) IN GENERAL.—The boundary of the White River  
13 National Forest is modified to include the approximately  
14 120 acres comprised of the SW $\frac{1}{4}$ , the SE $\frac{1}{4}$ , and the  
15 NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of sec. 1, T. 2 S., R. 80 W., 6th Prin-  
16 cipal Meridian, in Summit County in the State.

17 (b) LAND AND WATER CONSERVATION FUND.—For  
18 purposes of section 200306 of title 54, United States  
19 Code, the boundaries of the White River National Forest,  
20 as modified by subsection (a), shall be considered to be  
21 the boundaries of the White River National Forest as in  
22 existence on January 1, 1965.

1 **SEC. 109. ROCKY MOUNTAIN NATIONAL PARK POTENTIAL**  
2 **WILDERNESS BOUNDARY ADJUSTMENT.**

3 (a) **PURPOSE.**—The purpose of this section is to pro-  
4 vide for the ongoing maintenance and use of portions of  
5 the Trail River Ranch and the associated property located  
6 within Rocky Mountain National Park in Grand County  
7 in the State.

8 (b) **BOUNDARY ADJUSTMENT.**—Section 1952(b) of  
9 the Omnibus Public Land Management Act of 2009 (Pub-  
10 lic Law 111–11; 123 Stat. 1070) is amended by adding  
11 at the end the following:

12 “(3) **BOUNDARY ADJUSTMENT.**—The boundary  
13 of the Potential Wilderness is modified to exclude  
14 the area comprising approximately 15.5 acres of  
15 land identified as ‘Potential Wilderness to Non-wil-  
16 derness’ on the map entitled ‘Rocky Mountain Na-  
17 tional Park Proposed Wilderness Area Amendment’  
18 and dated January 16, 2018.”

19 **SEC. 110. ADMINISTRATIVE PROVISIONS.**

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

23 (b) **NO BUFFER ZONES.**—

24 (1) **IN GENERAL.**—Nothing in this title or an  
25 amendment made by this title establishes a protec-  
26 tive perimeter or buffer zone around—

- 1 (A) a covered area;
- 2 (B) a wilderness area or potential wilder-
- 3 ness area designated by section 103;
- 4 (C) the Recreation Management Area;
- 5 (D) a Wildlife Conservation Area; or
- 6 (E) the Historic Landscape.

7 (2) OUTSIDE ACTIVITIES.—The fact that a non-

8 wilderness activity or use on land outside of an area

9 described in paragraph (1) can be seen or heard

10 from within the applicable area described in para-

11 graph (1) shall not preclude the activity or use out-

12 side the boundary of the applicable area described in

13 paragraph (1).

14 (c) TRIBAL RIGHTS AND USES.—

15 (1) TREATY RIGHTS.—Nothing in this title af-

16 fects the treaty rights of an Indian Tribe.

17 (2) TRADITIONAL TRIBAL USES.—Subject to

18 any terms and conditions that the Secretary deter-

19 mines to be necessary and in accordance with appli-

20 cable law, the Secretary shall allow for the continued

21 use of the areas described in subsection (b)(1) by

22 members of Indian Tribes—

23 (A) for traditional ceremonies; and

24 (B) as a source of traditional plants and

25 other materials.



1 (d) MAPS AND LEGAL DESCRIPTIONS.—

2 (1) IN GENERAL.—As soon as practicable after  
3 the date of enactment of this Act, the Secretary  
4 shall file maps and legal descriptions of each area  
5 described in subsection (b)(1) with—

6 (A) the Committee on Natural Resources  
7 of the House of Representatives; and

8 (B) the Committee on Energy and Natural  
9 Resources of the Senate.

10 (2) FORCE OF LAW.—Each map and legal de-  
11 scription filed under paragraph (1) shall have the  
12 same force and effect as if included in this title, ex-  
13 cept that the Secretary may correct any typo-  
14 graphical errors in the maps and legal descriptions.

15 (3) PUBLIC AVAILABILITY.—Each map and  
16 legal description filed under paragraph (1) shall be  
17 on file and available for public inspection in the ap-  
18 propriate offices of the Forest Service.

19 (e) ACQUISITION OF LAND.—

20 (1) IN GENERAL.—The Secretary may acquire  
21 any land or interest in land within the boundaries of  
22 an area described in subsection (b)(1) only through  
23 exchange, donation, or purchase from a willing sell-  
24 er.

1           (2) MANAGEMENT.—Any land or interest in  
2 land acquired under paragraph (1) shall be incor-  
3 porated into, and administered as a part of, the wil-  
4 derness area, Recreation Management Area, Wildlife  
5 Conservation Area, or Historic Landscape, as appli-  
6 cable, in which the land or interest in land is lo-  
7 cated.

8           (f) WITHDRAWAL.—Subject to valid rights in exist-  
9 ence on the date of enactment of this Act, the areas de-  
10 scribed in subsection (b)(1) are withdrawn from—

11           (1) entry, appropriation, and disposal under the  
12 public land laws;

13           (2) location, entry, and patent under mining  
14 laws; and

15           (3) operation of the mineral leasing, mineral  
16 materials, and geothermal leasing laws.

17           (g) MILITARY OVERFLIGHTS.—Nothing in this title  
18 or an amendment made by this title restricts or pre-  
19 cludes—

20           (1) any low-level overflight of military aircraft  
21 over any area subject to this title or an amendment  
22 made by this title, including military overflights that  
23 can be seen, heard, or detected within such an area;

24           (2) flight testing or evaluation over an area de-  
25 scribed in paragraph (1); or

1 (3) the use or establishment of—

2 (A) any new unit of special use airspace  
3 over an area described in paragraph (1); or

4 (B) any military flight training or trans-  
5 portation over such an area.

6 (h) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that military aviation training on Federal public  
8 land in the State, including the training conducted at the  
9 High-Altitude Army National Guard Aviation Training  
10 Site, is critical to the national security of the United  
11 States and the readiness of the Armed Forces.

## 12 **TITLE II—SAN JUAN MOUNTAINS**

### 13 **SEC. 201. DEFINITIONS.**

14 In this title:

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

17 (A) land designated as wilderness under  
18 paragraphs (27) through (29) of section 2(a) of  
19 the Colorado Wilderness Act of 1993 (16  
20 U.S.C. 1132 note; Public Law 103–77) (as  
21 added by section 202); and

22 (B) a Special Management Area.

23 (2) SECRETARY.—The term “Secretary” means  
24 the Secretary of Agriculture.

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

3           (A) the Sheep Mountain Special Manage-  
4 ment Area designated by section 203(a)(1); and

5           (B) the Liberty Bell East Special Manage-  
6 ment Area designated by section 203(a)(2).

7 **SEC. 202. ADDITIONS TO NATIONAL WILDERNESS PRESER-**  
8 **VATION SYSTEM.**

9           Section 2(a) of the Colorado Wilderness Act of 1993  
10 (16 U.S.C. 1132 note; Public Law 103–77) (as amended  
11 by section 102(a)(2)) is amended by adding at the end  
12 the following:

13           “(27) LIZARD HEAD WILDERNESS ADDITION.—  
14           Certain Federal land in the Grand Mesa,  
15           Uncompahgre, and Gunnison National Forests com-  
16           prising approximately 3,141 acres, as generally de-  
17           picted on the map entitled ‘Proposed Wilson, Sun-  
18           shine, Black Face and San Bernardo Additions to  
19           the Lizard Head Wilderness’ and dated September  
20           6, 2018, which is incorporated in, and shall be ad-  
21           ministered as part of, the Lizard Head Wilderness.

22           “(28) MOUNT SNEFFELS WILDERNESS ADDI-  
23           TIONS.—

24           “(A) LIBERTY BELL AND LAST DOLLAR  
25           ADDITIONS.—Certain Federal land in the

1 Grand Mesa, Uncompahgre, and Gunnison Na-  
2 tional Forests comprising approximately 7,235  
3 acres, as generally depicted on the map entitled  
4 ‘Proposed Liberty Bell and Last Dollar Addi-  
5 tions to the Mt. Sneffels Wilderness, Liberty  
6 Bell East Special Management Area’ and dated  
7 September 6, 2018, which is incorporated in,  
8 and shall be administered as part of, the Mount  
9 Sneffels Wilderness.

10 “(B) WHITEHOUSE ADDITIONS.—Certain  
11 Federal land in the Grand Mesa, Uncompahgre,  
12 and Gunnison National Forests comprising ap-  
13 proximately 12,465 acres, as generally depicted  
14 on the map entitled ‘Proposed Whitehouse Ad-  
15 ditions to the Mt. Sneffels Wilderness’ and  
16 dated September 6, 2018, which is incorporated  
17 in, and shall be administered as part of, the  
18 Mount Sneffels Wilderness.

19 “(29) MCKENNA PEAK WILDERNESS.—Certain  
20 Federal land in the State of Colorado comprising ap-  
21 proximately 8,884 acres of Bureau of Land Manage-  
22 ment land, as generally depicted on the map entitled  
23 ‘Proposed McKenna Peak Wilderness Area’ and  
24 dated September 18, 2018, to be known as the  
25 ‘McKenna Peak Wilderness’.”.

1 **SEC. 203. SPECIAL MANAGEMENT AREAS.**

2 (a) DESIGNATION.—

3 (1) SHEEP MOUNTAIN SPECIAL MANAGEMENT  
4 AREA.—The Federal land in the Grand Mesa,  
5 Uncompahgre, and Gunnison and San Juan Na-  
6 tional Forests in the State comprising approximately  
7 21,663 acres, as generally depicted on the map enti-  
8 tled “Proposed Sheep Mountain Special Manage-  
9 ment Area” and dated September 19, 2018, is des-  
10 ignated as the “Sheep Mountain Special Manage-  
11 ment Area”.

12 (2) LIBERTY BELL EAST SPECIAL MANAGE-  
13 MENT AREA.—The Federal land in the Grand Mesa,  
14 Uncompahgre, and Gunnison National Forests in  
15 the State comprising approximately 792 acres, as  
16 generally depicted on the map entitled “Proposed  
17 Liberty Bell and Last Dollar Additions to the Mt.  
18 Sneffels Wilderness, Liberty Bell East Special Man-  
19 agement Area” and dated September 6, 2018, is  
20 designated as the “Liberty Bell East Special Man-  
21 agement Area”.

22 (b) PURPOSE.—The purpose of the Special Manage-  
23 ment Areas is to conserve and protect for the benefit and  
24 enjoyment of present and future generations the geologi-  
25 cal, cultural, archaeological, paleontological, natural, sci-  
26 entific, recreational, wilderness, wildlife, riparian, histor-

1 ical, educational, and scenic resources of the Special Man-  
2 agement Areas.

3 (c) MANAGEMENT.—

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

6 (A) conserves, protects, and enhances the  
7 resources and values of the Special Manage-  
8 ment Areas described in subsection (b);

9 (B) subject to paragraph (3), maintains or  
10 improves the wilderness character of the Special  
11 Management Areas and the suitability of the  
12 Special Management Areas for potential inclu-  
13 sion in the National Wilderness Preservation  
14 System; and

15 (C) is in accordance with—

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

18 (ii) this title; and

19 (iii) any other applicable laws.

20 (2) PROHIBITIONS.—The following shall be pro-  
21 hibited in the Special Management Areas:

22 (A) Permanent roads.

23 (B) Except as necessary to meet the min-  
24 imum requirements for the administration of  
25 the Federal land, to provide access for aban-

1           done mine cleanup, and to protect public  
2           health and safety—

3                   (i) the use of motor vehicles, motor-  
4                   ized equipment, or mechanical transport  
5                   (other than as provided in paragraph (3));  
6                   and

7                   (ii) the establishment of temporary  
8                   roads.

9           (3) AUTHORIZED ACTIVITIES.—

10                   (A) IN GENERAL.—The Secretary may  
11                   allow any activities (including helicopter access  
12                   for recreation and maintenance and the com-  
13                   petitive running event permitted since 1992)  
14                   that have been authorized by permit or license  
15                   as of the date of enactment of this Act to con-  
16                   tinue within the Special Management Areas,  
17                   subject to such terms and conditions as the  
18                   Secretary may require.

19                   (B) PERMITTING.—The designation of the  
20                   Special Management Areas by subsection (a)  
21                   shall not affect the issuance of permits relating  
22                   to the activities covered under subparagraph  
23                   (A) after the date of enactment of this Act.

24                   (C) BICYCLES.—The Secretary may permit  
25                   the use of bicycles in—



1 (i) the portion of the Sheep Mountain  
2 Special Management Area identified as  
3 “Ophir Valley Area” on the map entitled  
4 “Proposed Sheep Mountain Special Man-  
5 agement Area” and dated September 19,  
6 2018; and

7 (ii) the portion of the Liberty Bell  
8 East Special Management Area identified  
9 as “Liberty Bell Corridor” on the map en-  
10 titled “Proposed Liberty Bell and Last  
11 Dollar Additions to the Mt. Sneffels Wil-  
12 derness, Liberty Bell East Special Manage-  
13 ment Area” and dated September 6, 2018.

14 (d) APPLICABLE LAW.—Water and water rights in  
15 the Special Management Areas shall be administered in  
16 accordance with section 8 of the Colorado Wilderness Act  
17 of 1993 (Public Law 103–77; 107 Stat. 762), except that,  
18 for purposes of this title—

19 (1) any reference contained in that section to  
20 “the lands designated as wilderness by this Act”,  
21 “the Piedra, Roubideau, and Tabeguache areas iden-  
22 tified in section 9 of this Act, or the Bowen Gulch  
23 Protection Area or the Fossil Ridge Recreation Man-  
24 agement Area identified in sections 5 and 6 of this  
25 Act”, or “the areas described in sections 2, 5, 6, and

1 9 of this Act” shall be considered to be a reference  
2 to “the Special Management Areas”; and

3 (2) any reference contained in that section to  
4 “this Act” shall be considered to be a reference to  
5 “the Colorado Outdoor Recreation and Economy  
6 Act”.

7 **SEC. 204. RELEASE OF WILDERNESS STUDY AREAS.**

8 (a) DOMINGUEZ CANYON WILDERNESS STUDY  
9 AREA.—Subtitle E of title II of Public Law 111–11 is  
10 amended—

11 (1) by redesignating section 2408 (16 U.S.C.  
12 460zzz–7) as section 2409; and

13 (2) by inserting after section 2407 (16 U.S.C.  
14 460zzz–6) the following:

15 **“SEC. 2408. RELEASE.**

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

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

1 “(1) is no longer subject to section 603(c) of  
2 the Federal Land Policy and Management Act of  
3 1976 (43 U.S.C. 1782(c)); and

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

6 (b) MCKENNA PEAK WILDERNESS STUDY AREA.—

7 (1) IN GENERAL.—Congress finds that, for the  
8 purposes of section 603(c) of the Federal Land Pol-  
9 icy and Management Act of 1976 (43 U.S.C.  
10 1782(c)), the portions of the McKenna Peak Wilder-  
11 ness Study Area in San Miguel County in the State  
12 not designated as wilderness by paragraph (29) of  
13 section 2(a) of the Colorado Wilderness Act of 1993  
14 (16 U.S.C. 1132 note; Public Law 103-77) (as  
15 added by section 202) have been adequately studied  
16 for wilderness designation.

17 (2) RELEASE.—Any public land referred to in  
18 paragraph (1) that is not designated as wilderness  
19 by paragraph (29) of section 2(a) of the Colorado  
20 Wilderness Act of 1993 (16 U.S.C. 1132 note; Pub-  
21 lic Law 103-77) (as added by section 202)—

22 (A) is no longer subject to section 603(c)  
23 of the Federal Land Policy and Management  
24 Act of 1976 (43 U.S.C. 1782(c)); and

1 (B) shall be managed in accordance with  
2 applicable laws.

3 **SEC. 205. ADMINISTRATIVE PROVISIONS.**

4 (a) FISH AND WILDLIFE.—Nothing in this title af-  
5 fects the jurisdiction or responsibility of the State with  
6 respect to fish and wildlife in the State.

7 (b) NO BUFFER ZONES.—

8 (1) IN GENERAL.—Nothing in this title estab-  
9 lishes a protective perimeter or buffer zone around  
10 covered land.

11 (2) ACTIVITIES OUTSIDE WILDERNESS.—The  
12 fact that a nonwilderness activity or use on land out-  
13 side of the covered land can be seen or heard from  
14 within covered land shall not preclude the activity or  
15 use outside the boundary of the covered land.

16 (c) TRIBAL RIGHTS AND USES.—

17 (1) TREATY RIGHTS.—Nothing in this title af-  
18 fects the treaty rights of any Indian Tribe, including  
19 rights under the Agreement of September 13, 1873,  
20 ratified by the Act of April 29, 1874 (18 Stat. 36,  
21 chapter 136).

22 (2) TRADITIONAL TRIBAL USES.—Subject to  
23 any terms and conditions as the Secretary deter-  
24 mines to be necessary and in accordance with appli-  
25 cable law, the Secretary shall allow for the continued

1 use of the covered land by members of Indian  
2 Tribes—

3 (A) for traditional ceremonies; and

4 (B) as a source of traditional plants and  
5 other materials.

6 (d) MAPS AND LEGAL DESCRIPTIONS.—

7 (1) IN GENERAL.—As soon as practicable after  
8 the date of enactment of this Act, the Secretary or  
9 the Secretary of the Interior, as appropriate, shall  
10 file a map and a legal description of each wilderness  
11 area designated by paragraphs (27) through (29) of  
12 section 2(a) of the Colorado Wilderness Act of 1993  
13 (16 U.S.C. 1132 note; Public Law 103–77) (as  
14 added by section 202) and the Special Management  
15 Areas with—

16 (A) the Committee on Natural Resources  
17 of the House of Representatives; and

18 (B) the Committee on Energy and Natural  
19 Resources of the Senate.

20 (2) FORCE OF LAW.—Each map and legal de-  
21 scription filed under paragraph (1) shall have the  
22 same force and effect as if included in this title, ex-  
23 cept that the Secretary or the Secretary of the Inte-  
24 rior, as appropriate, may correct any typographical  
25 errors in the maps and legal descriptions.

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

6           (e) ACQUISITION OF LAND.—

7           (1) IN GENERAL.—The Secretary or the Sec-  
8           retary of the Interior, as appropriate, may acquire  
9           any land or interest in land within the boundaries of  
10          a Special Management Area or the wilderness des-  
11          ignated under paragraphs (27) through (29) of sec-  
12          tion 2(a) of the Colorado Wilderness Act of 1993  
13          (16 U.S.C. 1132 note; Public Law 103–77) (as  
14          added by section 202) only through exchange, dona-  
15          tion, or purchase from a willing seller.

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

21          (f) GRAZING.—The grazing of livestock on covered  
22          land, if established before the date of enactment of this  
23          Act, shall be permitted to continue subject to such reason-  
24          able regulations as are considered to be necessary by the

1 Secretary with jurisdiction over the covered land, in ac-  
2 cordance with—

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

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

11 (g) FIRE, INSECTS, AND DISEASES.—In accordance  
12 with section 4(d)(1) of the Wilderness Act (16 U.S.C.  
13 1133(d)(1)), the Secretary with jurisdiction over a wilder-  
14 ness area designated by paragraphs (27) through (29) of  
15 section 2(a) of the Colorado Wilderness Act of 1993 (16  
16 U.S.C. 1132 note; Public Law 103-77) (as added by sec-  
17 tion 202) may carry out any activity in the wilderness area  
18 that the Secretary determines to be necessary for the con-  
19 trol of fire, insects, and diseases, subject to such terms  
20 and conditions as the Secretary determines to be appro-  
21 priate.

22 (h) WITHDRAWAL.—Subject to valid rights in exist-  
23 ence on the date of enactment of this Act, the covered  
24 land and the approximately 6,590 acres generally depicted  
25 on the map entitled “Proposed Naturita Canyon Mineral

1 Withdrawal Area” and dated September 6, 2018, is with-  
2 drawn from—

3 (1) entry, appropriation, and disposal under the  
4 public land laws;

5 (2) location, entry, and patent under mining  
6 laws; and

7 (3) operation of the mineral leasing, mineral  
8 materials, and geothermal leasing laws.

### 9 **TITLE III—THOMPSON DIVIDE**

#### 10 **SEC. 301. PURPOSES.**

11 The purposes of this title are—

12 (1) subject to valid existing rights, to withdraw  
13 certain Federal land in the Thompson Divide area  
14 from mineral and other disposal laws in order to  
15 protect the agricultural, ranching, wildlife, air qual-  
16 ity, recreation, ecological, and scenic values of the  
17 area; and

18 (2) to promote the capture of fugitive methane  
19 emissions that would otherwise be emitted into the  
20 atmosphere—

21 (A) to reduce methane gas emissions; and

22 (B) to provide—

23 (i) new renewable electricity supplies  
24 and other beneficial uses of fugitive meth-  
25 ane emissions; and



1 (ii) increased royalties for taxpayers.

2 **SEC. 302. DEFINITIONS.**

3 In this title:

4 (1) **FUGITIVE METHANE EMISSIONS.**—The term  
5 “fugitive methane emissions” means methane gas  
6 from the Federal land in Garfield, Gunnison, Delta,  
7 or Pitkin County in the State, as generally depicted  
8 on the pilot program map as “Fugitive Coal Mine  
9 Methane Use Pilot Program Area”, that would leak  
10 or be vented into the atmosphere from an active, in-  
11 active, or abandoned underground coal mine.

12 (2) **PILOT PROGRAM.**—The term “pilot pro-  
13 gram” means the Greater Thompson Divide Fugitive  
14 Coal Mine Methane Use Pilot Program established  
15 by section 305(a)(1).

16 (3) **PILOT PROGRAM MAP.**—The term “pilot  
17 program map” means the map entitled “Greater  
18 Thompson Divide Fugitive Coal Mine Methane Use  
19 Pilot Program Area” and dated June 17, 2019.

20 (4) **SECRETARY.**—The term “Secretary” means  
21 the Secretary of the Interior.

22 (5) **THOMPSON DIVIDE LEASE.**—

23 (A) **IN GENERAL.**—The term “Thompson  
24 Divide lease” means any oil or gas lease in ef-  
25 fect on the date of enactment of this Act within

1 the Thompson Divide Withdrawal and Protec-  
2 tion Area.

3 (B) EXCLUSIONS.—The term “Thompson  
4 Divide lease” does not include any oil or gas  
5 lease that—

6 (i) is associated with a Wolf Creek  
7 Storage Field development right; or

8 (ii) before the date of enactment of  
9 this Act, has expired, been cancelled, or  
10 otherwise terminated.

11 (6) THOMPSON DIVIDE MAP.—The term  
12 “Thompson Divide map” means the map entitled  
13 “Greater Thompson Divide Area Map” and dated  
14 June 13, 2019.

15 (7) THOMPSON DIVIDE WITHDRAWAL AND PRO-  
16 TECTION AREA.—The term “Thompson Divide With-  
17 drawal and Protection Area” means the Federal  
18 land and minerals generally depicted on the Thomp-  
19 son Divide map as the “Thompson Divide With-  
20 drawal and Protection Area”.

21 (8) WOLF CREEK STORAGE FIELD DEVELOP-  
22 MENT RIGHT.—

23 (A) IN GENERAL.—The term “Wolf Creek  
24 Storage Field development right” means a de-  
25 velopment right for any of the Federal mineral

1 leases numbered COC 007496, COC 007497,  
2 COC 007498, COC 007499, COC 007500, COC  
3 007538, COC 008128, COC 015373, COC  
4 0128018, COC 051645, and COC 051646, as  
5 generally depicted on the Thompson Divide map  
6 as “Wolf Creek Storage Agreement”.

7 (B) EXCLUSIONS.—The term “Wolf Creek  
8 Storage Field development right” does not in-  
9 clude any storage right or related activity with-  
10 in the area described in subparagraph (A).

11 **SEC. 303. THOMPSON DIVIDE WITHDRAWAL AND PROTEC-**  
12 **TION AREA.**

13 (a) WITHDRAWAL.—Subject to valid rights in exist-  
14 ence on the date of enactment of this Act, the Thompson  
15 Divide Withdrawal and Protection Area is withdrawn  
16 from—

17 (1) entry, appropriation, and disposal under the  
18 public land laws;

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

21 (3) operation of the mineral leasing, mineral  
22 materials, and geothermal leasing laws.

23 (b) SURVEYS.—The exact acreage and legal descrip-  
24 tion of the Thompson Divide Withdrawal and Protection

1 Area shall be determined by surveys approved by the Sec-  
2 retary, in consultation with the Secretary of Agriculture.

3 (c) GRAZING.—Nothing in this Act affects the admin-  
4 istration of grazing in the Thompson Divide Withdrawal  
5 and Protection Area.

6 **SEC. 304. THOMPSON DIVIDE LEASE EXCHANGE.**

7 (a) IN GENERAL.—In exchange for the relinquish-  
8 ment by a leaseholder of all Thompson Divide leases of  
9 the leaseholder, the Secretary may issue to the leaseholder  
10 credits for any bid, royalty, or rental payment due under  
11 any Federal oil or gas lease on Federal land in the State,  
12 in accordance with subsection (b).

13 (b) AMOUNT OF CREDITS.—

14 (1) IN GENERAL.—Subject to paragraph (2),  
15 the amount of the credits issued to a leaseholder of  
16 a Thompson Divide lease relinquished under sub-  
17 section (a) shall—

18 (A) be equal to the sum of—

19 (i) the amount of the bonus bids paid  
20 for the applicable Thompson Divide leases;

21 (ii) the amount of any rental paid for  
22 the applicable Thompson Divide leases as  
23 of the date on which the leaseholder sub-  
24 mits to the Secretary a notice of the deci-

1                    sion to relinquish the applicable Thompson  
2                    Divide leases; and  
3                    (iii) the amount of any expenses in-  
4                    curred by the leaseholder of the applicable  
5                    Thompson Divide leases in the preparation  
6                    of any drilling permit, sundry notice, or  
7                    other related submission in support of the  
8                    development of the applicable Thompson  
9                    Divide leases as of January 28, 2019, in-  
10                   including any expenses relating to the prepa-  
11                   ration of any analysis under the National  
12                   Environmental Policy Act of 1969 (42  
13                   U.S.C. 4321 et seq.); and  
14                   (B) require the approval of the Secretary.

15                   (2) **EXCLUSION.**—The amount of a credit  
16                   issued under subsection (a) shall not include any ex-  
17                   penses paid by the leaseholder of a Thompson Divide  
18                   lease for legal fees or related expenses for legal work  
19                   with respect to a Thompson Divide lease.

20                   (c) **CANCELLATION.**—Effective on relinquishment  
21                   under this section, and without any additional action by  
22                   the Secretary, a Thompson Divide lease—

23                   (1) shall be permanently cancelled; and

24                   (2) shall not be reissued.

25                   (d) **CONDITIONS.**—

1           (1) APPLICABLE LAW.—Except as otherwise  
2 provided in this section, each exchange under this  
3 section shall be conducted in accordance with—

4                   (A) this Act; and

5                   (B) other applicable laws (including regu-  
6 lations).

7           (2) ACCEPTANCE OF CREDITS.—The Secretary  
8 shall accept credits issued under subsection (a) in  
9 the same manner as cash for the payments described  
10 in that subsection.

11           (3) APPLICABILITY.—The use of a credit issued  
12 under subsection (a) shall be subject to the laws (in-  
13 cluding regulations) applicable to the payments de-  
14 scribed in that subsection, to the extent that the  
15 laws are consistent with this section.

16           (4) TREATMENT OF CREDITS.—All amounts in  
17 the form of credits issued under subsection (a) ac-  
18 cepted by the Secretary shall be considered to be  
19 amounts received for the purposes of—

20                   (A) section 35 of the Mineral Leasing Act  
21                   (30 U.S.C. 191); and

22                   (B) section 20 of the Geothermal Steam  
23                   Act of 1970 (30 U.S.C. 1019).

24           (e) WOLF CREEK STORAGE FIELD DEVELOPMENT  
25 RIGHTS.—

1 (1) CONVEYANCE TO SECRETARY.—As a condi-  
2 tion precedent to the relinquishment of a Thompson  
3 Divide lease, any leaseholder with a Wolf Creek  
4 Storage Field development right shall permanently  
5 relinquish, transfer, and otherwise convey to the  
6 Secretary, in a form acceptable to the Secretary, all  
7 Wolf Creek Storage Field development rights of the  
8 leaseholder.

9 (2) LIMITATION OF TRANSFER.—An interest  
10 acquired by the Secretary under paragraph (1)—

11 (A) shall be held in perpetuity; and

12 (B) shall not be—

13 (i) transferred;

14 (ii) reissued; or

15 (iii) otherwise used for mineral extrac-  
16 tion.

17 **SEC. 305. GREATER THOMPSON DIVIDE FUGITIVE COAL**  
18 **MINE METHANE USE PILOT PROGRAM.**

19 (a) FUGITIVE COAL MINE METHANE USE PILOT  
20 PROGRAM.—

21 (1) ESTABLISHMENT.—There is established in  
22 the Bureau of Land Management a pilot program,  
23 to be known as the “Greater Thompson Divide Fu-  
24 gitive Coal Mine Methane Use Pilot Program”.

1           (2) PURPOSE.—The purpose of the pilot pro-  
2           gram is to promote the capture, beneficial use, miti-  
3           gation, and sequestration of fugitive methane emis-  
4           sions—

- 5                   (A) to reduce methane emissions;  
6                   (B) to promote economic development;  
7                   (C) to produce bid and royalty revenues;  
8                   (D) to improve air quality; and  
9                   (E) to improve public safety.

10          (3) PLAN.—

11           (A) IN GENERAL.—Not later than 180  
12           days after the date of enactment of this Act,  
13           the Secretary shall develop a plan—

14                   (i) to complete an inventory of fugitive  
15                   methane emissions in accordance with sub-  
16                   section (b);

17                   (ii) to provide for the leasing of fugi-  
18                   tive methane emissions in accordance with  
19                   subsection (c); and

20                   (iii) to provide for the capping or de-  
21                   struction of fugitive methane emissions in  
22                   accordance with subsection (d).

23           (B) COORDINATION.—In developing the  
24           plan under this paragraph, the Secretary shall  
25           coordinate with—



- 1 (i) the State;
- 2 (ii) Garfield, Gunnison, Delta, and
- 3 Pitkin Counties in the State;
- 4 (iii) lessees of Federal coal within the
- 5 counties referred to in clause (ii);
- 6 (iv) interested institutions of higher
- 7 education in the State; and
- 8 (v) interested members of the public.

9 (b) FUGITIVE METHANE EMISSION INVENTORY.—

10 (1) IN GENERAL.—Not later than 1 year after

11 the date of enactment of this Act, the Secretary

12 shall complete an inventory of fugitive methane

13 emissions.

14 (2) CONDUCT.—The Secretary may conduct the

15 inventory under paragraph (1) through, or in col-

16 laboration with—

- 17 (A) the Bureau of Land Management;
- 18 (B) the United States Geological Survey;
- 19 (C) the Environmental Protection Agency;
- 20 (D) the United States Forest Service;
- 21 (E) State departments or agencies;
- 22 (F) Garfield, Gunnison, Delta, or Pitkin
- 23 County in the State;
- 24 (G) the Garfield County Federal Mineral
- 25 Lease District;

1 (H) institutions of higher education in the  
2 State;

3 (I) lessees of Federal coal within a county  
4 referred to in subparagraph (F);

5 (J) the National Oceanic and Atmospheric  
6 Administration;

7 (K) the National Center for Atmospheric  
8 Research; or

9 (L) other interested entities, including  
10 members of the public.

11 (3) CONTENTS.—The inventory under para-  
12 graph (1) shall include—

13 (A) the general location and geographic co-  
14 ordinates of each vent, seep, or other source  
15 producing significant fugitive methane emis-  
16 sions;

17 (B) an estimate of the volume and con-  
18 centration of fugitive methane emissions from  
19 each source of significant fugitive methane  
20 emissions, including details of measurements  
21 taken and the basis for that emissions estimate;

22 (C) an estimate of the total volume of fugi-  
23 tive methane emissions each year;

24 (D) relevant data and other information  
25 available from—

- 1 (i) the Environmental Protection  
2 Agency;
- 3 (ii) the Mine Safety and Health Ad-  
4 ministration;
- 5 (iii) the Colorado Department of Nat-  
6 ural Resources;
- 7 (iv) the Colorado Public Utility Com-  
8 mission;
- 9 (v) the Colorado Department of  
10 Health and Environment; and
- 11 (vi) the Office of Surface Mining Rec-  
12 lamation and Enforcement; and
- 13 (E) such other information as may be use-  
14 ful in advancing the purposes of the pilot pro-  
15 gram.
- 16 (4) PUBLIC PARTICIPATION; DISCLOSURE.—
- 17 (A) PUBLIC PARTICIPATION.—The Sec-  
18 retary shall provide opportunities for public  
19 participation in the inventory under this sub-  
20 section.
- 21 (B) AVAILABILITY.—The Secretary shall  
22 make the inventory under this subsection pub-  
23 licly available.

1 (C) DISCLOSURE.—Nothing in this sub-  
2 section requires the Secretary to publicly re-  
3 lease information that—

- 4 (i) poses a threat to public safety;  
5 (ii) is confidential business informa-  
6 tion; or  
7 (iii) is otherwise protected from public  
8 disclosure.

9 (5) USE.—The Secretary shall use the inven-  
10 tory in carrying out—

11 (A) the leasing program under subsection  
12 (c); and

13 (B) the capping or destruction of fugitive  
14 methane emissions under subsection (d).

15 (c) FUGITIVE METHANE EMISSION LEASING PRO-  
16 GRAM.—

17 (1) IN GENERAL.—Subject to valid existing  
18 rights and in accordance with this section, not later  
19 than 1 year after the date of completion of the in-  
20 ventory required under subsection (b), the Secretary  
21 shall carry out a program to encourage the use and  
22 destruction of fugitive methane emissions.

23 (2) FUGITIVE METHANE EMISSIONS FROM COAL  
24 MINES SUBJECT TO LEASE.—

1 (A) IN GENERAL.—The Secretary shall au-  
2 thorize the holder of a valid existing Federal  
3 coal lease for a mine that is producing fugitive  
4 methane emissions to capture for use, or de-  
5 stroy by flaring, the fugitive methane emissions.

6 (B) CONDITIONS.—The authority under  
7 subparagraph (A) shall be subject to—

8 (i) valid existing rights; and

9 (ii) such terms and conditions as the  
10 Secretary may require.

11 (C) LIMITATIONS.—The program carried  
12 out under paragraph (1) shall only include fugi-  
13 tive methane emissions that can be captured for  
14 use, or destroyed by flaring, in a manner that  
15 does not—

16 (i) endanger the safety of any coal  
17 mine worker; or

18 (ii) unreasonably interfere with any  
19 ongoing operation at a coal mine.

20 (D) COOPERATION.—

21 (i) IN GENERAL.—The Secretary shall  
22 work cooperatively with the holders of valid  
23 existing Federal coal leases for mines that  
24 produce fugitive methane emissions to en-  
25 courage—

1 (I) the capture of fugitive meth-  
2 ane emissions for beneficial use, such  
3 as generating electrical power, pro-  
4 ducing usable heat, transporting the  
5 methane to market, or transforming  
6 the fugitive methane emissions into a  
7 different marketable material; or

8 (II) if the beneficial use of the  
9 fugitive methane emissions is not fea-  
10 sible, the destruction of the fugitive  
11 methane emissions by flaring.

12 (ii) GUIDANCE.—In furtherance of the  
13 purposes of this paragraph, not later than  
14 1 year after the date of enactment of this  
15 Act, the Secretary shall issue guidance for  
16 the implementation of Federal authorities  
17 and programs to encourage the capture for  
18 use, or destruction by flaring, of fugitive  
19 methane emissions, while minimizing im-  
20 pacts on natural resources or other public  
21 interest values.

22 (E) ROYALTIES.—The Secretary shall de-  
23 termine whether any fugitive methane emissions  
24 used or destroyed pursuant to this paragraph

1 are subject to the payment of a royalty under  
2 applicable law.

3 (3) FUGITIVE METHANE EMISSIONS FROM  
4 ABANDONED COAL MINES.—

5 (A) IN GENERAL.—Except as otherwise  
6 provided in this section, notwithstanding section  
7 303, subject to valid existing rights, and in ac-  
8 cordance with section 21 of the Mineral Leasing  
9 Act (30 U.S.C. 241) and any other applicable  
10 law, the Secretary shall—

11 (i) authorize the capture for use, or  
12 destruction by flaring, of fugitive methane  
13 emissions from abandoned coal mines on  
14 Federal land; and

15 (ii) make available for leasing such fu-  
16 gitive methane emissions from abandoned  
17 coal mines on Federal land as the Sec-  
18 retary considers to be in the public inter-  
19 est.

20 (B) SOURCE.—To the maximum extent  
21 practicable, the Secretary shall offer for lease  
22 each significant vent, seep, or other source of  
23 fugitive methane emissions from abandoned  
24 coal mines.

1 (C) BID QUALIFICATIONS.—A bid to lease  
2 fugitive methane emissions under this para-  
3 graph shall specify whether the prospective les-  
4 see intends—

5 (i) to capture the fugitive methane  
6 emissions for beneficial use, such as gener-  
7 ating electrical power, producing usable  
8 heat, transporting the methane to market,  
9 or transforming the fugitive methane emis-  
10 sions into a different marketable material;

11 (ii) to destroy the fugitive methane  
12 emissions by flaring; or

13 (iii) to employ a specific combination  
14 of—

15 (I) capturing the fugitive meth-  
16 ane emissions for beneficial use; and

17 (II) destroying the fugitive meth-  
18 ane emission by flaring.

19 (D) PRIORITY.—

20 (i) IN GENERAL.—If there is more  
21 than 1 qualified bid for a lease under this  
22 paragraph, the Secretary shall select the  
23 bid that the Secretary determines is likely  
24 to most significantly advance the public in-  
25 terest.



1 (ii) CONSIDERATIONS.—In deter-  
2 mining the public interest under clause (i),  
3 the Secretary shall take into consider-  
4 ation—

5 (I) the size of the overall de-  
6 crease in the time-integrated radiative  
7 forcing of the fugitive methane emis-  
8 sions;

9 (II) the impacts to other natural  
10 resource values, including wildlife,  
11 water, and air; and

12 (III) other public interest values,  
13 including scenic, economic, recreation,  
14 and cultural values.

15 (E) LEASE FORM.—

16 (i) IN GENERAL.—The Secretary shall  
17 develop and provide to prospective bidders  
18 a lease form for leases issued under this  
19 paragraph.

20 (ii) DUE DILIGENCE.—The lease form  
21 developed under clause (i) shall include  
22 terms and conditions requiring the leased  
23 fugitive methane emissions to be put to  
24 beneficial use or flared by not later than 1  
25 year after the date of issuance of the lease.

1                   (F) ROYALTY RATE.—The Secretary shall  
2           develop a minimum bid and royalty rate for  
3           leases under this paragraph to advance the pur-  
4           poses of this section, to the maximum extent  
5           practicable.

6           (d) SEQUESTRATION.—If, by not later than 4 years  
7   after the date of enactment of this Act, any significant  
8   fugitive methane emissions from abandoned coal mines on  
9   Federal land are not leased under subsection (c)(3), the  
10   Secretary shall, in accordance with applicable law, take all  
11   reasonable measures—

12           (1) to cap those fugitive methane emissions at  
13           the source in any case in which the cap will result  
14           in the long-term sequestration of all or a significant  
15           portion of the fugitive methane emissions; or

16           (2) if sequestration under paragraph (1) is not  
17           feasible, destroy the fugitive methane emissions by  
18           flaring.

19           (e) REPORT TO CONGRESS.—Not later than 4 years  
20   after the date of enactment of this Act the Secretary shall  
21   submit to the Committee on Energy and Natural Re-  
22   sources of the Senate and the Committee on Natural Re-  
23   sources of the House of Representatives a report detail-  
24   ing—

1 (1) the economic and environmental impacts of  
2 the pilot program, including information on in-  
3 creased royalties and estimates of avoided green-  
4 house gas emissions; and

5 (2) any recommendations of the Secretary on  
6 whether the pilot program could be expanded geo-  
7 graphically to include other significant sources of fu-  
8 gitive methane emissions from coal mines.

9 **SEC. 306. EFFECT.**

10 Except as expressly provided in this title, nothing in  
11 this title—

12 (1) expands, diminishes, or impairs any valid  
13 existing mineral leases, mineral interest, or other  
14 property rights wholly or partially within the  
15 Thompson Divide Withdrawal and Protection Area,  
16 including access to the leases, interests, rights, or  
17 land in accordance with applicable Federal, State,  
18 and local laws (including regulations);

19 (2) prevents the capture of methane from any  
20 active, inactive, or abandoned coal mine covered by  
21 this title, in accordance with applicable laws; or

22 (3) prevents access to, or the development of,  
23 any new or existing coal mine or lease in Delta or  
24 Gunnison County in the State.

1                   **TITLE IV—CURECANTI**  
2           **NATIONAL RECREATION AREA**

3   **SEC. 401. DEFINITIONS.**

4       In this title:

5           (1) **MAP.**—The term “map” means the map en-  
6       titled “Curecanti National Recreation Area, Pro-  
7       posed Boundary”, numbered 616/100,485C, and  
8       dated August 11, 2016.

9           (2) **NATIONAL RECREATION AREA.**—The term  
10       “National Recreation Area” means the Curecanti  
11       National Recreation Area established by section  
12       402(a).

13          (3) **SECRETARY.**—The term “Secretary” means  
14       the Secretary of the Interior.

15   **SEC. 402. CURECANTI NATIONAL RECREATION AREA.**

16       (a) **ESTABLISHMENT.**—Effective beginning on the  
17       earlier of the date on which the Secretary approves a re-  
18       quest under subsection (c)(2)(B)(i)(I) and the date that  
19       is 1 year after the date of enactment of this Act, there  
20       shall be established as a unit of the National Park System  
21       the Curecanti National Recreation Area, in accordance  
22       with this Act, consisting of approximately 50,667 acres of  
23       land in the State, as generally depicted on the map as  
24       “Curecanti National Recreation Area Proposed Bound-  
25       ary”.

1 (b) AVAILABILITY OF MAP.—The map shall be on file  
2 and available for public inspection in the appropriate of-  
3 fices of the National Park Service.

4 (c) ADMINISTRATION.—

5 (1) IN GENERAL.—The Secretary shall admin-  
6 ister the National Recreation Area in accordance  
7 with—

8 (A) this title; and

9 (B) the laws (including regulations) gen-  
10 erally applicable to units of the National Park  
11 System, including section 100101(a), chapter  
12 1003, and sections 100751(a), 100752,  
13 100753, and 102101 of title 54, United States  
14 Code.

15 (2) DAM, POWER PLANT, AND RESERVOIR MAN-  
16 AGEMENT AND OPERATIONS.—

17 (A) IN GENERAL.—Nothing in this title af-  
18 fects or interferes with the authority of the Sec-  
19 retary—

20 (i) to operate the Uncompahgre Valley  
21 Reclamation Project under the reclamation  
22 laws;

23 (ii) to operate the Wayne N. Aspinall  
24 Unit of the Colorado River Storage Project  
25 under the Act of April 11, 1956 (com-

1 monly known as the “Colorado River Stor-  
2 age Project Act”) (43 U.S.C. 620 et seq.);  
3 or

4 (iii) under the Federal Water Project  
5 Recreation Act (16 U.S.C. 4601-12 et  
6 seq.).

7 (B) RECLAMATION LAND.—

8 (i) SUBMISSION OF REQUEST TO RE-  
9 TAIN ADMINISTRATIVE JURISDICTION.—If,  
10 before the date that is 1 year after the  
11 date of enactment of this Act, the Commis-  
12 sioner of Reclamation submits to the Sec-  
13 retary a request for the Commissioner of  
14 Reclamation to retain administrative juris-  
15 diction over the minimum quantity of land  
16 within the land identified on the map as  
17 “Lands withdrawn or acquired for Bureau  
18 of Reclamation projects” that the Commis-  
19 sioner of Reclamation identifies as nec-  
20 essary for the effective operation of Bu-  
21 reau of Reclamation water facilities, the  
22 Secretary may—

23 (I) approve, approve with modi-  
24 fications, or disapprove the request;  
25 and

1 (II) if the request is approved  
2 under subclause (I), make any modi-  
3 fications to the map that are nec-  
4 essary to reflect that the Commis-  
5 sioner of Reclamation retains manage-  
6 ment authority over the minimum  
7 quantity of land required to fulfill the  
8 reclamation mission.

9 (ii) TRANSFER OF LAND.—

10 (I) IN GENERAL.—Administrative  
11 jurisdiction over the land identified on  
12 the map as “Lands withdrawn or ac-  
13 quired for Bureau of Reclamation  
14 projects”, as modified pursuant to  
15 clause (i)(II), if applicable, shall be  
16 transferred from the Commissioner of  
17 Reclamation to the Director of the  
18 National Park Service by not later  
19 than the date that is 1 year after the  
20 date of enactment of this Act.

21 (II) ACCESS TO TRANSFERRED  
22 LAND.—

23 (aa) IN GENERAL.—Subject  
24 to item (bb), the Commissioner  
25 of Reclamation shall retain ac-

1           cess to the land transferred to  
2           the Director of the National Park  
3           Service under subclause (I) for  
4           reclamation purposes, including  
5           for the operation, maintenance,  
6           and expansion or replacement of  
7           facilities.

8                       (bb) MEMORANDUM OF UN-  
9           DERSTANDING.—The terms of  
10          the access authorized under item  
11          (aa) shall be determined by a  
12          memorandum of understanding  
13          entered into between the Com-  
14          missioner of Reclamation and the  
15          Director of the National Park  
16          Service not later than 1 year  
17          after the date of enactment of  
18          this Act.

19                   (3) MANAGEMENT AGREEMENTS.—

20                       (A) IN GENERAL.—The Secretary may  
21          enter into management agreements, or modify  
22          management agreements in existence on the  
23          date of enactment of this Act, relating to the  
24          authority of the Director of the National Park  
25          Service, the Commissioner of Reclamation, the



1 Director of the Bureau of Land Management,  
2 or the Chief of the Forest Service to manage  
3 Federal land within or adjacent to the boundary  
4 of the National Recreation Area.

5 (B) STATE LAND.—The Secretary may  
6 enter into cooperative management agreements  
7 for any land administered by the State that is  
8 within or adjacent to the National Recreation  
9 Area, in accordance with the cooperative man-  
10 agement authority under section 101703 of title  
11 54, United States Code.

12 (4) RECREATIONAL ACTIVITIES.—

13 (A) AUTHORIZATION.—Except as provided  
14 in subparagraph (B), the Secretary shall allow  
15 boating, boating-related activities, hunting, and  
16 fishing in the National Recreation Area in ac-  
17 cordance with applicable Federal and State  
18 laws.

19 (B) CLOSURES; DESIGNATED ZONES.—

20 (i) IN GENERAL.—The Secretary, act-  
21 ing through the Superintendent of the Na-  
22 tional Recreation Area, may designate  
23 zones in which, and establish periods dur-  
24 ing which, no boating, hunting, or fishing  
25 shall be permitted in the National Recre-

1           ation Area under subparagraph (A) for  
2           reasons of public safety, administration, or  
3           compliance with applicable laws.

4                   (ii) CONSULTATION REQUIRED.—Ex-  
5           cept in the case of an emergency, any clo-  
6           sure proposed by the Secretary under  
7           clause (i) shall not take effect until after  
8           the date on which the Superintendent of  
9           the National Recreation Area consults  
10          with—

11                           (I) the appropriate State agency  
12                           responsible for hunting and fishing  
13                           activities; and

14                           (II) the Board of County Com-  
15                           missioners in each county in which  
16                           the zone is proposed to be designated.

17          (5) LANDOWNER ASSISTANCE.—On the written  
18          request of an individual that owns private land lo-  
19          cated not more than 3 miles from the boundary of  
20          the National Recreation Area, the Secretary may  
21          work in partnership with the individual to enhance  
22          the long-term conservation of natural, cultural, rec-  
23          reational, and scenic resources in and around the  
24          National Recreation Area—

1 (A) by acquiring all or a portion of the pri-  
2 vate land or interests in private land located  
3 not more than 3 miles from the boundary of the  
4 National Recreation Area by purchase, ex-  
5 change, or donation, in accordance with section  
6 403;

7 (B) by providing technical assistance to the  
8 individual, including cooperative assistance;

9 (C) through available grant programs; and

10 (D) by supporting conservation easement  
11 opportunities.

12 (6) WITHDRAWAL.—Subject to valid rights in  
13 existence on the date of enactment of this Act, all  
14 Federal land within the National Recreation Area is  
15 withdrawn from—

16 (A) entry, appropriation, and disposal  
17 under the public land laws;

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

20 (C) operation of the mineral leasing, min-  
21 eral materials, and geothermal leasing laws.

22 (7) GRAZING.—

23 (A) STATE LAND SUBJECT TO A STATE  
24 GRAZING LEASE.—

1 (i) IN GENERAL.—If State land ac-  
2 quired under this title is subject to a State  
3 grazing lease in effect on the date of acqui-  
4 sition, the Secretary shall allow the grazing  
5 to continue for the remainder of the term  
6 of the lease, subject to the related terms  
7 and conditions of user agreements, includ-  
8 ing permitted stocking rates, grazing fee  
9 levels, access rights, and ownership and  
10 use of range improvements.

11 (ii) ACCESS.—A lessee of State land  
12 may continue to use established routes  
13 within the National Recreation Area to ac-  
14 cess State land for purposes of admin-  
15 istering the lease if the use was permitted  
16 before the date of enactment of this Act,  
17 subject to such terms and conditions as the  
18 Secretary may require.

19 (B) STATE AND PRIVATE LAND.—The Sec-  
20 retary may, in accordance with applicable laws,  
21 authorize grazing on land acquired from the  
22 State or private landowners under section 403,  
23 if grazing was established before the date of ac-  
24 quisition.

1 (C) PRIVATE LAND.—On private land ac-  
2 quired under section 403 for the National  
3 Recreation Area on which authorized grazing is  
4 occurring before the date of enactment of this  
5 Act, the Secretary, in consultation with the les-  
6 see, may allow the continuation and renewal of  
7 grazing on the land based on the terms of ac-  
8 quisition or by agreement between the Secretary  
9 and the lessee, subject to applicable law (includ-  
10 ing regulations).

11 (D) FEDERAL LAND.—The Secretary  
12 shall—

13 (i) allow, consistent with the grazing  
14 leases, uses, and practices in effect as of  
15 the date of enactment of this Act, the con-  
16 tinuation and renewal of grazing on Fed-  
17 eral land located within the boundary of  
18 the National Recreation Area on which  
19 grazing is allowed before the date of enact-  
20 ment of this Act, unless the Secretary de-  
21 termines that grazing on the Federal land  
22 would present unacceptable impacts (as de-  
23 fined in section 1.4.7.1 of the National  
24 Park Service document entitled “Manage-  
25 ment Policies 2006: The Guide to Man-

1           aging the National Park System”) to the  
2           natural, cultural, recreational, and scenic  
3           resource values and the character of the  
4           land within the National Recreation Area;  
5           and

6                   (ii) retain all authorities to manage  
7           grazing in the National Recreation Area.

8           (E) TERMINATION OF LEASES.—Within  
9           the National Recreation Area, the Secretary  
10          may—

11                   (i) accept the voluntary termination of  
12          a lease or permit for grazing; or

13                   (ii) in the case of a lease or permit va-  
14          cated for a period of 3 or more years, ter-  
15          minate the lease or permit.

16          (8) WATER RIGHTS.—Nothing in this title—

17                   (A) affects any use or allocation in exist-  
18          ence on the date of enactment of this Act of  
19          any water, water right, or interest in water;

20                   (B) affects any vested absolute or decreed  
21          conditional water right in existence on the date  
22          of enactment of this Act, including any water  
23          right held by the United States;

24                   (C) affects any interstate water compact in  
25          existence on the date of enactment of this Act;

1 (D) shall be considered to be a relinquish-  
2 ment or reduction of any water right reserved  
3 or appropriated by the United States in the  
4 State on or before the date of enactment of this  
5 Act; or

6 (E) constitutes an express or implied Fed-  
7 eral reservation of any water or water rights  
8 with respect to the National Recreation Area.

9 (9) FISHING EASEMENTS.—

10 (A) IN GENERAL.—Nothing in this title di-  
11 minishes or alters the fish and wildlife program  
12 for the Aspinall Unit developed under section 8  
13 of the Act of April 11, 1956 (commonly known  
14 as the “Colorado River Storage Project Act”)  
15 (70 Stat. 110, chapter 203; 43 U.S.C. 620g),  
16 by the United States Fish and Wildlife Service,  
17 the Bureau of Reclamation, and the Colorado  
18 Division of Wildlife (including any successor in  
19 interest to that division) that provides for the  
20 acquisition of public access fishing easements as  
21 mitigation for the Aspinall Unit (referred to in  
22 this paragraph as the “program”).

23 (B) ACQUISITION OF FISHING EASE-  
24 MENTS.—The Secretary shall continue to fulfill  
25 the obligation of the Secretary under the pro-

1           gram to acquire 26 miles of class 1 public fish-  
2           ing easements to provide to sportsmen access  
3           for fishing within the Upper Gunnison Basin  
4           upstream of the Aspinall Unit, subject to the  
5           condition that no existing fishing access down-  
6           stream of the Aspinall Unit shall be counted to-  
7           ward the minimum mileage requirement under  
8           the program.

9           (C) PLAN.—Not later than 1 year after  
10          the date of enactment of this Act, the Secretary  
11          shall develop a plan for fulfilling the obligation  
12          of the Secretary described in subparagraph (B)  
13          by the date that is 10 years after the date of  
14          enactment of this Act.

15          (D) REPORTS.—Not later than each of 2  
16          years, 5 years, and 8 years after the date of en-  
17          actment of this Act, the Secretary shall submit  
18          to Congress a report that describes the progress  
19          made in fulfilling the obligation of the Secretary  
20          described in subparagraph (B).

21          (d) TRIBAL RIGHTS AND USES.—

22                (1) TREATY RIGHTS.—Nothing in this title af-  
23                fects the treaty rights of any Indian Tribe.

24                (2) TRADITIONAL TRIBAL USES.—Subject to  
25                any terms and conditions as the Secretary deter-



1 mines to be necessary and in accordance with appli-  
2 cable law, the Secretary shall allow for the continued  
3 use of the National Recreation Area by members of  
4 Indian Tribes—

5 (A) for traditional ceremonies; and

6 (B) as a source of traditional plants and  
7 other materials.

8 **SEC. 403. ACQUISITION OF LAND; BOUNDARY MANAGE-**  
9 **MENT.**

10 (a) ACQUISITION.—

11 (1) IN GENERAL.—The Secretary may acquire  
12 any land or interest in land within the boundary of  
13 the National Recreation Area.

14 (2) MANNER OF ACQUISITION.—

15 (A) IN GENERAL.—Subject to subpara-  
16 graph (B), land described in paragraph (1) may  
17 be acquired under this subsection by—

18 (i) donation;

19 (ii) purchase from willing sellers with  
20 donated or appropriated funds;

21 (iii) transfer from another Federal  
22 agency; or

23 (iv) exchange.

24 (B) STATE LAND.—Land or interests in  
25 land owned by the State or a political subdivi-

1           sion of the State may only be acquired by pur-  
2           chase, donation, or exchange.

3           (b) TRANSFER OF ADMINISTRATIVE JURISDIC-  
4           TION.—

5           (1) FOREST SERVICE LAND.—

6                   (A) IN GENERAL.—Administrative jurisdic-  
7                   tion over the approximately 2,560 acres of land  
8                   identified on the map as “U.S. Forest Service  
9                   proposed transfer to the National Park Service”  
10                  is transferred to the Secretary, to be adminis-  
11                  tered by the Director of the National Park  
12                  Service as part of the National Recreation  
13                  Area.

14                  (B) BOUNDARY ADJUSTMENT.—The  
15                  boundary of the Gunnison National Forest shall  
16                  be adjusted to exclude the land transferred to  
17                  the Secretary under subparagraph (A).

18           (2) BUREAU OF LAND MANAGEMENT LAND.—  
19           Administrative jurisdiction over the approximately  
20           5,040 acres of land identified on the map as “Bu-  
21           reau of Land Management proposed transfer to Na-  
22           tional Park Service” is transferred from the Director  
23           of the Bureau of Land Management to the Director  
24           of the National Park Service, to be administered as  
25           part of the National Recreation Area.

1           (3) WITHDRAWAL.—Administrative jurisdiction  
2           over the land identified on the map as “Proposed for  
3           transfer to the Bureau of Land Management, sub-  
4           ject to the revocation of Bureau of Reclamation  
5           withdrawal” shall be transferred to the Director of  
6           the Bureau of Land Management on relinquishment  
7           of the land by the Bureau of Reclamation and rev-  
8           ocation by the Bureau of Land Management of any  
9           withdrawal as may be necessary.

10       (c) POTENTIAL LAND EXCHANGE.—

11           (1) IN GENERAL.—The withdrawal for reclama-  
12           tion purposes of the land identified on the map as  
13           “Potential exchange lands” shall be relinquished by  
14           the Commissioner of Reclamation and revoked by  
15           the Director of the Bureau of Land Management  
16           and the land shall be transferred to the National  
17           Park Service.

18           (2) EXCHANGE; INCLUSION IN NATIONAL  
19           RECREATION AREA.—On transfer of the land de-  
20           scribed in paragraph (1), the transferred land—

21                   (A) may be exchanged by the Secretary for  
22           private land described in section 402(c)(5)—

23                   (i) subject to a conservation easement  
24           remaining on the transferred land, to pro-

1 tect the scenic resources of the transferred  
2 land; and

3 (ii) in accordance with the laws (in-  
4 cluding regulations) and policies governing  
5 National Park Service land exchanges; and  
6 (B) if not exchanged under subparagraph  
7 (A), shall be added to, and managed as a part  
8 of, the National Recreation Area.

9 (d) ADDITION TO NATIONAL RECREATION AREA.—  
10 Any land within the boundary of the National Recreation  
11 Area that is acquired by the United States shall be added  
12 to, and managed as a part of, the National Recreation  
13 Area.

14 **SEC. 404. GENERAL MANAGEMENT PLAN.**

15 Not later than 3 years after the date on which funds  
16 are made available to carry out this title, the Director of  
17 the National Park Service, in consultation with the Com-  
18 missioner of Reclamation, shall prepare a general manage-  
19 ment plan for the National Recreation Area in accordance  
20 with section 100502 of title 54, United States Code.

21 **SEC. 405. BOUNDARY SURVEY.**

22 The Secretary (acting through the Director of the  
23 National Park Service) shall prepare a boundary survey  
24 and legal description of the National Recreation Area.