

Union Calendar No. 310

116TH CONGRESS
2^D SESSION

H. R. 2546

[Report No. 116–387]

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2019

Ms. DEGETTE (for herself and Mr. NEGUSE) introduced the following bill;
which was referred to the Committee on Natural Resources

FEBRUARY 4, 2020

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 7, 2019]

A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, 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; DEFINITION.**

4 *(a) SHORT TITLE.—This Act may be cited as the “Col-*
5 *orado Wilderness Act of 2019”.*

6 *(b) SECRETARY DEFINED.—As used in this Act, the*
7 *term “Secretary” means the Secretary of the Interior or the*
8 *Secretary of Agriculture, as appropriate.*

9 **SEC. 2. ADDITIONS TO NATIONAL WILDERNESS PRESERVA-**
10 **TION SYSTEM IN THE STATE OF COLORADO.**

11 *(a) ADDITIONS.—Section 2(a) of the Colorado Wilder-*
12 *ness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16*
13 *U.S.C. 1132 note) is amended by adding at the end the fol-*
14 *lowing paragraphs:*

15 *“(23) Certain lands managed by the Colorado*
16 *River Valley Field Office of the Bureau of Land Man-*
17 *agement, which comprise approximately 19,839 acres,*
18 *as generally depicted on a map titled ‘Bull Gulch &*
19 *Castle Peak Proposed Wilderness’, dated October 9,*
20 *2019, which shall be known as the Bull Gulch Wilder-*
21 *ness.*

22 *“(24) Certain lands managed by the Colorado*
23 *River Valley Field Office of the Bureau of Land Man-*
24 *agement, which comprise approximately 15,987 acres,*
25 *as generally depicted on a map titled ‘Bull Gulch &*

1 *Castle Peak Proposed Wilderness Areas*’, dated Octo-
2 *ber 9, 2019, which shall be known as the Castle Peak*
3 *Wilderness.*

4 “(25) *Certain lands managed by the Colorado*
5 *River Valley Field Office of the Bureau of Land Man-*
6 *agement, which comprise approximately 316 acres, as*
7 *generally depicted on a map titled ‘Maroon Bells Ad-*
8 *dition Proposed Wilderness’, dated July 20, 2018,*
9 *which is hereby incorporated in and shall be deemed*
10 *to be a part of the Maroon Bells-Snowmass Wilder-*
11 *ness Area designated by Public Law 88–577.*

12 “(26) *Certain lands managed by the Gunnison*
13 *Field Office of the Bureau of Land Management,*
14 *which comprise approximately 38,217 acres, as gen-*
15 *erally depicted on a map titled ‘Redcloud & Handies*
16 *Peak Proposed Wilderness’, dated October 9, 2019,*
17 *which shall be known as the Redcloud Peak Wilder-*
18 *ness.*

19 “(27) *Certain lands managed by the Gunnison*
20 *Field Office of the Bureau of Land Management or lo-*
21 *cated in the Grand Mesa, Uncompahgre, and Gunni-*
22 *son National Forests, which comprise approximately*
23 *26,734 acres, as generally depicted on a map titled*
24 *‘Redcloud & Handies Peak Proposed Wilderness’,*

1 *dated October 9, 2019, which shall be known as the*
2 *Handies Peak Wilderness.*

3 “(28) *Certain lands managed by the Royal*
4 *Gorge Field Office of the Bureau of Land Manage-*
5 *ment, which comprise approximately 16,481 acres, as*
6 *generally depicted on a map titled ‘Table Mountain*
7 *& McIntyre Hills Proposed Wilderness’, dated Novem-*
8 *ber 7, 2019, which shall be known as the McIntyre*
9 *Hills Wilderness.*

10 “(29) *Certain lands managed by the Glenwood*
11 *Springs Field Office of the Bureau of Land Manage-*
12 *ment, which comprise approximately 10,282 acres, as*
13 *generally depicted on a map titled ‘Grand Hogback*
14 *Proposed Wilderness’, dated October 16, 2019, which*
15 *shall be known as the Grand Hogback Wilderness.*

16 “(30) *Certain lands managed by the Glenwood*
17 *Springs Field Office of the Bureau of Land Manage-*
18 *ment or located in the White River National Forest,*
19 *which comprise approximately 16,101 acres, as gen-*
20 *erally depicted on a map titled ‘Flat Tops Proposed*
21 *Wilderness Addition’, dated October 9, 2019, and*
22 *which are hereby incorporated in and shall be deemed*
23 *to be a part of the Flat Tops Wilderness designated*
24 *by Public Law 94–146.*

1 “(31) Certain lands managed by the Grand
2 Junction Field Office of the Bureau of Land Manage-
3 ment, which comprise approximately 25,624 acres, as
4 generally depicted on a map titled ‘Demaree Canyon
5 Proposed Wilderness’, dated October 9, 2019, which
6 shall be known as the Demaree Canyon Wilderness.

7 “(32) Certain lands managed by the Grand
8 Junction Field Office of the Bureau of Land Manage-
9 ment, which comprise approximately 28,279 acres, as
10 generally depicted on a map titled ‘Little Books Cliff
11 Proposed Wilderness’, dated October 9, 2019, which
12 shall be known as the Little Bookcliffs Wilderness.

13 “(33) Certain lands managed by the Glenwood
14 Springs Field Office of the Bureau of Land Manage-
15 ment, which comprise approximately 7,376 acres, as
16 generally depicted on a map titled ‘Pisgah East &
17 West Proposed Wilderness’ and dated October 16,
18 2019, which shall be known as the Pisgah East Wil-
19 derness, upon being designated as wilderness as pro-
20 vided by section 3(h)(2) of the Colorado Wilderness
21 Act of 2019.

22 “(34) Certain lands managed by the Glenwood
23 Springs Field Office of the Bureau of Land Manage-
24 ment, which comprise approximately 6,828 acres, as
25 generally depicted on a map titled ‘Pisgah East &

1 *West Proposed Wilderness’ and dated October 16,*
2 *2019, which shall be known as the Pisgah West Wil-*
3 *derness, upon being designated as wilderness as pro-*
4 *vided by section 3(h)(2) of the Colorado Wilderness*
5 *Act of 2019.”.*

6 **(b) FURTHER ADDITIONS.**—*The following lands in the*
7 *State of Colorado administered by the Bureau of Land*
8 *Management or the United States Forest Service are hereby*
9 *designated as wilderness and, therefore, as components of*
10 *the National Wilderness Preservation System:*

11 (1) *Certain lands managed by the Colorado*
12 *River Valley Field Office of the Bureau of Land Man-*
13 *agement or located in the White River National For-*
14 *est, which comprise approximately 19,240 acres, as*
15 *generally depicted on a map titled “Assignment*
16 *Ridge Proposed Wilderness”, dated November 12,*
17 *2019, which shall be known as the Assignment Ridge*
18 *Wilderness.*

19 (2) *Certain lands managed by the Royal Gorge*
20 *Field Office of the Bureau of Land Management or lo-*
21 *cated in the Pike and San Isabel National Forests,*
22 *which comprise approximately 23,116 acres, as gen-*
23 *erally depicted on a map titled “Badger Creek Pro-*
24 *posed Wilderness”, dated November 7, 2019, which*
25 *shall be known as the Badger Creek Wilderness.*

1 (3) *Certain lands managed by the Royal Gorge*
2 *Field Office of the Bureau of Land Management or lo-*
3 *cated in the Pike and San Isabel National Forests,*
4 *which comprise approximately 35,251 acres, as gen-*
5 *erally depicted on a map titled “Beaver Creek Pro-*
6 *posed Wilderness”, dated November 7, 2019, which*
7 *shall be known as the Beaver Creek Wilderness.*

8 (4) *Certain lands managed by the Royal Gorge*
9 *Field Office of the Bureau of Land Management or*
10 *the Bureau of Reclamation or located in the Pike and*
11 *San Isabel National Forest, which comprise approxi-*
12 *mately 32,884 acres, as generally depicted on a map*
13 *titled “Grape Creek Proposed Wilderness”, dated No-*
14 *vember 7, 2019, which shall be known as the Grape*
15 *Creek Wilderness.*

16 (5) *Certain lands managed by the Grand Junc-*
17 *tion Field Office of the Bureau of Land Management,*
18 *which comprise approximately 13,351 acres, as gen-*
19 *erally depicted on a map titled “North & South*
20 *Bangs Canyon Proposed Wilderness”, dated October*
21 *9, 2019, which shall be known as the North Bangs*
22 *Canyon Wilderness.*

23 (6) *Certain lands managed by the Grand Junc-*
24 *tion Field Office of the Bureau of Land Management,*
25 *which comprise approximately 5,144 acres, as gen-*

1 *erally depicted on a map titled “North & South*
2 *Bangs Canyon Proposed Wilderness”, dated October*
3 *9, 2019, which shall be known as the South Bangs*
4 *Canyon Wilderness.*

5 *(7) Certain lands managed by the Grand Junc-*
6 *tion Field Office of the Bureau of Land Management,*
7 *which comprise approximately 26,624 acres, as gen-*
8 *erally depicted on a map titled “Unaweep & Palisade*
9 *Proposed Wilderness”, dated October 9, 2019, which*
10 *shall be known as The Palisade Wilderness.*

11 *(8) Certain lands managed by the Grand Junc-*
12 *tion Field Office of the Bureau of Land Management*
13 *or located in the Grand Mesa, Uncompaghre, and*
14 *Gunnison National Forest, which comprise approxi-*
15 *mately 19,776 acres, as generally depicted on a map*
16 *titled “Unaweep & Palisade Proposed Wilderness”,*
17 *dated October 9, 2019, which shall be known as the*
18 *Unaweep Wilderness.*

19 *(9) Certain lands managed by the Grand Junc-*
20 *tion Field Office of the Bureau of Land Management*
21 *and San Juan Field Office of the Bureau of Land*
22 *Management and in the Manti-LaSal National For-*
23 *est, which comprise approximately 37,637 acres, as*
24 *generally depicted on a map titled “Sewemup Mesa*

1 *Proposed Wilderness*”, dated November 7, 2019, which
2 shall be known as the Sewemup Mesa Wilderness.

3 (10) Certain lands managed by the Kremmling
4 Field Office of the Bureau of Land Management,
5 which comprise approximately 31 acres, as generally
6 depicted on a map titled “Platte River Addition Pro-
7 posed Wilderness”, dated July 20, 2018, and which
8 are hereby incorporated in and shall be deemed to be
9 part of the Platte River Wilderness designated by
10 Public Law 98–550.

11 (11) Certain lands managed by the
12 Uncompahgre Field Office of the Bureau of Land
13 Management, which comprise approximately 17,587
14 acres, as generally depicted on a map titled
15 “Roubideau Proposed Wilderness”, dated Octboer 9,
16 2019, which shall be known as the Roubideau Wilder-
17 ness.

18 (12) Certain lands managed by the
19 Uncompahgre Field Office of the Bureau of Land
20 Management or located in the Grand Mesa,
21 Uncompaghre, and Gunnison National Forest, which
22 comprise approximately 12,102 acres, as generally de-
23 picted on a map titled “Norwood Canyon Proposed
24 Wilderness”, dated November 7, 2019, which shall be
25 known as the Norwood Canyon Wilderness.

1 (13) *Certain lands managed by the San Juan*
2 *Field Office of the Bureau of Land Management,*
3 *which comprise approximately 24,475 acres, as gen-*
4 *erally depicted on a map titled “Cross Canyon Pro-*
5 *posed Wilderness”, dated October 9, 2019, which shall*
6 *be known as the Cross Canyon Wilderness.*

7 (14) *Certain lands managed by the San Juan*
8 *Field Office of the Bureau of Land Management,*
9 *which comprise approximately 21,220 acres, as gen-*
10 *erally depicted on a map titled “McKenna Peak Pro-*
11 *posed Wilderness”, dated October 16, 2019, which*
12 *shall be known as the McKenna Peak Wilderness.*

13 (15) *Certain lands managed by the San Juan*
14 *Field Office of the Bureau of Land Management,*
15 *which comprise approximately 14,270 acres, as gen-*
16 *erally depicted on a map titled “Weber-Menefee*
17 *Mountain Proposed Wilderness”, dated October 9,*
18 *2019, which shall be known as the Weber-Menefee*
19 *Mountain Wilderness.*

20 (16) *Certain lands managed by the*
21 *Uncompahgre and San Juan Field Offices of the Bu-*
22 *reau of Land Management or the Bureau of Reclama-*
23 *tion, which comprise approximately 33,351 acres, as*
24 *generally depicted on a map titled “Dolores River*
25 *Canyon Proposed Wilderness”, dated November 7,*

1 2019, which shall be known as the Dolores River Can-
2 yon Wilderness.

3 (17) Certain lands managed by the Royal Gorge
4 Field Office of the Bureau of Land Management or lo-
5 cated in the Pike and San Isabel National Forests,
6 which comprise approximately 17,922 acres, as gen-
7 erally depicted on a map titled “Browns Canyon Pro-
8 posed Wilderness”, dated October 9, 2019, which shall
9 be known as the Browns Canyon Wilderness.

10 (18) Certain lands managed by the San Luis
11 Field Office of the Bureau of Land Management,
12 which comprise approximately 10,527 acres, as gen-
13 erally depicted on a map titled “San Luis Hills Pro-
14 posed Wilderness”, dated October 9, 2019 which shall
15 be known as the San Luis Hills Wilderness.

16 (19) Certain lands managed by the Royal Gorge
17 Field Office of the Bureau of Land Management,
18 which comprise approximately 23,559 acres, as gen-
19 erally depicted on a map titled “Table Mountain &
20 McIntyre Hills Proposed Wilderness”, dated Novem-
21 ber 7, 2019, which shall be known as the Table Moun-
22 tain Wilderness.

23 (c) WEST ELK ADDITION.—Certain lands in the State
24 of Colorado administered by the Gunnison Field Office of
25 the Bureau of Land Management, the United States Na-

1 tional Park Service, and the Bureau of Reclamation, which
2 comprise approximately 6,695 acres, as generally depicted
3 on a map titled “West Elk Addition Proposed Wilderness”,
4 dated October 9, 2019, are hereby designated as wilderness
5 and, therefore, as components of the National Wilderness
6 Preservation System and are hereby incorporated in and
7 shall be deemed to be a part of the West Elk Wilderness
8 designated by Public Law 88–577. The boundary adjacent
9 to Blue Mesa Reservoir shall be 50 feet landward from the
10 water’s edge, and shall change according to the water level.

11 (d) *BLUE MESA RESERVOIR.*—If the Bureau of Rec-
12 lamation determines that lands within the West Elk Wilder-
13 ness Addition are necessary for future expansion of the Blue
14 Mesa Reservoir, the Secretary shall by publication of a re-
15 vised boundary description in the Federal Register revise
16 the boundary of the West Elk Wilderness Addition.

17 (e) *MAPS AND DESCRIPTIONS.*—As soon as practicable
18 after the date of enactment of the Act, the Secretary shall
19 file a map and a boundary description of each area des-
20 ignated as wilderness by this section with the Committee
21 on Natural Resources of the House of Representatives and
22 the Committee on Energy and Natural Resources of the Sen-
23 ate. Each map and boundary description shall have the
24 same force and effect as if included in this Act, except that
25 the Secretary may correct clerical and typographical errors

1 *in the map or boundary description. The maps and bound-*
 2 *ary descriptions shall be on file and available for public*
 3 *inspection in the Office of the Director of the Bureau of*
 4 *Land Management, Department of the Interior, and in the*
 5 *Office of the Chief of the Forest Service, Department of Ag-*
 6 *riculture, as appropriate.*

7 (f) *STATE AND PRIVATE LANDS.*—*Lands within the ex-*
 8 *terior boundaries of any wilderness area designated under*
 9 *this section that are owned by a private entity or by the*
 10 *State of Colorado, including lands administered by the Col-*
 11 *orado State Land Board, shall be included within such wil-*
 12 *derness area if such lands are acquired by the United*
 13 *States. Such lands may be acquired by the United States*
 14 *only as provided in the Wilderness Act (16 U.S.C. 1131*
 15 *et seq.).*

16 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

17 (a) *IN GENERAL.*—*Subject to valid existing rights,*
 18 *lands designated as wilderness by this Act shall be managed*
 19 *by the Secretary in accordance with the Wilderness Act (16*
 20 *U.S.C. 1131 et seq.) and this Act, except that, with respect*
 21 *to any wilderness areas designated by this Act, any ref-*
 22 *erence in the Wilderness Act to the effective date of the Wil-*
 23 *derness Act shall be deemed to be a reference to the date*
 24 *of enactment of this Act.*

1 (b) *GRAZING.*—*Grazing of livestock in wilderness*
 2 *areas designated by this Act shall be administered in ac-*
 3 *cordance with the provisions of section 4(d)(4) of the Wil-*
 4 *derness Act (16 U.S.C. 1133(d)(4)), as further interpreted*
 5 *by section 108 of Public Law 96–560, and the guidelines*
 6 *set forth in appendix A of House Report 101–405 of the*
 7 *101st Congress.*

8 (c) *STATE JURISDICTION.*—*As provided in section*
 9 *4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), noth-*
 10 *ing in this Act shall be construed as affecting the jurisdic-*
 11 *tion or responsibilities of the State of Colorado with respect*
 12 *to wildlife and fish in Colorado.*

13 (d) *BUFFER ZONES.*—

14 (1) *IN GENERAL.*—*Nothing in this Act creates a*
 15 *protective perimeter or buffer zone around any area*
 16 *designated as wilderness by section 2.*

17 (2) *ACTIVITIES OUTSIDE WILDERNESS.*—*The fact*
 18 *that an activity or use on land outside the areas des-*
 19 *ignated as wilderness by section 2 can be seen or*
 20 *heard within the wilderness shall not preclude the ac-*
 21 *tivity or use outside the boundary of the wilderness.*

22 (e) *MILITARY HELICOPTER OVERFLIGHTS AND OPER-*
 23 *ATIONS.*—

24 (1) *IN GENERAL.*—*Nothing in this Act restricts*
 25 *or precludes—*

1 (A) *low-level overflights of military heli-*
 2 *copters over the areas designated as wilderness*
 3 *by section 2, including military overflights that*
 4 *can be seen or heard within any wilderness area;*

5 (B) *military flight testing and evaluation;*

6 (C) *the designation or creation of new units*
 7 *of special use airspace, or the establishment of*
 8 *military flight training routes over any wilder-*
 9 *ness area; or*

10 (D) *helicopter operations at designated*
 11 *landing zones within the following five regions:*

12 (i) *Flat Tops Wilderness;*

13 (ii) *Bull Gulch Wilderness;*

14 (iii) *Castle Peak Wilderness;*

15 (iv) *Pisgah East Wilderness; and*

16 (v) *Pisgah West Wilderness.*

17 (2) *AERIAL NAVIGATION TRAINING EXERCISES.—*

18 *The Colorado Army National Guard, through the*
 19 *High-Altitude Army National Guard Aviation Train-*
 20 *ing Site, may conduct aerial navigation training ma-*
 21 *neuver exercises over, and associated operations with-*
 22 *in, the wilderness areas designated by this Act—*

23 (A) *in a manner and degree consistent with*
 24 *the memorandum of understanding dated August*
 25 *4, 1987, entered into among the Colorado Army*

1 *National Guard, the Bureau of Land Manage-*
2 *ment, and the Forest Service; or*

3 *(B) in a manner consistent with any subse-*
4 *quent memorandum of understanding entered*
5 *into among the Colorado Army National Guard,*
6 *the Bureau of Land Management, and the Forest*
7 *Service.*

8 *(f) RUNNING EVENTS.—The Secretary may continue*
9 *to authorize competitive running events currently permitted*
10 *in the Redcloud Peak Wilderness Area and Handies Peak*
11 *Wilderness Area in a manner compatible with the preserva-*
12 *tion of such areas as wilderness.*

13 *(g) LAND TRADES.—If the Secretary trades privately*
14 *owned land within the perimeter of the Redcloud Peak Wil-*
15 *derness Area or the Handies Peak Wilderness Area in ex-*
16 *change for Federal land, then such Federal land shall be*
17 *located in Hinsdale County, Colorado.*

18 *(h) RECREATIONAL CLIMBING.—Nothing in this Act*
19 *prohibits recreational rock climbing activities in the wilder-*
20 *ness areas, such as the placement, use, and maintenance*
21 *of fixed anchors, including any fixed anchor established be-*
22 *fore the date of the enactment of this Act—*

23 *(1) in accordance with the Wilderness Act (16*
24 *U.S.C. 1131 et seq.); and*

1 (2) *subject to any terms and conditions deter-*
2 *mined to be necessary by the Secretary.*

3 *(i) POTENTIAL WILDERNESS DESIGNATIONS.—*

4 (1) *IN GENERAL.—The following lands are des-*
5 *ignated as potential wilderness areas:*

6 (A) *Certain lands managed by the Glen-*
7 *wood Springs Field Office of the Bureau of Land*
8 *Management, which comprise approximately*
9 *7,376 acres, as generally depicted on a map ti-*
10 *tled “Pisgah East & West Proposed Wilderness”*
11 *and dated October 16, 2019, which, upon des-*
12 *ignation as wilderness under paragraph (2),*
13 *shall be known as the Pisgah East Wilderness.*

14 (B) *Certain lands managed by the Glen-*
15 *wood Springs Field Office of the Bureau of Land*
16 *Management, which comprise approximately*
17 *6,828 acres, as generally depicted on a map ti-*
18 *tled “Pisgah East & West Proposed Wilderness”*
19 *and dated October 16, 2019, which, upon des-*
20 *ignation as wilderness under paragraph (2),*
21 *shall be known as the Pisgah West Wilderness.*

22 (2) *DESIGNATION AS WILDERNESS.—Lands des-*
23 *ignated as a potential wilderness area by subpara-*
24 *graph (A) or (B) of paragraph (1) shall be designated*
25 *as wilderness on the date on which the Secretary pub-*

lishes in the *Federal Register* a notice that all nonconforming uses of those lands authorized by subsection (e) in the potential wilderness area that would be in violation of the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased. Such publication in the *Federal Register* and designation as wilderness shall occur for the potential wilderness area as the nonconforming uses cease in that potential wilderness area and designation as wilderness is not dependent on cessation of nonconforming uses in the other potential wilderness area.

(3) *MANAGEMENT*.—Except for activities provided for under subsection (e), lands designated as a potential wilderness area by paragraph (1) shall be managed by the Secretary in accordance with the Wilderness Act as wilderness pending the designation of such lands as wilderness under this subsection.

SEC. 4. WATER.

(a) *EFFECT ON WATER RIGHTS*.—Nothing in this Act—

(1) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(2) affects any vested absolute or decreed conditional water right in existence on the date of enact-

1 *ment of this Act, including any water right held by*
 2 *the United States;*

3 *(3) affects any interstate water compact in exist-*
 4 *ence on the date of enactment of this Act;*

5 *(4) authorizes or imposes any new reserved Fed-*
 6 *eral water rights; and*

7 *(5) shall be considered to be a relinquishment or*
 8 *reduction of any water rights reserved or appro-*
 9 *priated by the United States in the State of Colorado*
 10 *on or before the date of the enactment of this Act.*

11 *(b) MIDSTREAM AREAS.—*

12 *(1) PURPOSE.—The purpose of this subsection is*
 13 *to protect for the benefit and enjoyment of present*
 14 *and future generations—*

15 *(A) the unique and nationally important*
 16 *values of areas designated as wilderness by sec-*
 17 *tion 2(b) (including the geological, cultural, ar-*
 18 *chaeological, paleontological, natural, scientific,*
 19 *recreational, environmental, biological, wilder-*
 20 *ness, wildlife, riparian, historical, educational,*
 21 *and scenic resources of the public land); and*

22 *(B) the water resources of area streams,*
 23 *based on seasonally available flows, that are nec-*
 24 *essary to support aquatic, riparian, and terres-*
 25 *trial species and communities.*

(2) *WILDERNESS WATER RIGHTS.*—

(A) *IN GENERAL.*—*The Secretary shall ensure that any water rights within the wilderness designated by section 2(b) required to fulfill the purposes of such wilderness are secured in accordance with subparagraphs (B) through (G).*

(B) *STATE LAW.*—

(i) *PROCEDURAL REQUIREMENTS.*—*Any water rights for which the Secretary pursues adjudication shall be appropriated, adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.*

(ii) *ESTABLISHMENT OF WATER RIGHTS.*—

(I) *IN GENERAL.*—*Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.*

(II) *EXCEPTION.*—*Notwithstanding subclause (I) and in accordance with this Act, the Secretary may appropriate and seek adjudication of*

1 *water rights to maintain surface water*
2 *levels and stream flows on and across*
3 *the wilderness designated by section*
4 *2(b) to fulfill the purposes of such wil-*
5 *derness.*

6 (C) *DEADLINE.—The Secretary shall*
7 *promptly, but not earlier than January 1, 2021,*
8 *appropriate the water rights required to fulfill*
9 *the purposes of the wilderness designated by sec-*
10 *tion 2(b).*

11 (D) *REQUIRED DETERMINATION.—The Sec-*
12 *retary shall not pursue adjudication for any*
13 *instream flow water rights unless the Secretary*
14 *makes a determination pursuant to subpara-*
15 *graph (E)(ii) or (F).*

16 (E) *COOPERATIVE ENFORCEMENT.—*

17 (i) *IN GENERAL.—The Secretary shall*
18 *not pursue adjudication of any Federal*
19 *instream flow water rights established under*
20 *this paragraph if—*

21 (I) *the Secretary determines, upon*
22 *adjudication of the water rights by the*
23 *Colorado Water Conservation Board,*
24 *that the Board holds water rights suffi-*
25 *cient in priority, amount, and timing*

1 to fulfill the purposes of this subsection;
2 and

3 (ii) the Secretary has entered into
4 a perpetual agreement with the Colo-
5 rado Water Conservation Board to en-
6 sure full exercise, protection, and en-
7 forcement of the State water rights
8 within the wilderness to reliably fulfill
9 the purposes of this subsection.

10 (ii) ADJUDICATION.—If the Secretary
11 determines that the provisions of clause (i)
12 have not been met, the Secretary shall adju-
13 dicate and exercise any Federal water rights
14 required to fulfill the purposes of the wilder-
15 ness in accordance with this paragraph.

16 (F) INSUFFICIENT WATER RIGHTS.—If the
17 Colorado Water Conservation Board modifies the
18 instream flow water rights obtained under sub-
19 paragraph (E) to such a degree that the Sec-
20 retary determines that water rights held by the
21 State are insufficient to fulfill the purposes of
22 this Act, the Secretary shall adjudicate and exer-
23 cise Federal water rights required to fulfill the
24 purposes of this Act in accordance with subpara-
25 graph (B).

1 (G) *FAILURE TO COMPLY.*—*The Secretary*
2 *shall promptly act to exercise and enforce the*
3 *water rights described in subparagraph (E) if*
4 *the Secretary determines that—*

5 (i) *the State is not exercising its water*
6 *rights consistent with subparagraph*
7 *(E)(i)(I); or*

8 (ii) *the agreement described in sub-*
9 *paragraph (E)(i)(II) is not fulfilled or com-*
10 *plied with sufficiently to fulfill the purposes*
11 *of this Act.*

12 (3) *WATER RESOURCE FACILITY.*—*Notwith-*
13 *standing any other provision of law, beginning on the*
14 *date of enactment of this Act, neither the President*
15 *nor any other officer, employee, or agent of the United*
16 *States shall fund, assist, authorize, or issue a license*
17 *or permit for development of any new irrigation and*
18 *pumping facility, reservoir, water conservation work,*
19 *aqueduct, canal, ditch, pipeline, well, hydropower*
20 *project, transmission, other ancillary facility, or other*
21 *water, diversion, storage, or carriage structure in the*
22 *wilderness designated by section 2(b).*

23 (c) *ACCESS AND OPERATION.*—

24 (1) *DEFINITION.*—*As used in this subsection, the*
25 *term “water resource facility” means irrigation and*

1 *pumping facilities, reservoirs, water conservation*
2 *works, aqueducts, canals, ditches, pipelines, wells, hy-*
3 *dropower projects, transmission and other ancillary*
4 *facilities, and other water diversion, storage, and car-*
5 *riage structures.*

6 (2) *ACCESS TO WATER RESOURCE FACILITIES.—*

7 *Subject to the provisions of this subsection, the Sec-*
8 *retary shall allow reasonable access to water resource*
9 *facilities in existence on the date of enactment of this*
10 *Act within the areas described in sections 2(b) and*
11 *2(c), including motorized access where necessary and*
12 *customarily employed on routes existing as of the date*
13 *of enactment of this Act.*

14 (3) *ACCESS ROUTES.—Existing access routes*

15 *within such areas customarily employed as of the date*
16 *of enactment of this Act may be used, maintained, re-*
17 *paired, and replaced to the extent necessary to main-*
18 *tain their present function, design, and serviceable*
19 *operation, so long as such activities have no increased*
20 *adverse impacts on the resources and values of the*
21 *areas described in sections 2(b) and 2(c) than existed*
22 *as of the date of enactment of this Act.*

23 (4) *USE OF WATER RESOURCE FACILITIES.—*

24 *Subject to the provisions of this subsection and sub-*
25 *section (a)(4), the Secretary shall allow water re-*

1 *source facilities existing on the date of enactment of*
2 *this Act within areas described in sections 2(b) and*
3 *2(c) to be used, operated, maintained, repaired, and*
4 *replaced to the extent necessary for the continued ex-*
5 *ercise, in accordance with Colorado State law, of vest-*
6 *ed water rights adjudicated for use in connection with*
7 *such facilities by a court of competent jurisdiction*
8 *prior to the date of enactment of this Act. The impact*
9 *of an existing facility on the water resources and val-*
10 *ues of the area shall not be increased as a result of*
11 *changes in the adjudicated type of use of such facility*
12 *as of the date of enactment of this Act.*

13 (5) *REPAIR AND MAINTENANCE.*—*Water resource*
14 *facilities, and access routes serving such facilities, ex-*
15 *isting within the areas described in sections 2(b) and*
16 *2(c) on the date of enactment of this Act shall be*
17 *maintained and repaired when and to the extent nec-*
18 *essary to prevent increased adverse impacts on the re-*
19 *sources and values of the areas described in sections*
20 *2(b) and 2(c).*

21 **SEC. 5. SENSE OF CONGRESS.**

22 *It is the sense of Congress that military aviation train-*
23 *ing on Federal public lands in Colorado, including the*
24 *training conducted at the High-Altitude Army National*
25 *Guard Aviation Training Site, is critical to the national*

- 1 *security of the United States and the readiness of the Armed*
- 2 *Forces.*

Union Calendar No. 310

116TH CONGRESS
2D Session

H. R. 2546

[Report No. 116-387]

A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

FEBRUARY 4, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed