

103^D CONGRESS
1ST SESSION

H. R. 1356

To redesignate the Black Canyon of the Gunnison National Monument as a national park, to create the Black Canyon of the Gunnison National Conservation Area, to include the Gunnison River in the Nation's Wild and Scenic River System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1993

Mr. McINNIS introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To redesignate the Black Canyon of the Gunnison National Monument as a national park, to create the Black Canyon of the Gunnison National Conservation Area, to include the Gunnison River in the Nation's Wild and Scenic River 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.**

4 This Act may be cited as the "Black Canyon
5 Conservation Act of 1993".

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 The Congress finds and declares that:

1 (1) The resources within the Black Canyon of
2 the Gunnison National Monument and on the adja-
3 cent Federal lands are nationally and internationally
4 significant.

5 (2) These resources offer exceptional opportuni-
6 ties to expand and interpret ecological components
7 and geologic features.

8 (3) These resources offer a superlative oppor-
9 tunity for recreation.

10 (4) These resources coincide with, compliment,
11 and expand the purposes for which the Black Can-
12 yon of the Gunnison National Monument was estab-
13 lished.

14 (5) Therefore, given that the historic boundary
15 of the Black Canyon of the Gunnison National
16 Monument was statutorily established and enlarged
17 by Public Law 98-357.

18 (6) The lands in the lower Gunnison Gorge
19 have been studied and recommended for wilderness
20 designation by the Bureau of Land Management in
21 1987.

22 (7) The Gunnison River was studied by the Bu-
23 reau of Land Management in 1979 and was found
24 to be eligible for wild and scenic designation.

1 (8) The fishery in the Gunnison River that
2 flows through the Gunnison Gorge has been recog-
3 nized by the State of Colorado as a “Gold Medal
4 Stream” and “Wild Trout Water”.

5 (9) The creation of a national park, national
6 conservation area and the designation of the Gunni-
7 son River as a wild and scenic river is appropriate
8 and necessary to protect and enhance the Black
9 Canyon, the Gunnison Gorge, and the surrounding
10 natural resources for future generations.

11 **SEC. 3. REDESIGNATION OF THE NATIONAL MONUMENT AS**
12 **A NATIONAL PARK.**

13 (a) REDESIGNATION.—In order to protect, interpret,
14 and promote the spectacular gorges formed by the erosive
15 work of the Gunnison River, the Black Canyon of the Gun-
16 nison National Monument is hereby redesignated as the
17 Black Canyon of the Gunnison National Park.

18 (b) AREA INCLUDED.—The national park shall con-
19 sist of the existing Black Canyon of the Gunnison Na-
20 tional Monument. Any funds available for the purposes of
21 the monument shall be made available for the purposes
22 of the park. All valid existing rights within the monument
23 shall be included in the national park.

24 (c) ADMINISTRATION.—The Secretary of the Interior
25 (hereinafter referred to as the Secretary) shall administer

1 the Black Canyon of the Gunnison National Park in ac-
2 cordance with this Act and with the provisions of law gen-
3 erally applicable to units of the National Park System, in-
4 cluding, but not limited to, the Act entitled “An Act to
5 establish a National Park Service, and for other pur-
6 poses”, approved August 25, 1916 (39 Stat. 535; 16
7 U.S.C. 1–4), and the Act of August 21, 1935 (49 Stat.
8 666; 16 U.S.C. 461–467).

9 (d) WATER RIGHT.—Designation of the Black Can-
10 yon of the Gunnison National Park shall not constitute
11 a reservation of water, water rights, or instream flows be-
12 yond the water right described in section 6(c) of this Act.

13 **SEC. 4. ESTABLISHMENT OF THE BLACK CANYON OF THE**
14 **GUNNISON NATIONAL CONSERVATION AREA.**

15 (a) ESTABLISHMENT.—In order to protect that area
16 in Colorado containing the Gunnison Gorge and other
17 unique and nationally important recreational, geological,
18 ecological, scenic, educational, scientific, and wilderness
19 resources of the public lands in and around the lower Gun-
20 nison Gorge for the benefit and enjoyment of future gen-
21 erations, there is hereby established the Gunnison Gorge
22 National Conservation Area (hereinafter referred to as the
23 “conservation area”).

24 (b) AREA INCLUDED.—The conservation area shall
25 consist of approximately sixty-four thousand one hundred

1 and thirty-nine acres as generally depicted on the map en-
2 titled “Gunnison Gorge National Conservation Area”
3 numbered and dated . The map shall
4 be on file and available for inspection in the offices of the
5 Director of the Bureau of Land Management of the
6 Department of the Interior.

7 (c) LEGAL DESCRIPTION.—As soon as practicable
8 after the date of enactment of this Act, the Secretary shall
9 file a legal description of the conservation area designated
10 under this section with the Committee on Energy and Nat-
11 ural Resources of the United States Senate and the Com-
12 mittee on Natural Resources of the United States House
13 of Representatives. Such legal description shall have the
14 same force and effect as if included in this Act, except
15 that the Secretary may correct clerical and typographical
16 errors in such legal description. The legal description shall
17 be on file and available for public inspection in the offices
18 of the Director of the Bureau of Land Management,
19 Department of the Interior.

20 (d) ADMINISTRATION.—The Secretary, acting
21 through the Director of the Bureau of Land Management,
22 shall manage the conservation area to protect its resources
23 in accordance with this Act, the Federal Land Manage-
24 ment and Policy Act of 1976 and other applicable provi-
25 sions of law.

1 (e) WITHDRAWAL.—Subject to valid existing rights,
2 all Federal lands within the conservation area and all
3 lands and interests therein which are hereafter acquired
4 by the United States are hereby withdrawn from all forms
5 of entry, appropriation, or disposal under the public land
6 laws and from location, entry, and patent under the min-
7 ing laws, and from operation of the mineral leasing and
8 geothermal leasing laws and all amendments thereto.

9 (f) HUNTING, TRAPPING, AND FISHING.—The Sec-
10 retary shall permit hunting, trapping, and fishing within
11 the conservation area in accordance with applicable laws
12 and regulations of the United States and the State of Col-
13 orado; except that the Secretary, after consultation with
14 the Colorado Division of Wildlife, may issue regulations
15 designating zones where and establishing periods when no
16 hunting or trapping shall be permitted for reasons of
17 public safety, administration, or public use and enjoyment.

18 (g) GRAZING.—The grazing of livestock in the con-
19 servation area designated by this Act, where established
20 prior to the date of the enactment of this Act, shall be
21 administered in accordance with section 4(d)(4) of the
22 Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108
23 of the Act entitled “An Act to designate certain National
24 Forest System lands in the State of Colorado, South Da-
25 kota, Missouri, South Carolina, and Louisiana for inclu-

1 sion in the National Wilderness Preservation System, and
2 for other purposes” (Public Law 96–560).

3 (h) WATER RIGHTS.—Designation of the conserva-
4 tion area shall not constitute a reservation of water, water
5 rights or instream flows beyond the water right described
6 in section 6(c) of this Act.

7 (i) MOTORIZED VEHICLES.—The use of motorized ve-
8 hicles in the conservation area shall be allowed on routes
9 specifically designated for such use as part of the manage-
10 ment plan prepared pursuant to section 7 of this Act, ex-
11 cept where needed for administrative or emergency pur-
12 poses. The Secretary shall have the power to implement
13 such reasonable limits to visitation and use of the con-
14 servation area as he finds appropriate for the protection
15 of the resources of the conservation area, including requir-
16 ing permits for public use, or closing portions of the
17 conservation area to public use.

18 (j) ENFORCEMENT.—Any person who violates the
19 provisions of this Act or any regulation promulgated by
20 the Secretary to implement this Act shall be subject to
21 a fine of up to \$10,000 or imprisonment of up to one year,
22 or both.

1 **SEC. 5. DESIGNATION OF WILDERNESS WITHIN THE CON-**
2 **SERVATION AREA.**

3 (a) DESIGNATION.—Within the conservation area
4 there are hereby designated as wilderness, and as a com-
5 ponent of the National Wilderness Preservation System,
6 the Gunnison Gorge Wilderness of approximately twenty-
7 one thousand thirty-eight acres, as generally depicted on
8 the map entitled the Gunnison Gorge Wilderness Area
9 numbered _____ and dated _____. The map
10 shall be on file and available for inspection in the offices
11 of the Director of the Bureau of Land Management, De-
12 partment of the Interior.

13 (b) LEGAL DESCRIPTION.—As soon as practicable
14 after the date of the enactment of this Act, the Secretary
15 shall file a legal description of the wilderness area des-
16 ignated by this Act with the Committee on Natural Re-
17 sources of the United States House of Representatives and
18 with the Committee on Energy and Natural Resources of
19 the United States Senate. Such legal description shall
20 have the same force and effect as if included in this Act,
21 except that the Secretary may correct clerical and typo-
22 graphical errors in such legal description. The legal de-
23 scription shall be on file and available for public inspection
24 in the offices of the Director of the Bureau of Land
25 Management, Department of the Interior.

1 (c) ADMINISTRATION.—Subject to valid existing
2 rights, the wilderness area designated by this Act shall
3 be administered by the Secretary in accordance with the
4 provisions of the Wilderness Act (78 Stat. 890; 16 U.S.C.
5 131), governing areas designated by that Act as wilder-
6 ness.

7 (d) NO BUFFER ZONES.—The Congress does not in-
8 tend for the designation of this wilderness area to lead
9 to the creation of protective perimeters or buffer zones
10 around any such wilderness area. The fact that
11 nonwilderness activities or uses can be seen or heard from
12 areas within a wilderness shall not, of itself, preclude such
13 activities or uses up to the boundary of the wilderness
14 areas.

15 (e) FISH AND WILDLIFE.—As provided in paragraph
16 (7) of section 4(d) of the Wilderness Act, nothing in this
17 Act or in the Wilderness Act shall be construed as affect-
18 ing the jurisdiction or responsibilities of the State of Colo-
19 rado with respect to wildlife and fish on the public lands
20 located in that State.

21 (f) GRAZING.—The grazing of livestock in the con-
22 servation area designated by this Act, where established
23 prior to the date of the enactment of this Act, shall be
24 administered in accordance with section 4(d)(4) of the
25 Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108

1 of the Act entitled “An Act to designate certain National
2 Forest System lands in the State of Colorado, South Da-
3 kota, Missouri, South Carolina, and Louisiana for inclu-
4 sion in the National Wilderness Preservation System, and
5 for other purposes” (Public Law 96–560).

6 (g) WATER RIGHTS.—Designation of the Gunnison
7 Gorge Wilderness shall not constitute a reservation of
8 water, water rights or instream flows beyond the water
9 right described in section 6(c) of this Act.

10 **SEC. 6. DESIGNATING THE GUNNISON RIVER AS A WILD**
11 **AND SCENIC RIVER.**

12 (a) DESIGNATION.—Section 3(a) of the Wild and
13 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
14 ing the following new paragraph at the end:

15 “() Gunnison, Colorado—the Gunnison River from
16 the upstream boundary of the Black Canyon of the Gunni-
17 son National Monument down stream to the confluence
18 of the North Fork of the Gunnison River to be adminis-
19 tered by the Secretary of the Interior.”.

20 (b) WATER DEVELOPMENT.—For the purposes of
21 this Act, the storage and diversion of water outside of the
22 designated reach shall not be considered to have an ad-
23 verse effect on the values for which the reach was estab-
24 lished.

1 (c) WATER RIGHTS.—No water rights or the reserva-
2 tion of water which would expand on the existing reserved
3 water right for the Black Canyon of the Gunnison Na-
4 tional Monument, shall be created by this designation.

5 **SEC. 7. GENERAL MANAGEMENT PLANS.**

6 (a) IN GENERAL.—Within three full fiscal years fol-
7 lowing the fiscal year of enactment of this Act, the Sec-
8 retary shall develop and transmit to the Committee on
9 Natural Resources of the United States House of Rep-
10 resentatives and the Committee on Energy and Natural
11 Resources of the United States Senate, a comprehensive
12 plan for the long-range protection and management of the
13 conservation area which shall describe the appropriate
14 uses and development of the conservation area consistent
15 with the purposes of this Act. This plan shall incorporate
16 appropriate decisions contained in the Uncompahgre
17 Basin Resource Management Plan (completed in Septem-
18 ber, 1988), the Gunnison Gorge Recreation Area Manage-
19 ment Plan (completed on July 24, 1985 and supplemented
20 on July 21, 1988). The conservation area plan shall also
21 incorporate wildlife habitat management plans that have
22 been prepared for the area, and will be prepared in close
23 consultation with appropriate agencies of the State of
24 Colorado and consider previous studies of the area.

1 (b) PUBLIC LANDS.—For the purpose of this Act, the
2 term “public lands” shall have the same meaning as such
3 term has when used in the Federal Land Policy and
4 Management Act of 1976.

5 (c) MANAGEMENT OF ACQUIRED LANDS.—Any non-
6 Federal lands or interests within or adjacent to the bound-
7 aries of the conservation area which after the date of en-
8 actment of this Act may be acquired by the United States
9 shall be incorporated into the conservation area, and shall
10 be managed in accordance with all the provisions of this
11 Act and other laws applicable to the conservation area.

12 (d) LIMITATIONS.—No federally owned lands located
13 within the boundaries of the conservation area shall be
14 transferred out of Federal ownership, or be placed in
15 trust, by exchange or otherwise.

16 **SEC. 8. APPROPRIATIONS.**

17 There are hereby authorized to be appropriated such
18 sums as may be necessary to carry out the purposes of
19 this Act.

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