

106TH CONGRESS
2D SESSION

S. 2547

To provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2000

Mr. ALLARD (for himself and Mr. CAMPBELL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Sand Dunes Na-
5 tional Park Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Great Sand Dunes National Monument
9 in the State of Colorado was established by Presi-

1 dential proclamation in 1932 to preserve Federal
2 land containing spectacular and unique sand dunes
3 and additional features of scenic, scientific, and edu-
4 cational interest (including the unique pulse flow
5 characteristics of Sand Creek and Medano Creek,
6 which are integral to the existence of the dunes sys-
7 tem);

8 (2) the Great Sand Dunes, together with the
9 associated sand sheet and adjacent wetland and up-
10 land, contain a variety of unique ecological, geologi-
11 cal, paleontological, archaeological, scenic, historical,
12 and wildlife components, which—

13 (A) are enhanced by the serenity and rural
14 western setting of the area; and

15 (B) comprise a setting of irreplaceable na-
16 tional significance;

17 (3) the Great Sand Dunes and adjacent land
18 within the Great Sand Dunes National Monument—

19 (A) provide extensive opportunities for
20 educational activities, ecological research, and
21 recreational activities; and

22 (B) are publicly used for hiking, camping,
23 and fishing, and for wilderness value (including
24 solitude);

1 (4) other public and private land adjacent to
2 the Great Sand Dunes National Monument—

3 (A) offers additional unique geological,
4 hydrological, paleontological, scenic, scientific,
5 educational, wildlife, and recreational resources;
6 and

7 (B) contributes to the protection of—

8 (i) the sand sheet associated with the
9 dune mass;

10 (ii) the ground water system on which
11 the features of the dunes and the adjacent
12 wetland rely; and

13 (iii) the wildlife, viewshed, and scenic
14 qualities of the Great Sand Dunes Na-
15 tional Monument;

16 (5) some of the private land described in para-
17 graph (4) contains important portions of the sand
18 dune mass, the associated sand sheet, and unique al-
19 pine environments, which would be threatened by fu-
20 ture development pressures;

21 (6) the designation of a Great Sand Dunes Na-
22 tional Park, which would encompass the Great Sand
23 Dunes National Monument and additional land,
24 would provide—

1 (A) greater long-term protection of the ge-
 2 ological, hydrological, paleontological, scenic,
 3 scientific, educational, wildlife, and recreational
 4 resources of the area (including the sand sheet
 5 associated with the dune mass and the ground
 6 water system on which the sand dune and wet-
 7 land systems depend); and

8 (B) expanded visitor use opportunities; and

9 (7) land in and adjacent to the Great Sand
 10 Dunes National Monument is—

11 (A) recognized for offering exceptional
 12 multiple use opportunities;

13 (B) recognized for offering natural, eco-
 14 logical, cultural, scenic, paleontological, wilder-
 15 ness, and recreational resources;

16 (C) recognized as being a fragile and irre-
 17 placeable ecological system that could be de-
 18 stroyed if not carefully protected; and

19 (D) worthy of consideration for additional
 20 protection.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **ADVISORY COUNCIL.**—The term “Advisory
 24 Council” means the Great Sand Dunes National

1 Park Advisory Council established under section
2 8(a).

3 (2) NATIONAL PARK.—The term “national
4 park” means the Great Sand Dunes National Park
5 established under section 4(a).

6 (3) PARK AND PRESERVE MAP.—The term
7 “park and preserve map” means the map entitled
8 “Great Sand Dunes National Park and Preserve”,
9 dated March 17, 2000.

10 (4) PARK RESOURCES.—The term “park re-
11 sources” means the resources described in section 2.

12 (5) PARK USES.—The term “park uses” means
13 the uses described in section 2.

14 (6) PRESERVE.—

15 (A) IN GENERAL.—The term “preserve”
16 means the Great Sand Dunes National Preserve
17 established under section 4(b).

18 (B) INCLUSIONS.—The term “preserve”
19 includes Federal land and interests in Federal
20 land that are administered by the National
21 Park Service in the vicinity of the national
22 park, but outside the boundaries of the national
23 park.

24 (7) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 **SEC. 4. GREAT SAND DUNES NATIONAL PARK AND GREAT**
2 **SAND DUNES NATIONAL PRESERVE, COLO-**
3 **RADO.**

4 (a) GREAT SAND DUNES NATIONAL PARK.—

5 (1) ESTABLISHMENT.—

6 (A) IN GENERAL.—The Secretary may es-
7 tablish the Great Sand Dunes National Park in
8 the State of Colorado, as generally depicted on
9 the park and preserve map, as a unit of the Na-
10 tional Park System.

11 (B) AVAILABILITY OF MAP.—The park and
12 preserve map shall be on file and available for
13 public inspection in the offices of the Depart-
14 ment of the Interior.

15 (2) ESTABLISHMENT REQUIRED.—

16 (A) IN GENERAL.—Notwithstanding para-
17 graph (1), the Secretary shall establish the na-
18 tional park as soon as the Secretary determines
19 that sufficient land having a sufficient diversity
20 of resources has been acquired to warrant des-
21 ignation of the land as a unit of the National
22 Park System.

23 (B) NOTIFICATION.—Until the date on
24 which the national park is established, the Sec-
25 retary shall annually notify the Committee on
26 Energy and Natural Resources of the Senate

1 and the Committee on Resources of the House
2 of Representatives of—

3 (i) the estimate of the Secretary of
4 the acreage necessary to achieve a suffi-
5 cient diversity of resources to warrant des-
6 ignation of the national park; and

7 (ii) the progress of the Secretary in
8 acquiring that acreage.

9 (3) INCLUSION OF NATIONAL MONUMENT.—

10 (A) IN GENERAL.—The Secretary shall in-
11 clude the Great Sand Dunes National Monu-
12 ment in the national park.

13 (B) AVAILABILITY OF FUNDS.—On the
14 date of establishment of the national park, any
15 funds made available for the purposes of the
16 national monument shall be available for the
17 purposes of the national park.

18 (C) TERMINATION OF MONUMENT.—The
19 Great Sand Dunes National Monument shall
20 terminate on the date on which the national
21 park is established.

22 (b) PRESERVE.—

23 (1) ESTABLISHMENT.—The Secretary may es-
24 tablish the Great Sand Dunes National Preserve in
25 the State of Colorado, as generally depicted on the

1 park and preserve map, as a unit of the National
2 Park System.

3 (2) INCLUSIONS.—To protect park resources
4 and park uses, the Secretary may include in the pre-
5 serve any Federal land adjacent to the national park
6 that may be managed in conjunction with the na-
7 tional park.

8 (c) TRANSFER OF JURISDICTION.—

9 (1) DEPARTMENT OF THE INTERIOR LAND.—
10 The Secretary shall transfer to the National Park
11 Service administrative jurisdiction over any land
12 under the jurisdiction of Department of the Interior
13 that—

14 (A) is depicted on the park and preserve
15 map as being within the boundaries of the na-
16 tional park or the preserve; and

17 (B) is not under the administrative juris-
18 diction of the National Park Service on the date
19 of enactment of this Act.

20 (2) FOREST SERVICE LAND.—The Secretary
21 and the Secretary of Agriculture may—

22 (A) transfer to the National Park Service
23 administrative jurisdiction over the Forest Sys-
24 tem land depicted on the park and preserve

1 map that is within the boundaries of the na-
2 tional park or the preserve; and

3 (B) transfer to the Forest Service adminis-
4 trative jurisdiction over any land depicted on
5 the park and preserve map that is—

6 (i) under the jurisdiction of Depart-
7 ment of the Interior; and

8 (ii) suitable for inclusion in the Rio
9 Grande National Forest.

10 (3) PUBLIC NOTICE AND INPUT.—The Sec-
11 retary and the Secretary of Agriculture shall ensure
12 that any agreement to transfer land under para-
13 graph (2) is based on adequate public notice and
14 comment.

15 (d) MAP AND LEGAL DESCRIPTION.—

16 (1) IN GENERAL.—As soon as practicable after
17 the establishment of the national park and the pre-
18 serve, the Secretary shall file maps and a legal de-
19 scription of the national park and the preserve with
20 the Committee on Energy and Natural Resources of
21 the Senate and the Committee on Resources of the
22 House of Representatives.

23 (2) FORCE AND EFFECT.—The maps and legal
24 description shall have the same force and effect as
25 if included in this Act, except that the Secretary

1 (b) PROTECTION OF HYDROLOGIC REGIME.—In ad-
2 ministering the national park and the preserve, the Sec-
3 retary shall—

4 (1) protect and maintain the balance in the hy-
5 drologic regime necessary for the protection of park
6 resources and park uses; and

7 (2) minimize, to the extent consistent with park
8 protection, adverse impacts on adjacent communities
9 and wetlands.

10 (c) GRAZING.—

11 (1) NON-FEDERAL LAND.—The Secretary shall
12 not prohibit grazing on non-Federal land located
13 within the boundaries of the national park and the
14 preserve.

15 (2) FEDERAL LAND.—

16 (A) ACQUIRED STATE OR PRIVATE
17 LAND.—With respect to former State or private
18 land that has been acquired for the national
19 park and the preserve, the Secretary, in con-
20 sultation with the lessee, may permit the con-
21 tinuation of grazing on the land, subject to ap-
22 plicable law (including regulations).

23 (B) OTHER FEDERAL LAND.—With respect
24 to land that is Federal land as of the date of
25 enactment of this Act and that is located within

1 the boundaries of the national park and the
2 preserve, the Secretary shall prohibit grazing on
3 the land if the Secretary determines that graz-
4 ing would harm the resources or values of the
5 national park or the preserve.

6 (d) HUNTING, FISHING, AND TRAPPING.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the Secretary shall permit hunting, fish-
9 ing, and trapping on land and water within the pre-
10 serve in accordance with applicable Federal and
11 State laws.

12 (2) ADMINISTRATIVE EXCEPTIONS.—The Sec-
13 retary may designate areas where, and establish lim-
14 ited periods when, no hunting, fishing, or trapping
15 shall be permitted under paragraph (1) for reasons
16 of public safety, administration, or compliance with
17 applicable law.

18 (3) AGENCY AGREEMENT.—Except in an emer-
19 gency, regulations closing areas within the preserve
20 to hunting, fishing, or trapping under this sub-
21 section shall become effective only with the agree-
22 ment of the appropriate agency of the State of Colo-
23 rado having responsibility for fish and wildlife ad-
24 ministration.

1 (4) RULES OF CONSTRUCTION.—Nothing in
2 this Act—

3 (A) affects any jurisdiction or responsi-
4 bility of the State of Colorado with respect to
5 fish and wildlife on Federal land and water cov-
6 ered by this Act; or

7 (B) authorizes the Secretary to require a
8 Federal permit to hunt, fish, or trap on Federal
9 land and water covered by this Act.

10 (e) CLOSED BASIN DIVISION, SAN LUIS VALLEY
11 PROJECT.—Any feature of the Closed Basin Division, San
12 Luis Valley Project, located within the boundaries of the
13 national park or the preserve, including any well, pump,
14 road, easement, pipeline, canal, ditch, power line, power
15 supply facility, or any other project facility, and the oper-
16 ation, maintenance, repair, and replacement of such a
17 feature—

18 (1) shall not be affected by this Act; and

19 (2) shall continue to be the responsibility of,
20 and be operated by, the Bureau of Reclamation in
21 accordance with title I of the Reclamation Project
22 Authorization Act of 1972 (43 U.S.C. 615aaa et
23 seq.).

24 (f) WILDERNESS PROTECTION.—

1 non-Federal land or water) for inclusion in the na-
2 tional park or the preserve, including—

3 (A) land or water, or interests in land or
4 water, owned by the State of Colorado; and

5 (B) other land depicted on the park and
6 preserve map as being suitable for acquisition
7 by the Secretary for inclusion in the park or the
8 preserve.

9 (2) BOUNDARY ADJUSTMENT.—As soon as
10 practicable after the establishment of the national
11 park and the preserve, the Secretary shall modify
12 the boundary of the national park and preserve to
13 include any land or interest acquired under this sub-
14 section.

15 (b) LUIS MARIA BACA GRANT NO. 4.—

16 (1) ACQUISITION AUTHORITY.—The Secretary
17 may negotiate for and acquire all or any appropriate
18 portion of the Luis Maria Baca Grant No. 4, as de-
19 picted on the park and preserve map.

20 (2) TREATMENT OF ACQUIRED LAND.—

21 (A) FISH AND WILDLIFE ADMINISTRA-
22 TION.—In the case of any portion of the Luis
23 Maria Baca Grant No. 4 acquired under para-
24 graph (1) that is depicted in Zone A of the
25 park and preserve map, the Secretary, acting

1 through the United States Fish and Wildlife
2 Service, shall administer the acquired land as
3 a unit of the National Wildlife Refuge System.

4 (B) FOREST SERVICE ADMINISTRATION.—

5 (i) IN GENERAL.—In the case of any
6 portion of the Luis Maria Baca Grant No.
7 4 acquired under paragraph (1) that is de-
8 picted in Zone B of the park and preserve
9 map, the Secretary shall transfer the ac-
10 quired land to the administrative jurisdic-
11 tion of the Forest Service, as provided in
12 section 4(c), for management consistent
13 with this Act.

14 (ii) LAND AND WATER CONSERVATION
15 FUND.—For the purposes of section 7 of
16 the Land and Water Conservation Fund
17 Act of 1965 (16 U.S.C. 460l–9), the
18 boundaries of the Rio Grande National
19 Forest, as revised by the transfer of land
20 under this subparagraph or section 4(c),
21 shall be considered to be the boundaries of
22 the national forest.

23 (C) INCLUSION IN NATIONAL PARK.—The
24 Secretary shall include in the national park all

1 portions of the Luis Maria Baca Grant No. 4
2 that—

3 (i) are acquired under paragraph (1);
4 and
5 (ii) are not described in subparagraph
6 (A) or (B).

7 (c) AUTHORIZED METHODS OF ACQUISITION.—Any
8 interest in land or water may be acquired under this sec-
9 tion by—

10 (1) donation;
11 (2) purchase from willing sellers with donated
12 or appropriated funds; or
13 (3) exchange.

14 (d) ADMINISTRATION.—The Secretary shall admin-
15 ister any non-Federal land, water, or interest in land or
16 water acquired under this section in accordance with sec-
17 tion 5, except in the case of land described in subsection
18 (b)(2)(B).

19 (e) HUNTING, FISHING, AND TRAPPING ON NON-
20 FEDERAL LAND.—

21 (1) NO PROHIBITION.—The Secretary shall not
22 prohibit hunting, fishing, or trapping on non-Federal
23 land located within the boundaries of the national
24 park.

1 (2) TERMINATION OF AUTHORITY.—On the
2 date on which the United States acquires fee owner-
3 ship of a parcel of non-Federal land described in
4 paragraph (1), the restriction under that paragraph
5 shall terminate with respect to the parcel.

6 **SEC. 7. WATER RIGHTS.**

7 (a) SAN LUIS VALLEY PROTECTION, COLORADO.—
8 Section 1501(a) of the Reclamation Projects Authoriza-
9 tion and Adjustment Act of 1992 (Public Law 102–575;
10 106 Stat. 4663) is amended by striking paragraph (3) and
11 inserting the following:

12 “(3) adversely affect the purposes of—

13 “(A) the Great Sand Dunes National
14 Monument;

15 “(B) the Great Sands Dunes National
16 Park (including purposes relating to all water,
17 water rights, and water-dependent resources
18 within the park);

19 “(C) the Great Sand Dunes National Pre-
20 serve (including purposes relating to all water,
21 water rights, and water-dependent resources
22 within the preserve); and

23 “(D) any Federal land adjacent to any
24 area described in subparagraphs (A), (B), or
25 (C).”.

1 (b) EFFECT ON WATER RIGHTS.—

2 (1) IN GENERAL.—Subject to the amendment
3 made by subsection (a), nothing in this Act affects—

4 (A) the use, allocation, and State jurisdic-
5 tion, in existence on the date of enactment of
6 this Act, over—

7 (i) water;

8 (ii) any existing water right and devel-
9 opment;

10 (iii) any water law;

11 (iv) any compact; or

12 (v) any other valid existing right; or

13 (B) any vested absolute or decreed condi-
14 tional water right in existence before the date
15 of enactment of this Act, including any water
16 right held by the United States.

17 (2) NO INTERFERENCE.—In carrying out this
18 Act, the Secretary shall obtain and exercise any
19 water right—

20 (A) in accordance with Federal and State
21 law; and

22 (B) without interfering with any diversion,
23 storage, or use of water for a non-Federal pur-
24 pose in the San Luis Valley, Colorado, that is

1 in existence on the date of enactment of this
2 Act.

3 (c) FOREST SERVICE WATER RIGHTS.—To the ex-
4 tent that a water right is established or acquired by the
5 United States for the Rio Grande National Forest, the
6 water right shall—

7 (1) be considered to be of equal use and value
8 for the national preserve; and

9 (2) retain its priority and purpose when in-
10 cluded in the national preserve.

11 (d) NATIONAL MONUMENT WATER RIGHTS.—To the
12 extent that a water right has been established or acquired
13 by the United States for the Great Sand Dunes National
14 Monument, the water right shall—

15 (1) be considered to be of equal use and value
16 for the national park; and

17 (2) retain its priority and purpose when in-
18 cluded in the national park.

19 (e) WATER RIGHTS AND WATER RESOURCES ON
20 LUIS MARIA BACA GRANT NO. 4.—

21 (1) IN GENERAL.—

22 (A) LOCATION.—If, and to the extent that,
23 the Luis Maria Baca Grant No. 4 is acquired,
24 all water rights and water resources associated

1 with the Luis Maria Baca Grant No. 4 shall be
2 restricted for use only within—

3 (i) the national park;

4 (ii) the preserve; or

5 (iii) the immediately surrounding
6 areas of Alamosa or Saguache Counties,
7 Colorado.

8 (B) USE.—Water rights and water re-
9 sources described in subparagraph (A) shall be
10 restricted for use in—

11 (i) the protection of park resources
12 and park values;

13 (ii) fish and wildlife management and
14 protection; or

15 (iii) irrigation, except as provided in
16 the memorandum of water service agree-
17 ment and the water service agreement be-
18 tween the Cabeza de Vaca Land and Cattle
19 Company, LLC, and Baca Grande Water
20 and Sanitation District, dated August 28,
21 1997.

22 (2) STATE AUTHORITY.—If and to the extent
23 that, water rights associated with the Luis Maria
24 Baca Grant No. 4 are acquired, the use of those

1 water rights shall be changed only in accordance
2 with the laws of the State of Colorado.

3 (f) PROTECTION OF WATER RESOURCES.—The Sec-
4 retary shall take such actions as are within the authority
5 of the Secretary to ensure that any new or additional
6 water development in the San Luis Valley aquifers is con-
7 sistent with the protection and maintenance of the hydro-
8 logic balance necessary for preservation of park resources
9 and park uses.

10 **SEC. 8. ADVISORY COUNCIL.**

11 (a) ESTABLISHMENT.—The Secretary shall establish
12 an advisory council to be known as the “Great Sand
13 Dunes National Park Advisory Council”.

14 (b) DUTY.—The Advisory Council shall advise the
15 Secretary with respect to preparation and implementation
16 of a management plan for the national park and the pre-
17 serve.

18 (c) APPLICABLE LAW.—The Advisory Council shall
19 function in accordance with—

20 (1) this Act;

21 (2) the Federal Advisory Committee Act (5
22 U.S.C. App.); and

23 (3) the Federal Land Policy and Management
24 Act of 1976 (43 U.S.C. 1701 et seq.).

1 (d) MEMBERS.—The Advisory Council shall consist
2 of 10 members, to be appointed by the Secretary, as fol-
3 lows:

4 (1) 1 member of, or nominated by, the Alamosa
5 County Commission.

6 (2) 1 member of, or nominated by, the
7 Saguache County Commission.

8 (3) 1 member of, or nominated by, the Friends
9 of the Dunes Organization.

10 (4) 7 members residing in, or within reasonable
11 proximity to, the San Luis Valley, who have recog-
12 nized backgrounds reflecting—

13 (A) the purposes for which the national
14 park and the preserve are established; and

15 (B) the interests of persons that will be af-
16 fected by the planning and management of the
17 national park and the preserve.

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

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

○