

106TH CONGRESS  
2D SESSION

# S. 2956

To establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

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

---

## A BILL

To establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, 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 “Colorado Canyons Na-  
5 tional Conservation Area and Black Ridge Canyons Wil-  
6 derness Act of 2000”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds that certain areas lo-  
9 cated in the Grand Valley in Mesa County, Colorado, and  
10 Grand County, Utah, should be protected and enhanced

1 for the benefit and enjoyment of present and future gen-  
2 erations. These areas include the following:

3           (1) The areas making up the Black Ridge and  
4           Ruby Canyons of the Grand Valley and Rabbit Val-  
5           ley, which contain unique and valuable scenic, rec-  
6           reational, multiple use opportunities (including graz-  
7           ing), paleontological, natural, and wildlife compo-  
8           nents enhanced by the rural western setting of the  
9           area, provide extensive opportunities for recreational  
10          activities, and are publicly used for hiking, camping,  
11          and grazing, and are worthy of additional protection  
12          as a national conservation area.

13           (2) The Black Ridge Canyons Wilderness Study  
14          Area has wilderness value and offers unique geologi-  
15          cal, paleontological, scientific, and recreational re-  
16          sources.

17          (b) PURPOSE.—The purpose of this Act is to con-  
18          serve, protect, and enhance for the benefit and enjoyment  
19          of present and future generations the unique and nation-  
20          ally important values of the public lands described in sec-  
21          tion 4(b), including geological, cultural, paleontological,  
22          natural, scientific, recreational, environmental, biological,  
23          wilderness, wildlife education, and scenic resources of such  
24          public lands, by establishing the Colorado Canyons Na-

1 tional Conservation Area and the Black Ridge Canyons  
2 Wilderness in the State of Colorado and the State of Utah.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CONSERVATION AREA.—The term “Con-  
6 servation Area” means the Colorado Canyons Na-  
7 tional Conservation Area established by section 4(a).

8 (2) COUNCIL.—The term “Council” means the  
9 Colorado Canyons National Conservation Area Advi-  
10 sory Council established under section 8.

11 (3) MANAGEMENT PLAN.—The term “manage-  
12 ment plan” means the management plan developed  
13 for the Conservation Area under section 6(h).

14 (4) MAP.—The term “Map” means the map en-  
15 titled “Proposed Colorado Canyons National Con-  
16 servation Area and Black Ridge Canyons Wilderness  
17 Area” and dated July 18, 2000.

18 (5) SECRETARY.—The term “Secretary” means  
19 the Secretary of the Interior, acting through the Di-  
20 rector of the Bureau of Land Management.

21 (6) WILDERNESS.—The term “Wilderness”  
22 means the Black Ridge Canyons Wilderness so des-  
23 ignated in section 5.

1 **SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION**  
2 **AREA.**

3 (a) IN GENERAL.—There is established the Colorado  
4 Canyons National Conservation Area in the State of Colo-  
5 rado and the State of Utah.

6 (b) AREAS INCLUDED.—The Conservation Area shall  
7 consist of approximately 122,300 acres of public land as  
8 generally depicted on the Map.

9 **SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNA-**  
10 **TION.**

11 Certain lands in Mesa County, Colorado, and Grand  
12 County, Utah, which comprise approximately 75,550 acres  
13 as generally depicted on the Map, are hereby designated  
14 as wilderness and therefore as a component of the Na-  
15 tional Wilderness Preservation System. Such component  
16 shall be known as the Black Ridge Canyons Wilderness.

17 **SEC. 6. MANAGEMENT.**

18 (a) CONSERVATION AREA.—The Secretary shall man-  
19 age the Conservation Area in a manner that—

20 (1) conserves, protects, and enhances the re-  
21 sources of the Conservation Area specified in section  
22 2(b); and

23 (2) is in accordance with—

24 (A) the Federal Land Policy and Manage-  
25 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

1 (B) other applicable law, including this  
2 Act.

3 (b) USES.—The Secretary shall allow only such uses  
4 of the Conservation Area as the Secretary determines will  
5 further the purposes for which the Conservation Area is  
6 established.

7 (c) WITHDRAWALS.—Subject to valid existing rights,  
8 all Federal land within the Conservation Area and the Wil-  
9 derness and all land and interests in land acquired for the  
10 Conservation Area or the Wilderness by the United States  
11 are withdrawn from—

12 (1) all forms of entry, appropriation, or disposal  
13 under the public land laws;

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

16 (3) the operation of the mineral leasing, min-  
17 eral materials, and geothermal leasing laws, and all  
18 amendments thereto.

19 Nothing in this subsection shall be construed to affect dis-  
20 cretionary authority of the Secretary under other Federal  
21 laws to grant, issue, or renew rights-of-way or other land  
22 use authorizations consistent with the other provisions of  
23 this Act.

24 (d) OFF-HIGHWAY VEHICLE USE.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), use of motorized vehicles in the Conserva-  
3           tion Area—

4                   (A) before the effective date of a manage-  
5                   ment plan under subsection (h), shall be al-  
6                   lowed only on roads and trails designated for  
7                   use of motor vehicles in the management plan  
8                   that applies on the date of the enactment of  
9                   this Act to the public lands in the Conservation  
10                  Area; and

11                   (B) after the effective date of a manage-  
12                   ment plan under subsection (h), shall be al-  
13                   lowed only on roads and trails designated for  
14                   use of motor vehicles in that management plan.

15           (2) ADMINISTRATIVE AND EMERGENCY RE-  
16           SPONSE USE.—Paragraph (1) shall not limit the use  
17           of motor vehicles in the Conservation Area as needed  
18           for administrative purposes or to respond to an  
19           emergency.

20           (e) WILDERNESS.—Subject to valid existing rights,  
21           lands designated as wilderness by this Act shall be man-  
22           aged by the Secretary, as appropriate, in accordance with  
23           the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act,  
24           except that, with respect to any wilderness areas des-  
25           ignated by this Act, any reference in the Wilderness Act

1 to the effective date of the Wilderness Act shall be deemed  
2 to be a reference to the date of the enactment of this Act.

3 (f) HUNTING, TRAPPING, AND FISHING.—

4 (1) IN GENERAL.—Hunting, trapping, and fish-  
5 ing shall be allowed within the Conservation Area  
6 and the Wilderness in accordance with applicable  
7 laws and regulations of the United States and the  
8 States of Colorado and Utah.

9 (2) AREA AND TIME CLOSURES.—The head of  
10 the Colorado Division of Wildlife (in reference to  
11 land within the State of Colorado), the head of the  
12 Utah Division of Wildlife (in reference to land within  
13 the State of Utah), or the Secretary after consulta-  
14 tion with the Colorado Division of Wildlife (in ref-  
15 erence to land within the State of Colorado) or the  
16 head of the Utah Division of Wildlife (in reference  
17 to land within the State of Utah), may issue regula-  
18 tions designating zones where, and establishing lim-  
19 ited periods when, hunting, trapping, or fishing shall  
20 be prohibited in the Conservation Area or the Wil-  
21 derness for reasons of public safety, administration,  
22 or public use and enjoyment.

23 (g) GRAZING.—

24 (1) IN GENERAL.—Except as provided by para-  
25 graph (2), the Secretary shall issue and administer

1 any grazing leases or permits in the Conservation  
2 Area and the Wilderness in accordance with the  
3 same laws (including regulations) and Executive or-  
4 ders followed by the Secretary in issuing and admin-  
5 istering grazing leases and permits on other land  
6 under the jurisdiction of the Bureau of Land Man-  
7 agement.

8 (2) GRAZING IN WILDERNESS.—Grazing of live-  
9 stock in the Wilderness shall be administered in ac-  
10 cordance with the provisions of section 4(d)(4) of  
11 the Wilderness Act (16 U.S.C. 1133(d)(4)), in ac-  
12 cordance with the guidelines set forth in Appendix A  
13 of House Report 101–405 of the 101st Congress.

14 (h) MANAGEMENT PLAN.—

15 (1) IN GENERAL.—Not later than 3 years after  
16 the date of the enactment of this Act, the Secretary  
17 shall develop a comprehensive management plan for  
18 the long-range protection and management of the  
19 Conservation Area and the Wilderness and the lands  
20 described in paragraph (2)(E).

21 (2) PURPOSES.—The management plan shall—

22 (A) describe the appropriate uses and  
23 management of the Conservation Area and the  
24 Wilderness;

1           (B) take into consideration any informa-  
2           tion developed in studies of the land within the  
3           Conservation Area or the Wilderness;

4           (C) provide for the continued management  
5           of the utility corridor, Black Ridge Communica-  
6           tions Site, and the Federal Aviation Adminis-  
7           tration site as such for the land designated on  
8           the Map as utility corridor, Black Ridge Com-  
9           munications Site, and the Federal Aviation Ad-  
10          ministration site;

11          (D) take into consideration the historical  
12          involvement of the local community in the inter-  
13          pretation and protection of the resources of the  
14          Conservation Area and the Wilderness, as well  
15          as the Ruby Canyon/Black Ridge Integrated  
16          Resource Management Plan, dated March  
17          1998, which was the result of collaborative ef-  
18          forts on the part of the Bureau of Land Man-  
19          agement and the local community; and

20          (E) include all public lands between the  
21          boundary of the Conservation Area and the  
22          edge of the Colorado River and, on such lands,  
23          the Secretary shall allow only such recreational  
24          or other uses as are consistent with this Act.

1 (i) NO BUFFER ZONES.—The Congress does not in-  
2 tend for the establishment of the Conservation Area or  
3 the Wilderness to lead to the creation of protective perim-  
4 eters or buffer zones around the Conservation Area or the  
5 Wilderness. The fact that there may be activities or uses  
6 on lands outside the Conservation Area or the Wilderness  
7 that would not be allowed in the Conservation Area or the  
8 Wilderness shall not preclude such activities or uses on  
9 such lands up to the boundary of the Conservation Area  
10 or the Wilderness consistent with other applicable laws.

11 (j) ACQUISITION OF LAND.—

12 (1) IN GENERAL.—The Secretary may acquire  
13 non-federally owned land within the exterior bound-  
14 aries of the Conservation Area or the Wilderness  
15 only through purchase from a willing seller, ex-  
16 change, or donation.

17 (2) MANAGEMENT.—Land acquired under para-  
18 graph (1) shall be managed as part of the Conserva-  
19 tion Area or the Wilderness, as the case may be, in  
20 accordance with this Act.

21 (k) INTERPRETIVE FACILITIES OR SITES.—The Sec-  
22 retary may establish minimal interpretive facilities or sites  
23 in cooperation with other public or private entities as the  
24 Secretary considers appropriate. Any facilities or sites

1 shall be designed to protect the resources referred to in  
2 section 2(b).

3 (l) WATER RIGHTS.—

4 (1) FINDINGS.—Congress finds that—

5 (A) the lands designated as wilderness by  
6 this Act are located at the headwaters of the  
7 streams and rivers on those lands, with few, if  
8 any, actual or proposed water resource facilities  
9 located upstream from such lands and few, if  
10 any, opportunities for diversion, storage, or  
11 other uses of water occurring outside such  
12 lands that would adversely affect the wilderness  
13 or other values of such lands;

14 (B) the lands designated as wilderness by  
15 this Act generally are not suitable for use for  
16 development of new water resource facilities, or  
17 for the expansion of existing facilities;

18 (C) it is possible to provide for proper  
19 management and protection of the wilderness  
20 and other values of such lands in ways different  
21 from those utilized in other legislation desig-  
22 nating as wilderness lands not sharing the at-  
23 tributes of the lands designated as wilderness  
24 by this Act.

25 (2) STATUTORY CONSTRUCTION.—

1 (A) Nothing in this Act shall constitute or  
2 be construed to constitute either an express or  
3 implied reservation of any water or water rights  
4 with respect to the lands designated as a na-  
5 tional conservation area or as wilderness by this  
6 Act.

7 (B) Nothing in this Act shall affect any  
8 conditional or absolute water rights in the State  
9 of Colorado existing on the date of the enact-  
10 ment of this Act.

11 (C) Nothing in this subsection shall be  
12 construed as establishing a precedent with re-  
13 gard to any future national conservation area  
14 or wilderness designations.

15 (D) Nothing in this Act shall be construed  
16 as limiting, altering, modifying, or amending  
17 any of the interstate compacts or equitable ap-  
18 portionment decrees that apportion water  
19 among and between the State of Colorado and  
20 other States.

21 (3) COLORADO WATER LAW.—The Secretary  
22 shall follow the procedural and substantive require-  
23 ments of the law of the State of Colorado in order  
24 to obtain and hold any new water rights with respect  
25 to the Conservation Area and the Wilderness.

## 1 (4) NEW PROJECTS.—

2 (A) As used in this paragraph, the term  
3 “water resource facility” means irrigation and  
4 pumping facilities, reservoirs, water conserva-  
5 tion works, aqueducts, canals, ditches, pipelines,  
6 wells, hydropower projects, and transmission  
7 and other ancillary facilities, and other water  
8 diversion, storage, and carriage structures.  
9 Such term does not include any such facilities  
10 related to or used for the purpose of livestock  
11 grazing.

12 (B) Except as otherwise provided by sec-  
13 tion 6(g) or other provisions of this Act, on and  
14 after the date of the enactment of this Act, nei-  
15 ther the President nor any other officer, em-  
16 ployee, or agent of the United States shall fund,  
17 assist, authorize, or issue a license or permit for  
18 the development of any new water resource fa-  
19 cility within the wilderness area designated by  
20 this Act.

21 (C) Except as provided in this paragraph,  
22 nothing in this Act shall be construed to affect  
23 or limit the use, operation, maintenance, repair,  
24 modification, or replacement of water resource  
25 facilities in existence on the date of the enact-

1           ment of this Act within the boundaries of the  
2           Wilderness.

3           (5) BOUNDARIES ALONG COLORADO RIVER.—

4           (A) Neither the Conservation Area nor the Wilder-  
5           ness shall include any part of the Colorado River to  
6           the 100-year high water mark.

7           (B) Nothing in this Act shall affect the author-  
8           ity that the Secretary may or may not have to man-  
9           age recreational uses on the Colorado River, except  
10          as such authority may be affected by compliance  
11          with paragraph (3). Nothing in this Act shall be  
12          construed to affect the authority of the Secretary to  
13          manage the public lands between the boundary of  
14          the Conservation Area and the edge of the Colorado  
15          River.

16          (C) Subject to valid existing rights, all lands  
17          owned by the Federal Government between the 100-  
18          year high water mark on each shore of the Colorado  
19          River, as designated on the Map from the line la-  
20          beled “Line A” on the east to the boundary between  
21          the States of Colorado and Utah on the west, are  
22          hereby withdrawn from—

23                  (i) all forms of entry, appropriation, or dis-  
24                  posal under the public land laws;

1 (ii) location, entry, and patent under the  
2 mining laws; and

3 (iii) the operation of the mineral leasing,  
4 mineral materials, and geothermal leasing laws.

5 **SEC. 7. MAPS AND LEGAL DESCRIPTIONS.**

6 (a) IN GENERAL.—As soon as practicable after the  
7 date of the enactment of this Act, the Secretary shall sub-  
8 mit to Congress a copy of the Map and a legal description  
9 of the Conservation Area and of the Wilderness.

10 (b) FORCE AND EFFECT.—The Map and legal de-  
11 scriptions shall have the same force and effect as if in-  
12 cluded in this Act, except that the Secretary may correct  
13 clerical and typographical errors in the Map and the legal  
14 descriptions.

15 (c) PUBLIC AVAILABILITY.—Copies of the Map and  
16 the legal descriptions shall be on file and available for pub-  
17 lic inspection in—

18 (1) the Office of the Director of the Bureau of  
19 Land Management;

20 (2) the Grand Junction District Office of the  
21 Bureau of Land Management in Colorado;

22 (3) the appropriate office of the Bureau of  
23 Land Management in Colorado, if the Grand Junc-  
24 tion District Office is not deemed the appropriate of-  
25 fice; and

1           (4) the appropriate office of the Bureau of  
2           Land Management in Utah.

3           (d) MAP CONTROLLING.—Subject to section 6(l)(3),  
4           in the case of a discrepancy between the Map and the de-  
5           scriptions, the Map shall control.

6           **SEC. 8. ADVISORY COUNCIL.**

7           (a) ESTABLISHMENT.—Not later than 6 months after  
8           the date of the enactment of this Act, the Secretary shall  
9           establish an advisory council to be known as the “Colorado  
10          Canyons National Conservation Area Advisory Council”.

11          (b) DUTY.—The Council shall advise the Secretary  
12          with respect to preparation and implementation of the  
13          management plan, including budgetary matters, for the  
14          Conservation Area and the Wilderness.

15          (c) APPLICABLE LAW.—The Council shall be subject  
16          to—

17                 (1) the Federal Advisory Committee Act (5  
18                 U.S.C. App.); and

19                 (2) the Federal Land Policy and Management  
20                 Act of 1976 (43 U.S.C. 1701 et seq.).

21          (d) MEMBERS.—The Council shall consist of 10  
22          members to be appointed by the Secretary including, to  
23          the extent practicable:

24                 (1) A member of or nominated by the Mesa  
25                 County Commission.

1           (2) A member nominated by the permittees  
2 holding grazing allotments within the Conservation  
3 Area or the Wilderness.

4           (3) A member of or nominated by the North-  
5 west Resource Advisory Council.

6           (4) Seven members residing in, or within rea-  
7 sonable proximity to, Mesa County, Colorado, with  
8 recognized backgrounds reflecting—

9                   (A) the purposes for which the Conserva-  
10 tion Area or Wilderness was established; and

11                   (B) the interests of the stakeholders that  
12 are affected by the planning and management  
13 of the Conservation Area and the Wilderness.

14 **SEC. 9. PUBLIC ACCESS.**

15           (a) IN GENERAL.—The Secretary shall continue to  
16 allow private landowners reasonable access to inholdings  
17 in the Conservation Area and Wilderness.

18           (b) GLADE PARK.—The Secretary shall continue to  
19 allow public right of access, including commercial vehicles,  
20 to Glade Park, Colorado, in accordance with the decision  
21 in Board of County Commissioners of Mesa County v.  
22 Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

○