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TITLE: JAMES PEAK **WILDERNESS** AND PROTECTION AREA ACT

SPEAKER: Mr. McINNIS; Mr. UDALL of Colorado

TEXT: [*H9180]

Mr. McINNIS . Mr. Speaker, I move to suspend the rules and pass the bill ([H.R. 1576](#)) to designate the James Peak **Wilderness** and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "James Peak **Wilderness** and Protection Area Act".

SEC. 2. **WILDERNESS** DESIGNATION.

(a) Inclusion With Other Colorado **Wilderness** Areas._Section 2(a) of the Colorado **Wilderness** Act of 1993 (Public Law 103-77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following new paragraph:

"(21) Certain lands in the Arapaho/Roosevelt National Forest which comprise approximately 14,000 acres, as generally depicted on a map entitled Proposed James Peak **Wilderness'**, dated September 2001, and which shall be known as the James Peak **Wilderness.**".

(b) Addition to the Indian Peaks **Wilderness** Area._Section 3 of the Indian Peaks **Wilderness** Area and Arapaho National Recreation Area and the Oregon Islands **Wilderness** Area Act (Public Law 95-450; 92 Stat. 1095; 16 U.S.C. 1132 note) is amended by adding at the end the following new subsections:

"(c) The approximately 2,232 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled Ranch Creek Addition to Indian Peaks **Wilderness'** dated September 2001, are hereby added to the Indian Peaks **Wilderness** Area.

"(d) The approximately 963 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled Fourth of July Addition to Indian Peaks **Wilderness**' dated September 2001, are hereby added to the Indian Peaks **Wilderness** Area."

(c) Maps and Boundary Descriptions._As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the area designated as **wilderness** by subsection (a) and of the area added to the Indian Peaks **Wilderness** Area by subsection (b). The maps and boundary descriptions shall have the same force and effect as if included in the Colorado **Wilderness** Act of 1993 and the Indian Peaks **Wilderness** Area and Arapaho National Recreation Area and the Oregon Islands **Wilderness** Area Act, respectively, except that the Secretary may correct clerical and typographical errors in the maps and boundary descriptions. The maps and boundary descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.

SEC. 3. DESIGNATION OF JAMES PEAK PROTECTION AREA, COLORADO.

(a) Findings and Purpose._

(1) Findings._The Congress finds the following:

(A) The lands covered by this section include important resources and values, including wildlife habitat, clean water, open space, and opportunities for solitude.

(B) These lands also include areas that are suitable for recreational uses, including use of snowmobiles in times of adequate snow cover as well as use of other motorized and nonmotorized mechanical devices.

(C) These lands should be managed in a way that affords permanent protection to their resources and values while permitting continued recreational uses in appropriate locales and subject to appropriate regulations.

(2) Purpose._The purpose of this section is to provide for management of certain lands in the Arapaho/Roosevelt National Forest in a manner consistent with the 1997 Revised Land and Resources Management Plan for this forest in order to protect the natural qualities of these areas.

(b) Designation._The approximately 16,000 acres of land in the Arapaho/Roosevelt National Forest generally depicted on the map entitled "Proposed James Peak Protection Area", dated September 2001, are hereby designated as the James Peak Protection Area (hereafter in this Act referred to as the "Protection Area") .

(c) Map and Boundary Description._As soon as practicable after the date of the enactment of this Act, the Secretary shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the Protection Area. The map and boundary description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and boundary description. The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.

(d) Management._

(1) In general._Except as otherwise provided in this section, the Protection Area shall be managed and administered by the Secretary in the same manner as the management area prescription designations identified for these lands in the 1997 Revision of the Land and Resource Management Plan for the Arapaho/Roosevelt National Forest and the Pawnee National Grasslands. Such management and administration shall be in accordance with the following:

(A) Grazing._Nothing in this Act, including the establishment of the Protection Area, shall affect grazing on lands within or outside of the Protection Area.

(B) Mining withdrawal._Subject to valid existing rights, all Federal land within the Protection Area and all land and interests in land acquired for the Protection Area by the United States are withdrawn from_

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

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

(iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subparagraph shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(C) Motorized and mechanized travel._

(i) Review and inventory._Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with interested parties, shall complete a review and inventory of all roads and trails in the Protection Area on which use was allowed on September 10, 2001, except those lands managed under the management prescription referred to in subparagraph (F). During the review and inventory, the Secretary may_

(I) connect existing roads and trails in the inventoried area to other existing roads and trails in the inventoried area for the purpose of mechanized and other nonmotorized use on any lands within the Protection Area as long as there is no net gain in the total mileage of either roads or trails open for public use within the Protection Area; and

(II) close or remove roads or trails within the Protection Area that the Secretary determines to be undesirable, except those roads or trails managed pursuant to paragraph (2) of this subsection or subsection (e)(3).

(ii) After completion of inventory._After completion of the review and inventory required by clause (i), the Secretary shall ensure that motorized and mechanized travel within the Protection Area shall be permitted only on those roads and trails identified as open to use in the inventory or established pursuant to subparagraph (D).

(D) New roads and trails._No new roads or trails shall be established within the Protection [*H9181]

Area except those which the Secretary shall establish as follows:

(i) Roads and trails established to replace roads or trails of the same character and scope which have become nonserviceable through reasons other than neglect.

(ii) Nonpermanent roads as needed for hazardous fuels reduction or other control of fire, insect or disease control projects, or other management purposes.

(iii) Roads determined to be appropriate for reasonable access under section 4(b)(2).

(iv) A loop trail established pursuant to section 6.

(v) Construction of a trail for nonmotorized use following the corridor designated as the Continental Divide Trail.

(E) Timber harvesting._No timber harvesting shall be allowed within the Protection Area except to the extent needed for hazardous fuels reduction or other control of fire, insect or disease control projects, or protection of public health or safety.

(F) Special interest area._The management prescription applicable to the lands described in the 1997 Revision of the Land and Resource Management Plan as the James Peak Special Interest Area shall also be applicable to all the lands in the Protection Area that are bounded on the north by Rollins Pass Road, on the east by the Continental Divide, and on the west by the 11,300 foot elevation contour as shown on the map referred to in subsection (b). In addition, motorized vehicle use shall not be permitted on any part of the Rogers Pass trail.

(2) Natural gas pipeline._The Secretary shall allow for maintenance of rights-of-ways and access roads located within the Protection Area to the extent necessary to operate the natural gas pipeline permitted under the Arapaho/Roosevelt National Forest master permit numbered 4138.01 in a manner that avoids negative impacts on public safety and allows for compliance with Federal pipeline safety requirements. Such maintenance may include vegetation management, road maintenance, ground stabilization, and motorized vehicle access.

(3) Permanent federal ownership._All right, title, and interest of the United States, held on or acquired after the date of the enactment of this Act, to lands within the boundaries of the Protection Area shall be retained by the United States.

(e) Issues Related to Water._

(1) Statutory construction._

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands within the Protection Area.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of the enactment of this Act.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future protection area designation.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(2) Colorado water law._The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Protection Area.

(3) Water infrastructure._Nothing in this Act (including the provisions related to establishment or management of the Protection Area) shall affect, impede, interfere with, or diminish the operation, existence, access, maintenance, improvement, or construction of water facilities and infrastructure, rights-of-way, or other water-related property, interests, and uses, (including the use of motorized vehicles and equipment existing or located on lands within the Protection Area) on any lands except those lands managed under the management prescription referred to in subsection (d)(1)(F).

SEC. 4. INHOLDINGS.

(a) State Land Board Lands._If the Colorado State Land Board informs the Secretary that the Board is willing to transfer to the United States some or all of the lands owned by the Board located within the Protection Area, the Secretary shall promptly seek to reach agreement with the Board regarding terms and conditions for acquisition of such lands by the United States by purchase or exchange.

(b) Jim Creek Inholding._

(1) Acquisition of lands._The Secretary shall enter into negotiations with the owner of lands located within the portion of the Jim Creek drainage within the Protection Area for the purpose of acquiring the lands by purchase or exchange, but the United States shall not acquire such lands without the consent of the owner of the lands.

(2) Landowner rights._Nothing in this Act shall affect any rights of the owner of lands located within the Jim Creek drainage within the Protection Area, including any right to reasonable access to such lands by motorized or other means as determined by the Forest Service and the landowner consistent with applicable law and relevant and appropriate rules and regulations governing such access.

(c) Report._

(1) In general._The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report concerning any agreement or the status of negotiations conducted pursuant to_

(A) subsection (a), upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (a), or 1 year after the date of the enactment of this Act, whichever occurs first; and

(B) subsection (b), upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (b), or 1 year after the date of the enactment of this Act, whichever occurs first.

(2) Funding information._The report required by this subsection shall indicate to what extent funds are available to the Secretary as of the date of the report for the acquisition of the relevant lands and whether additional funds need to be appropriated or otherwise made available to the Secretary for such purpose.

(d) Management of Acquisitions._Any lands within the James Peak **Wilderness** or the Protection Area acquired by the United States after the date of the enactment of this Act shall be added to the James Peak **Wilderness** or the Protection Area, respectively, and managed accordingly.

SEC. 5. JAMES PEAK FALL RIVER TRAILHEAD.

(a) Services and Facilities._Following the consultation required by subsection (c), the

Forest Supervisor of the Arapaho/Roosevelt National Forest in the State of Colorado (in this section referred to as the "Forest Supervisor") shall establish a trailhead and corresponding facilities and services to regulate use of National Forest System lands in the vicinity of the Fall River basin south of the communities of Alice Township and St. Mary's Glacier in the State of Colorado. The facilities and services shall include the following:

(1) Trailhead parking.

(2) Public restroom accommodations.

(3) Trailhead and trail maintenance.

(b) Personnel._The Forest Supervisor shall assign Forest Service personnel to provide appropriate management and oversight of the area described in subsection (a).

(c) Consultation._The Forest Supervisor shall consult with the Clear Creek County commissioners and with residents of Alice Township and St. Mary's Glacier regarding_

(1) the appropriate location of facilities and services in the area described in subsection (a); and

(2) appropriate measures that may be needed in this area_

(A) to provide access by emergency or law enforcement vehicles;

(B) for public health; and

(C) to address concerns regarding impeded access by local residents.

(d) Report._After the consultation required by subsection (c), the Forest Supervisor shall submit to the Committee on Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report regarding the amount of any additional funding required to implement this section.

SEC. 6. LOOP TRAIL STUDY; AUTHORIZATION.

(a) Study._Not later than three years after funds are first made available for this purpose, the Secretary, in consultation with interested parties, shall complete a study of the suitability and feasibility of establishing, consistent with the purpose set forth in section 3(a)(2), a loop trail for mechanized and other nonmotorized recreation connecting the trail designated as "Rogers Pass" and the trail designated as "Rollins Pass Road".

(b) Establishment._If the results of the study required by subsection (a) indicate that establishment of such a loop trail would be suitable and feasible, consistent with the purpose set forth in section 3(a)(2), the Secretary shall establish the loop trail in a manner consistent with that purpose.

SEC. 7. OTHER ADMINISTRATIVE PROVISIONS.

(a) Buffer Zones._The designation by this Act or by amendments made by this Act of **wilderness** areas and the Protection Area in the State of Colorado shall not create or imply the creation of protective perimeters or buffer zones around any **wilderness** area or the Protection Area. The fact that nonwilderness activities or uses can be seen or heard from within a **wilderness** area or Protection Area shall not, of itself, preclude such

activities or uses up to the boundary of the **wilderness** area or the Protection Area.

(b) Rollins Pass Road._If requested by one or more of the Colorado Counties of Grand, Gilpin, and Boulder, the Secretary shall provide technical assistance and otherwise cooperate with respect to repairing the Rollins Pass road in those counties sufficiently to allow two-wheel-drive vehicles to travel between Colorado State Highway 119 and U.S. Highway 40. If this road is repaired to such extent, the Secretary shall close the motorized roads and trails on Forest Service land indicated on the map entitled "Rollins Pass Road Reopening: Attendant Road and Trail Closures", dated September 2001.

SEC. 8. **WILDERNESS** POTENTIAL.

(a) In General._Nothing in this Act shall preclude or restrict the authority of the Secretary to evaluate the suitability of lands in the Protection Area for inclusion in the National **Wilderness** Preservation System or to make recommendations to Congress for such inclusion.

(b) Evaluation of Certain Lands._In connection with the first revision of the land and resources management plan for the Arapaho/Roosevelt National Forest after the date of the enactment of this Act, the Secretary shall evaluate the suitability of the lands managed under the management prescription referred to in section 3(d)(1)(F) for inclusion in the National **Wilderness** Preservation System and make recommendations to Congress regarding such inclusion.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. McInnis) and the gentleman from Colorado (Mr. Udall) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. McInnis). [*H9182]

Mr. McINNIS . Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1576 introduced by the gentleman from Colorado (Mr. Udall) establishes the James Peak **Wilderness** Area, adds to the existing Indian Peaks **Wilderness** Area, and designates a James Peak Protection Area, all within the Arapaho-Roosevelt National Forest located in the State of Colorado.

As the gentleman from Colorado (Mr. Udall) knows, I have a particular interest in this piece of legislation. That is because the majority of land impacted by the proposal actually falls within the boundary of the Third Congressional District of the State of Colorado, my district. The area in question is truly spectacular. There is no denying that it deserves special protection. That is something that all sides have agreed on for some period of time. Where there has not been agreement over the years is on the question of actually how and under what congressional designation the James Peak area should be managed.

While Gilpin, Clear Creek and Boulder Counties all fall in the district of the gentleman from Colorado (Mr. Udall), I have long supported the **wilderness** designation for these lands within the borders of their counties; Grand County, in my district, has not. Grand County's opposition is the primary reason that this bill did not progress in either the 105th or the 106th Congress. Today, thanks to the good-faith efforts of a number of Members, we have been able to overcome the differences that have stalled this bill in the past and reached a consensus agreement that enjoys wide-spread local support.

The agreement was submitted in the form of an amendment I offered to the bill at full committee markup earlier this year. The compromise is a simple and straightforward one.

For those communities that have expressed support for the **wilderness** designation, my amendment would establish exactly that, **wilderness**.

For those lands where a local consensus for **wilderness** has not emerged, the amendment would statutorily lock in the existing management framework as established in the local forest plan, a highly protective regime that will afford substantial protections for this landscape, while allowing certain recreational activities and important other access considerations to continue. This is the protection area.

Within the protection area, the bill includes language protecting access and maintenance rights for existing water facilities in the area, a critical element and an issue that was overlooked in the bill as it was originally introduced. It requires the Federal Government to acquire any new water rights in the protection area under the substantive and procedural requirements of Colorado water law. I repeat, under the substantive and procedural requirements under Colorado water law. It directs the Forest Service to sit down with mountain biking enthusiasts and environmentalists to decide which recreational trails should remain open, and which should be closed.

Finally, it leaves open an opportunity for the Forest Service and the affected local communities to reconsider **wilderness** designation for the lands in the protection area some time down the road.

Mr. Speaker, I note that the acreage numbers in the bill are estimates, and reaffirm the fact that the map accompanying this legislation is intended to be the controlling statement on the boundary issue. At a subcommittee meeting earlier this year, I promised the gentleman from Colorado (Mr. Udall) and my friends in the environmental community that if they would support my compromise proposal, I would do everything I could to see that this bill made its way through the House of Representatives before the end of year. With their support in hand, Mr. Speaker, today I fulfill that promise.

In closing, Mr. Speaker, I would like to offer special thanks to the gentleman from Colorado (Mr. Udall); his staff; Dave Bull and Craig McGuire with the Forest Service; the Grand County commissioners, Duane Daily, James Newberry, and Bob Anderson; the Boulder, Clear Creek and Gilpin County commissioners, especially Web Sill; Steve Smith with the Colorado Sierra Club; Sara Duncan with the Denver Water Board; the Headwaters Trail Alliance; the International Mountain Biking Alliance; Lisa Daly with legislative counsel; and my staff and the Committee on Resources staff.

Mr. Speaker, I salute our former colleague, David Skaggs, who first introduced this measure during the 105th Congress and was very dedicated to the proposition. These people have all put forth a lot of effort and energy into this legislation today. They deserve real credit. I would also like to thank the majority leader and his staff for scheduling this vote.

Mr. Speaker, I urge Members to support H.R. 1576.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado . Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado . Mr. Speaker, I rise in strong support of this bill. I begin by thanking the chairman of the subcommittee, the gentleman from Colorado (Mr. McInnis), as well as the chairman of the Committee on Resources, the gentleman from Utah (Mr.

Hansen), and the gentleman from West Virginia (Mr. Rahall) for making it possible for the House to be considering it today. In particular, the hard work and leadership of the gentleman from Colorado (Mr. McInnis) have been essential, and I appreciate all the gentleman has done in connection with this legislation which will provide additional protection for a key part of the high alpine environment along Colorado's Continental Divide.

Rising to 13,294 feet above sea level, James Peak is a dramatic feature of this part of the front range section of our State. It is a dominant feature in a 26,000-acre roadless area within the Arapaho-Roosevelt National Forest that straddles this part of the Continental Divide. The peak itself was named after Dr. Edwin James, a prominent botanist and journalist with the Stephen H. Long expedition to Colorado way back in 1820.

During that expedition, James became the first Anglo-American to climb a 14,000 foot peak in the continental United States, the one that is now known as Pike's Peak near Colorado Springs. That name, of course, referred to Zebulon Pike, who had earlier seen and described but never climbed that peak.

In fact, historians say Long tried to change the name of Pike's Peak in honor of Dr. James' ascent, but by the time of the Long expedition, the name Pike's Peak was too well established. As an alternative, the more northerly peak, visible from many places in the Denver metro area, was named after Dr. James in the 1860s.

As my colleague has mentioned, the James Peak roadless area includes lands within four counties. Three of those counties, Boulder, Clear Creek and Gilpin, are on the east side of the divide, within Colorado's Second Congressional District. The other, Grand County, is on the western side in the Third Congressional District.

The area offers outstanding recreational opportunities for hiking, skiing, fishing and backpacking. It includes a dozen spectacular alpine lakes, including the Forest Lakes, Arapaho Lakes, and Heart Lake. It is one of the highest rated areas for biological diversity on the entire Arapaho National Forest. It includes unique habitat for wildlife, miles of riparian corridors, stands of old growth forests, and it is home to some threatened and endangered species.

Adding James Peak to the chain of protected lands from Berthoud Pass to the Wyoming boundary will promote movement of sensitive species such as wolverine, lynx, and pine marten, and improve the chances of these and similar species that only thrive in **wilderness** settings.

Currently, this is the largest **wilderness** area on the Northern Front Range that has no specific statutory protection. Under current law it is open to mining claims and other developments that can occur on general national forest lands. In my opinion, these roadless lands are eminently qualified for and deserve to be added to the National **Wilderness** Preservation System, and that is the view of many Coloradans as well.

My predecessor, David Skaggs, introduced a James Peak **Wilderness** bill, [*H9183] but action on it was not completed. Since my first election to Congress, I have been working to protect the **wilderness** qualities of the James Peak area. I introduced a bill in the 106th Congress that would have designated about 22,000 acres of the James Peak roadless areas as **wilderness**, including about 8,000 acres in Grand County.

The proposal was designed to renew discussions for the appropriate management of these lands that qualify for **wilderness** consideration, and that discussion certainly has taken place. In fact, the bill before us today has been shaped by nearly 2 years of discussions with county officials, interested groups and the general public. The previous

bill had broad support. However, after its introduction, the Grand County commissioners, which includes the western side of James Peak, expressed some concerns with the proposed **wilderness** designation for the land in that county. So I undertook to work with the Grand County commissioners and interested residents of that part of the State.

We held several discussions, including a public meeting in Grand County. After that, the Grand County commissioners put forth a suggestion for designation of a James Peak Protection Area that would include both the Grand County part of the roadless area and additional lands as well. That suggestion is a key part of the bill now before the House.

Mr. Speaker, the bill introduced earlier this year included **wilderness** designation of about 14,000 acres of the James Peak roadless area in Boulder, Clear Creek and Gilpin Counties. It also included a designation of about 18,000 acres in Grand County as the James Peak Protection Area, and would have added 2,000 acres in Grand County to the Indian Peaks **Wilderness** Area in accordance with the recommendation of the Forest Service. Within the protection area, there would have been an 8,000 acre **wilderness** study area. I included the **wilderness** study provision after the Grand County commissioners indicated that they would not oppose having the Forest Service again review the lands involved for possible **wilderness** designation.

They indicated that they were aware that the Forest Service had reviewed this area in the past and could have recommended it for **wilderness** but did not do so. The commissioners also indicated that if the Forest Service were to review the area again, they would respect that process.

I thought, and still think, that the bill as introduced was a sound, balanced measure that deserved their support and the support of the Congress. However, the bill before us today differs in several ways from the version I introduced earlier. Instead, as it comes to the House, the bill incorporates a number of changes developed through negotiations between the chairman of the subcommittee, the gentleman from Colorado (Mr. McClinnis), and myself.

One of those changes is that the bill before us does not provide for an immediate **wilderness** study of any of the lands in the protection area. And there are other changes as well, including an increase in the additions to existing **wilderness**. In short, this bill is a compromise but it is a good compromise. It does not do everything I would have liked, but it probably does more than some others would have liked. That is what a compromise is all about.

In particular, as I have mentioned, it does not designate as much **wilderness** as I would have preferred on the western side of the James Peak area. But it also does not preclude the Forest Service from revisiting that issue in the future, and in fact it makes it clear that at least part of these lands on the west side will be reviewed for possible **wilderness** recommendations.

In any event, some of these lands on the west side, the ones designated in the bill as the James Peak protection area and specifically the "special interest area" lands within this designation, are to be managed by the Forest Service for their pristine and roadless qualities. Furthermore, the present forest plan restrictions for this area are to be locked in place with the additional restrictions prohibiting commercial logging, land exchanges, mining activities, and new recreational trail development.

This "protection area" designation has been designed especially for these lands. It should not be seen as something that necessarily can be applied elsewhere in Colorado or elsewhere as a substitute for **wilderness** designation where that designation is appropriate. But I think it is appropriate in the way it addresses the management of the

lands involved.

On one related point, I want to compliment what my colleague, the gentleman from Colorado (Mr. McInnis), also said, it should be noted that it is the intention that the final map and boundary description will make clear that the existing water diversion and impoundment facilities owned by the Denver Water Board and other entities are not within the protection area because the boundary is set back so that these facilities, including an aqueduct, are excluded from the designation. I would also like to take this opportunity to acknowledge and thank all of the people who made this legislation possible. There are too many of them for me to mention them all, and I am deeply grateful for all their contributions; but let me highlight some who made particular contributions:

All of the county commissioners in the four counties, Boulder, Clear Creek, Gilpin and Grand, deserve thanks for their support and input. I want to especially thank Gilpin County Commissioner Web Sill. I would also recognize and applaud the passion and perseverance of the local conservationists who saw the value of these lands early on. These include Bill Ikler of Nederland, Colorado; Kirk Cunningham and Linda Batlin of Boulder, Colorado; Sue Howell of Idaho Springs, Colorado; and Matt Sugar of Winter Park, Colorado.

I also must thank Sierra Club regional representative Steve Smith. Steve was a member of the staff of my predecessor, Congressman David Skaggs, and has been involved in land protection in Colorado for over 20 years. His understanding of the issues as well as his tenacity and diplomacy were indispensable to working out these compromises. Finally, I want to add a special note of appreciation for the work of Doug Young of my staff. His dedication, persistence and expertise were crucial in the process that has brought us to this point.

Mr. Speaker, the James Peak area is indeed special. With the continuing pressure of population growth along Colorado's Front Range, I am concerned that if we do not protect these lands now, we could lose a critical resource for future generations.

In closing, again I want to thank my colleague particularly, the gentleman from Colorado (Mr. McInnis), the chairman of the subcommittee, for his invaluable assistance and leadership and his friendship. I look forward to working with him in the future when we have the opportunity. I urge passage of this much-needed bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McINNIS . Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are a couple of points here I would like to make very clear. First of all, there are a couple of other thank-you's I want to make: Josh Penry on my staff, Melissa Simpson and a couple of others in the staff, Christopher and some others, put a lot of effort into this. I understand the gentleman's comment in regards to model. I think this should be a piece of model legislation or legislation on which to model future compromises, the reason being is that this bill required a lot of local effort.

The gentleman from Colorado (Mr. Udall) was involved at the grassroots level in putting that compromise together. That is the exact kind of model for the future of Colorado that we should look forward to. As the gentleman from Colorado (Mr. Udall) realizes, between the two of us and our staffs, we were able to go to Colorado and bring these various factions together. **Wilderness** will never receive further designation in Colorado in my opinion if it is going to be black and white, that clear. It can never be that clear a line.

There has to be compromise, and there has to be local support. I think that was recognized by my colleague, the gentleman from Colorado (Mr. Udall). But I want to make it clear on the record that this should [*H9184] be a model piece of legislation for future discussions in regards to **wilderness**.

I also want to point out that this bill was introduced in the 105th session and in the 106th session. It never received a hearing. It never got a vote. The reason that it is here on the floor today is because the gentleman from Colorado (Mr. Udall) and the communities and myself were able to come together. I would hope that as a result of what we saw, the compromise that came here tonight that brought this bill to the floor, we will also see the same kind of, I guess, courtesies, or reciprocation from the gentleman from Colorado (Mr. Udall) in regards to the Deep Creek **wilderness**.

As he knows, these bills were close to being companion bills. The Deep Creek bill still has some work in regards to description and so on before we can get it to hearing, but I would hope that my colleague will also put forth his efforts and energies as I did with his bill; I hope he puts the same kind of energy and efforts to making my bill on the Deep Creek **wilderness** become a reality.

Mr. UDALL of Colorado . Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado . Mr. Speaker, I thank the gentleman for yielding. I wanted to make the statement that I look forward to working with him on the Deep Creek **wilderness** proposal. Also if I could, I might just point out, I think the process was a model, first and foremost. We brought people together on an ongoing basis. Nobody walked away from the table. We had differences of opinion and differences of approaches over, as he points out, almost a 3-year or arguably a longer period of time given that Congressman Skaggs introduced the bill back in the 105th Congress. But nobody walked away from the process. People were trusting of other people's motives even though there was perhaps a difference in approach and opinion.

I hope that we can bring that model not only to our State, Colorado, but around the West as we continue to have to deal with some of these thorny issues that surround the use of public lands. People operated in good faith. I thank the chairman again for his support and work, and I look forward to working with him in the future.

Mr. McINNIS. I would point out to the gentleman from Colorado that, yes, people were at the table, but it required leadership to get something done at the table. They were willing to sit at the table, they were willing to sit politely and have a discussion; but it took your leadership, it took my leadership, it took the leadership of these county commissioners to come in with this kind of compromise. It also took some resistance on our part for people who at the last minute want to pull off the table or try and squash the deal by always moving the goal posts. I am afraid we are going to see that in Deep Creek. I would hope, as I said, that you would reciprocate with the same kind of leadership that I showed, I think, with your bill, that you would show with my bill. But I think you have done a tremendous job. I also want to commend Mr. Sloss and his efforts. We both live close there.

Mr. UDALL of Colorado. If the gentleman will yield further, if I might, I was remiss in not acknowledging the tremendous staff work on the part of Stan Sloss who anybody who works with the Committee on Resources knows is an institution and is a great resource not just to Democrats but to Republicans as well and is a tremendous resource to all of us. I thank the gentleman for acknowledging Stan Sloss and the great work that he does.

Mr. McINNIS. On a lighter moment, as the gentleman knows, Mr. Sloss' mother was my school teacher many years ago, so I walked the straight line as a result of the lessons I learned from that fine lady.

Mr. Speaker, I ask for favorable consideration of the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Johnson of Illinois). The question is on the motion offered by the gentleman from Colorado (Mr. McInnis) that the House suspend the rules and pass the bill, H.R. 1576, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.