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SPEAKER: Mr. KOHL; Mrs. FEINSTEIN; Ms. SNOWE; Mr. FEINGOLD; Ms. STABENOW; Mr. KENNEDY; Mr. LEAHY; Mr. UDALL of Colorado; Mr. NELSON of Florida

TEXT: [*212]

By Mr. UDALL of Colorado (for himself and Mr. Salazar:

[S. 187](#). A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing four bills, [S. 187](#), [S. 188](#), [S. 189](#), [S. 190](#), that will preserve and protect majestic public landscapes in Colorado and help provide needed water supplies to communities and farmers on Colorado's productive Eastern Plains. These bills were introduced in the last session of Congress, where they each had hearings and one passed the U.S. House of Representatives. I hope that we can work together to move these bills in this Congress and see them signed into law.

I ask unanimous consent that the text of all four bills be included in the Record and be printed alongside these remarks.

The first bill is the Arkansas Valley Conduit Act of 2009. This bill will help protect the water supply for the Arkansas River Valley's communities and its productive agricultural lands by advancing the construction of the long-planned Arkansas Valley Conduit. The bill will restructure the cost-share provisions of the project and is similar to legislation introduced in the last Congress by Senators Wayne Allard and Ken Salazar and introduced yesterday in the U.S. House of Representatives by Reps. John Salazar and Betsy Markey.

The Arkansas Valley Conduit, a proposed 130-mile water delivery system from the Pueblo Dam to communities throughout the Arkansas River Valley, was originally authorized in 1962 as part of the Fryingpan-Arkansas, Fry-Ark, project. Unfortunately, the authorization did not include a Federal-local cost-share provision necessary to cover the estimated \$300 million in construction costs, and local communities-especially those in southern Colorado-do not have the resources to shoulder all of the costs. The project has thus remained unfinished for over 4 years.

The bill will provide for a 65-35 Federal-local cost-share for completion of the project, with revenues from so-called "excess-capacity" contracts for water storage in other Fry-Ark project facilities being used to fund the majority of the local contribution. This approach is the result of close collaboration between community stakeholders and the Colorado congressional delegation and will ensure communities in the Arkansas River Valley can finance their portion of the project without incurring unbearable financial burdens.

Moreover, the bill will allow the Bureau of Reclamation to move forward with the construction of the Conduit. The depressed economic status of southeastern Colorado made it a difficult financial undertaking for the region, a challenge that continues today. This bill will help see this facility become a reality and thereby help the farming and ranching communities in the valley continue to produce needed food and fiber for the state and Nation.

The second bill I am introducing today is the Colorado Northern Front Range Mountain Backdrop Protection Study Act. I introduced similar bills in the U.S. House of Representatives in the 107th, 108th, 109th and 110th Congresses. In previous Congresses, the bill passed the House and the Senate Energy and Natural Resources Committee but did not receive final action.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern Denver-metro area and the region just west of Rocky Flats. The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands involved as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho-Roosevelt National Forest also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation. The open-space character of this mountain backdrop is an important aesthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses. But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also increasing pressure for development of other lands within and adjacent to that national forest.

We can see the effects of rapid population growth throughout Colorado and especially along the Front Range. Homes and shopping centers are sprawling through valleys and along highways that feed into the Front Range. This development then spreads out along the ridges and mountaintops that make up the backdrop. We are in danger of losing to development many of the qualities that have helped attract new residents to Colorado. So, it is important to better understand what steps might be taken to avoid or lessen that risk-and this bill is designed to help us do just that.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver-metro area. However, some portions of the backdrop in this part of Colorado remain unprotected and are at risk of losing their open-space qualities. This bill acknowledges the good work of the local communities in preserving open space along the backdrop and aims to assist further efforts along the same lines.

The bill directs the U.S. Forest Service to study the ownership patterns of the lands comprising the Front Range mountain backdrop, identify areas that are at risk, and recommend to Congress how these lands might be protected and how the Federal Government could help local communities and residents to achieve that goal. Importantly, I note that the bill does not interfere with the power of local authorities regarding land use planning or infringe on private property rights. Instead, it will bring the land protection experience of the Forest Service
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to the table to assist local efforts to protect areas that comprise the backdrop. The bill envisions that to the extent the Forest Service should be involved with Federal lands, it will work in collaboration with local communities, the state and private parties.

I strongly believe it is in the national interest for the Federal Government to assist local communities to identify ways to protect the mountain backdrop in this part of Colorado. The

backdrop beckoned settlers westward and presented an imposing impediment to their forward progress that suggested similar challenges ahead. This first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region. The pioneers' independent spirit and respect for nature still lives with us to this day. We need to work to preserve it by protecting the mountain backdrop as a cultural and natural heritage for ourselves and generations to come.

The third bill I am introducing today-the National Trails System Willing Seller Act-will allow people who want to sell land for inclusion in certain units of the National Trails System to do so. Current law prohibits people who own land associated with several units of the trail system from selling those lands to the Federal Government for inclusion in those units. This bill will allow such sales to happen.

This legislation is identical to bills introduced in previous Congresses by my former Republican colleagues from Colorado, Representatives Beauprez and McInnis. The Trail System units covered by the bill are the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Continental Divide National Scenic Trail, the Lewis and Clark National Historic Trail, the Iditarod National Historic Trail, the North County National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, and the Nez Perce National Historic Trail.

Our national trails are a national treasure, and we should allow people who own land along these trails to sell that land to the Federal Government to be part of our public lands legacy. But it is important to make clear that these land sales are from willing sellers, which is what this bill will do. This bill makes a small but important adjustment to current law, and I think it deserves the support of all Members of the Senate.

The final bill I am introducing today is the Rocky Mountain National Park **Wilderness** and Indian Peaks **Wilderness** Expansion Act, which will designate nearly 250,000 acres of Rocky Mountain National Park as **wilderness**. I introduced this bill in the 110th Congress as a member of the House of Representatives. It was cosponsored in the Senate by my colleague Senator Ken Salazar, and eventually by the Colorado Congressional delegation. Over a period of months, we worked together to develop this bipartisan legislation that will provide important protection and management direction for some truly remarkable country. This is a public lands policy goal that goes back to the 1960s, and is long overdue.

This bill is consistent with the Colorado Congressional delegation's efforts in the last Congress to strike a balance in protecting the park and the water users who rely on the Grand River Ditch. This carefully negotiated language met the needs of those users, but questions have been raised about the particular way that liability and water use issues were addressed in the delegation bill. Specifically, there have been questions about how these provisions work in the context of the Park Resources Protection Act. While I am confident that my bill addresses these liability concerns, I appreciate the recent efforts by Senator Salazar to offer a slightly different approach that provides a path to a widely-shared goal that has broad support in Colorado.

The **wilderness** designation in this bill for the park will cover some 94 percent of the park, including Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammelled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of the park are included in the **wilderness** that will be designated by this bill. At the same time, the **wilderness** boundaries have been drawn so as to allow continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to ensure that there will be no adverse effects on continued use of existing water facilities.

The lands designated as **wilderness** will become part of the National **Wilderness** Preservation System that was established by the **Wilderness** Act and will be managed in accordance with that Act and the provisions of the bill. The bill's provisions amplify this by specifying that-no new reclamation projects will be allowed in the **wilderness** area; nothing in the bill will create a "buffer zone" around the **wilderness** and non-**wilderness** activities visible or audible from within the **wilderness** will not be prohibited; the National Park Service can act to control fire, insects, and diseases, including use of mechanical tools within the **wilderness**; and nothing in the bill will reduce or restrict the current authority of the National Park Service to manage the Park's lands and resources.

The bill is similar to measures previously introduced by my predecessor in the House of Representatives, Representative David Skaggs, as well as other bills introduced before that, and legislation I introduced in the 107th, 108th, and 109th Congresses. However, it does include a number of adjustments and refinements that reflect discussion within the Colorado delegation in Congress and with interested parties in Colorado.

Like [H.R. 2334](#) of the 110th Congress, the new bill includes **wilderness** designation of more than 700 acres in the Twin Sisters area south of Estes Park. These lands were acquired by the United States and made part of the park after submission to Congress of the original **wilderness** recommendation for the park in the 1970s, and so were not included in that recommendation. They are lands of a **wilderness** character, and their designation will not conflict with any current uses. On the west side, the town of Grand Lake and Grand County requested that about 650 acres inward from the park boundary around the town be omitted from the **wilderness** designation in order to allow the park to respond to potential forest fire threats. As was the case previously, this bill accommodates that request.

Also like that previous measure, the bill responds to the request of the Town of Grand Lake, Grand County and the Headwaters Trails Alliance, a group composed of local communities in Grand County that seeks to establish opportunities for mountain biking, and the International Mountain Bicycling Association to omit from **wilderness** designation an area along the western park boundary, running south along Lake Granby from the town to the park's southern boundary. This will allow the National Park Service to retain the option of authorizing construction of a possible future mountain bike route within this part of the park. Similarly, the bill expands the Indian Peaks **Wilderness** Area by 1,000 acres in the area south of the park and north of Lake Granby. The lands involved are currently managed as part of the Arapaho National Recreation Area, which is accordingly reduced by about 1,000 acres.

As did the previous bill, this bill includes a section that authorizes the National Park Service to lease an 11-acre property, the Leiffer tract, that was donated to the National Park Service in 1977. Located outside the park's boundaries, it has two buildings, including a house that is listed on the National Register of Historic Places. The Park Service would like to have the option of leasing it, but current law allows leasing only for "property administered ... as part of the National Park System," and this property does not qualify. The bill allows the Park Service to lease the property as if it were located inside or contiguous to the park.

Also like previous measures, the bill addresses the question of possible impacts on water rights-something that can be a primary point of contention in Congressional debates over designating **wilderness** areas. It reflects the legal [*231]

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reality that it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself. And it reflects the geographic reality that the park sits astride the continental divide, meaning there is no higher land around from which streams flow into the park, and thus there is no possibility of any diversion of water occurring upstream from the park. In recognition of these

legal and practical realities, the bill includes a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation or appropriation of such right, and an explicit disclaimer that the bill effects any such reservation.

As I mentioned, there are also provisions in this bill that deal with the Grand River Ditch, created before Rocky Mountain National Park was established and partly located within the park. The owners of the ditch are currently working to conclude an agreement with the National Park Service with respect to operation and maintenance of the portion of the ditch within the park, and the bill provides that after conclusion of this agreement the strict liability standard of the Park Resources Protection Act which now applies to any damage to park resources will not apply so long as the ditch is operated and maintained in accordance with the agreement. The owners of the ditch remain liable for damage to park resources caused by negligence or intentional acts, and the bill specifies that it will not limit or otherwise affect the liability of any individual or entity for damages to, loss of, or injury to any park resource resulting from any cause of event occurring before the bill's enactment. In addition, the bill specifies that its enactment will not restrict or otherwise affect any activity relating to the monitoring, operation, maintenance, repair, replacement, or use of the ditch that was authorized or approved by the National Park Service as of the date of the bill's enactment. The bill also provides that use of water transported by the ditch for a main purpose or main purposes other than irrigation will not terminate or adversely affect the ditch's right-of-way.

The matters dealt with in this bill have a long history. The **wilderness** designations are based on National Park Service recommendations presented to Congress by President Richard Nixon. That they have not been acted on before this reflects the difficult history of **wilderness** legislation. One Colorado statewide **wilderness** bill was enacted in 1980, but it took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a second statewide national forest **wilderness** bill. Since then, action has been completed on bills designating **wilderness** in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho-Roosevelt National Forests.

We now need to continue making progress by providing **wilderness** designations for other deserving lands in Colorado, including lands that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

Lands covered by the bill are currently being managed to protect their **wilderness** character. Formal **wilderness** designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas, there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains. This is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape. Further, the park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain National Park sees nearly the same number of visitors each year. At the same time, designating these carefully selected portions of Rocky Mountain as **wilderness** will make other areas, now restricted under interim **wilderness** protection management, available for overdue improvements to park roads and visitor facilities.

In summary, the Rocky Mountain National Park **Wilderness** and Indian Peaks **Wilderness** Expansion Act will protect some of our Nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. It is bipartisan and will affirm the commitment of all Coloradans to preserving the features that make our State such a

remarkable place to live. So, I think it deserves prompt enactment.

Mr. President, I ask unanimous consent that the text of each bill be printed in the Record.

[S. 190](#)

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 "Rocky Mountain National Park **Wilderness** and Indian Peaks **Wilderness** Expansion Act".

SEC. 2. PURPOSES.

The purposes of this Act are-

(1) to include in the National **Wilderness** Preservation System certain land within the Rocky Mountain National Park, Colorado, to protect-

(A) the enduring scenic and historic **wilderness** character and unique wildlife values of the land; and

(B) the scientific, educational, inspirational, and recreational resources, values, and opportunities of the land; and [*233]

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(2) to adjust the boundaries of the Indian Peaks **Wilderness** and Arapaho National Recreation Area of the Arapaho National Forest.

SEC. 3. DEFINITIONS.

In this Act:

(1) Map.-The term "Map" means the map entitled "Rocky Mountain National Park, Colorado **Wilderness** Boundaries" and dated September 2006.

(2) Park.-The term "Park" means the Rocky Mountain National Park in the State.

(3) Potential **wilderness** land.-The term "potential **wilderness** land" means-

(A) the land identified on the Map as potential **wilderness**; and

(B) any land acquired by the United States on or after the date of enactment of this Act that is-

(i) located within the boundaries of the Park; and

(ii) contiguous with any land designated as **wilderness** by section 4(a).

(4) Secretary.-The term "Secretary" means the Secretary of the Interior.

(5) State.-The term "State" means the State of Colorado.

(6) Trail.-The term "Trail" means the East Shore Trail established under section 5(a).

(7) **Wilderness**.-The term "**Wilderness**" means the Rocky Mountain National Park **Wilderness** designated by section 4(a).

SEC. 4. ROCKY MOUNTAIN NATIONAL PARK **WILDERNESS**.

(a) Designation.-In furtherance of the purposes of the **Wilderness** Act ([16 U.S.C. 1131 et seq.](#)), there is designated as **wilderness** and as a component of the National **Wilderness** Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the Map, which shall be known as the "Rocky Mountain National Park **Wilderness**".

(b) Map and Boundary Description.-

(1) In general.-As soon as practicable after the date of enactment of this Act, 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 map and boundary description of the **Wilderness**.

(2) Availability.-The map and boundary description submitted under paragraph (1) shall be on file and available for public inspection in the Office of the Director of the National Park Service.

(3) Corrections.-The Secretary may correct clerical and typographical errors in the map and boundary description submitted under paragraph (1).

(4) Effect.-The map and boundary description submitted under paragraph (1) shall have the same force and effect as if included in this Act.

(c) Inclusion of Potential **Wilderness** Land.-

(1) In general.-On publication in the Federal Register of a notice by the Secretary that all uses of a parcel of potential **wilderness** land inconsistent with the **Wilderness** Act ([16 U.S.C. 1131 et seq.](#)) have ceased, the parcel shall be-

(A) included in the **Wilderness**; and

(B) managed in accordance with this section.

(2) Map and boundary description.-The Secretary shall modify the map and boundary description prepared under subsection (b) to reflect the inclusion of the parcel in the **Wilderness**.

(d) Exclusion of Certain Land.-The boundaries of the **Wilderness** shall specifically exclude:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the "Specimen Ditch"), the right-of-way for the Grand River Ditch, land 200 feet on each side of the marginal limits of the Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from the North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Lands owned by the Wincentzen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted as the "East Shore Trail Area" on the map prepared under subsection (b)(1).

(e) Administration.-

(1) In general.-Subject to valid existing rights, any land designated as **wilderness** under subsection (a) or added to the **Wilderness** after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with-

(A) the **Wilderness Act** ([16 U.S.C. 1131 et seq.](#)); and

(B) this Act.

(2) Effective date of **wilderness** act.-With respect to the land designated as **Wilderness** by subsection (a) or added to the **Wilderness** after the date of enactment of this Act under subsection (c), any reference in the **Wilderness Act** ([16 U.S.C. 1131 et seq.](#)) to the effective date of the **Wilderness Act** shall be deemed to be a reference to the date of enactment of this Act or the date of enactment of the Act adding the land to the **Wilderness**, respectively.

(3) Water rights.-

(A) Findings.-Congress finds that-

(i) according to decisions of the State courts, the United States has existing rights to water within the Park;

(ii) the existing water rights are sufficient for the purposes of the **Wilderness**; and

(iii) based on the findings described in clauses (i) and (ii), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the **Wilderness**.

(B) No reservation of water rights.-Nothing in this Act or any action carried out pursuant to this Act shall constitute an express or implied reservation by the United States of water or water rights for any purpose.

(4) Grand river ditch.-

(A) Liability.-Notwithstanding any other provision of law, or any stipulation or applicable agreement, during any period in which the Water Supply and Storage Company (or any successor in interest to the Water Supply and Storage Company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch within the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service entered into on XXXXXXXXXXXXX, no individual or entity who owns, controls, or operates the Grand River Ditch shall be liable for any response costs or for any damages to, loss of, or injury to the resources of the Park resulting from any cause or event (including, but not limited to, water escaping from any part of the Grand River Ditch by overflow or as a result of a breach, failure, or partial failure of any portion of the Grand River Ditch, including the portion of the ditch located outside the Park), unless the damages to, loss of, or injury to the resources are proximately caused by the negligence or an intentional act of the individual or entity.

(B) Limitation.-Nothing in this section limits or otherwise affects any liability of any individual or entity for damages to, loss of, or injury to any resource of the Park resulting from any cause or event that occurred before the date of enactment of this Act.

(C) Existing activities.-Nothing in this Act, including the designation of the **Wilderness** under this section, shall restrict or otherwise affect any activity (including an activity carried out in response to an emergency or catastrophic event) on, under, or affecting the **Wilderness** or land excluded under subsection (d)(1) relating to the monitoring, operation, maintenance, repair,

replacement, or use of the Grand River Ditch that was authorized or approved by the Secretary as of the date of enactment of this Act.

(D) No effect.-Notwithstanding any other provision of any previous or existing law, any stipulation, or any agreement, or interpretation thereof, use of water transported by the Grand River Ditch for a main purpose or main purposes other than irrigation shall not terminate or adversely affect the right-of-way of the Grand River Ditch, and such right-of-way shall not be deemed relinquished, forfeited, or lost, solely because such water is used for a main purpose or main purposes other than irrigation.

(5) Colorado-big thompson project and windy gap project.-

(A) Existing activities.-Activities (including activities that are necessary because of emergencies or catastrophic events) on, under, or affecting the **Wilderness** relating to the monitoring, operation, maintenance, repair, replacement, or use of the Alva B. Adams Tunnel at its designed capacity and all other Colorado-Big Thompson Project facilities located within the Park that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 ([16 U.S.C. 191](#))-

(i) shall be allowed to continue; and

(ii) shall not be affected by the designation of the **Wilderness** under this section.

(B) Effect.-Nothing in this Act or the designation of the **Wilderness** shall prohibit or restrict the conveyance of any water through the Alva B. Adams Tunnel for any purpose.

(C) New reclamation projects.-Nothing in the first section of the Act of January 26, 1915 ([16 U.S.C. 191](#)), shall be construed to allow development in the **Wilderness** of any reclamation project not in existence as of the date of enactment of this Act.

(6) No buffer zone.-

(A) In general.-Nothing in this Act creates a protective perimeter or buffer zone around the **Wilderness**.

(B) Activities outside **wilderness**.-The fact that a nonwilderness activity or use can be seen or heard from within the **Wilderness** shall not preclude the conduct of the activity or use outside the boundary of the **Wilderness**.

(7) Fire, insect, and disease control.-In accordance with section 4(d)(1) of the **Wilderness** Act ([16 U.S.C. 1133\(d\)\(1\)](#)), the Secretary may take such measures in the **Wilderness** as are necessary to control fire, insects, and diseases, including the use of mechanized tools, subject to such conditions as the Secretary determines to be desirable.

(8) Management authority.-Nothing in this Act shall be construed as reducing or restricting the authority of the Secretary to manage the lands and other resources within the Park pursuant to the Act of January 26, 1915 ([16 U.S.C. 191](#)), and other laws applicable to the Park as of the date of enactment of this Act.

SEC. 5. EAST SHORE TRAIL AREA IN ROCKY MOUNTAIN NATIONAL PARK.

(a) In General.-Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in Rocky Mountain National Park an alignment line for a trail, to [*234]

be known as the "East Shore Trail", to maximize the opportunity for sustained use of the Trail without causing-

(1) harm to affected resources; or

(2) conflicts among users.

(b) Boundaries.-

(1) In general.-After establishing the alignment line for the Trail under subsection (a), the Secretary shall-

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the **wilderness** area; and

(B) modify the map of the **Wilderness** prepared under section 4(b)(1) so that the western boundary of the **Wilderness** is 50 feet east of the alignment line.

(2) Adjustments.-To the extent necessary to protect National Park System resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the **Wilderness**.

(c) Inclusion in **Wilderness**.-On completion of the construction of the Trail, as authorized by the Secretary-

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be-

(A) included in the **Wilderness**; and

(B) managed as part of the **Wilderness** in accordance with section 4; and

(2) the Secretary shall modify the map and boundary description of the **wilderness** prepared under section 4(b)(1) to reflect the inclusion of the East Shore Trail Area land in the **Wilderness**.

(d) Effect.-Nothing in this section-

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) Relation to Land Outside **Wilderness**.-

(1) In general.-Except as provided in this subsection, nothing in this Act shall affect the management or use of any land not included within the boundaries of the **Wilderness** or the potential **wilderness** land.

(2) Motorized vehicles and machinery.-No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in-

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) Management of land before inclusion.-Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed-

(A) to protect any **wilderness** characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the **Wilderness**.

SEC. 6. INDIAN PEAKS **WILDERNESS** AND ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.

(a) Indian Peaks **Wilderness** Boundary Adjustment.-Section 3(a) of the Indian Peaks **Wilderness** Area, the Arapaho National Recreation Area and the Oregon Islands **Wilderness** Area Act ([16 U.S.C. 1132](#) note; Public Law 95-450) is amended-

(1) by striking "seventy thousand acres" and inserting "74,195 acres"; and

(2) by striking "dated July 1978" and inserting "dated May 2007".

(b) Arapaho National Recreation Area Boundary Adjustment.-Section 4(a) of the Indian Peaks **Wilderness** Area, the Arapaho National Recreation Area and the Oregon Islands **Wilderness** Area Act ([16 U.S.C. 460j\(a\)](#)) is amended-

(1) by striking "thirty-six thousand two hundred thirty-five acres" and inserting "35,235 acres"; and

(2) by striking "dated July 1978" and inserting "dated May 2007".