

113TH CONGRESS }  
2d Session } HOUSE OF REPRESENTATIVES { REPORT  
113-693

---

---

## HERMOSA CREEK WATERSHED PROTECTION ACT OF 2014

DECEMBER 22, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

### R E P O R T

together with

### DISSENTING VIEWS

[To accompany H.R. 1839]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1839) to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Hermosa Creek Watershed Protection Act of 2014”.

#### SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to maintain the cultural, economic, and ecological health of the Hermosa Creek Watershed and the surrounding communities that rely on the Watershed;
- (2) to protect the purity of water that comes from the Hermosa Creek Watershed and supplies residents of the Animas River Valley and the city of Durango, Colorado, with clean drinking water;
- (3) to protect the purity of, and water supply from, the Hermosa Creek Watershed for agricultural purposes, including irrigation and stockwater uses;
- (4) to enhance the economic prosperity of local communities in the area who depend on the area for water, recreation, and sustainable natural resource uses;
- (5) to protect and provide residents and visitors the opportunity to enjoy the recreational, geological, cultural, natural, scientific, wildlife, riparian, historical, educational, and scenic resources of the Watershed;
- (6) to provide world-class opportunities for skiing, biking, hiking, fishing, hunting, horseback riding, snowmobiling, motorcycle riding, snowshoeing, and camping;

(7) to provide for economic and natural resource development (including sustainable grazing, vegetation management, beneficial uses of water, and mineral extraction) in a manner consistent with protecting the overall integrity of the Watershed;

(8) to protect a viable population of the native Colorado River cutthroat trout fishery located in the Watershed;

(9) to designate the Hermosa Creek Wilderness Area and the Hermosa Creek Special Management Area; and

(10) to conserve, protect, and manage a healthy Hermosa Creek Watershed for the long-term ecological integrity of the Watershed and the long-term economic health of surrounding communities by allowing sustainable economic development and traditional natural resource development in a manner consistent with the purposes described in paragraphs (1) through (8).

### SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term “City” means Durango, Colorado.

(2) COUNTY.—The term “County” means La Plata County, Colorado.

(3) MAP.—The term “Map” means the map entitled “Hermosa Creek Proposed Watershed Protection Area” and dated June 2, 2014.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(5) SPECIAL MANAGEMENT AREA.—The term “Special Management Area” means the Hermosa Creek Special Management Area designated by section 5(a).

(6) STATE.—The term “State” means the State of Colorado.

### SEC. 4. HERMOSA CREEK WATERSHED PROTECTION AREA.

Certain Federal land in the San Juan National Forest comprising approximately 107,866 acres, as generally depicted on the Map may be called the “Hermosa Creek Watershed Protection Area”.

### SEC. 5. DESIGNATION OF HERMOSA CREEK SPECIAL MANAGEMENT AREA.

(a) DESIGNATION.—Subject to valid existing rights, certain Federal land in the San Juan National Forest comprising approximately 68,289 acres, as generally depicted on the Map, is designated as the “Hermosa Creek Special Management Area”.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Special Management Area in accordance with—

(A) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(B) this Act; and

(C) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow such uses of the Special Management Area that the Secretary determines would further the purposes described in section 2.

(B) MOTORIZED AND MECHANIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (ii) and as needed for administrative purposes or to respond to an emergency, the use of motorized and mechanized vehicles in the Special Management Area shall be permitted only on roads and trails designated for use by such vehicles as identified on the Map as “Trails Open to Motorized Uses” and “Trails Open to Mechanized Uses”.

(ii) OVER-SNOW VEHICLES.—The Secretary shall authorize the use of snowmobiles and other over-snow vehicles within the Special Management Area—

(I) when there is adequate snow coverage; and

(II) subject to such terms and conditions as the Secretary may require.

(iii) CONTINUED ACCESS.—Within the Special Management Area, at a minimum, the Secretary shall maintain access for motorized and mechanized recreation opportunities as identified as “Trails Open to Motorized Uses” and “Trails Open to Mechanized Uses” on the Map.

(C) GRAZING.—Grazing and other traditional economic activities are compatible with the Special Management Area designation and the Secretary shall permit grazing within the Special Management Area, where established before the date of enactment of this Act subject to all applicable laws (including regulations) and Executive orders.

(D) PROHIBITED ACTIVITIES.—Within the area of the Special Management Area identified on the Map as “East Hermosa Area” the following activities shall be prohibited:

(i) New permanent or temporary road construction or the renovation of existing nonsystem roads, except as allowed under the final rule entitled “Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado” (77 Fed. Reg. 39576 (July 3, 2012)).

(ii) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted for ecological restoration or to further the purposes described in this Act).

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and a legal description of the Special Management Area.

(2) FORCE OF LAW.—The map and legal description prepared under paragraph (1) 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 legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is acquired by the United States within the boundary of the Special Management Area shall—

(1) only occur through donation or exchange with the written consent of the property owner;

(2) become part of the Special Management Area;

(3) be withdrawn in accordance with subsection (g); and

(4) be managed in accordance with—

(A) this Act; and

(B) any other applicable laws.

(e) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(f) STATE AND FEDERAL WATER MANAGEMENT.—Nothing in this section shall affect the development, operation, or maintenance of a water storage reservoir, including necessary ancillary roads and transmission infrastructure, at the site in the Special Management Area that is identified in—

(1) pages 17 through 20 of the Statewide Water Supply Initiative studies prepared by the Colorado Water Conservation Board and issued by the State in November 2004; and

(2) page 27 of the Colorado Dam Site Inventory prepared by the Colorado Water Conservation Board and dated August 1996.

(g) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land within the Special Management Area is withdrawn from—

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

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

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

(h) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—The Special Management Area designated by subsection (a) or the wilderness designated by the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by sections 7(a) and 10(b)) shall not create a protective perimeter or buffer zone around the Special Management Area or wilderness.

(2) OTHER ACTIVITIES.—The fact that activities or uses can be seen, heard, or detected from areas within the wilderness designated by the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by sections 7(a) and 10(b)) shall not preclude, limit, control, regulate, or determine the conduct of the activities or uses outside the boundary of the wilderness.

(i) WINTER SKIING AND RELATED WINTER ACTIVITIES.—Nothing in this Act alters or limits—

(1) a permit held by a ski area;

(2) the implementation of the activities governed by a ski area permit; or

(3) the authority of the Secretary to modify or expand an existing ski area permit.

(j) VEGETATION MANAGEMENT.—Nothing in this section prevents the Secretary from conducting vegetation management projects within the Special Management Area—

(1) subject to—

- (A) such reasonable regulations, policies, and practices as the Secretary determines appropriate; and
- (B) all applicable laws (including regulations); and
- (2) in a manner consistent with—
  - (A) the purposes and management described in section 2; and
  - (B) this section.

(k) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with this section, the Secretary is authorized to take any measures that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Special Management Area. The Secretary is further authorized to coordinate such measures with the appropriate State or local agency, should the Secretary determine such coordination to be necessary.

(l) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for the long-term protection and management of the Special Management Area that—

- (1) takes into account public input and the purposes in section 2; and
- (2) provides for the recreational opportunities referred to in section 2(6) to occur within the Special Management Area.

#### SEC. 6. STATE WATER RIGHTS.

Nothing in section 5 affects access to, use, or allocation of any absolute or conditional water right decreed under the laws of the State and in existence on the date of enactment of this Act.

#### SEC. 7. HERMOSA CREEK WILDERNESS.

(a) DESIGNATION OF WILDERNESS.—Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) is amended by adding at the end the following:

“(22) Certain land within the San Juan National Forest which comprise approximately 37,236 acres, as generally depicted on the Map, and which shall be known as the ‘Hermosa Creek Wilderness’.”

(b) EFFECTIVE DATE.—Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering the wilderness area designated by section 2(a)(22) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by subsection (a)).

(c) FIRE, INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by section 2(a)(22) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by subsection (a) and section 10(b)), the Secretary may take any measure that the Secretary determines to be necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

#### SEC. 8. DURANGO AREA MINERAL WITHDRAWAL.

(a) WITHDRAWAL.—Subject to valid existing rights, the land and mineral interests described in subsection (b) are withdrawn from all forms of—

- (1) entry, appropriation, or disposal under public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) disposition under all laws relating to mineral leasing, geothermal leasing, or mineral materials.

(b) DESCRIPTION OF LAND AND MINERAL INTERESTS.—The land and mineral interests referred to in subsection (a) are the Federal land and mineral interests generally depicted within the “Withdrawal Areas” on the map entitled “Perins Peak & Animas City Mountain, Horse Gulch and Lake Nighthorse Mineral Withdrawal” and dated April 5, 2013.

(c) BUFFER.—Nothing in this section shall require—

- (1) the creation of a protective perimeter or buffer area outside the boundaries of the withdrawal area described in subsection (b); or
- (2) any prohibition or limitation on activities outside of the boundaries of the withdrawal area described in subsection (b) that can be seen, heard, or detected from within the boundaries of the withdrawal area.

(d) PUBLIC PURPOSE CONVEYANCE.—Notwithstanding subsection (a), the Secretary may convey any portion of the land described in subsection (b) to the City, the County, or the State—

- (1) pursuant to the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.); or
- (2) by exchange in accordance with applicable laws (including regulations).

**SEC. 9. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND TO LA PLATA COUNTY.**

(a) **IN GENERAL.**—On the expiration of the permit numbered COC 64651 (09) and dated February 24, 2009, upon request and agreement of the County, the Secretary of the Interior shall convey to the County, without consideration and subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b), subject to such terms and conditions as the Secretary determines to be necessary.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of approximately 111 acres of land managed by the Bureau of Land Management, Tres Rios District, Colorado, as generally depicted on the map entitled “La Plata County Grandview Conveyance” and dated March 27, 2013.

**(c) MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall finalize the legal description of the parcel to be conveyed under this section.

(2) **MINOR ERRORS.**—The Secretary of the Interior may correct any minor error in—

- (A) the map; or
- (B) the legal description.

(3) **AVAILABILITY.**—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) **ADMINISTRATIVE COSTS.**—As a condition of the conveyance under subsection (a), the Secretary of the Interior shall require the County to pay all administrative costs and costs associated with the conveyance.

**SEC. 10. MOLAS PASS RECREATION AREA; WEMINUCHE WILDERNESS ADDITION; WILDERNESS STUDY AREA RELEASE.****(a) MOLAS PASS RECREATION AREA.**—

(1) **DESIGNATION.**—The approximately 461 acres of land in San Juan County, Colorado, that is generally depicted as “Molas Pass Recreation Area” on the map entitled “West Needles Contiguous Wilderness Study Area” and dated September 11, 2014, is designated as the Molas Pass Recreation Area.

**(2) LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a legal description of the Molas Pass Recreation Area.

(B) **FORCE OF LAW.**—The legal description under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any errors in the legal description.

(C) **PUBLIC AVAILABILITY.**—The legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(3) **USE OF SNOWMOBILES.**—The use of snowmobiles shall be authorized in the Molas Pass Recreation Area—

- (A) during periods of adequate snow coverage;
- (B) in accordance with the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et seq.) and applicable laws and regulations;
- (C) on designated trails identified as “Winter Use Routes and Grooming Trails” and “Historic Snow Dependent Use Route” on the map entitled, “Winter Use Routes and Grooming Trails” and dated September 11, 2014;
- (D) in designated areas for open area motorized travel; and
- (E) subject to such terms and conditions as the Secretary may require; however, the Secretary shall not close any road or trail, or a portion of a road or trail, in the Molas Pass Recreation Area without simultaneously opening a road or trail, or a portion of a road or trail, of equivalent value in the immediate vicinity; further, nothing in this subparagraph shall prevent the Secretary from temporarily closing a road or trail for reasons of public safety.

(4) **OTHER RECREATIONAL OPPORTUNITIES.**—The Secretary shall authorize other recreational uses in the Molas Pass Recreation Area including, but not limited to, mountain biking.

**(b) WEST NEEDLES CONTIGUOUS WSA ADDITION TO THE WEMINUCHE WILDERNESS.**—

(1) **WILDERNESS ADDITION.**—Section 2(a)(16) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) is amended by striking “Certain” and inserting “Certain lands within the San Juan National Forest which comprise approximately 499 acres generally depicted as ‘Weminuche Wilderness Addition’ on the map entitled

'West Needles Contiguous Wilderness Study Area' and dated September 11, 2014, and certain".

(2) EFFECTIVE DATE.—Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering the wilderness area designated by section 2(a)(16) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77; 107 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as added by paragraph (1)).

(3) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the Federal land designated as wilderness under paragraph (1) is transferred from the Bureau of Land Management to the Forest Service.

(c) RELEASE.—

(1) FINDING.—Congress finds that the land described in paragraph (3) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(2) RELEASE.—Any public land described in paragraph (3)—

(A) is no longer subject to—

(i) section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) Secretarial Order 3310 issued on December 22, 2010; and

(B) shall be managed in accordance with land management plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(3) DESCRIPTION OF LAND.—The land referred to in paragraphs (1) and (2) is the approximately 461 acres of land in the West Needles Contiguous Wilderness Study Area of San Juan County, Colorado, that is generally depicted as "Molas Pass Recreation Area" on the map entitled "West Needles Contiguous Wilderness Study Area" and dated September 11, 2014.

**SEC. 11. MILITARY OVERFLIGHTS.**

Nothing in this Act restricts or precludes—

(1) low-level overflights of military aircraft over the areas designated as wilderness under this Act, including military overflights that can be seen, heard, or detected within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over the wilderness areas.

**PURPOSE OF THE BILL**

The purpose of H.R. 1839 is to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness.

**BACKGROUND AND NEED FOR LEGISLATION**

H.R. 1839 would name 107,886 acres of the San Juan National Forest in Colorado as the Hermosa Creek Watershed Protection Area. Of the 107,886 acres, 68,289 acres would be designated as the "Hermosa Creek Special Management Area" and 37,236 acres would be designated as the "Hermosa Creek Wilderness." The purpose of the Special Management Area is to conserve and protect the watershed, geological, cultural, natural, scientific, recreational, wildlife, riparian, historical, educational, and scenic resources of the area. The bill requires a management plan for the Special Management Area within three years of enactment and specifically identifies by map where mechanized and motorized (over-snow vehicles) activities will occur in perpetuity. Traditional economic activities, such as grazing and winter skiing, will also be allowed to continue in the Special Management Area.

H.R. 1839 would withdraw approximately 13,000 acres in the Durango, Colorado, area from location, entry, and patent under mining laws as well as disposition under laws relating to mineral leasing, geothermal leasing, or mineral materials. Furthermore, the

bill directs the Secretary of the Interior to convey a parcel of approximately 111 acres managed by the Bureau of Land Management to La Plata County for uses consistent with the Recreation and Public Purposes Act and subject to valid existing rights. Finally, H.R. 1839 would release approximately 461 acres of the West Needles Contiguous Wilderness Study Area from wilderness study status and add the other 499 acres to the existing Weminuche Wilderness.

H.R. 1839 is the result of significant consultation with affected stakeholders. It reflects the demands of the local stakeholders and meets the needs of recreationists and the neighboring community. H.R. 1839 offers a balanced approach to the designation of wilderness with the creation of a permanent recreation area, guaranteeing that historic activities and recreation like snowmobiling can occur with the same permanency as the wilderness receives.

#### COMMITTEE ACTION

H.R. 1839 was introduced on May 6, 2013, by Congressman Scott R. Tipton (R-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on Energy and Mineral Resources and Public Lands and Environmental Regulation. On March 6, 2014, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On September 18, 2014, the Natural Resources Committee met to consider the bill. The Subcommittees on Energy and Mineral Resources and Public Lands and Environmental Regulation were discharged by unanimous consent. Congressman Scott Tipton offered an amendment in the nature of a substitute designated .048 to the bill. Congressman Rob Bishop (R-UT) offered an amendment to the amendment in the nature of a substitute designated #1; the amendment was adopted by voice vote. The amendment in the nature of a substitute, as amended, was adopted by voice vote. No further amendments were offered and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 22 to 18, as follows:

## Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: September 18, 2014

Recorded Vote #: 4

Meeting on / Amendment on: **H.R. 1839- TO REPORT**, Adopted and favorably reported to the House of Representatives, as amended, by a roll call vote of 22 yeas and 18 nays.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Hastings, WA, Chairman</b>	X			<b>Mr. Duncan of SC</b>	X		
<i>Mr. DeFazio, OR, Ranking</i>		X		<i>Mr. Cardenas, CA</i>		X	
<b>Mr. Young, AK</b>				<b>Mr. Tipton, CO</b>	X		
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Huffman, CA</i>		X	
<b>Mr. Gohmert, TX</b>				<b>Mr. Gosar, AZ</b>			
<i>Mr. Pallone, NJ</i>		X		<i>Mr. Ruiz, CA</i>		X	
<b>Mr. Bishop, UT</b>	X			<b>Mr. Labrador, ID</b>	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Ms. Shea-Porter, NH</i>		X	
<b>Mr. Lamborn, CO</b>				<b>Mr. Southerland, FL</b>	X		
<i>Mr. Holt, NJ</i>		X		<i>Mr. Lowenthal, CA</i>		X	
<b>Mr. Wittman, VA</b>	X			<b>Mr. Flores, TX</b>	X		
<i>Mr. Grijalva, AZ</i>		X		<i>Mr. Garcia, FL</i>		X	
<b>Mr. Broun, GA</b>	X			<b>Mr. Runyan, NJ</b>	X		
<i>Ms. Bordallo, GU</i>		X		<i>Mr. Cartwright, PA</i>		X	
<b>Mr. Fleming, LA</b>	X			<b>Mr. Mullin, OK</b>	X		
<i>Mr. Costa, CA</i>	X			<i>Ms. Clark, MA</i>		X	
<b>Mr. McClintock, CA</b>	X			<b>Mr. Daines, MT</b>	X		
<i>Mr. Sablan, CNMI</i>		X		<b>Mr. Cramer, ND</b>	X		
<b>Mr. Thompson, PA</b>	X			<b>Mr. LaMalfa, CA</b>	X		
<i>Ms. Tsongas, MA</i>		X		<b>Mr. Smith, MO</b>	X		
<b>Mrs. Lummis, WY</b>	X			<b>Mr. McAllister, LA</b>	X		
<i>Mr. Pierhüsi, PR</i>		X		<b>Mr. Byrne, AL</b>			
<b>Mr. Benishek, MI</b>	X			<i>Vacancy</i>			
<i>Ms. Hanabusa, HI</i>		X					
				<b>TOTALS</b>	22	18	

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee believes that enactment of this bill will not have a significant effect on the federal budget.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness.

## EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

## COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

## COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**COLORADO WILDERNESS ACT OF 1993**

\* \* \* \* \*

**SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.**

(a) ADDITION.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 3,390 acres, as generally depicted on a map entitled “American Flats Additions to the Big Blue Wilderness Proposal (American Flats)”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96–560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 815 acres, as generally depicted on a map entitled “Bill Hare Gulch and Larson Creek Additions to the Big Blue Wilderness”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96–560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 43,410 acres, as generally depicted on a map entitled “Buffalo Peaks Wilderness Proposal”, dated January, 1993, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest and in the Powderhorn Primitive Area administered by the Bureau of Land Management which comprise approximately 60,100 acres, as generally depicted on a map entitled “Powderhorn Wilderness Proposal”, dated January, 1993, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,750 acres, as generally depicted on a map entitled “Davis Peak Additions to Mount Zirkel Wilderness Proposal”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88–555, as amended by Public Law 96–560.

(6) Certain lands in the Gunnison National Forests which comprise approximately 33,060 acres, as generally depicted on

a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993, and which shall be known as the Fossil Ridge Wilderness.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated January, 1993, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike National Forest which comprise approximately 14,700 acres, as generally depicted on a map entitled "Lost Creek Wilderness Addition Proposal", dated January, 1993, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96-560: *Provided*, That the Secretary is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Gunnison National Forests which comprise approximately 5,500 acres, as generally depicted on a map entitled "O-Be-Joyful Addition to the Raggeds Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96-560.

(10) Certain lands in the Rio Grande and San Isabel National Forests and lands in the San Luis Resource Area administered by the Bureau of Land Management which comprise approximately 226,455 acres, as generally depicted on four maps entitled "Sangre de Cristo Wilderness Proposal (North Section)", "Sangre de Cristo Wilderness Proposal (North Middle Section)", "Sangre de Cristo Wilderness Proposal (South Middle Section)", and "Sangre de Cristo Wilderness Proposal (South Section)", all dated January, 1993, and which shall be known as the Sangre de Cristo Wilderness.

(11) Certain lands in the Routt National Forest which comprise approximately 47,140 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal (Sarvis Creek Wilderness)", dated January, 1993, and which shall be known as the Sarvis Creek Wilderness.

(12) Certain lands in the San Juan National Forest which comprise approximately 31,100 acres, as generally depicted on two maps, one entitled "South San Juan Wilderness Expansion Proposal, Montezuma Peak" and the other entitled "South San Juan Wilderness Expansion Proposal, V-Rock Trail", both dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public Law 96-560.

(13) Certain lands in the White River National Forest which comprise approximately 18,330 acres, as generally depicted on a map entitled "Spruce Creek Addition to the Hunter-Fryingpan Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be part of the Hunter-Fryingpan Wilderness designated by Public Law 95-327: *Provided*, That no right, or claim of right, to the diversion and use of waters by the Fryingpan-Arkansas Project shall be

prejudiced, expanded, diminished, altered, or affected by this Act, nor shall anything in this Act be construed to expand, abate, impair, impede limit, interfere with, or prevent the construction, operation, use, maintenance, or repair of the project facilities and diversion systems to their full extent.

(14) Certain lands in the Arapaho National Forest which comprise approximately 8,095 acres, as generally depicted on a map entitled “Byers Peak Wilderness Proposal”, dated January, 1993, and which shall be known as the Byers Peak Wilderness.

(15) Certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled “Vasquez Peak Wilderness Proposal”, dated January, 1993, and which shall be known as the Vasquez Peak Wilderness.

(16) **[Certain]** *Certain lands within the San Juan National Forest which comprise approximately 499 acres generally depicted as “Weminuche Wilderness Addition” on the map entitled “West Needles Contiguous Wilderness Study Area” and dated September 11, 2014, and certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a man entitled “West Needle Wilderness Proposal and Weminuche Additions”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93–632, as amended by Public Law 96–560.*

(17) Certain lands in the Rio Grande National Forest which comprise approximately 25,640 acres, as generally depicted on a map entitled “Wheeler Addition to the La Garita Wilderness Proposal”, dated January, 1993, and which shall be incorporated in and shall be deemed to be a part of the La Garita Wilderness designated by Public Law 96–560.

(18) Certain lands in the Arapaho National Forest which comprise approximately 13,175 acres, as generally depicted on a map entitled “Farr Wilderness Proposal”, dated January, 1993, and which shall be known as the Ptarmigan Peak Wilderness.

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled “Bowen Gulch Additions to Never Summer Wilderness Proposal”, dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Never Summer Wilderness designated by Public Law 96–560.

(20) **SPANISH PEAKS WILDERNESS.**—Certain land in the San Isabel National Forest that—

(A) comprises approximately 18,000 acres, as generally depicted on a map entitled “Proposed Spanish Peaks Wilderness”, dated February 10, 1999; and

(B) shall be known as the “Spanish Peaks Wilderness”.

(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.

*(22) Certain land within the San Juan National Forest which comprise approximately 37,236 acres, as generally depicted on the Map, and which shall be known as the "Hermosa Creek Wilderness".*

(b) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a boundary description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary is authorized to correct clerical and typographical errors in such boundary descriptions and maps. Such 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 the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

\* \* \* \* \*

## DISSENTING VIEWS

### H.R. 1839: HERMOSA CREEK WATERSHED PROTECTION ACT OF 2013

We oppose H.R. 1839 in its current form because it overrides years of hard work conducted by local stakeholders in Southwest Colorado and is now riddled with unworkable, ideological provisions that will prevent unanimous support, moving forward. The bill as introduced was a shining example of ground-up legislation that went through a painstaking process of local stakeholder outreach and included comprehensive measures designed to get full buy-in from the diverse local collaborative group. Subsequently, H.R. 1839 garnered bipartisan, bicameral support by Colorado's congressional delegation.

But like many good, bipartisan bills that come before the Committee on Natural Resources, the majority insisted on including precedent-setting language in line with narrow ideological interests that undermine the bill's intent, and prevent permanent protections of the area's critical natural resources. During markup, the majority introduced an Amendment in Nature of a Substitute (ANS) which included hard-release language that would restrict areas from ever being considered for Wilderness protection under the Wilderness Act. This is yet another attempt by the majority to micro-manage the federal government and leave America's treasured landscapes open for development.

Furthermore, the majority included in the ANS, language that would apply a "no-net loss" road policy that would require the opening of a new road if an existing road is closed. Congress has no business requiring such an unworkable policy on the land managers. There are a variety of legitimate circumstances for land managers to close roads, and they should not be required to make trade-offs when closing roads for any reason.

The ANS destroys the heart of the original proposal which was to provide a delicate balance that protects the Hermosa Creek Watershed which supplies drinking water to the communities of southwest Colorado while simultaneously allowing for multiple-use, including development in designated areas, by removing substantive provisions that change the management objectives of the area. Stakeholders worked carefully to craft the bill to provide guidance on how the area should be managed. Now, the bill severely undermines the intent of the original stakeholder-driven bill and tips the scales in favor of more development over conservation.

Furthermore, the majority insists on tying the hands of federal land managers, refuses to fund agencies adequately, and works to shut down the government. These actions show how out of touch the majority is on formulating actual workable policy in favor of narrow interests. H.R. 1839 is irresponsible public policy and therefore we cannot support the bill.

PETER DEFAZIO,  
*Ranking Member, Committee  
on Natural Resources.*

RAÚL GRIJALVA,  
*Ranking Member, Sub-  
committee on Public Lands  
and Environmental Regu-  
lation.*

○