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REFERENCE: Vol. 137 No. 121

TITLE: COLORADO WILDERNESS ACT

SPEAKER: Mr. BROWN; Mr. GRASSLEY; Mr. HEFLIN; Mr. METZENBAUM; Mr. MITCHELL; Mr. STEVENS; Mr. WELLSTONE; Mr. WIRTH

TEXT: [\*S12018] Mr. WIRTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 193, S. 1029, the Colorado Wilderness Act of 1991.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1029) to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purpose.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Wilderness Act of 1991".

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) Additions. -- 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 Basin Resource Area administered by the Bureau of Land Management which comprise approximately 1,470 acres, as generally depicted on a

map entitled "American Flats Additions to the Big Blue Wilderness -- Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness designated by Public Law 96-560;

(2) certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 140 acres, as generally depicted on a map entitled "Larson Creek Addition to the Big Blue Wilderness -- Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness designated by Public Law 96-560;

(3) certain lands in the Pike and San Isabel National Forests which comprise approximately 40,150 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness -- Proposal", dated May 1991, and which shall be known as the Buffalo Peaks Wilderness;

(4) certain lands in the Gunnison National Forest and in the Bureau of Land Management Powderhorn Primitive Area which comprise approximately 60,100 acres as generally depicted on a map entitled "Powderhorn Wilderness -- Proposal", dated May 1991, and which shall be known as the Powderhorn Wilderness;

(5) certain lands in the Routt National Forest which comprise approximately 17,300 acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness Proposal", dated May 1991, 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;

(6) 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 May 1991, and which shall be known as the Greenhorn Mountain Wilderness;

(7) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 32,000 acres as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated May 1991, and which shall be known as the Fossil Ridge Wilderness Area;

(8) certain lands within the Pike and San Isabel National Forests which comprise approximately 13,830 acres, as generally depicted on a map entitled "Lost Creek Wilderness Proposal", dated May 1991, 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 of Agriculture (hereinafter in this Act referred to as 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 Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 5,000 acres, as generally depicted on a map entitled "Oh-Be-

Joyful Addition to the Raggeds Wilderness -- Proposal", dated May 1991, 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 San Juan National Forest which comprise approximately 56,000 acres, as generally depicted on a map entitled "Piedra Wilderness", dated July 1991 and which shall be known as the Piedra Wilderness;

(11) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 18,000 acres, as generally depicted on a map entitled "Roubideau Wilderness -- Proposal", dated May 1991, and which shall be known as the Roubideau Wilderness;

(12) certain lands in the Rio Grande National Forest which comprise approximately 207,330 acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness -- Proposal", dated May 1991, and which shall be known as the Sangre de Cristo Wilderness;

(13) certain lands in the Routt National Forest which comprise approximately 44,000 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated May 1991, which shall be known as the Sarvis Creek Wilderness: PROVIDED, That the Secretary is authorized to acquire by purchase, donation, or exchange, lands or interests therein within the boundaries of the Sarvis Creek Wilderness only with the consent of the owner thereof;

(14) certain lands in the San Juan National Forest which comprise approximately 15,920 acres as generally depicted on a map entitled "South San Juan Expansion Wilderness -- Proposal", (V- Rock Trail and Montezuma Peak), dated May 1991, 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;

[\*s12019] (15) certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness -- Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a 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 the waters of Hunter Creek, the Fryingpan or Roaring Fork Rivers, or any tributaries of said creeks or rivers, by the Fryingpan-Arkansas Project, Public Law 87-590, and the reauthorization thereof by Public Law 93-493, as modified as proposed in the September 1959 report of the Bureau of Reclamation entitled "Ruedi Dam and Reservoir, Colorado," and as further modified and described in the description of the proposal contained in the final environmental statement for said project, dated April 16, 1975, under the laws of the State of Colorado, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said Fryingpan-Arkansas Project facilities, nor the operation

thereof, pursuant to the Operating Principles, House Document 187, Eighty-third Congress, and pursuant to the water laws of the State of Colorado: AND PROVIDED FURTHER, That nothing in this Act shall be construed to impede, limit, or prevent the use of the Fryingspan-Arkansas Project of its diversion systems to their full extent;

(16) certain lands in the Arapaho National Forest which comprise approximately 7,630 acres, as generally depicted on a map entitled "St. Louis Peak Wilderness -- Proposal", dated May 1991, and which shall be known as Byers Peak Wilderness;

(17) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests and in the Bureau of Land Management Montrose District which comprise approximately 16,740 acres, as generally depicted on a map entitled "Tabeguache Wilderness -- Proposal", dated May 1991, and which shall be known as the Tabeguache Wilderness;

(18) 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 May 1991, and which shall be known as the Vasquez Peak Wilderness;

(19) certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness and Weminuche Wilderness Addition -- Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93-632;

(20) certain lands in the Rio Grande National Forest which comprise approximately 23,100 acres, as generally depicted on a map entitled "Wheeler Additions to the La Garita Wilderness -- Proposal", dated May 1991, and which shall be incorporated into and shall be deemed to be a part of the La Garita Wilderness;

(21) certain lands in the Arapaho National Forest which comprise approximately 12,100 acres, as generally depicted on a map entitled "Williams Fork Wilderness -- Proposal", dated May 1991, and which shall be known as the Farr Wilderness; and

(22) certain lands in the Arapaho National Forest which comprise approximately 6,400 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness -- Proposal", dated May 1991, which are hereby incorporated into and shall be deemed to be a part of the Never Summer Wilderness.

(b) Maps and Description. -- As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a legal 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 Interior and Insular Affairs 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 Secretary is authorized to correct clerical and typographical errors in such legal descriptions and maps. Such maps and legal 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.

### SEC. 3. WATER RIGHTS.

(a) Findings. -- The Congress finds that –

(1) since virtually all of the lands designated as wilderness by this Act lie at the headwaters of streams and rivers that arise on those lands, the designation of these lands as wilderness poses few, if any, conflicts with existing water users in view of the provisions of this Act, and the land management agencies can protect these wilderness lands and their water-related resources without asserting either implied or express reserved water rights;

(2) these particular headwaters areas are not appropriate for new water projects;

(3) while the Piedra Wilderness designated by section 2(a)(10) of this Act is located downstream of numerous State-granted conditional and absolute water rights, the Forest Service can adequately protect the water-related resources of this wilderness area by working in coordination with the Colorado Water Conservation Board through a contractual agreement between the Secretary and the Board (as provided in subsection (e) of this section) to protect and enforce instream flow filings established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Colorado Water Court for Division 7; and

(4) the water-related values of the existing Platte River Wilderness will be adequately protected by the terms of the equitable apportionment decree that the United States Supreme Court has issued for allocation of the waters of the North Platte River and its tributaries.

(b) Water Rights. -- (1) Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied reservation of water or water rights arising from –

(A) wilderness designation for the lands designated as wilderness by this Act;

(B) the establishment of the Fossil Ridge National Conservation Area pursuant to section 6 of this Act; or

(C) the establishment of the Bowen Gulch Backcountry Recreation Area pursuant to section 7 of this Act.

(2) The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness by this Act pursuant to the substantive and procedural requirements of the State of Colorado: PROVIDED, That

nothing in this Act shall be construed to authorize the use of eminent domain to acquire water rights for such lands.

(3) Notwithstanding any other provision of law, no officer of the United States shall authorize or issue a permit for the development of a new water resource facility within the wilderness areas designated by this Act: PROVIDED, That nothing in this Act shall affect irrigation, pumping and transmission facilities, and water facilities in existence within the boundaries of such wilderness areas, nor shall anything in this Act be construed to limit operation, maintenance, repair, modification or replacement of existing facilities as provided in paragraph (f) of this section.

(c) Piedra Wilderness. -- The Secretary shall enter into an agreement with the Colorado Water Conservation Board to protect and enforce instream flow filings established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Water Court of Water Division 7 of the State of Colorado, and neither the United States nor any other person shall assert any rights for water in the Piedra River for wilderness purposes except those established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Water Court of Water Division 7 of the State of Colorado.

(d) North Platte River. -- Notwithstanding the provisions of this Act or any prior Acts of Congress to the contrary, neither the United States nor any other person shall assert any rights which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness established by Public Law 98-550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of valid water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be junior and subordinate to use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

(e) Interstate Compacts. -- Nothing in this Act shall be deemed to alter, modify, or amend any interstate compact or equitable apportionment decree affecting the allocation of water between or among the State of Colorado and other States nor the full use and development of such waters, and nothing in this title shall affect or limit the use or development by holders of valid water rights of Colorado's full apportionment of such waters.

(f) Access. -- Reasonable access shall be allowed to existing water diversion, carriage, storage and ancillary facilities within the wilderness areas designated by this Act, including motorized access where necessary and customarily employed on existing routes. The present diversion, carriage and storage capacity of existing water facilities, and the present condition of existing access routes, may be operated, maintained, repaired and replaced as necessary to maintain serviceable conditions: PROVIDED, That, unless authorized by applicable statute: (i) the original function and impact of an existing

facility or access route on wilderness values shall not be increased as a result of changes in operation; (ii) existing facilities and access routes shall be maintained and repaired when necessary to prevent increased impacts on wilderness values; and (iii) the original function and impact of existing facilities and access routes on wilderness values shall not be increased subsequent to maintenance, repair, or replacement.

(g) Precedents. -- Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness [\*S12020] designations, nor shall it constitute an interpretation of any other Act or any wilderness designation made pursuant thereto.

#### SEC. 4. ADMINISTRATION OF THE WILDERNESS AREAS.

(a) In General. -- (1) Subject to valid existing rights, each wilderness area designation by this Act shall be administered by the Secretary or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (1), (2), and (12) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service.

(b) Grazing. -- (1) Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560.

(2) Review. -- The Secretary of the Interior is directed to review all policies, practices, and regulations of the Bureau of Land Management-administered wilderness areas in Colorado to ensure that such policies, practices, and regulations full conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in this Act.

(c) State Jurisdiction. -- As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) Repeal of Wilderness Study and Further Planning Areas Status. -- (1) Public Law 96-560 is amended by striking sections 105(c) and 106(b).

(2) Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System".

(e) Buffer Zones. -- Congress does not intend that the designation by this Act of wilderness area areas in the State of Colorado creates or implies the creation of protective

perimeters or buffer zones around any wilderness area. The fact that non-wilderness activities or uses can be seen or heard from within a wilderness areas shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

#### SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) Findings. -- The Congress finds that --

(1) the Department of Agriculture has adequately met the wilderness study requirements of Public Law 96-560, Public Law 95-237, and section 12(g) of Public Law 98-141;

(2) the initial Land and Resource Management Plans and associated environmental impact statements (hereinafter referred to as "land and resource management plans") for the National Forests in the State of Colorado have been completed as required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1976;

(3) the Department of Agriculture, with substantial public input, has reviewed the wilderness potential of these and other areas; and

(4) the Congress has made its own examination of National Forest System roadless areas in the State of Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that --

(1) with respect to the National Forest System lands in the State of Colorado that were reviewed by the Department of Agriculture in wilderness studies conducted pursuant to Public Law 95-237, Public Law 96-560, and section 12(g) of Public Law 98-141, and the initial land and resource management plans, such reviews shall be deemed for the purposes of the initial land and resource management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless prior to such time the Secretary finds that conditions in a unit have significantly changed;

(2) except as may be specifically provided in sections 6 and 7 of this Act, those areas in the State of Colorado referred to in subparagraph (1) of this subsection which were not designated as wilderness shall be managed for multiple use in accordance with land and resource management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: PROVIDED, That such areas need not be managed for the purpose of protecting

their suitability for wilderness designation prior to or during revision of the initial land and resource management plans;

(3) in the event that revised land and resource management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable laws, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) Revisions. -- As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) Application of Section. -- The provisions of this section shall also apply to those National Forest System roadless lands in the State of Colorado that are less than 5,000 acres in size.

## SEC. 6. FOSSIL RIDGE NATIONAL CONSERVATION AREA.

(a) Establishment. -- (1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge National Conservation Area (hereinafter referred to as the "conservation area").

(2) The conservation area shall consist of certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado, which comprise approximately 43,900 acres as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated May 1991.

(b) Administration. -- The Secretary shall administer the conservation area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal. -- Subject to valid existing rights, all lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public

land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) Timber Harvesting. -- No timber harvesting shall be allowed within the conservation area except for the minimum necessary to protect the forest from insects and disease, and for public safety.

(e) Livestock Grazing. -- The designation of the conservation area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the conservation area.

(f) Development. -- No developed campgrounds shall be constructed within the conservation area. After the date of enactment of this Act, no new roads or trails may be constructed within the conservation area.

(g) Off-Road Recreation. -- Motorized travel shall be permitted within the conservation area only on those designated trails and routes existing as of July 1, 1991.

#### SEC. 7. BOWEN GULCH BACKCOUNTRY RECREATION AREA.

(a) Establishment. -- (1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch backcountry recreation area (hereinafter referred to as the "backcountry recreation area").

(2) The backcountry recreation area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 6,800 acres as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated May, 1991.

(b) Administration. -- The Secretary shall administer the backcountry recreation area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal. -- Subject to valid existing rights, all lands within the backcountry recreation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) Development. -- No developed campgrounds shall be constructed within the backcountry recreation area. After the date of enactment of this Act, no new roads or trails may be constructed within the backcountry recreation area.

(e) Timber Harvesting. -- No timber harvesting shall be allowed within the backcountry recreation area except for the minimum necessary to protect the forest from insects and disease, and for public safety.

(f) Motorized Travel. -- Motorized travel shall be permitted within the backcountry recreation area only on those designated trails and routes existing as of July 1, 1991 and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the backcountry recreation area.

[\*S12021] (g) Management Plan. -- During the preparation of the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the backcountry recreation area, after providing for public consultation.

#### AMENDMENT NO. 1044

Mr. WIRTH. Mr. President, on behalf of myself and Senator Brown, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. Wirth] (for himself and Mr. Brown) proposes an amendment numbered 1044.

Section 2(a)(10) is amended by striking "Piedra Wilderness;" and inserting in lieu thereof, "Piedra Wilderness: PROVIDED, That no motorized travel shall be permitted on Forest Service trail number 535, except for snowmobile travel during periods of adequate snow cover;".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1044) was agreed to.

Mr. WIRTH. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWN. Mr. President, today Senator Wirth and I bring S. 1029, the Colorado Wilderness Act of 1991, to the floor. Today is also Colorado Day. Colorado is the "Rocky Mountain State," and no matter where you are, the mention of Colorado instills images of awe-inspiring mountain views, crystal-clear mountain streams, and pristine forests. I cannot think of a more meaningful way for the Senate to observe Colorado Day than to pass S. 1029, which will honor the citizens of Colorado and the Nation by preserving some of the most spectacular mountains in Colorado for future generations.

The rugged Rocky Mountains have determined the very course of Colorado's growth since the first settlers came in search of gold in 1858. "Pikes Peak or Bust" was the inspirational rallying cry to thousands of people heading west. Yet, throughout its history, westerners have recognized the need to conserve its vast natural resources and its natural heritage.

Congress also recognized the need to preserve America's heritage when it began to designate land for Federal protection. It has done so in several ways, each with a separate purpose.

In 1872, President Grant persuaded Congress to create the Yellowstone, the world's first National Park open to everyone. There had been parks and reserves in Europe, but access was limited to the elite, the royal and the rich. What made American national parks unique was that they were meant for the enjoyment of every citizen "by such means as will leave them unimpaired for the enjoyment of future generations."

Other Federal lands are managed for multiple use by agencies such as the Bureau of Land Management and the Forest Service. For these Federal lands, conservation is the main objective with appropriate commercial utilization of the land. These areas balance the need for mining, grazing, and timbering with recreational use.

In 1964, Congress set aside some 493,000 acres of Colorado for wilderness preservation. By 1980, 2.64 million acres of Colorado wilderness had been designated by Congress for future generations to use for hiking, fishing, hunting, and camping.

Since that bill was enacted in 1980, Senator Hart, Senator Armstrong, Senator Wirth, Congressman Allard, Congressman Campbell, Congressman Kogosvek, Congressman Skaggs, Congressman Strang, and Congressman Schaefer have each introduced wilderness bills, only to find that the attempts to address the legitimate concerns of recreational users, environmentalists, and water users had been overcome by an entrenched and highly emotional ideological debate that prevented passage of a wilderness bill. As a result, not one foot of Colorado ground has been designated as wilderness since passage of the 1980 Colorado Wilderness Act.

Senator Wirth and I have been working with community leaders and water and environmental experts since last year to break the stalemate which has existed since 1980. Today, Colorado and the Nation have a unique opportunity to preserve some of the State's last remaining wild heritage. Introduced by Senator Wirth and myself, S. 1029, the Colorado Wilderness Act of 1991, will protect 641,420 acres as wilderness as well as create 43,900 acres as National Conservation Areas. This is more land than the entire State of Rhode Island. Yet, each one of these areas has a unique beauty and a variety of wildlife to offer every visitor. S. 1029 is a careful compromise of many competing interests. Changes in the language or the boundaries will destroy the careful balance we have reached in protecting wilderness and Colorado's water rights system. Enacting this bill will preserve 641,420 acres of additional Colorado wilderness lands for future generations.

S. 1029 is primarily a headwaters wilderness bill. Of these 22 areas, the U.S. Forest Service or the Bureau of Land Management specifically studied each of these areas and recommended 453,393 acres to be added to the wilderness system. Senator Wirth and I included an additional 188,027 acres which were studied but not recommended by the U.S. Forest Service and the BLM, and also included 42,530 acres in three areas that were not studied or recommended for inclusion as wilderness.

As the Denver Post editorial on May 15, 1991 said:

In the Fossil Ridge area northeast of Gunnison, for example, the measure would allow travel only by foot or by horseback in the pristine core of the wilderness, but would tolerate the use of dirt bikes on existing trails in three adjoining tracts to be designated as a "National Conservation Area."

The Forest Service recommended that Fossil Ridge not be designated as wilderness. This compromise was worked out with the agreement of all the groups involved, and protects the land that should be wilderness from development, but provides an alternative area for recreation by trail bike users.

Again, in the area northwest of Grand Lake, the Forest Service recommended that the area not be designated as wilderness. Congressman Skaggs' bill recommended its inclusion in wilderness. The Denver Post commented:

The bill would keep snowmobiles out of the heart of Bowen Gulch, but allow them in an equally large area of old growth timber just to the south.

One of the largest areas to be protected is in Colorado's most majestic mountain range, the Sangre de Cristo. Home to three of the State's 14,000-foot peaks, this area contains some of the most beautiful back-country with cascading waterfalls and sparkling, trout-filled streams. In addition, the Sangre de Cristo provides winter range for deer, elk, and bighorn sheep. Adjacent to the Great Sand Dunes, this wilderness area will provide the people of Colorado some of the most spectacular recreational opportunities in the State.

Up near Steamboat Springs lies the proposed Service Creek wilderness area. Characterized by broad, smooth slopes, this area contains some of Colorado's most pristine forests of spruce, fir, pine, and aspen. Service Creek is unique as it is the only lower elevation forested area proposed as wilderness. The area offers a visitor the chance to walk along the 21 miles of trails, from dense forests into quiet, lush meadows. Service Creek is also located within a 50-mile radius of eight other wilderness areas, presenting Coloradans with an unparalleled array of scenic beauty.

Out on the western slope of Colorado stands the Roubideau Canyon. This proposed wilderness area offers the diversity of spectacular sandstone cliffs overlooking dense forests of aspen and spruce to sparsely vegetated arid desert. Stretching some 20 miles, Roubideau is one of the longest roadless canyons in the country with wildlife ranging

from golden eagles and elk to black bears and mountain lions. Colorado must not pass up the opportunity to preserve this area of dramatic contrasts.

The significant boundary issues presented and resolved for each of these areas represent a small part of the hundreds of compromises made in [\*S12022] these intense negotiations that have taken more than 6 months. Let me mention some of the other areas of this compromise.

Colorado has had thousands of acres of productive Federal land in wilderness study status for many years. Timber, oil and gas, mining, and recreation interests requested that all of these areas be released from study and not be studied again. As part of the compromise, the release language allows the Forest Service to review all the forests in Colorado for their wilderness potential as part of its forest planning administrative function. This was a substantial concession. Those industries will testify that they oppose the so-called soft release language we have adopted.

Thousands of conflicts created by private property, mining claims, water rights, oil and gas leases, timber suitable areas, and existing access trails were carved out to preserve Colorado's wild lands. This careful analysis took weeks, but the effort was worthwhile to preserve every acre of wilderness that was suitable.

The water issues associated with these proposed wilderness areas were particularly difficult to resolve because of the strong and diametrically opposed views held by many members of the water and environmental communities. Fortunately, we have been able to reach an agreement and produce water language that is a true compromise which does not injure the fundamental principles that have much value for Colorado -- protection of wild lands and protection of Colorado's future ability to develop and use all of its interstate water entitlements.

The water-related provisions of S. 1029 have four basic purposes:

First, to protect water-related wilderness resource values in the newly designated Colorado wilderness areas;

Second, to provide for the operation, maintenance, repair, and replacement of existing water facilities within the wilderness additions;

Third, to alleviate Federal preemption of Colorado water law as to the newly designated wilderness lands; and,

Fourth, to utilize Colorado water law in the protection of wilderness values.

If enacted, the water language of S. 1029 will provide explicit recognition of, and protection for, water-related resource values of the wilderness areas. The "findings" provisions explicitly recognize the responsibility of Federal land managers to "protect these wilderness lands and their water-related values." This would be accomplished by

preventing the construction of any new water projects or expansion of existing facilities in the wilderness areas designated by this act. The new water facilities prohibition effectively guarantees preservation of the water-related wilderness values of newly designated headwaters wilderness areas.

Critics have argued that S. 1029 contains no prohibition against expansion of the draw which could be placed by existing facilities on water within the newly designated areas. However, the opportunities for such an expansion are limited by the fact that people that develop water diversion facilities do not typically waste money by building excess capacity which is not protected by a water right. And even if such an opportunity exists, the bill specifically provides that unless authorized by statute:

The original function and impact of existing facilities and access routes on wilderness values shall not be increased subsequent to maintenance, repair and replacement.

Consequently, an unauthorized expansion of the use of the facility in a manner which increases the impact on the wilderness area would result in the denial of access to the facility, which effectively precludes any such expansion.

In short, no new facilities can be built in the wilderness designated by this bill, and existing facilities cannot be increased in size or operated in a manner which increases the impact of the facility on wilderness values. This provision guarantees that the streams in the wilderness areas designated by this bill will remain undisturbed by new development.

Some members of the environmental community are also unhappy with this bill because it does not create express Federal reserved water rights. Other States, such as Arizona, have expressly created reserved water rights in recent wilderness bills. However, Colorado, as an upstream State, has everything to lose and nothing to gain by recognizing Federal reserved water rights which could control upstream management, use, and development of water.

Colorado is at the headwaters of the Colorado, Arkansas, South Platte, North Platte, White, Yampa, Rio Grande, Animas, La Plata, Costilla, and Republican Rivers, to name a few, and each of these rivers is subject to interstate compacts or equitable apportionment decrees of the U.S. Supreme Court. Under these compacts and decrees, Colorado is obligated to pass water through the State so that it can be delivered to and used by downstream States.

Taking the Colorado River as an example, under the 1922 compact, the upper basin States of Colorado, Utah, New Mexico, and Wyoming are obligated to pass approximately 50 percent of the flows in the Colorado River to the lower basin States of Arizona, Nevada, and California. The 1948 Upper Basin Compact further limits Colorado's ability to use water from the Colorado River, as Colorado was allocated 51 percent of the upper basin's 50 percent share of the Colorado River. In other words, Colorado has been allocated in the neighborhood of 25 percent of the Colorado River, and 75 percent must flow downstream to other States. The Mexican Treaty of 1944 also

granted Mexico 1.5 million acre feet of water, part of which comes from the upper basins' allocation and may further reduce Colorado's ability to use water from the Colorado River. In addition, claims for Federal Indian reserved water rights under the Winters doctrine may also limit the amount of water which may be used under Colorado law. So even though the Colorado River starts in the Colorado mountains, Federal law limits Colorado's use of water in the river to less than 25 percent of the water in the Colorado River, and guarantees that over 75 percent of the water in the Colorado River will flow through and out of the State.

But that isn't the end of the story. Colorado has a very strong instream flow program established under Colorado law. Under this program, the Colorado Water Conservation Board [CWCB] is authorized to appropriate or acquire instream flow water rights to "protect the natural environment to a reasonable degree." There are currently in excess of 7,300 miles of streams in Colorado which are protected by the CWCB instream flow program, including instream flow water rights in the proposed Piedra Wilderness Area, and the CWCB is in the process of obtaining decrees to protect an additional 100 miles of Colorado streams. Most of these instream flow water rights are high in the mountains, and in fact many of them are within the wilderness areas proposed for designation in S. 1029. This recognition of environmental values in Colorado has a cost, however, as each and every one of these instream flow water rights further limits Colorado's ability to appropriate and use water for new projects.

The fact of the matter is that Colorado is currently only able to use a small fraction of the water in the Colorado River, and over 84 percent of the water in the Colorado River now flows out of the State. California gets over 100 percent of the water it contributes to the Colorado River Basin. Arizona gets over 100 percent of the water it contributes to the Colorado River. Colorado uses about 16 percent of the Colorado River water that flows through the State. Compared against the ability of States like Arizona and California to use all of the water that originates in the State and more from upstream States, Colorado is significantly restricted in its ability to use and develop water. Colorado cannot give more without inflicting serious damage on its ability to provide a future for its citizens. So, if the question is what kind of instream flows should be required for wilderness areas in Colorado, the answer is that over 84 percent of the water in the Colorado River flows out of the State, and there is no need for additional Federal reservations. Existing Federal and State laws already ensure that there will be water in the streams.

[\*S12023] Another criticism of the bill is that it recognizes and relies on the Colorado instream flow program to protect the wilderness water values in the Piedra Wilderness Area. S. 1029 requires that the Colorado Water Conservation Board enforce its instream flow water rights within the proposed Piedra Wilderness Area, thereby blocking expansion of water rights above the 50,100 acres of the Piedra Wilderness Area, and contains a provision allowing the purchase and conversion of direct flow water rights above the Piedra. The denigration of the State program is unfair and inappropriate. The Colorado Water Conservation Board [CWCB] has instream flow water rights created under State law both within and outside of existing wilderness lands and the additional wilderness lands that would be designated by this bill. The CWCB also has authority to

acquire existing water rights from willing sellers or donors and to use these senior water rights for instream flow use. This very creative mechanism of Colorado law actually adds water to the stream for protection of wilderness values by converting existing consumptive uses of water into instream flow uses. The State's program is superior to any approach which would result in taking someone's property rights, without paying a fair price, through the backdoor mechanism of extinguishing valuable water rights by making it hard or impossible to adequately maintain access routes and water facilities existing prior to wilderness designation.

I want to emphasize that the State's instream flow program can adequately protect the Piedra Wilderness Area, and the CWCB Program provides an effective tool for protecting the environment in a manner which is consistent with Colorado law. And while some question the CWCB in quantifying the instream water rights, I believe that the CWCB has taken a strong stand to protect the environment in a manner which recognizes the need to preserve the potential to develop Colorado's interstate water allocations. The CWCB Program continues to evolve and develop, and the recognition of this program is a particularly appropriate way to protect wilderness values for downstream wilderness areas in Colorado.

Some members of the water community are also disappointed by the language of this bill. They would like a complete denial of the existence of past, present and future Federal reserve water rights for wilderness. Water experts are also concerned that the ban on new water projects will make it impossible for Colorado to store additional water, and that the access provision will preclude water users from obtaining additional water from existing facilities in the wilderness areas.

These concerns are valid. Water users are correct that the Presidential exemption is not available to the wilderness areas designated by this act. This provision was adopted in the 1964 National Wilderness Preservation Act and explicitly allowed the President to authorize water prospecting and the construction of water facilities in wilderness areas, should he or she determine to allow development of new water facilities in the wilderness area. The Presidential authorization provision was to be an essential safety valve for Colorado in the event of drought or some other pressing need justifying Presidential action. However, while this option will not be available for these new wilderness areas, these headwaters additions are at high altitude where, to my knowledge, no one plans or expects to develop or file for a water right which would bring a new storage or diversion project into existence.

I also share the concerns about restrictions on Colorado's ability to develop its water, and would not be introducing this bill if it inhibited the development and use of Colorado's compact and equitable apportionment entitlements. However, while the bill does preclude future development in wilderness areas in these headwaters, it does not threaten Colorado's ability and right to develop water downstream of the designated areas. This distinction is very important, and makes the compromise in this bill one that is acceptable on the whole.

At the present time there is only one downstream wilderness area in Colorado, the Platte River Wilderness on the Colorado/Wyoming State line which was established by the Wyoming Wilderness Act of 1984. One mile of that wilderness area extends up the North Platte River into North Park in Colorado. The designation of downstream wilderness lands within Colorado, combined with the threat of the 1984 Sierra Club lawsuit that implied reserved water rights at some time in the future may be found to exist, has caused great alarm among water users in North Park and the elected officials of citizens who rely on that water. I am happy to say that the 1991 Colorado Wilderness Bill Senator Wirth and I have agreed upon guarantees that present and future water users in Colorado can fully develop Colorado's share of North Platte River waters without any interference that might otherwise arise because of designation of those downstream lands included in the Platte River Wilderness Area.

We have also agreed that interstate compacts and equitable apportionment decrees allocating water among and between Colorado and other States will not be altered or modified by designation of additional Colorado wilderness lands.

No one will have their Colorado water rights taken away from them or extinguished by denial of wilderness access. The language guarantees reasonable access, including motorized access where necessary, to keep existing water facilities and access routes related to the exercise of water rights in serviceable condition.

This bill breaks an 11-year stalemate in the designation of new Colorado Wilderness. The water provisions of S. 1029 are designed to both protect the new wilderness additions, including wilderness water values, and at the same time protect Colorado's ability to develop and use its water entitlements. Passage of the Colorado Wilderness Act will not only protect more than two-thirds of a million acres of some of Colorado's most beautiful wilderness, it is another way to ensure preservation of Colorado's past. It is a past rich in history and full of respect for the land which will be given to our children and our children's children. I am confident that the 1991 bill does not sacrifice any principles which are fundamental to Colorado's strong interest in water development and wilderness. And while those on either side who refuse to compromise will object, I suggest that people who truly value Colorado wilderness and water will support this bill so that we as a State and a Nation can move forward with protection and recognition of these important wilderness lands. Otherwise, the passage of time will cause the threats to these areas to become real, and we will have lost forever the opportunity to designate additional wilderness in Colorado.

Mr. STEVENS. Mr. President, yesterday was the State of Colorado's birthday, and I am happy to join with the Senators from Colorado in presenting her with a very special birthday present.

For 10 years the Colorado wilderness bill has been stalled. There have been fights over water, fights over timber, and fights over economic development versus preservation of land. For over a decade the Colorado delegation has been unable to come to a consensus

on how to preserve critical areas without destroying jobs in Colorado's already fragile economy.

As soon as Hank Brown was sworn in as the junior Senator from Colorado, he rolled up his sleeves and began work to develop a compromise which would preserve jobs and wilderness at the same time. His bill adds some 648,000 acres of unique, wild lands to Colorado's existing wilderness system. When this measure is enacted into law, 5 percent of Colorado's land will be under wilderness protection. But unlike certain past legislative proposals, loggers, ranchers, and farmers will be protected.

I commend the junior Senator from Colorado for his fortitude. Despite opposition from radical environmental groups who sought to undue this delicate compromise, he, along with the senior Senator from Colorado have stood their ground and have not given in.

I am particularly pleased that the senior Senator from Colorado [Mr. Wirth] has modified his past position [\*S12024] in favor of a strict preservationist approach to one that recognizes that people in Colorado, like people throughout the West, depend on the land to make their living.

Senator Wirth's earlier proposals would have designated hundreds of mining claims, both patented and unpatented, as wilderness along with 60 adjudicated water rights, thousands of acres of private land, and more than 100,000 acres previously rejected as wilderness and made available for multiple use.

Colorado's local governments strongly opposed this approach because they rely on the land for activities such as snowmobiling, mountain biking, mining, timber harvesting, and mineral exploration. Eliminating their right to use the land would have eliminated jobs and cut off their means of economic survival.

As every Senator learns, taking away a community's ability to make a living is a recipe for disaster. S.1029, unlike previous wilderness proposals, recognizes the fact that creation of wilderness areas can adversely impact a State's economy. The answer is not to stop wilderness. The answer is to craft a compromise which strikes a balance between competing interests.

While the senior Senator from Colorado kept his own old growth forests out of wilderness to preserve logging jobs, he was the leading force behind legislation undercutting the logging industry in Alaska. He introduced legislation creating over one million acres of new wilderness areas or areas managed as wilderness in Alaska's Tongass National Forest.

While loggers in Colorado are protected under this Colorado wilderness bill, 750 jobs have been lost in Alaska as a result of the Tongass Timber Reform Act. In addition, over 500 new timber-related jobs won't be created in the Tongass this year because of constrained timber supplies associated with wilderness withdrawals.

Although its too late for the unemployed workers and destitute families in Alaska, I am pleased that Senator Wirth has finally seen the light -- that economic development such as logging, ranching, farming, and mining, can occur while preserving critical ecosystems -- that compromises can and must be made to preserve jobs and communities while protecting our environment.

I just hope the lesson stays with him when it comes time to consider the future of the Arctic National Wildlife Refuge. With a wilderness area the size of Rhode Island, Connecticut, Delaware, and Hawaii combined, the refuge already has 400 percent more wilderness than the entire state of Colorado, even with new Colorado wilderness bill.

If you include the wilderness the senior Senator from Colorado insisted on in the Tongass and the other already existing wilderness in Alaska, we have 25 times more wilderness than the entire State of Colorado, even after these new additions are approved.

While this Colorado wilderness bill places 5 percent of Colorado in wilderness, 16 percent of Alaska is already in wilderness status. Although the senior Senator from Colorado has cosponsored legislation designating yet another area in Alaska as wilderness -- the Delaware-size ANWR Coastal Plain -- since he has revised his views when it came to jobs in Colorado, I trust he will come to the same conclusion when it comes to Alaska.

Not only would exploration of the Coastal Plain mean jobs for Americans -- but it would provide safe, domestically produced oil to meet the Nation's energy demands at a time when we import over half of our oil from the volatile Middle East.

While Senator Wirth's and Senator Brown's bill does not go as far as we have already gone in Alaska, nevertheless, I believe it is a reasonable bill. Not the one-sided sacrifice of multiple use interests as some earlier drafts were.

The importance of maintaining this compromise between preserving jobs and economic opportunity and preserving land cannot be understated. Any revision of the compromises struck in S. 1029 in conference may make it unacceptable to me and those of us who are concerned about the preservation of social and economic vitality in the West.

So happy birthday, Colorado. And congratulations to the junior Senator from Colorado for bringing a bill that had been dead on arrival back to life with amazing dispatch. And last but not least, my hat goes off to the senior Senator from Colorado for finally recognizing that the principles of multiple use that have guided the West for decades. I just hope he will see fit to apply them to my home State when the time comes.

I commend my statement to the attention of my friend, the senior Senator from Colorado. It is submitted with every good intent but it is straight Alaska talk.

Mr. WIRTH. Mr. President, the Colorado Wilderness Act of 1991 is the result of many years of work by many people. The Colorado delegation has been working on resolving

which of our Forest Service lands should be protected as wilderness since the 1970's, and in 1980, we passed a wilderness bill that added 1.4 million acres to the National Wilderness Preservation System. But that bill left the status of a number of areas unresolved, and we have been working on which of these areas should also be added to the wilderness system ever since.

The bill now before the Senate represents a compromise resolution on these important issues which both Senator Brown and I can support, and which I hope the Senate will pass. This bill will protect nearly 700,000 acres of spectacular, but fragile, wild lands in Colorado, and ensure that they will remain wild and unspoiled for our children, and their children.

I and my family have visited most of the areas to be protected in this bill, and many other areas that have been proposed for protection as wilderness in our State. And I can testify, from personal experience, that the common assumption that such wild lands will continue as they are without the protection of wilderness designation by an act of Congress is sadly wrong. While our delegation has debated what should and what should not be protected, we have lost large pieces of these wilderness lands to development pressures.

The Sand Beach Area, an extraordinary old growth forest adjacent to the Piedra Wilderness Study Area, is a good example. If the wilderness bill I had introduced in the last Congress had passed, this area would have been protected. Instead, this area is being logged this summer.

The Fossil Ridge WSA is another example. When my family and I visited Fossil Ridge two summers ago, we were struck by the erosion and trail damage that was being caused by off-trail motorcycle use. The Forest Service has been actively encouraging off-road-vehicle use in the Fossil Ridge WSA -- a use that eventually could disqualify this remarkable place for wilderness designation.

These threats are real, Mr. President, and they are eating away at some of the most beautiful, pristine mountain lands in Colorado. My highest priority since 1980 has been to protect as much of this wild legacy as possible in our State. I am convinced the legislation that Senator Brown and I have jointly introduced will do that.

Many in the conservation community feel strongly that this bill should have taken a different approach toward the protection of the water resources of these proposed wilderness areas. I agree with them that we have a duty to do our utmost to see that the water resources of these wilderness areas are protected, along with the other values and resources of these areas. I believe this bill meets the test of providing real protection for these resources, though through a different means than that the Congress has adopted in several recent wilderness bills.

Different does not mean lesser, and I believe that I and Senator Brown have gone to great lengths to provide maximum protection to the water resources of these wilderness areas within the particularities of Colorado's State water laws.

Without this agreement on water rights, Colorado would face continued stalemate, and the loss of thousands of acres of wilderness lands. With this agreement, we are, for the first time, getting unified support from all the Members of our State's congressional delegation to protect the entire Oh-Be-Joyful drainage as wilderness. We [\*S12025] will designate a large core of the Fossil Ridge area as wilderness -- and a larger area as a National Conservation Area -- even though the Forest Service recommended against wilderness designation, and despite heavy lobbying against designating any wilderness there at all. This legislation will add Roubideau and Tabeguache Canyons as wilderness -- areas that were rejected as wilderness in the 1980 bill. And this bill will protect old-growth forests in Bowen Gulch and Corral Mountain, both areas that the Forest Service had planned to log.

Viewed as a package, Mr. Chairman, I am convinced this is a good bill. That is why this bill has been endorsed by the Denver Post, the Boulder Daily Camera, the Pueblo Chieftan, the Grand Junction Daily Sentinel, the Durango Herald, and numerous other newspapers from every corner of the State. It has earned the support of our Governor, Roy Romer, and of a host of local government and civil groups, and I urge all of my colleagues to join Senator Brown and I in supporting it as well.

#### WATER RIGHTS.

I recognize that there are many in the environmental movement who firmly believe that we should take a different approach to protecting the water resources that are integral to these wilderness lands than this bill does.

But simply put, Mr. Chairman, I believe the standard against which this and any other bill should be measured is whether it protects the water-related resources of the wilderness areas. If this bill's provisions can pass that test -- and I believe they do -- then we should put aside debate over what form that protection should take and proceed.

I think this bill protects the water resources of these wilderness areas as well or better than any other bill ever passed by the Congress -- and I urge my colleagues not to reject providing that high level of protection simply because it is not provided in quite the same way as in some other bills.

Is the language in our bill generally applicable to other wilderness proposals affecting other lands, or in other States? No, it is not. Is the language in our bill a model for future bills? No, it is not, and it is not intended to be.

My intention is sponsoring this language with Senator Brown is very simple and very limited -- to provide every reasonable protection to the water resources in the areas we designate wilderness, while neither intending, pretending, or proposing to decide water rights issues affecting any areas not directly addressed in this bill.

This bill does not address the question of whether past wilderness designations imply a Federal reserved water right. On that issue, Senator Brown and I do not agree. We did agree, however, to deny any such implication for the areas designated in this bill -- because we agreed that the water language in our bill provided adequate protection of the wilderness values of the areas designated in this bill, without a Federal reservation. This bill does not address the question of how the Senate should protect the water resources of future wilderness designations, in our State or any other. I would say, however, that if we do set a precedent, it is that these issues should be addressed, and that we should see that the water resources of wilderness and park areas are, in fact, protected when we designate them. I am satisfied, as I have said before, that this bill does protect those resources.

How do we do that? For the vast majority of the acreage protected in this bill, we provide protection by simply prohibiting any additional water development in these areas, overruling the provision in force in every other wilderness area ever designated which allows the President to authorize water development projects in wilderness areas. These areas are the headwaters of watersheds, mountain peaks from which waters flow down. No use outside the wilderness can affect these waters, because all such uses are downstream of the wilderness. Our provisions yield near-absolute protection for these areas, without the long and uncertain court proceedings that would be required to translate any application for a Federal-reserved water right into real protection.

On the one large wilderness proposal which has significant water use upstream of it -- the Piedra Wilderness -- we have provided for this area to be protected by the substantial water rights the State of Colorado has already set aside to protect the riverine resources of this area. In addition, our bill directs the Forest Service to work with the Colorado Water Conservation Board to work out a contractual agreement that will provide the necessary tenure and enforcement of the State instream flow rights.

These rights are in addition to the very senior water rights the Forest Service already has, but has yet to quantify, in this area, by virtue of the establishment of the National Forest almost a century ago.

It is only because of these alternative protections that this bill waives the establishment of Federal-reserved water rights for these wilderness areas. These provisions are unique to the particular circumstances of these areas -- the headwaters nature of most of the areas involved, and the preexistence of substantial State instream flow rights in the Piedra area. They were designed to meet the specifics of this situation, and I believe they do.

## SKI AREAS

I want to note for the record that none of the areas designated as wilderness, national conservation area, or backcountry recreation area by this legislation include any national forest land within the permit area of any ski area in our State. Nor is anything in this bill intended in any way to interfere with the management and operation of the ski areas nearby or adjacent to any of the lands designated wilderness or any other protective designation in this bill.

## ADDITION TO THE PROPOSED PIEDRA WILDERNESS

I also want to note for the record that in committee, I proposed an amendment to S. 1029 to add some 6,000 additional acres to the Piedra Wilderness, with the support of Senator Brown. Those additions, in the East Creek/Lime Creek area, connect the Piedra area with the existing Weminuche Wilderness. There is a corridor through the area, through which there is now a Forest Service trail, trail No. 535. It was our intention, in drawing the wilderness boundary to exclude that trail, that the Forest Service would allow snowmobiles to use that trail in the winter, but would not allow any other motorized use, and would not under any circumstances build a road through that area.

To finish my remarks, Mr. President, I want to say again that getting agreement on this bill has been difficult. There are many issues involved, many Coloradans directly affected, and strong feelings on both sides of virtually all of the issues. This has been a difficult task for everyone involved. I am particularly appreciative of the hard work of my colleague Senator Brown, and of his dedication to the task of finding ways for us to reach agreement on what to designate as wilderness in our State, and how. I want to thank him for all his hard work on this bill.

I also want to thank Senator Johnston, the chairman of the Committee on Energy and Natural Resources, and Senator Bumpers, the chairman of the Subcommittee on Public Lands, National Parks and Forests, for the help both of them have given Senator Brown and I in moving this bill forward and resolving the many details involved. I also want to thank the staff of the committee, particularly Tom Williams, David Brooks, and Diane Nagel of the subcommittee staff, for their professionalism, their knowledge, and the great help they have provided us in working through this bill. I also want to be sure to thank Jim Martin of my own staff, who has had the very difficult job of working with every disparate interest group in our State, and doing his best to find areas of agreement and consensus on issues fraught with controversy. He has worked hard and long on this issue, and deserves a great deal of credit for what is good in this bill.

With those thanks made, Mr. President, I want to urge my colleagues to support this bill, and I yield the floor.

Mr. President, Senator Brown and I have jointly offered an amendment that is needed to clarify a provision that was added to S. 1029 during the Energy and Natural Resources Committee's [\*S12026] consideration of this legislation.

At the outset, I want to say that I am pleased the committee agreed to designate much of the Lime Creek and East Creek drainages as part of the Piedra Wilderness Area. These are worthy and important additions to the wilderness system, since they will provide a bridge between the existing Weminuche Wilderness Area, and the new Piedra Wilderness Area. By designating the East Creek/Lime Creek area as wilderness, we are establishing what will soon be recognized as a premier wilderness area with some of the best elk habitat and most extraordinary mountain vistas of any wilderness area in the Nation.

It is important to point out, however, that the committee also agreed to leave a narrow corridor between the Weminuche Wilderness Area and the Piedra Wilderness Area. We did so in the expectation that the Forest Service may consider establishing a snowmobile trail in that corridor. But I want to emphasize two principles that must guide the Forest Service in its deliberations.

First, the Forest Service permitted the development of a trail in this area, despite the fact that such a trail violated the terms of an agreement that the Forest Service had executed with a number of land owners and conservationists. In addition, the Forest Service failed to provide any opportunity for public review and comment, and failed to complete a NEPA review of its proposal. As a consequence, the Forest Service subsequently was forced to close this corridor to motorized use.

Furthermore, that corridor should be compatible with the surrounding wilderness. There is no need, and the Forest Service should not permit, grading, gravel construction, significant trail improvements of other kinds, or the unnecessary removal of trees and vegetation. And finally, the Forest Service should ensure that, with the exception of snowmobiles, no other motorized vehicles use this trail, and that the Forest Service designs any trail to ensure that snowmobiles will not encroach into the adjacent wilderness areas. And it goes without saying that this corridor must never be considered for the development of a road or way for timber removal or for any other purpose.

At this point, I should ask my colleague, the Senator from Colorado [Mr. Brown] if that is also his understanding of this clarifying amendment.

Mr. BROWN. I thank my colleague, Senator Wirth, for his comments. Senator Wirth and I agreed upon an amendment regarding an addition to the Piedra Wilderness which was included in the bill during the Energy and Natural Resources Committee's consideration of S. 1029. The amendment reads as follows:

Section 2(a)(10) is amended by striking "Piedra Wilderness;" and inserting in lieu thereof, "Piedra Wilderness: PROVIDED, That no motorized travel shall be permitted on Forest Service trail number 535, except for snowmobile travel during periods of adequate snow cover.

As Senator Wirth mentioned, in 1983, a land use agreement was reached between the Forest Service, landowners, multiple-use interests and conservationists for the East Creek-Lion Creek Area. This agreement called for the construction of a trail for snowmobile use. The trail was inadvertently constructed in the wrong place, violating the original agreement. To restore the intent of the agreement, the amendment adds 6,000 to the Piedra Wilderness Area, excludes the existing snowmobile trail 535 from wilderness and mandates that use of the trail shall be restricted to snowmobiles and mountain bikes.

The intent of the amendment is to prevent ATV use of the trail and to prevent the trail from being developed into a road. Our intention in cherrystemming this corridor is to

preserve its character as a trail. It must never be considered for the development of a road.

Mr. WELLSTONE. Mr. President, I rise to engage in a brief colloquy. First, I want to express my appreciation for the hard work which both Senator Wirth and Senator Brown have expended in crafting this legislation. The areas which it proposes for wilderness designation deserve the special protection afforded such unique areas by the Wilderness Act.

While I recognize the sincere intent of my colleagues from Colorado to protect these areas, I have serious reservations about the water rights provisions of the legislation. The potential implications of this unique arrangement could reach beyond these lands in Colorado and affect wilderness designations in other areas.

I wish to ask my colleague whether he intends this legislation's provisions respecting water rights to establish a precedent for wilderness legislation respecting any other lands?

Mr. WIRTH. I thank my colleague from Minnesota, Senator Wellstone, for his interest in this legislation and the protection of these spectacular lands in my State of Colorado. First, let me say, unequivocally, that I intend this legislation to protect any waters integral to the wilderness characteristics of these lands. However, there is a significant debate in Western States about division of legal jurisdiction over water resources between the Federal and State governments. This legislation seeks to protect the wilderness values of these lands while protecting water resources through control of access to that water, and through the administration of State law.

While I respect my colleague's concerns about this arrangement, I sincerely believe this is an approach which will succeed. It will preserve the wilderness areas and their water resources without relying on Federal reserved water rights.

But I recognize that this legislation proposes a new and different approach. That is one of the reasons why we have included provisions in this bill explicitly recognizing that this bill does not establish a precedent for other wilderness designations.

Mr. WELLSTONE. I appreciate your explanation and recognition of my concerns. But simply relying upon a statement that this bill does not establish a precedent concerns me. There are other wilderness bills which the Senate may consider soon. What reason is there for me to believe that this new arrangement won't be seized upon by water interests to weaken wilderness protections elsewhere?

Mr. WIRTH. While I cannot say that some of the other wilderness bills will not offer new approaches to water rights, I would find it difficult to believe that they would duplicate the unique facts of the situation of these areas in Colorado. The water rights provisions of this proposal are unique to the particular circumstances of these lands -- the headwaters nature of most of the areas involved, and the pre-existence of substantial State instream

flow rights in the Piedra area. They were designed to meet the specifics of this situation, and I believe they do.

I want to assure my colleague that I would personally oppose the use of this arrangement or any other legislative treatment of the water resources of wilderness areas if I did not believe they succeeded in achieving full protection of the wilderness values of the lands to be designated. I came to my conclusion about these lands in Colorado only after extensive study and scrutiny, and would as thoroughly scrutinize any other legislative proposals, including any which merely copied the arrangement which we have developed for this bill's unique circumstances.

Mr. WELLSTONE. I wish to thank my colleague for his assurances about the potential precedential value of the water rights provisions of this legislation. I have one other question about the specifics of the arrangement in Colorado. It appears that the legislation assumes that the water rights currently afforded the Piedra area will continue indefinitely. What assurances are there that the State of Colorado will not adversely change the water allocation for this area in the future?

Mr. WIRTH. The legislation directs the Forest Service to enter into a binding contract with the Colorado State Water Conservation Board to ensure the long-term protection of water in the Piedra areas. I have every reason to expect they will successfully reach an agreement based upon my discussion with the Forest Service, but if they could not I would expect the Forest Service to promptly request [\*S12027] further congressional review of this situation.

Mr. WELLSTONE. I thank Mr. Wirth. I am grateful for his assurances.

Mr. METZENBAUM. Mr. President, I feel compelled to express my serious reservations about the water rights provisions in the Colorado Wilderness Act of 1991. I am very concerned that the act makes a dangerous departure from our historical reliance on a reserved water right to protect the Federal interest in water within wilderness areas.

The Colorado Wilderness Act expressly states that Congress is not reserving any water rights to the United States. This is troublesome with respect to several wilderness areas designated in the act but is particularly troublesome with respect to the Piedra Wilderness that does not include the entire headwaters of the rivers within its boundaries.

I am concerned that this relinquishment of any water rights in a Federal wilderness area will make it difficult to preserve the wilderness values of the Colorado Wilderness and may lead other States to attempt other exceptions. Ultimately, I am concerned that this will have a detrimental effect on our national wilderness system.

The reserved rights approach has served us well for 80 years. The Colorado Wilderness Act would replace this proven approach with the uncertainty of a yet-to-be-written contract between the Forest Service and the State of Colorado. Instead of expressly reserving water rights to the United States, the act provides that if the Federal

Government deems it necessary to carry out the purposes of the act, the United States may acquire water rights back from the State of Colorado subject to the terms that the State shall prescribe. In other words, after giving away all right to the water, the bill acknowledges that if the Federal Government needs any water, it can put it back from the State on the State's terms.

It is entirely possible that the Federal Government will need to buy back some water from the State of Colorado. While there is some provision for in-stream flows in the act, it is far from clear that such flows will be adequate to sustain fish and wildlife and to preserve wetlands, recreation, and scenic values in the wilderness area.

Congress established the National wilderness preservation system in 1964 because of increasing concern about the loss of lands untouched by man. More and more, people are coming to realize the foresight of that action by Congress.

Wilderness designation is the best management tool available to protect critical fish and wildlife habitat. By managing areas so that they are primarily affected only by the forces of nature, we preserve habitat in prime condition. Land left in its pristine condition -- the way it was created in the first place -- is best suited to sustain fish and wildlife and to preserve wetlands, recreation, and scenic values.

While the Colorado Wilderness Act of 1991 is commendable for setting aside 648,620 acres as wilderness, I must express my opposition to the bill due to the provisions on water rights reserved to the United States.

It is my understanding that these provisions are opposed by many key members of the Interior Committee of the House of Representatives. It is my hope that eventually our position will prevail.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

Mr. WIRTH. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1029

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 "Colorado Wilderness Act of 1991".

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) Additions. -- 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 Basin Resource Area administered by the Bureau of Land Management which comprise approximately 1,470 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness -- Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness designated by Public Law 96-560;

(2) certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 140 acres, as generally depicted on a map entitled "Larson Creek Addition to the Big Blue Wilderness -- Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness designated by Public Law 96-560;

(3) certain lands in the Pike and San Isabel National Forests which comprise approximately 40,150 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness -- Proposal", dated May 1991, and which shall be known as the Buffalo Peaks Wilderness;

(4) certain lands in the Gunnison National Forest and in the Bureau of Land Management Powderhorn Primitive Area which comprise approximately 60,100 acres as generally depicted on a map entitled "Powderhorn Wilderness -- Proposal", dated May 1991, and which shall be known as the Powderhorn Wilderness;

(5) certain lands in the Routt National Forest which comprise approximately 17,300 acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness Proposal", dated May 1991, 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;

(6) 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 May 1991, and which shall be known as the Greenhorn Mountain Wilderness;

(7) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 32,000 acres as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated May 1991, and which shall be known as the Fossil Ridge Wilderness Area;

(8) certain lands within the Pike and San Isabel National Forests which comprise approximately 13,830 acres, as generally depicted on a map entitled "Lost Creek Wilderness Proposal", dated May 1991, 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 of Agriculture (hereinafter in this Act referred to as 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 Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 5,000 acres, as generally depicted on a map entitled "Oh-Be-Joyful Addition to the Raggeds Wilderness -- Proposal", dated May 1991, 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 San Juan National Forest which comprise approximately 56,000 acres, as generally depicted on a map entitled "Piedra Wilderness", dated July 1991 and which shall be known as the Piedra Wilderness: PROVIDED, That no motorized travel shall be permitted on Forest Service trail number 535, except for snowmobile travel during periods of adequate snow cover;

(11) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 18,000 acres, as generally depicted on a map entitled "Roubideau Wilderness -- Proposal", dated May 1991, and which shall be known as the Roubideau Wilderness;

(12) certain lands in the Rio Grande National Forest which comprise approximately 207,330 acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness -- Proposal", dated May 1991, and which shall be known as the Sangre de Cristo Wilderness;

(13) certain lands in the Routt National Forest which comprise approximately 44,000 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated May 1991, which shall be known as the Sarvis Creek Wilderness: PROVIDED, That the Secretary is authorized to acquire by purchase, donation, or exchange, lands or interests therein within the boundaries of the Sarvis Creek Wilderness only with the consent of the owner thereof;

(14) certain lands in the San Juan National Forest which comprise approximately 15,920 acres as generally depicted on a map [\*S12028] entitled "South San Juan Expansion Wilderness -- Proposal", (V-Rock Trail and Montezuma Peak), dated May 1991, 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;

(15) certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness -- Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a 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 the waters of Hunter Creek, the Fryingpan or Roaring Fork Rivers, or any tributaries of said creeks or rivers, by the Fryingpan-Arkansas Project, Public Law 87-590, and the reauthorization thereof by Public Law 93-493, as modified as proposed in the September 1959 report of the Bureau of Reclamation entitled "Ruedi Dam and Reservoir, Colorado," and as further modified and described in the description of the proposal contained in the final environmental statement for said project, dated April 16, 1975, under the laws of the State of Colorado, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said Fryingpan-Arkansas Project facilities, nor the operation thereof, pursuant to the Operating Principles, House Document 187, Eighty-third Congress, and pursuant to the water laws of the State of Colorado: AND PROVIDED FURTHER, That nothing in this Act shall be construed to impede, limit, or prevent the use of the Fryingpan-Arkansas Project of its diversion systems to their full extent;

(16) certain lands in the Arapaho National Forest which comprise approximately 7,630 acres, as generally depicted on a map entitled "St. Louis Peak Wilderness -- Proposal", dated May 1991, and which shall be known as Byers Peak Wilderness;

(17) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests and in the Bureau of Land Management Montrose District which comprise approximately 16,740 acres, as generally depicted on a map entitled "Tabeguache Wilderness -- Proposal", dated May 1991, and which shall be known as the Tabeguache Wilderness;

(18) 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 May 1991, and which shall be known as the Vasquez Peak Wilderness;

(19) certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness and Weminuche Wilderness Addition -- Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93-632;

(20) certain lands in the Rio Grande National Forest which comprise approximately 23,100 acres, as generally depicted on a map entitled "Wheeler Additions to the La Garita Wilderness -- Proposal", dated May 1991, and which shall be incorporated into and shall be deemed to be a part of the La Garita Wilderness;

(21) certain lands in the Arapaho National Forest which comprise approximately 12,100 acres, as generally depicted on a map entitled "Williams Fork Wilderness -- Proposal", dated May 1991, and which shall be known as the Farr Wilderness; and

(22) certain lands in the Arapaho National Forest which comprise approximately 6,400 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness -- Proposal", dated May 1991, which are hereby incorporated into and shall be deemed to be a part of the Never Summer Wilderness.

(b) Maps and Description. -- As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a legal 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 Interior and Insular Affairs 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 Secretary is authorized to correct clerical and typographical errors in such legal descriptions and maps. Such maps and legal 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.

### SEC. 3. WATER RIGHTS.

(a) Findings. -- The Congress finds that --

(1) since virtually all of the lands designated as wilderness by this Act lie at the headwaters of streams and rivers that arise on those lands, the designation of these lands as wilderness poses few, if any, conflicts with existing water users in view of the provisions of this Act, and the land management agencies can protect these wilderness lands and their water-related resources without asserting either implied or express reserved water rights;

(2) these particular headwaters areas are not appropriate for new water projects;

(3) while the Piedra Wilderness designated by section 2(a)(10) of this Act is located downstream of numerous State-granted conditional and absolute water rights, the Forest Service can adequately protect the water-related resources of this wilderness area by working in coordination with the Colorado Water Conservation Board through a contractual agreement between the Secretary and the Board (as provided in subsection (e) of this section) to protect and enforce instream flow filings established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Colorado Water Court for Division 7; and

(4) the water-related values of the existing Platte River Wilderness will be adequately protected by the terms of the equitable apportionment decree that the United States Supreme Court has issued for allocation of the waters of the North Platte River and its tributaries.

(b) Water Rights. -- (1) Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied reservation of water or water rights arising from –

(A) wilderness designation for the lands designated as wilderness by this Act;

(B) the establishment of the Fossil Ridge National Conservation Area pursuant to section 6 of this Act; or

(C) the establishment of the Bowen Gulch Backcountry Recreation Area pursuant to section 7 of this Act.

(2) The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness by this Act pursuant to the substantive and procedural requirements of the State of Colorado: PROVIDED, That nothing in this Act shall be construed to authorize the use of eminent domain to acquire water rights for such lands.

(3) Notwithstanding any other provision of law, no officer of the United States shall authorize or issue a permit for the development of a new water resource facility within the wilderness areas designated by this Act: PROVIDED, That nothing in this Act shall affect irrigation, pumping and transmission facilities, and water facilities in existence within the boundaries of such wilderness areas, nor shall anything in this Act be construed to limit operation, maintenance, repair, modification or replacement of existing facilities as provided in paragraph (f) of this section.

(c) Piedra Wilderness. -- The Secretary shall enter into an agreement with the Colorado Water Conservation Board to protect and enforce instream flow filings established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Water Court of Water Division 7 of the State of Colorado, and neither the United States nor any other person shall assert any rights for water in the Piedra River for wilderness purposes except those established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Water Court of Water Division 7 of the State of Colorado.

(d) North Platte River. -- Notwithstanding the provisions of this Act or any prior Acts of Congress to the contrary, neither the United States nor any other person shall assert any rights which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness established by Public Law 98-550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit

the use or development of water within Colorado by present and future holders of valid water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be junior and subordinate to use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

(e) Interstate Compacts. -- Nothing in this Act shall be deemed to alter, modify, or amend any interstate compact or equitable apportionment decree affecting the allocation of water between or among the State of Colorado and other States nor the full use and development of such waters, and nothing in this title shall affect or limit the use or development by holders of valid water rights of Colorado's full apportionment of such waters.

(f) Access. -- Reasonable access shall be allowed to existing water diversion, carriage, storage and ancillary facilities within the wilderness areas designated by this Act, including motorized access where necessary and customarily employed on existing routes. The present diversion, carriage and storage capacity of existing water facilities, and the present condition of existing access routes, may be operated, maintained, repaired and replaced as necessary to maintain serviceable conditions: PROVIDED, That, unless authorized by applicable statute: (i) the original function and impact of an existing facility or access route on wilderness [\*S12029] values shall not be increased as a result of changes in operation; (ii) existing facilities and access routes shall be maintained and repaired when necessary to prevent increased impacts on wilderness values; and (iii) the original function and impact of existing facilities and access routes on wilderness values shall not be increased subsequent to maintenance, repair, or replacement.

(g) Precedents. -- Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations, nor shall it constitute an interpretation of any other Act or any wilderness designation made pursuant thereto.

#### SEC. 4. ADMINISTRATION OF THE WILDERNESS AREAS.

(a) In General. -- (1) Subject to valid existing rights, each wilderness area designation by this Act shall be administered by the Secretary or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (1), (2), and (12) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service.

(b) Grazing. -- (1) Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560.

(2) Review. -- The Secretary of the Interior is directed to review all policies, practices, and regulations of the Bureau of Land Management-administered wilderness areas in Colorado to ensure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in this Act.

(c) State Jurisdiction. -- As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) Repeal of Wilderness Study and Further Planning Areas Status. -- (1) Public Law 96-560 is amended by striking sections 105(c) and 106(b).

(2) Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System".

(e) Buffer Zones. -- Congress does not intend that the designation by this Act of wilderness area areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that non-wilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

## SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) Findings. -- The Congress finds that --

(1) the Department of Agriculture has adequately met the wilderness study requirements of Public Law 96-560, Public Law 95-237, and section 12(g) of Public Law 98-141;

(2) the initial Land and Resource Management Plans and associated environmental impact statements (hereinafter referred to as "land and resource management plans") for the National Forests in the State of Colorado have been completed as required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1976;

(3) the Department of Agriculture, with substantial public input, has reviewed the wilderness potential of these and other areas; and

(4) the Congress has made its own examination of National Forest System roadless areas in the State of Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that --

(1) with respect to the National Forest System lands in the State of Colorado that were reviewed by the Department of Agriculture in wilderness studies conducted pursuant to Public Law 95-237, Public Law 96-560, and section 12(g) of Public Law 98-141, and the initial land and resource management plans, such reviews shall be deemed for the purposes of the initial land and resource management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless prior to such time the Secretary finds that conditions in a unit have significantly changed;

(2) except as may be specifically provided in sections 6 and 7 of this Act, those areas in the State of Colorado referred to in subparagraph (1) of this subsection which were not designated as wilderness shall be managed for multiple use in accordance with land and resource management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: PROVIDED, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land and resource management plans;

(3) in the event that revised land and resource management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable laws, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) Revisions. -- As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) Application of Section. -- The provisions of this section shall also apply to those National Forest System roadless lands in the State of Colorado that are less than 5,000 acres in size.

#### SEC. 6. FOSSIL RIDGE NATIONAL CONSERVATION AREA.

(a) Establishment. -- (1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge National Conservation Area (hereinafter referred to as the "conservation area").

(2) The conservation area shall consist of certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado, which comprise approximately 43,900 acres as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated May 1991.

(b) Administration. -- The Secretary shall administer the conservation area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal. -- Subject to valid existing rights, all lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) Timber Harvesting. -- No timber harvesting shall be allowed within the conservation area except for the minimum [\*S12030] necessary to protect the forest from insects and disease, and for public safety.

(e) Livestock Grazing. -- The designation of the conservation area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the conservation area.

(f) Development. -- No developed campgrounds shall be constructed within the conservation area. After the date of enactment of this Act, no new roads or trails may be constructed within the conservation area.

(g) Off-Road Recreation. -- Motorized travel shall be permitted within the conservation area only on those designated trails and routes existing as of July 1, 1991.

#### SEC. 7. BOWEN GULCH BACKCOUNTRY RECREATION AREA.

(a) Establishment. -- (1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch backcountry recreation area (hereinafter referred to as the "backcountry recreation area").

(2) The backcountry recreation area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 6,800 acres as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated May, 1991.

(b) Administration. -- The Secretary shall administer the backcountry recreation area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal. -- Subject to valid existing rights, all lands within the backcountry recreation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) Development. -- No developed campgrounds shall be constructed within the backcountry recreation area. After the date of enactment of this Act, no new roads or trails may be constructed within the backcountry recreation area.

(e) Timber Harvesting. -- No timber harvesting shall be allowed within the backcountry recreation area except for the minimum necessary to protect the forest from insects and disease, and for public safety.

(f) Motorized Travel. -- Motorized travel shall be permitted within the backcountry recreation area only on those designated trails and routes existing as of July 1, 1991 and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the backcountry recreation area.

(g) Management Plan. -- During the preparation of the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the backcountry recreation area, after providing for public consultation.

Mr. WIRTH. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WIRTH. Mr. President, a quick note. I thank the distinguished senior Senator from Alaska for his help, and that of the distinguished Senator from Ohio [Mr. Metzenbaum] for working out concerns about this legislation. I take a moment to thank the distinguished junior Senator from Colorado [Mr. Brown]. This has been underway and negotiation for a decade and it is a remarkable day, the day after Colorado Day to have this happen.

I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, will the Senator yield to permit us to complete action on the D.C. appropriation conference report?

Mr. HEFLIN. I wish only 10 seconds.

Mr. MITCHELL. Mr. President, I yield to the Senator from Alabama.