

Committee Reports

102nd Congress

House Report 102-810 Part 1

102 H. Rpt. 810; Part 1

COLORADO WILDERNESS ACT OF 1992

DATE: August 6, 1992. Ordered to be printed

SPONSOR: Mr. Miller of California, from the Committee on Interior and Insular Affairs, submitted the following

REPORT together with ADDITIONAL VIEWS

(To accompany S. 1029 which on September 11, 1991, was referred jointly to the Committee on Interior and Insular Affairs and the Committee on Agriculture)
(Including cost estimate of the Congressional Budget Office)

TEXT:

The Committee on Interior and Insular Affairs, to whom was referred the Act (S. 1029) to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the Act as amended do pass.

The amendment is as follows:

Strick out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Wilderness Act of 1992".

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 3,800 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness Proposal", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the

wilderness area designated by Public Law (96-560 and renamed "Uncompahgre Wilderness" by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 600 acres, as generally depicted on a map entitled "Bill Hare Gulch and Larson Creek Addition to the Big Blue Wilderness Proposal", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by Public Law 96-560 and renamed "Uncompahgre Wilderness" by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 46,910 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated June 1992, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest (renamed as the Ute National Forest by section 3(f) of this Act) 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 June 1992, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,020 acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness Proposal", dated June 1992, 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 Grand Mesa, Uncompahgre, and Gunnison National Forests (renamed the Ute National Forest by section 3(f) of this Act) which comprise approximately 30,700 acres as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated June 1992, and which shall be known as the Fossil Ridge Wilderness Area.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated June 1992, and which shall be known as the Greenhorn Mountain Wilderness.

(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 June 1992, 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 (renamed the Ute National Forest by section 3(f) of this Act) which comprise approximately 5,500 acres, as generally depicted on a map entitled "Oh-Be-Joyful Addition to the Raggeds Wilderness Proposal", dated June 1992, 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 Grand Mesa, Uncompahgre, and Gunnison National Forests (renamed the Ute National Forest by section 3(f) of this Act) which comprise approximately 28,262 acres, as generally depicted on a map entitled "Roubideau Wilderness Proposal", dated June 1992, and which shall be known as the Roubideau Wilderness.

(11) Certain lands in the Rio Grande National Forest which comprise approximately 212,360 acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness Proposal", dated June 1992, and which shall be known as the Sangre de Cristo Wilderness. Any lands or interests therein within the Como Lake and Blanca Peak areas, as generally depicted on a map entitled "Como Lake and Blanca Peak Areas", dated June 1992, which hereafter may be acquired by the United States shall be added to the Sangre de Cristo Wilderness and managed accordingly.

(12) Certain lands in the Routt National Forest which comprise approximately 47,690 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated June 1992, which shall be known as the Sarvis Creek Wilderness.

(13) Certain lands in the San Juan National Forest which comprise approximately 32,800 acres as generally depicted on a map entitled "South San Juan Expansion Wilderness Proposal", (V-Rock Trail and Montezuma Peak), dated June 1992, 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.

(14) Certain lands in the San Isabel National Forest which comprise approximately 18,130 acres as generally depicted on a map entitled "Spanish Peaks Wilderness Proposed", dated June 1992, and which shall be known as the Spanish Peaks Wilderness.

(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 June 1992, 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: 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 24,250 acres, as generally depicted on a map entitled "Byers Peak Wilderness Proposal", dated June 1992, and which shall be known as Byers Peak Wilderness.

(17) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests (renamed the Ute National Forest by section 3(f) of this Act) and in the Bureau of Land Management Montrose District which comprise approximately 17,000 acres, as generally depicted on a map entitled "Tabeguache Wilderness Proposal", dated June 1992, and which shall be known as the Tabeguache Wilderness.

(18) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "Weminuche Wilderness Additions Proposed", dated June 1992, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93-632.

(19) Certain lands in the Rio Grande National Forest which comprise approximately 23,800 acres, as generally depicted on a map entitled "Wheeler Additions to the La Garita Wilderness Proposal", dated June 1992, and which shall be incorporated into and shall be deemed to be a part of the La Garita Wilderness.

(20) Certain lands in the Arapaho National Forest which comprise approximately 19,780 acres, as generally depicted on a map entitled "Williams Fork Wilderness Proposal", dated June 1992, and which shall be known as the Williams Fork Wilderness.

(21) 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 June 1992, which are hereby incorporated into and shall be deemed to be a part of the Never Summer Wilderness.

(b) Maps and Descriptions. As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a 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. ADMINISTRATIVE PROVISIONS.

(a) In General. (1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior (in the case of the portion of Powderhorn Wilderness managed by the Bureau of Land Management) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness area 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 (11) 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. Grazing of livestock in wilderness areas designated by this Act, where established prior to the date of enactment of 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, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(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) Conforming Amendment. 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.

(f) Wilderness and National Forest Name Changes. (1) The wilderness area designated as "Big Blue Wilderness" by section 102(a)(1) of Public Law 96-560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness.

(2)(A) There is hereby designated in the State of Colorado the Ute National Forest, to be administered by the Secretary of Agriculture as a unit of the National Forest System subject to the laws, rules, and regulations applicable to the National Forest System.

(B) The Ute National Forest shall comprise those lands previously designated as the Grand Mesa, Uncompahgre, and Gunnison National Forest. The exterior boundary of the Ute National Forest shall encompass the lands within such National Forests and for the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9) shall be treated as if it were the boundary of the Ute National Forest as of January 1, 1965.

(C) Any Land and Resource Management Plans for the Grand Mesa, Uncompahgre, or Gunnison National Forests in effect on the date of enactment of this Act shall constitute the land management plan for the relevant portion of the Ute National Forest required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (16 U.S.C. 1604), and nothing in this subsection shall require the Forest Service to amend or revise any such plans or any associated environmental impact statements.

(D) Any reference to the Grand Mesa, Uncompahgre, or Gunnison National Forests in any existing statute, regulation, manual, handbook, authorization, permit, option, contract, or other paper of the United States shall be deemed to be a reference to the Ute National Forest.

(E) Nothing in this subsection shall affect any valid existing rights related to lands or interests therein within the Grand Mesa, Uncompahgre, or Gunnison National Forests, or any permit, lease, or contract related to use of such lands.

(g) National Forest Additions. (1) Except for lands within the Powderhorn Wilderness, any lands designated as wilderness by this Act which as of the date of enactment of this Act were managed by the Secretary of the Interior as public lands (as defined in the Federal Land Policy and Management Act of 1976), are hereby transferred to the jurisdiction of the Secretary of Agriculture, and shall be added to and managed as part of the National Forest System, and the boundaries of the adjacent National Forests are hereby modified to include such lands.

(2) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of affected National Forests, as modified by this subsection, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(3) Nothing in this subsection shall affect valid existing rights of any person under any authority of law.

(4) Authorizations to use lands transferred by this subsection which were issued prior to the date of enactment of this Act, shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this subsection shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 4. WILDERNESS RELEASE.

(a) Repeal of Wilderness Study Provisions. Sections 105 and 106 of the Act of December 22, 1980 (P.L. 96-560), are hereby repealed.

(b) Initial Plans. Section 107(b)(2) of the Act of December 22, 1980 (P.L. 96-560) is amended by striking out ", except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressional designated wilderness study areas,".

SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.

(a) Establishment. (1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the "recreation management area").

(2) The recreation management area shall consist of certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado, (renamed the Ute National Forest by section 3(f) of this Act) which comprise approximately 43,900 acres as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated June 1992.

(b) Administration. The Secretary of Agriculture shall administer the recreation management 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 recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public 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 recreation management area except for any minimum necessary to protect the forest from insects and disease, and for public safety.

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

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

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

SEC. 6. BOWEN GULCH PROTECTION AREA.

(a) Establishment. (1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres as generally depicted as "Area A" and "Area B" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated June 1992.

(b) Administration. The Secretary shall administer the protection 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 protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public laws, from location, 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 all amendments thereto.

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

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

(f) Motorized Travel. Motorized travel shall be permitted within the protection 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 protection 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 protection area, after providing for public consultation.

SEC. 7. PIEDRA AREA.

Subject to valid existing rights, the area of approximately 56,000 acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Area" dated June 1992, is 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. Until Congress determines otherwise, such area shall be managed by the Secretary of Agriculture so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Livestock grazing in such area shall be permitted and managed to the same extent and in the same manner as on the date of enactment of this Act. Mechanized travel within such area shall be permitted only on those designated trails and routes existing on July 1, 1991. No motorized travel shall be permitted on Forest Service trail number 535 except during periods of adequate snow cover.

SEC. 8. OTHER LANDS.

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law. Purpose

As reported, S. 1029 would designate as wilderness approximately 670,960 acres in Colorado managed by the Forest Service and Bureau of Land Management, would specify the future management of other national forest and public lands in that State, and would rename three National Forests and one existing wilderness area.

Similar bills (H.R. 762 by Mr. Campbell), (H.R. 1369 by Mr. Allard), and (H.R. 1447 by Mr. Skaggs), were introduced in the House.

Background and Need

In 1980, by enactment of P.L. 96-560, Congress specified the future management of most of the Colorado national forest lands with regard to which the President, pursuant to the Wilderness Act, previously had made recommendations relating to wilderness designation, including recommendations resulting from the Forest Services "RARE II" review process.

Regarding 11 other areas in Colorado, however, P.L. 96-560 provided for further study and for the submission of recommendations for their future management as components of the National Wilderness Preservation System or otherwise.

This bill is the product of the Committees consideration of the Administrations recommendations regarding not only those 11 areas but also some other portions of Colorados National Forests, and also addresses the future management of some public lands managed by the Bureau of Land Management (BLM) that, pursuant to section 603 of the Federal Land Policy and Management Act of 1976, have been studied for possible designation as wilderness. Under the bill as reported, some of these public lands would be transferred to management by the Forest Service while others would continue to be managed by the BLM.

The Committee Amendment

The Committee adopted an amendment in the nature of a substitute that would designate as wilderness one area (Spanish Peaks) not dealt with in the Senate bill, and would provide for specific management (other than multiple-use) of one area (Piedra) that the Senate-passed bill designated as wilderness. The substitute also would rename as the Uncompahgre Wilderness the existing Big Blue Wilderness, and would rename as the Ute National Forest three existing National Forests now managed as a single unit of the National Forest System. Each of these provisions is discussed in more detail in the Section-By-Section Analysis portion of this Report.

Another major difference between the Senate-passed bill and the Committees substitute regards water, about which the Senate-passed bill included an entire section (section 3).

Subsection 3(b) of the Senate-passed bill includes an express statement that nothing in that bill or any other legislation should be construed as constituting either an express or implied reservation of water or water rights arising from the bills designation of wilderness or its provisions relating to either the Fossil Ridge or the Bowen Gulch areas. Further, in subsection 3(c), the Senate-passed bill directs the Secretary of Agriculture to enter into a contractual arrangement with a State agency regarding certain instream-flow filings established under State law with regard to the Piedra area.

The bill as reported by the Committee does not include such provisions. Their inclusion would have been inconsistent with the Committees action in including an express reservation to the United States of water rights for wilderness designated by other legislation recently enacted or passed by the House after being reported by the Committee (e.g., the Nevada Wilderness Protection Act of 1989, P.L. 101-195; the Arizona Desert Wilderness Act of 1990, P.L. 101-628; the Los Padres Condor Range and River Protection Act, P.L. 102-301; and the California Desert Protection Act of 1991 (H.R. 2929), as passed by the House on November 26, 1991).

Instead, the Committee substitute is silent with respect to water and water rights. However, this silence should not be construed as meaning that the Committee believes that proper protection of the water resources of wilderness is not an important aspect of the management of wilderness, especially in Colorado and other States in the more arid regions of the Nation. On the contrary, as the Committee noted in its Report on the House version of the 1980 legislation (P.L. 96-560) designating wilderness in Colorado, "Not

only do opportunities for primitive recreation and wildlife habitat protection abound in these areas, but perhaps more importantly, their natural production of invaluable supplies of high quality water provide(s) a compelling reason for preserving them in their natural state." (House Report No. 96-617, p. 4).

In reporting S. 1029, as amended, by the Committee substitute, the Committee has acted to afford the entire House of Representatives an opportunity to decide what provisions should be included regarding the water resources of the wilderness areas designated by the bill and the rights and responsibilities of the National Government with respect to proper management and protection of those resources.

Section-by-Section Analysis

Section 1 provides a short title, namely the "Colorado Wilderness Act of 1992".

Section 2 would designate 21 areas to be managed as wilderness (either as separate components of the National Wilderness Preservation System or as additions to existing units of that System). These areas, specified in subsection 2(a), are as follows:

(PLEASE REFER TO ORIGINAL SOURCE)

A more detailed description of these areas follows:

American Flats, Bill Hare Gulch/Larson Creek

These additions to the existing "Big Blue Wilderness" (which the bill renames as Uncompahgre Wilderness) are located north of Lake City, Colorado. Bureau of Land Management (BLM) wilderness studies determined these additions would be a logical extension of the wilderness, especially with regard to American Flats, an area above treeline marked by undulating hills that form the watershed divide separating Cow creek and Wildhorse Creek from Henson Creek. They provide unobstructed views of Wetterhorn and Uncompahgre Peaks and much of the San Juan Mountains. Comprised mostly of alpine tundra, but including (in the Bill Hare Gulch and Larson Creek areas) some lower-elevation ponderosa pine and spruce/fir forests, these areas are a summer habitat for several species of big game. Hinsdale and Ouray counties are popular with tourists and outdoor enthusiasts, including off-road vehicle users who especially enjoy the scenery along the Engineer Pass Road. While the wilderness additions in the bill as reported are greater than in the Senate bill, the increase presents no conflicts with off-road vehicle use, and special care was taken to exclude from wilderness several patented mining claims in the south portion of the American Flats addition.

Bowen Gulch

This area was considered for wilderness designation during the Forest Services "RARE II" review, but was not recommended for wilderness designation. The area is adjacent to the Continental Divide and is unusual for Colorado because of its abundant rainfall, caused by the effects of the mountains on the prevailing westerly winds, and one of the

most important stands of old-growth trees in the State including some as large as five feet in diameter and more than 600 years in age. In 1984, prior to adoption of new policies for protection of old-growth, the Forest Service carried out the environmental analysis of a proposed sale of timber in this area, and in 1988 completed a sale contract allowing harvesting of timber in the Bowen Gulch area. However, the Louisiana Pacific Company, in response to controversy about the sale, agreed not to log the area if substitute timber were provided, which the Committee understands has now been done. The reported bill, like the version passed by the Senate, designates a portion of the Bowen Gulch area as an addition to the existing Never Summer Wilderness, and, in section 6, prohibits timber harvest on another portion that is also withdrawn from mineral exploration or development.

Buffalo Peaks

This wilderness area is located some 10 miles southeast of Leadville, Colorado, between the South Platte River and Arkansas River drainages, within Lake, Park and Chaffee counties. The areas rolling terrain, subalpine meadows, and timbered basins provide habitat for bighorn sheep. Roads once existed in the area, but they have been closed since 1971 and there is little, if any conflict with grazing or off-road vehicle use. The wilderness boundaries have been drawn to avoid most patented mining claims and an electronic site near South Peak.

Davis Peak

Left as a Further Planning Area in 1980, the Davis Peak addition to the Mr. Zirkel Wilderness Area is a lower-elevation area that includes a portion of the Encampment River. The bill as reported would designate a larger wilderness than the Senate-passed bill by including the Manzanares Lake area, but excludes the Dome Peak area, which is managed for timber production, livestock grazing and motorized recreation, as well as the area which serves as the Big Creek campground water collection system and the South Hog Fork Creek drainage, one of the highest producing watersheds in the state.

Fossil Ridge

The bill as reported provides for wilderness designation of the same portion of the Fossil Ridge Wilderness Study Area, between Crested Butte and Gunnison, Colorado, designated in 1980 by P.L. 96-560 as did the Senate-passed bill. The Committee notes that the Forest Service once identified this as among the highest-ranking potential wilderness areas in Colorado, but has failed to manage the area to adequately maintain its wilderness character in particular, by allowing excessive use of mechanized equipment for recreation. Nonetheless, the area remains a very special place, marked by alpine lakes, notable wildlife values (including mountain goats and elk) and the fossil-bearing limestone strata that give the area its name.

Greenhorn Mountain

The Committee has adopted the same boundaries for this rugged, broken, and ecologically diverse part of the southern Front Range (part of a slightly larger area designated as a Wilderness Study Areas by P.L. 96-560 in 1980) as in the Senate-passed bill. At the suggestion of the Forest Service, the boundaries of this area have been drawn to designate as wilderness lands within a "Greenhorn Mountain Cherrystem" that were excluded from wilderness in past proposals. The "Greenhorn Mountain Cherrystem" was closed in 1987 and subsequently ripped and reseeded, leaving only a four-foot-wide hiking trail.

Lost Creek

This addition to the existing Lost Creek Wilderness Area is directly south of Denver, near Kenosha Pass. The boundaries are the same as provided for by the Senate-passed bill, and includes South Twin Cone Peak at the northern end of the Platte River Mountains as well as the upper reaches of Rock and Shutetown Creeks and Foster Gulch.

Oh Be Joyful

This area was considered for wilderness in 1980, but not designated, because of the need for further consideration of possible conflicts. While some possible conflicts may still remain, inclusion of the area in wilderness (as an addition to the existing Raggeds Wilderness) will provide protection for important resource values and the areas status as a part of the municipal watershed for the community of Crested Butte. The boundaries are the same as provided for in the Senate-passed bill, and include the Oh-Be-Joyful Peak (part of the Ruby Range), Pass, and Creek from which the area takes its name as well as the Peeler Lakes.

Powderhorn

Even this areas most famous visitor, Alferd Packer, must have been awed by the expanse of alpine tundra, the largest in the "lower-48" States, found within this area, most of which has been managed by the BLM as the Powderhorn Primitive Area. (Part of the area bears the name "Cannibal Plateau", a remainder of Packers notoriety). The boundaries, straddling the line between Gunnison and Hinsdale Counties, are the same as provided for in the Senate-passed bill; the portion of the wilderness which has been managed as the Powderhorn Primitive Area will continue to be managed by the Bureau of Land Management, while the remainder will continue under management of the Forest Service.

Roubideau

This area, like the Tabeguache Roadless Area, was targeted by the Forest Service for timber cutting before public outcry forced the Forest Service to re-evaluate its position. A prime feature of the area, which is located 15 miles west of Montrose, Colorado, is Roubideau Creek, which has carved one of Colorados most unique canyons. Named after a French fur trapper, the creek originates in sub-alpine spruce and aspen forests high on the Uncompahgre Plateau before it flows 20 miles into the Gunnison River. The area is

rich in native cutthroat trout, beaver, black bear, deer, bobcat, and cougar, as well as golden eagles and other birds. The reported bill would include within this wilderness lands now managed pursuant to section 603 of the Federal Land Policy and Management Act of 1976, whose management would be transferred from the BLM to the Forest Service.

Sangre de Cristo

The Sangre de Cristo Wilderness is by far the most complex area dealt with in this bill. The area is generally located between the towns of Salida and Alamosa, in Custer, Fremont, Saguache, Huerfano and Alamosa counties. The mountains themselves rise steeply from the floor of the San Luis Valley, location of some of Colorado's oldest settlements (the name Sangre de Cristo, or "Blood of Christ", is said to have been bestowed by Juan De Onate in 1647 and to refer to the red hues tinting the range at sunset). Extending from northern New Mexico into central Colorado, the range, with its 30 peaks rising above 13,000 feet (7 rise above 14,000), forms a natural barrier between Southeast and Southwest Colorado and causes the wind currents responsible for formation of the remarkable dunes in the Great Sand Dunes National Monument on its western flank. While the South Colony Lakes road is not included in the Sangre de Cristo Wilderness designated in subsection 2(a), and therefore may be managed to permit motorized use, the Committee intends that the Forest Service strictly and universally prohibit (and physically restrict) any motorized access into the lands included in this wilderness area, including the South Colony Lakes and the sensitive alpine tundra areas in that vicinity. The boundary of the southernmost portions of the wilderness area has been drawn so as to exclude from wilderness a number of private holdings (including patented mining claims) in the Como Lake and Blanca Peak areas; however, the bill as reported provides that if any of these holdings should be acquired by the United States, they will be incorporated into and managed as part of the Sangre de Cristo Wilderness.

Service Creek

This area (given the name "Sarvis Creek Wilderness") is a low-elevation forest, different from most of the states wilderness areas that are characterized by ruggedness of terrain. It has extraordinary wildlife habitat, and is used for recreation by many Steamboat Springs residents. The boundaries exclude from wilderness Walton Peak in the north because of the need for continued accessibility to an electronic transmission site and a popular snowmobile trail near Forest Road 100. The boundary will not impact the work the Forest Service has been doing to prepare a thorough Environmental Impact Statement (EIS) on the proposed Lake Catamount Ski Area near Steamboat Springs. The Silver Creek Trail is included within the wilderness, but the Committee has drawn the northeastern boundary of this area so as to exclude from wilderness the Routt Divide Trail, partly within wilderness under other proposals, so that it can continue to be managed to permit mechanized use, including use by bicycles, if and as authorized by the Forest Service.

South San Juan Addition

The South San Juan Wilderness is located east of Pagosa Springs, Colorado. The lands that would be added to this existing wilderness area by the bill as reported include the V-Rock and Montezuma Peak Wilderness Study Areas. This is one of the "wildest" areas in Colorado, and not only attracts fishermen, backpackers, cross-country skiers, rock climbers, hunters, and horseback riders, but also is prime habitat for endangered species. The Colorado Division of Wildlife believes the area is suitable habitat for grizzly bears (and the last reported sighting of a grizzly in Colorado occurred in the existing South San Juan Wilderness), as well as for wolverines and river otters. According to Forest Service data, less than nine percent of this areas acreage is suitable for timber harvesting, and no sales have been planned. The Committee understands that the Forest Service and the U.S. Geological Survey have noted the presence of oil, gas and minerals, but consider them too small and isolated to be mined.

Spanish Peaks

In 1977, the Spanish Peaks, or Wayatoya ("Breast of the World"), were designated as a National Natural Area because of outstanding scenic values, and this area has also been inventoried for potential historic recognition because the two volcanic peaks (eastern-most extensions of the Rocky Mountains) served as a landmark to some of Colorados early settlers. In fact, the trail between Bents Old Fort and Taos, New Mexico, passes within sight of Spanish Peaks. Although some private inholdings currently exist within the area, the Forest Service has been working to acquire them through exchanges and acquisition. On the western side of the area, the Committee has accommodated needs of the Cuchara Water District by following a topographical boundary between the South, Middle and North White Peaks.

Spruce Creek

The Spruce Creek area is surrounded by the existing Hunter-Fryingpan Wilderness Area, northeast of Aspen, and is appropriate for management as an addition to that wilderness. It was considered for wilderness in 1980, but was not designated because of perceived conflicts with timber harvesting that have now been resolved. The bill as reported has the same boundaries as in the Senate-passed bill, and also includes the same provisions to make clear that the addition of this area to wilderness will not interfere with continued operation of the Fryingpan-Arkansas project.

St. Louis/Vasquez Peaks ("Byers Peak Wilderness")

This area, in Grand County, Colorado, is a high, rugged, expanse of tundra and rock, mostly above treeline, that straddles the Continental Divide. Because of its proximity to Denver, the area is an important recreational resource, attracting many visitors. Its forests provide little commercial timber. Some unpatented mining claims do exist within the area, but no exploration activities have recently taken place. While the Vasquez Peak Wilderness Study Area (WSA) was recommended for wilderness, the Forest Service felt there were too many "external influences" to recommend such designation for the adjacent St. Louis Peaks area. However, the Committee has decided that both areas

should be designated as wilderness, and has combined them into one area under the name "Byers Peak Wilderness". Tabeguache

The Forest Services Tabeguache Roadless Area and an adjacent BLM wilderness study area, both in Montrose County, encompass one of the last pristine canyons of the Uncompahgre Plateau, the higher country that divides the drainage of the Uncompahgre and Gunnison Rivers from that of the Dolores. The areas have exposed geologic strata that represent a time-span of nearly 100 million years and they afford opportunities for relatively low-elevation, year-round recreational uses such as horseback riding, hiking, camping, and fishing. The roadless area was recommended for wilderness designation by the Forest Service, while the BLM has suggested that the natural resources and extremely high cultural values (including evidence of both the Anasazi and Fremont cultures) of its portion would be suitable for management as an Outstanding Natural Area. The Committee, noting that the area is comparable to some lands within Mesa Verde National Park, has chosen to designate a single wilderness area including lands managed by the BLM as well as the Forest Service so as to encompass almost all of both the main and North forks of Tabeguache Creek, and to make the Forest Service responsible for management of the entire wilderness.

Weminuche and the West Needles

These additions to the existing Weminuche Wilderness provide wilderness designation for lands on both sides of the Las Animas River (and the famous narrow-gauge railroad) from about 4 miles south of Silverton to the Teft Spur, just downstream from the mouth of Crazy Woman Gulch. This is some of the most spectacular mountainous country in Colorado. Some of these lands were originally omitted from National Forests status (remaining public lands managed by the bureau of Land Management and its predecessor agencies) because of possible mineral significance, and, pursuant to section 603 of the Federal Land Policy and Management Act of 1976 ("FLPMA"), the Needle Creek, West Needles Contiguous, Whitehead Gulch, and Weminuche Contiguous areas were identified as wilderness study areas subject to interim management pending a Congressional decision as to their possible inclusion in the National Wilderness Preservation System. In December, 1981, then-Secretary of the interior James G. Watt directed that these areas no longer be subject to such interim management, but by enactment of section 12 of the Public Lands and National Park Act of 1983 (P.L. 98-141), earlier reported by the Committee as H.R. 1213 (House Report 98-15), Congress added some of these lands to the National Forest System, directing they be managed as part of the West Needles Wilderness Study Area, and directed that the remainder continue to be managed pursuant to section 603 of FLPMA. The reported bill adds to the existing wilderness the same lands as would be Senate-passed bill, and adds to the National Forest System those still remaining under management of the BLM.

Wheeler Area (addition to La Garita Wilderness)

This area is truly special and offers visitors some spectacular views of a rather unique part of Colorado. High in the La Garita Mountains east of Creede, the pancake rocks and

pinnacles of the area have long been recognized as an unusual resource, and were given the administrative designation of "geologic area" prior to being included within the lands for which a special study status was established by P.L. 96-560 in 1980. The Committee has included the area previously designated as the Wheeler Geologic Area (part of the area required to be studied by section 105(b) of P.L. 96-560) within wilderness, which omitting from wilderness the road leading to the geologic area itself, recognizing that the viewpoint at the end of the road is a popular recreation site for handicapped persons and other users of motorized vehicles. The designation of wilderness in this area will not preclude Forest Service installation of toilets, picnic facilities, and similar small structures outside the wilderness boundaries.

Williams Fork

This wilderness area includes a variety of high-altitude terrain on both sides of the Continental Divide stretching from Woods Mountain and Herman Lake, north and east of the eastern portal of the Eisenhower Interstate Highway tunnel, west to Ptarmigan Pass, and then northwest nearly to Ute Peak in the Williams Mountains.

Subsection 2(b) provides for preparation and appropriate filing of maps and legal descriptions of the areas the bill would designate as wilderness.

Section 3 includes a number of administrative provisions providing for appropriate management of the areas designated as wilderness (including the management of livestock grazing), making clear that the bill will not affect the jurisdiction or responsibilities of the State of Colorado relating to wildlife and fish and will not create any buffer zones around wilderness, and changing the name of the Big Blue Wilderness and the Grand Mesa, Uncompahgre, and Gunnison National Forests.

Under subsection 3(f), the Big Blue Wilderness, as designated by P.L. 96-560 and as it would be expanded by additions made by this bill, would be renamed as the "Uncompahgre Wilderness," as originally provided in the Senate version of that 1980 legislation and in recognition that much of these lands were part of the Uncompahgre Primitive Area prior to enactment of P.L. 96-560.

Also under subsection 3(f), the Grand Mesa, Gunnison, and Uncompahgre National Forests, already managed by the Forest Service as a single unit, would be given the new, unitary name of Ute National Forest, in recognition of the fact that the lands involved were part of the homeland, and then the reservation, of the Utes before the discovery of valuable minerals and the 1879 killing of Indian Agent Nathan Meeker produced the political pressures resulting in the forced removal of the Utes to smaller reservations. In adopting the substitute that includes this change in nomenclature, the Committee has noted that the names of Grand Mesa (as a geographical feature), Gunnison (as a river and county) and Uncompahgre (as a river, a peak, a plateau, and a wilderness area) will remain on the maps of Colorado.

Under subsection 3(g) all BLM-managed lands designated as wilderness by the bill, except for a portion of the Powderhorn area, would be added to the National Forest System and managed by the Forest Service.

Section 4 would repeal the provisions of P.L. 96-560 dealing with areas dealt with in this bill.

Section 5 would designate 43,900 acres of National Forest lands as the "Fossil Ridge Recreation Management Area." This part of the Fossil Ridge Wilderness Study Area designated in 1980 by P.L. 99-560 is the same area that would be designated as the "Fossil Ridge National Conservation Area" under section 6 of S. 1029 as passed by the Senate, and as described in Senate Report 102-129.

The Committee prefers that the term "National Conservation Area" continue to be used only for Congressionally-designated areas managed by the Bureau of Land Management, and has, therefore, adopted a different nomenclature for this area; otherwise, the provisions of this section are the same as in the corresponding part of the Senate-passed bill. Thus, the area would be established to conserve, protect, and enhance its scenic, wildlife, recreational, and other natural resource values; would be withdrawn (subject to valid existing rights) from mineral entry and from mineral and geothermal leasing; would be closed to timber harvesting except for any minimum amount necessary for protection against insects and disease or for public safety; would be closed to construction of developed campgrounds and new roads or trails; and would be closed to motorized travel except on designated trails or roads existing on July 1, 1991. Designation of the area would not prohibit or change the administration of livestock grazing on the lands involved.

Section 6 would designate 11,600 acres of National Forest lands as the "Bowen Gulch Protection Area". The corresponding section (section 7) of the Senate-passed bill would designate a similar but smaller (6,800 acres) area (termed the "Bowen Gulch Backcountry Recreation Area"), as described in Senate Report 102-129. While all of the Bowen Gulch area would be appropriate for management as wilderness, the portion covered by section 6 has been given a different status so as to accommodate snowmobiling and use of mountain bicycles under appropriate regulations.

The Committee prefers not to use the "Backcountry Recreation" terminology for this area, because of possible confusion with similar terminology used for administrative designations by the National Park Service; otherwise, the management of this area under the bill as reported would be the same as provided for in the Senate-passed bill. Thus, the area would be withdrawn from mineral entry and from mineral and geothermal leasing; would be closed to new developed campgrounds, roads, and trails; would be closed to timber harvesting except for any minimum amount necessary for protection against insects and disease or for public safety; and would be closed to motorized travel except on designated trails and routes in existence on July 1, 1991 during periods of adequate snow cover (but open to mechanized, non-motorized travel). The Forest Service would be

required to develop a management plan for the area during revision of the relevant National Forest plan.

Section 7 deals with the Piedra area of 56,000 acres in the San Juan National Forest, in southwestern Colorado. This same area, with its notable mid-elevation forest and canyons as well as a stretch of the Piedra River, would be designated as wilderness by section 2(a)(10) of the Senate-passed bill, as described in Senate Report 102-129.

While the Committee has elected not to designate the Piedra area as wilderness, under section 7 the area would be withdrawn from disposal, from mineral entry, and from operation of the mineral and geothermal leasing laws, and until Congress determines otherwise the area would be managed by the Secretary of Agriculture so as to maintain its presently existing wilderness character and its potential for inclusion in the National Wilderness Preservation System. Section 7 specifies that livestock grazing in the Piedra area can continue to the same extent as permitted on the date of enactment of the bill, under the same management as applicable on that date, and that mechanized travel in the area is to be confined to designated trails and routes existing on July 1, 1991. The section also would prohibit motorized travel on a specified Forest Service trail except during periods of adequate snow cover.

Section 8 is a disclaimer, stating that nothing in the bill is to be construed as affecting the ownership or use of lands or interests not owned by the United States or the access to such lands that is available under other applicable law. The Committee is aware that within the wilderness areas designated by the bill there are some lands and interests (e.g., mining claims) that are not owned by the United States, and notes that under the Wilderness Act such inholdings in National Forest wilderness areas cannot be acquired without the consent of the owner, and that adequate access is to be provided to the owner.

Other Areas

The Committee notes that there are a number of roadless areas within Colorado's National Forests and public lands whose management is not addressed by the bill as reported, including but not limited to the Chama Basin (adjacent to the South San Juan Wilderness), Kannah Creek, Kebler Pass, Pole Creek, San Miguel Peak, Troublesome, and Ute Creek, and further notes that these areas have significant values associated with their undeveloped, roadless condition. Even in those cases where such areas are not subject to specific management requirements under applicable existing law, the Committee intends that the Forest Service and the BLM continue to be mindful of those values in the course of planning and when making decisions regarding specific proposed uses of these lands.

Legislative History and Committee Recommendation

Prior to passage of S. 1029 by the Senate on August 2, 1991, several similar or related House bills had been referred to the Committee. On May 23, 1991, the Subcommittee on National Parks and Public Lands held a hearing on these bills (H.R. 762, H.R. 1369, and

H.R. 1447) and on the provisions of S. 1029. On July 2, 1992, the Subcommittee adopted an amendment in the nature of a substitute to S. 1029 and favorably reported the bill, as so amended, to the Full Committee. On July 8, 1992, the Committee on Interior and Insular Affairs adopted an amendment in the nature of a substitute and ordered the bill as so amended favorably reported to the House by a voice vote.

Changes in Existing Law Made by the Bill, as Reported

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

Section 2 of the Endangered American Wilderness Act of 1978

designation of wilderness areas

Sec. 2. In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated January 1978, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System

(a) * * *

(e) certain lands in the White River National Forest, Colorado, which comprise approximately seventy-four thousand four hundred and fifty acres, are generally depicted as area "A" on a map entitled "Hunter-Fryingpan Wilderness Area Proposed", and shall be known as the Hunter-Fryingpan Wilderness. The area commonly known as the "Spruce Creek Addition", depicted as area "B" on said map and comprising approximately eight thousand acres, shall, in accordance with the provisions of subsection 3(d) of the Wilderness Act, be reviewed by the Secretary as to its suitability or nonsuitability for preservation as wilderness. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendation with respect to the designation of the Spruce Creek area as wilderness not later than two years from the date of enactment of this Act. Subject to valid existing rights, the wilderness study area designated by this subsection shall, until Congress determines otherwise, be administered by the Secretary so as to maintain presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. 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, Eighty-seventh Congress, and the reauthorization thereof by Public Law 93-493, Ninety-third Congress, 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 Numbered 130, Eighty-seventh Congress, and pursuant to the water laws of the State of Colorado;

Act of December 22, 1980

AN ACT To designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes

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

TITLE I

Sec. 105. (a) The Secretary of Agriculture shall review and within three years after the date of enactment of this Act, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wildness Act of 1964 (78 Stat. 892), his recommendations on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following lands:

- (1) the Buffalo Peaks Wilderness Study Area, consisting of approximately fifty-six thousand nine hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Buffalo Peaks Wilderness Study Area Proposal", dated June 1980;
- (2) the Fossil Ridge Wilderness Study Area, consisting of approximately fifty-four thousand seven hundred acres in the Gunnison National Forest, as generally depicted on a map entitled "Fossil Ridge Wilderness Study Area Proposal", dated December 1979;
- (3) the Greenhorn Mountain Wilderness Study Area, consisting of approximately twenty-two thousand three hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Study Area Proposal", dated June 1980;
- (4) the South San Juan Wilderness Expansion Study Area, consisting of approximately thirty-two thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "Montezuma Peak-V Rock Trail Wilderness Study Area", dated June 1980;
- (5) the Piedra Wilderness Study Area, consisting of approximately forty-one thousand five hundred acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Wilderness Study Area Proposal", dated June 1980;
- (6) the Sangre de Cristo Wilderness Study Area, consisting of approximately two hundred and twenty-one thousand acres in the Rio Grande and San Isabel National Forests, as generally depicted on a map entitled "Sangre de Cristo Wilderness Study Area Proposal", dated June 1980;

(7) the Spanish Peaks Wilderness Study Area, consisting of approximately nineteen thousand six hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Spanish Peaks Wilderness Study Area Proposal", dated June 1980;

(8) the Vasquez Peak Wilderness Study Area, consisting of approximately twelve thousand eight hundred acres in the Arapaho National Forest, as generally depicted on a map entitled "Vasquez Peak Wilderness Study Area Proposal", dated September 1980; and

(9) the West Needle Wilderness Study Area, consisting of approximately fifteen thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "West Needle Wilderness Study Area Proposal", dated June 1980.

(b) The Secretary of the Interior and the Secretary of Agriculture shall review jointly the Wheeler Geologic Study Area consisting of approximately fourteen thousand acres in the Gunnison National Forest, as generally depicted on a map entitled "Wheeler Geologic Study Area Proposal", dated November 1980, and within three years following the date of enactment of this Act shall report to the President and to Congress their recommendations for management of the lands in such study area. In making such review and report, such Secretaries shall consider

(1) the natural, historical, cultural, scenic, economic, educational, scientific, energy, mineral, and geologic values of the study area;

(2) the management and protection of fragile geologic resources within the area;

(3) possible land management options or designations including national park, national monument, or national recreation area designation; addition to the National Wilderness Preservation System; special administrative designations; and management under the general laws and regulations applicable to the National Forest System;

(4) the effect of possible land management options on consumers, national security, and national, State and local economies, including timber harvest, tourism, grazing, energy, water, mineral, and other commercial activities;

(5) the need for additional mineral exploration in such area; and

(6) the suitability and desirability of permanent or temporary road or other mechanized access into the study area, with special attention to access by the elderly and the handicapped.

(c) Subject to valid existing rights, the study areas designated by subsections (a) and (b) of this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: Provided, That with respect to grazing of livestock and oil, gas, or mineral exploration and

development activities, such study areas shall be administered according to the laws generally applicable to the National Forest System.

Sec. 106. (a) The Secretary of Agriculture shall review and within three years after the date of enactment of this Act, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892), his recommendations on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following area:

(1) the Oh-Be-Joyful Wilderness Study Area, consisting of approximately five thousand five hundred acres in the Gunnison National Forest, as generally depicted on a map entitled "Oh-Be-Joyful Wilderness Study Area Proposed", dated November 1980.

(b) Subject to valid existing rights, the Oh-Be-Joyful Wilderness Study Area shall be administered by the Secretary of Agriculture so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: Provided, That such management requirement shall not extend beyond a period of two years from the date of submission to Congress of the Presidents recommendation that such area be designated as wilderness, or beyond the date of submission to Congress of the Presidents recommendation that such area not be designated as wilderness: Provided further, That, with respect to oil, gas and mineral exploration and development operations in such study area, the terms of the Wilderness Act of 1964 shall apply.

Sec. 107. (a) * * *

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

(1) * * *

(2) with respect to the National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressional designated wilderness study areas, that review and evaluation shall be deemed for the purposes of the initial land 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 initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

Oversight Statement

The Committee on Interior and Insular Affairs will have continuing responsibility for oversight of the implementation of S. 1029 after its enactment. No reports or recommendations were received pursuant to clause 2(b)(2) of rule X.

Inflationary Impact; Cost; and Budget Act Compliance

In the opinion of the Committee, enactment of S. 1029 will have no inflationary impact on the national economy and will involve only costs that are reasonable in light of the benefits derived. The estimate of the Congressional Budget Office follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 10, 1992.

Hon. George Miller,
Chairman, Committee on Interior and Insular Affairs, House of Representatives,
Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1029, the Colorado Wilderness Act of 1992, as ordered reported by the House Committee on Interior and Insular Affairs on July 8, 1992. CBO estimates that enactment of S. 1029 would result in additional costs of \$2 million to \$3 million over the next five years, assuming appropriation of the necessary amounts. Enactment of S. 1029 could affect direct spending and therefore would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. As a result, the estimate required under clause 8 of House Rule XXI is attached.

S. 1029 would designate over 670,000 acres of National Forest System land and Bureau of Land Management holdings in Colorado as part of the National Wilderness Preservation System. Three additional units of federal land totaling 111,500 acres would be protected under conservation plans that are less restrictive than wilderness designations.

Based on information from the Forest Service and the Bureau of Land Management, CBO estimates that costs for creating and executing wilderness area management plans would total about \$300,000 annually. Surveying and boundary work would cost from \$50,000 to \$250,000 per year for up to ten years.

The National Wilderness Preservation System Act stipulates that all timber located in units of the National Wilderness Preservation System is no longer available for timber harvesting. Because most of the land specified in this bill is not currently available for timber harvest, and much of the timber that is available would likely be replaced by timber in other areas, we would not expect there to be a significant reduction in timber receipts over the next five years.

Lands designated as wilderness are also no longer available for the exploration and development of minerals. No significant loss of mineral receipts is expected to result from this bill, however, because S. 1029 provides that mineral resources could be removed under valid existing rights. The bill would bar new claims, but any effect is expected to be minor because there have been few new mining claims in the affected areas over the past several years.

Enactment of this bill would not impose significant costs on state and local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,
James L. Blum
(For Robert D. Reischauer, Director).

Congressional Budget Office Estimate

The applicable cost estimate of this act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

1An estimate of S. 1029 as ordered reported by the House Committee on Interior and Insular Affairs on July 8, 1992. This estimate was transmitted by the Congressional Budget Office on July 10, 1992.

(PLEASE REFER TO ORIGINAL SOURCE)

ADDITIONAL VIEWS OF MR. HEFLEY AND MR. ALLARD

The creation of new wilderness areas for Colorado has been a topic of discussion for almost a decade. Senators Armstrong and Hart, Armstrong and Wirth, and Wirth and Brown all eventually settled on the issue of boundaries for the new wilderness areas but paused before the age-old issue of western water.

S. 1029, as passed by the House Interior Committee, is silent on the subject of water rights. Yet, in its views, the majority states its intention that the "entire House of Representatives (be afforded) an opportunity to decide what provisions should be included regarding the water resources of the areas designated by the bill." We would welcome this challenge and agree that the final version of S. 1029 should not be silent on the issue of water rights because no issue is so important to the standard of life in the West.

Colorado is home to the source of six major rivers the Colorado, the Arkansas, the North Platte, the White, the Yampa and the Rio Grande. Much of the flows from those rivers are pledged to other western states under a variety of interstate compacts and one

international treaty with Mexico. Colorado, the headwaters state, must provide for its own needs through water storage and careful planning.

Colorados water planning and the laws which govern that planning are among the oldest in the West. Some water rights trace their origins back to the 1600s, when the area was alternately under the rule of France and Spain. The law that has evolved over the past 300 years reflects the needs of a high desert area of moderate population that receives less than a foot of precipitation each year in many places.

Imposition of a federal reserved water right for wilderness areas could wreck this carefully nurtured framework of law. While its imposition could have little practical impact in a headwaters wilderness area, such rights in downstream areas, "where man is a visitor and does not stay" could effectively dictate the use of areas upstream of the new wilderness area. Such a possibility is unacceptable.

The Senate version of S. 1029 sought to preclude this possibility through an ingenious compromise that forbade any future water development in the headwater areas, a provision more stringent than existing wilderness law; and ordered the Forest Service to protect the bills lone downstream area, the Piedra, through Colorados existing instream flow law. While no action has been taken on the Forest Services preliminary submittal, the proposal effectively mimics nature and some legal scholars feel these provisions could give new stature to the instream flow law and may set a precedent for the treatment of downstream areas in future wilderness bills.

This is not to say S. 1029s solution is perfect. Like any law, it will require some fine-tuning. But that is the process of law-making. Even the majority would concede that water language has been tailored to virtually every wilderness bill passed in recent years. We ask that Colorado be given the chance to craft its own water language, water language which will provide for the needs of both wilderness and Colorado at large.

Proponents of a federal reserved water right for wilderness area say its greatest strength is that it stretches to fit all situations. This is fine in buying a hat. It is too uncertain a theory to balance western water needs.

Joel Hefley.

Wanye Allard.