

113TH CONGRESS
1ST SESSION

H. R. 2552

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2013

Ms. DEGETTE introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; DEFINITION.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Colorado Wilderness Act of 2013”.

6 (b) SECRETARY DEFINED.—As used in this Act, the
7 term “Secretary” means the Secretary of the Interior or
8 the Secretary of Agriculture, as appropriate.

1 **SEC. 2. ADDITIONS TO NATIONAL WILDERNESS PRESERVA-**
2 **TION SYSTEM IN THE STATE OF COLORADO.**

3 (a) ADDITIONS.—Section 2(a) of the Colorado Wil-
4 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;
5 16 U.S.C. 1132 note) is amended—

6 (1) in paragraph (4) by striking “1993,” and
7 inserting “1993, and certain lands managed by the
8 Gunnison Field Office which comprise approximately
9 3,325 acres, as depicted on a map titled ‘Proposed
10 Powderhorn Wilderness Addition’ and dated October
11 20, 2010,”; and

12 (2) by adding at the end the following para-
13 graphs:

14 “(22) Certain lands managed by the Colorado
15 River Valley Field Office of the Bureau of Land
16 Management which comprise approximately 15,200
17 acres, as generally depicted on a map titled ‘Bull
18 Gulch and Castle Peak Proposed Wilderness Areas’,
19 dated October 20, 2010, which shall be known as
20 the Bull Gulch Wilderness.

21 “(23) Certain lands managed by the Colorado
22 River Valley Field Office of the Bureau of Land
23 Management which comprise approximately 12,225
24 acres, as generally depicted on a map titled ‘Bull
25 Gulch and Castle Peak Proposed Wilderness Areas’,

1 dated October 20, 2010, which shall be known as
2 the Castle Peak Wilderness.

3 “(24) Certain lands managed by the Colorado
4 River Valley Field Office of the Bureau of Land
5 Management which comprise approximately 325
6 acres, as generally depicted on a map titled ‘Maroon
7 Bells Proposed Wilderness’, dated October 20, 2010,
8 which is hereby incorporated in and shall be deemed
9 to be a part of the Maroon Bells-Snowmass Wilder-
10 ness Area designated by Public Law 88–577.

11 “(25) Certain lands managed by the Gunnison
12 Field Office of the Bureau of Land Management
13 which comprise approximately 38,180 acres, as gen-
14 erally depicted on a map titled ‘Redcloud and
15 Handies Peak Proposed Wildernesses’, dated Octo-
16 ber 21, 2010, which shall be known as the Redcloud
17 Peak Wilderness.

18 “(26) Certain lands managed by the Gunnison
19 Field Office of the Bureau of Land Management
20 which comprise approximately 16,350 acres, as gen-
21 erally depicted on a map titled ‘Redcloud and
22 Handies Peak Proposed Wildernesses’, dated Octo-
23 ber 21, 2010, which shall be known as the Handies
24 Peak Wilderness.

1 “(27) Certain lands managed by the Royal
2 Gorge Field Office of the Bureau of Land Manage-
3 ment or located in the Pike National Forest which
4 comprise approximately 19,825 acres, as generally
5 depicted on a map titled ‘Browns Canyon Proposed
6 Wilderness Area’, dated October 20, 2010, which
7 shall be known as the Browns Canyon Wilderness.

8 “(28) Certain lands managed by the Royal
9 Gorge Field Office of the Bureau of Land Manage-
10 ment which comprise approximately 16,690 acres, as
11 generally depicted on a map titled ‘McIntyre Hills
12 Proposed Wilderness Area’, dated October 20, 2010,
13 which shall be known as the McIntyre Hills Wilder-
14 ness.

15 “(29) Certain lands managed by the Glenwood
16 Springs Field Office of the Bureau of Land Manage-
17 ment which comprise approximately 11,701 acres, as
18 generally depicted on a map titled ‘Grand Hogback
19 Proposed Wilderness Area’, dated May 31, 2011,
20 which shall be known as the Grand Hogback Wilder-
21 ness.

22 “(30) Certain lands managed by the Glenwood
23 Springs Field Office of the Bureau of Land Manage-
24 ment or located in the White River National Forest
25 which comprise approximately 16,427 acres, as gen-

1 erally depicted on a map titled ‘Deep Creek Pro-
2 posed Wilderness and Flat Tops Proposed Wilder-
3 ness Addition’ and dated is June 26, 2013, and
4 which are hereby incorporated in and shall be
5 deemed to be a part of the Flat Tops Wilderness
6 designated by Public Law 94–146.

7 “(31) Certain lands managed by the Grand
8 Junction Field Office which comprise approximately
9 25,881 acres, as generally depicted on a map titled
10 ‘Demaree Canyon Proposed Wilderness Area’, dated
11 May 31, 2011, which shall be known as the Demaree
12 Canyon Wilderness.

13 “(32) Certain lands managed by the Grand
14 Junction Field Office which comprise approximately
15 30,557 acres, as generally depicted on a map titled
16 ‘South Shale Ridge and Little Book Cliffs Proposed
17 Wilderness’, dated May 31, 2011, which shall be
18 known as the Little Bookcliffs Wilderness.

19 “(33) Certain lands managed by the Grand
20 Junction Field Office which comprise approximately
21 27,569 acres, as generally depicted on a map titled
22 ‘South Shale Ridge and Little Book Cliffs Proposed
23 Wilderness’, dated May 31, 2011, which shall be
24 known as the South Shale Ridge Wilderness.

1 “(34) Certain lands managed by the Glenwood
2 Springs Field Office or located in the White River
3 National Forest which comprise approximately
4 20,843 acres, as generally depicted on a map titled
5 ‘Deep Creek Proposed Wilderness and Flat Tops
6 Proposed Wilderness Addition’ and dated is June
7 26, 2013, upon being designated as wilderness as
8 provided by section 3(h)(2) of the Colorado Wilder-
9 ness Act of 2013.

10 “(35) Certain lands managed by the Glenwood
11 Springs Field Office which comprise approximately
12 15,679 acres, as generally depicted on a map titled
13 ‘Pisgah Mountain Proposed Wilderness’ and date is
14 June 26, 2013, upon being designated as wilderness
15 as provided by section 3(h)(2) of the Colorado Wil-
16 derness Act of 2013.’.”

17 (b) FURTHER ADDITIONS.—The following lands in
18 the State of Colorado administered by the Bureau of Land
19 Management or the United States Forest Service are here-
20 by designated as wilderness and, therefore, as components
21 of the National Wilderness Preservation System:

22 (1) Certain lands managed by the Colorado
23 River Valley Field Office of the Bureau of Land
24 Management or located in the White River National
25 Forest: which comprise approximately 21,900 acres,

1 as generally depicted on a map titled “Assignment
2 Ridge Proposed Wilderness Area”, dated May 31,
3 2011, which shall be known as the Thompson Creek
4 Wilderness.

5 (2) Certain lands managed by the Royal Gorge
6 Field Office of the Bureau of Land Management
7 which comprise approximately 20,950 acres, as gen-
8 erally depicted on a map titled “Badger Creek Pro-
9 posed Wilderness Area”, dated October 20, 2010,
10 which shall be known as the Badger Creek Wilder-
11 ness.

12 (3) Certain lands managed by the Royal Gorge
13 Field Office of the Bureau of Land Management
14 which comprise approximately 33,425 acres, as gen-
15 erally depicted on a map titled “Beaver Creek Pro-
16 posed Wilderness Area”, dated October 20, 2010,
17 which shall be known as the Beaver Creek Wilder-
18 ness.

19 (4) Certain lands managed by the Royal Gorge
20 Field Office of the Bureau of Land Management or
21 located in the San Isabel National Forest which
22 comprise approximately 33,525 acres, as generally
23 depicted on a map titled “Grape Creek Proposed
24 Wilderness Area”, October 20, 2010, which shall be
25 known as the Grape Creek Wilderness.

1 (5) Certain lands managed by the Grand Junction
2 Field Office of the Bureau of Land Management
3 which comprise approximately 21,110 acres, as
4 generally depicted on a map titled “Bangs Canyon
5 Proposed Wilderness Area”, dated May 31, 2011,
6 which shall be known as the Bangs Canyon Wilderness.
7

8 (6) Certain lands managed by the Grand Junction
9 Field Office of the Bureau of Land Management
10 which comprise approximately 14,089 acres, as
11 generally depicted on a map titled “Granite Creek,
12 Unaweep and Palisade Proposed Wilderness”, dated
13 June 14, 2011, which shall be known as the Granite
14 Creek Wilderness.

15 (7) Certain lands managed by the Grand Junction
16 Field Office of the Bureau of Land Management
17 which comprise approximately 26,914 acres, as
18 generally depicted on a map titled “Granite Creek,
19 Unaweep and Palisade Proposed Wilderness”, dated
20 June 14, 2011, which shall be known as the Palisade
21 Wilderness.

22 (8) Certain lands managed by the Grand Junction
23 Field Office of the Bureau of Land Management
24 or located in the Uncompahgre National Forest,
25 which comprise approximately 39,392 acres, as

1 generally depicted on a map titled “Granite Creek,
2 UnawEEP and Palisade Proposed Wilderness”, dated
3 June 14, 2011, which shall be known as the
4 UnawEEP Wilderness.

5 (9) Certain lands managed by the Grand Junc-
6 tion Field Office of the Bureau of Land Manage-
7 ment and San Juan Field Office and in the Manti-
8 LaSal National Forest which comprise approxi-
9 mately 65,448 acres, as generally depicted on a map
10 titled “Sewemup Mesa Proposed Wilderness Area”,
11 dated May 31, 2011, which shall be known as the
12 Sewemup Mesa Wilderness.

13 (10) Certain lands managed by the Kremmling
14 Field Office of the Bureau of Land Management
15 which comprise approximately 33 acres, as generally
16 depicted on a map titled “Platte River Addition Pro-
17 posed Wilderness Area”, dated May 31, 2011, and
18 which are hereby incorporated in and shall be
19 deemed to be part of the Platte River Wilderness
20 designated by Public Law 98–550.

21 (11) Certain lands managed by the
22 Uncompahgre Field Office of the Bureau of Land
23 Management or located in the Uncompahgre Na-
24 tional Forest which comprise approximately 22,604
25 acres, as generally depicted on a map titled

1 “Roubideau Proposed Wilderness Area”, dated May
2 31, 2011, which shall be known as the Roubideau
3 Wilderness.

4 (12) Certain lands managed by the
5 Uncompahgre Field Office of the Bureau of Land
6 Management or located in the Uncompahgre Na-
7 tional Forest which comprise approximately 13,288
8 acres, as generally depicted on a map titled “Nor-
9 wood Canyon Proposed Wilderness Area”, dated
10 May 31, 2011, which shall be known as the Norwood
11 Canyon Wilderness.

12 (13) Certain lands managed by the San Juan
13 Field Office of the Bureau of Land Management
14 which comprise approximately 25,947 acres, as gen-
15 erally depicted on a map titled “Cross Canyon Pro-
16 posed Wilderness Area”, dated May 31, 2011, which
17 shall be known as the Cross Canyon Wilderness.

18 (14) Certain lands managed by the San Juan
19 Field Office of the Bureau of Land Management
20 which comprise approximately 33,467 acres, as gen-
21 erally depicted on a map titled “McKenna Peak Pro-
22 posed Wilderness Area”, May 31, 2011, which shall
23 be known as the McKenna Peak Wilderness.

24 (15) Certain lands managed by the San Juan
25 Field Office of the Bureau of Land Management

1 Certain lands which comprise approximately 14,598
2 acres, as generally depicted on a map titled “Weber-
3 Menefee Mountain Proposed Wilderness Area”,
4 dated May 31, 2011, which shall be known as the
5 Weber-Menefee Mountain Wilderness.

6 (16) Certain lands managed by the
7 Uncompahgre and San Juan Field Offices of the
8 Bureau of Land Management which comprise ap-
9 proximately 41,133 acres, as generally depicted on a
10 map titled “Dolores River Canyon Proposed Wilder-
11 ness Area”, dated May 31, 2011, which shall be
12 known as the Dolores River Canyon Wilderness.

13 (17) Certain lands managed by the San Juan
14 Field Office of the Bureau of Land Management or
15 located in the San Juan National Forest which com-
16 prise approximately 32,050 acres, as generally de-
17 picted on a map titled “Snaggletooth Proposed Wil-
18 derness Area”, dated May 31, 2011, which shall be
19 known as the Snaggletooth Wilderness.

20 (c) WEST ELK ADDITION.—Certain lands in the
21 State of Colorado administered by the Gunnison Field Of-
22 fice of the Bureau of Land Management, the United
23 States Forest Service, and the Bureau of Reclamation
24 which comprise approximately 5,000 acres, as generally
25 depicted on a map titled “West Elk Addition Proposed

1 Wilderness Area”, dated December 13, 2010, are hereby
2 designated as wilderness and, therefore, as components of
3 the National Wilderness Preservation System and are
4 hereby incorporated in and shall be deemed to be a part
5 of the West Elk Wilderness designated by Public Law 88–
6 577. The boundary adjacent to Blue Mesa Reservoir shall
7 be 50 feet landward from the water’s edge, and shall
8 change according to the water level.

9 (d) BLUE MESA RESERVOIR.—If the Bureau of Rec-
10 lamation determines that lands within the West Elk Wil-
11 derness Addition are necessary for future expansion of the
12 Blue Mesa Reservoir, the Secretary shall by publication
13 of a revised boundary description in the Federal Register
14 revise the boundary of the West Elk Wilderness Addition.

15 (e) MAPS AND DESCRIPTIONS.—As soon as prac-
16 ticable after the date of enactment of the Act, the Sec-
17 retary shall file a map and a boundary description of each
18 area designated as wilderness by this section with the
19 Committee on Natural Resources of the House of Rep-
20 resentatives and the Committee on Energy and Natural
21 Resources of the Senate. Each map and boundary descrip-
22 tion shall have the same force and effect as if included
23 in this Act, except that the Secretary may correct clerical
24 and typographical errors in the map or boundary descrip-
25 tion. The maps and boundary descriptions shall be on file

1 and available for public inspection in the Office of the Di-
2 rector of the Bureau of Land Management, Department
3 of the Interior, and in the Office of the Chief of the Forest
4 Service, Department of Agriculture, as appropriate.

5 (f) STATE AND PRIVATE LANDS.—Lands within the
6 exterior boundaries of any wilderness area designated
7 under this section that are owned by the State of Colorado
8 or by a private entity shall be included within such wilder-
9 ness area if such lands are acquired by the United States.
10 Such lands may be acquired by the United States only
11 as provided in the Wilderness Act (16 U.S.C. 1131 et
12 seq.).

13 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

14 (a) IN GENERAL.—Subject to valid existing rights,
15 lands designated as wilderness by this Act shall be man-
16 aged by the Secretary in accordance with the Wilderness
17 Act (16 U.S.C. 1131 et seq.) and this Act, except that,
18 with respect to any wilderness areas designated by this
19 Act, any reference in the Wilderness Act to the effective
20 date of the Wilderness Act shall be deemed to be a ref-
21 erence to the date of enactment of this Act.

22 (b) GRAZING.—Grazing of livestock in wilderness
23 areas designated by this Act shall be administered in ac-
24 cordance with the provisions of section 4(d)(4) of the Wil-
25 derness Act (16 U.S.C. 1133(d)(4)), as further inter-

1 preted by section 108 of Public Law 96–560, and the
2 guidelines set forth in appendix A of House Report 101–
3 405 of the 101st Congress.

4 (c) STATE JURISDICTION.—As provided in section
5 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
6 nothing in this Act shall be construed as affecting the ju-
7 risdiction or responsibilities of the State of Colorado with
8 respect to wildlife and fish in Colorado.

9 (d) BUFFER ZONES.—

10 (1) IN GENERAL.—Nothing in this Act creates
11 a protective perimeter or buffer zone around any
12 area designated as wilderness by section 2.

13 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
14 fact that an activity or use on land outside the areas
15 designated as wilderness by section 2 can be seen or
16 heard within the wilderness shall not preclude the
17 activity or use outside the boundary of the wilder-
18 ness.

19 (e) MILITARY HELICOPTER OVERFLIGHTS.—

20 (1) IN GENERAL.—Nothing in this Act restricts
21 or precludes—

22 (A) low-level overflights of military heli-
23 copters over the areas designated as wilderness
24 by section 2, including military overflights that

1 can be seen or heard within any wilderness
2 area;

3 (B) military flight testing and evaluation;
4 or

5 (C) the designation or creation of new
6 units of special use airspace, or the establish-
7 ment of military flight training routes over any
8 wilderness area.

9 (2) AERIAL NAVIGATION TRAINING EXER-
10 CISES.—The Colorado Army National Guard,
11 through the High-Altitude Army National Guard
12 Aviation Training Site, may conduct aerial naviga-
13 tion training maneuver exercises over the wilderness
14 areas designated by this Act—

15 (A) in a manner consistent with the memo-
16 randum of understanding dated August 4,
17 1987, entered into among the Colorado Army
18 National Guard, the Bureau of Land Manage-
19 ment, and the Forest Service; or

20 (B) in a manner consistent with a subse-
21 quent memorandum of understanding entered
22 into among the Colorado Army National Guard,
23 the Bureau of Land Management, and the For-
24 est Service.

1 (f) RUNNING EVENTS.—The Secretary may continue
2 to authorize competitive running events currently per-
3 mitted in the Redcloud Peak Wilderness Area and
4 Handies Peak Wilderness Area in a manner compatible
5 with the preservation of such areas as wilderness.

6 (g) LAND TRADES.—If the Secretary trades privately
7 owned land within the perimeter of the Redcloud Peak
8 Wilderness Area or the Handies Peak Wilderness Area in
9 exchange for Federal land, then such Federal land shall
10 be located in Hinsdale County, Colorado.

11 (h) POTENTIAL WILDERNESS DESIGNATIONS.—

12 (1) IN GENERAL.—The following lands are des-
13 igned as potential wilderness areas:

14 (A) Certain lands managed by the Glen-
15 wood Springs Field Office or located in the
16 White River National Forest which comprise
17 approximately 20,843 acres, as generally de-
18 picted on a map titled “Deep Creek Proposed
19 Wilderness and Flat Tops Proposed Wilderness
20 Addition” and dated is June 26, 2013, which,
21 upon designation as wilderness under para-
22 graph (2), shall be known as the Deep Creek
23 Wilderness.

24 (B) Certain lands managed by the Glen-
25 wood Springs Field Office which comprise ap-

1 proximately 15,679 acres, as generally depicted
2 on a map titled “Pisgah Mountain Proposed
3 Wilderness” and date is June 26, 2013, which,
4 upon designation as wilderness under para-
5 graph (2), shall be known as the Pisgah Moun-
6 tain Wilderness.

7 (2) DESIGNATION AS WILDERNESS.—Lands
8 designated as a potential wilderness area by sub-
9 paragraph (A) or (B) of paragraph (1) shall be des-
10 ignated as wilderness on the date on which the Sec-
11 retary publishes in the Federal Register a notice
12 that all nonconforming uses of those lands author-
13 ized by subsection (e) in the potential wilderness
14 area that would be in violation of the Wilderness Act
15 (16 U.S.C. 1131 et seq.) have ceased. Such publica-
16 tion in the Federal Register and designation as wil-
17 derness shall occur for the potential wilderness area
18 as the nonconforming uses cease in that potential
19 wilderness area and designation as wilderness is not
20 dependent on cessation of nonconforming uses in the
21 other potential wilderness area.

22 (3) MANAGEMENT.—Except for activities pro-
23 vided for under subsection (e), lands designated as
24 a potential wilderness area by paragraph (1) shall be
25 managed by the Secretary in accordance with the

1 Wilderness Act as wilderness pending the designa-
2 tion of such lands as wilderness under this sub-
3 section.

4 **SEC. 4. WATER.**

5 (a) EFFECT ON WATER RIGHTS.—Nothing in this
6 Act—

7 (1) affects the use or allocation, in existence on
8 the date of enactment of this Act, of any water,
9 water right, or interest in water;

10 (2) affects any vested absolute or decreed condi-
11 tional water right in existence on the date of enact-
12 ment of this Act, including any water right held by
13 the United States;

14 (3) affects any interstate water compact in ex-
15 istence on the date of enactment of this Act;

16 (4) authorizes or imposes any new reserved
17 Federal water rights; and

18 (5) shall be considered to be a relinquishment
19 or reduction of any water rights reserved or appro-
20 priated by the United States in the State on or be-
21 fore the date of the enactment of this Act.

22 (b) MIDSTREAM AREAS.—

23 (1) PURPOSE.—The purpose of this subsection
24 is to protect for the benefit and enjoyment of
25 present and future generations—

1 (A) the unique and nationally important
2 values of areas designated as wilderness by sec-
3 tion 2(b) (including the geological, cultural, ar-
4 chaeological, paleontological, natural, scientific,
5 recreational, environmental, biological, wilder-
6 ness, wildlife, riparian, historical, educational,
7 and scenic resources of the public land); and

8 (B) the water resources of area streams,
9 based on seasonally available flows, that are
10 necessary to support aquatic, riparian, and ter-
11 restrial species and communities.

12 (2) WILDERNESS WATER RIGHTS.—

13 (A) IN GENERAL.—The Secretary shall en-
14 sure that any water rights within the wilderness
15 designated by section 2(b) required to fulfill the
16 purposes of such wilderness are secured in ac-
17 cordance with subparagraphs (B) through (G).

18 (B) STATE LAW.—

19 (i) PROCEDURAL REQUIREMENTS.—

20 Any water rights for which the Secretary
21 pursues adjudication shall be appropriated,
22 adjudicated, changed, and administered in
23 accordance with the procedural require-
24 ments and priority system of State law.

1 (ii) ESTABLISHMENT OF WATER
2 RIGHTS.—

3 (I) IN GENERAL.—Except as pro-
4 vided in subclause (II), the purposes
5 and other substantive characteristics
6 of the water rights pursued under this
7 paragraph shall be established in ac-
8 cordance with State law.

9 (II) EXCEPTION.—Notwith-
10 standing subclause (I) and in accord-
11 ance with this Act, the Secretary may
12 appropriate and seek adjudication of
13 water rights to maintain surface water
14 levels and stream flows on and across
15 the wilderness designated by section
16 2(b) to fulfill the purposes of such
17 wilderness.

18 (C) DEADLINE.—The Secretary shall
19 promptly, but not earlier than January 1, 2016,
20 appropriate the water rights required to fulfill
21 the purposes of the wilderness designated by
22 section 2(b).

23 (D) REQUIRED DETERMINATION.—The
24 Secretary shall not pursue adjudication for any
25 instream flow water rights unless the Secretary

1 makes a determination pursuant to subpara-
2 graph (E)(ii) or (F).

3 (E) COOPERATIVE ENFORCEMENT.—

4 (i) IN GENERAL.—The Secretary shall
5 not pursue adjudication of any Federal
6 instream flow water rights established
7 under this paragraph if—

8 (I) the Secretary determines,
9 upon adjudication of the water rights
10 by the Colorado Water Conservation
11 Board, that the Board holds water
12 rights sufficient in priority, amount,
13 and timing to fulfill the purposes of
14 this subsection; and

15 (II) the Secretary has entered
16 into a perpetual agreement with the
17 Colorado Water Conservation Board
18 to ensure full exercise, protection, and
19 enforcement of the State water rights
20 within the Wilderness to reliably fulfill
21 the purposes of this subsection.

22 (ii) ADJUDICATION.—If the Secretary
23 determines that the provisions of clause (i)
24 have not been met, the Secretary shall ad-
25 judicate and exercise any Federal water

1 rights required to fulfill the purposes of
2 the Wilderness in accordance with this
3 paragraph.

4 (F) INSUFFICIENT WATER RIGHTS.—If the
5 Colorado Water Conservation Board modifies
6 the instream flow water rights obtained under
7 subparagraph (E) to such a degree that the
8 Secretary determines that water rights held by
9 the State are insufficient to fulfill the purposes
10 of this Act, the Secretary shall adjudicate and
11 exercise Federal water rights required to fulfill
12 the purposes of this Act in accordance with sub-
13 paragraph (B).

14 (G) FAILURE TO COMPLY.—The Secretary
15 shall promptly act to exercise and enforce the
16 water rights described in subparagraph (E) if
17 the Secretary determines that—

18 (i) the State is not exercising its
19 water rights consistent with subparagraph
20 (E)(i)(I); or

21 (ii) the agreement described in sub-
22 paragraph (E)(i)(II) is not fulfilled or com-
23 plied with sufficiently to fulfill the pur-
24 poses of this Act.

1 (3) WATER RESOURCE FACILITY.—Notwith-
2 standing any other provision of law, beginning on
3 the date of enactment of this Act, neither the Presi-
4 dent nor any other officer, employee, or agent of the
5 United States shall fund, assist, authorize, or issue
6 a license or permit for development of any new irri-
7 gation and pumping facility, reservoir, water con-
8 servation work, aqueduct, canal, ditch, pipeline, well,
9 hydropower project, transmission, other ancillary fa-
10 cility, or other water, diversion, storage, or carriage
11 structure in the wilderness designated by section
12 2(b).

13 (c) ACCESS AND OPERATION.—

14 (1) DEFINITION.—As used in this subsection,
15 the term “water resource facility” means irrigation
16 and pumping facilities, reservoirs, water conserva-
17 tion works, aqueducts, canals, ditches, pipelines,
18 wells, hydropower projects, and transmission and
19 other ancillary facilities, and other water diversion,
20 storage, and carriage structures.

21 (2) ACCESS TO WATER RESOURCE FACILI-
22 TIES.—Subject to the provisions of this subsection,
23 the Secretary shall allow reasonable access to water
24 resource facilities in existence on the date of enact-
25 ment of this Act within the areas described in sec-

1 tions 2(b) and 2(c), including motorized access
2 where necessary and customarily employed on routes
3 existing as of the date of enactment of this Act.

4 (3) ACCESS ROUTES.—Existing access routes
5 within such areas customarily employed as of the
6 date of enactment of this Act may be used, main-
7 tained, repaired, and replaced to the extent nec-
8 essary to maintain their present function, design,
9 and serviceable operation, so long as such activities
10 have no increased adverse impacts on the resources
11 and values of the areas described in sections 2(b)
12 and 2(c) than existed as of the date of enactment of
13 this Act.

14 (4) USE OF WATER RESOURCE FACILITIES.—
15 Subject to the provisions of this subsection and sub-
16 section (a)(4), the Secretary shall allow water re-
17 source facilities existing on the date of enactment of
18 this Act within areas described in sections 2(b) and
19 2(c) to be used, operated, maintained, repaired, and
20 replaced to the extent necessary for the continued
21 exercise, in accordance with Colorado State law, of
22 vested water rights adjudicated for use in connection
23 with such facilities by a court of competent jurisdic-
24 tion prior to the date of enactment of this Act. The
25 impact of an existing facility on the water resources

1 and values of the area shall not be increased as a
2 result of changes in the adjudicated type of use of
3 such facility as of the date of enactment of this Act.

4 (5) REPAIR AND MAINTENANCE.—Water re-
5 source facilities, and access routes serving such fa-
6 cilities, existing within the areas described in sec-
7 tions 2(b) and 2(c) on the date of enactment of this
8 Act shall be maintained and repaired when and to
9 the extent necessary to prevent increased adverse
10 impacts on the resources and values of the areas de-
11 scribed in sections 2(b) and 2(c).

○