

114TH CONGRESS
1ST SESSION

H. R. 2554

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, to designate the Tenmile Recreation Management Area and Porcupine Gulch Protection Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2015

Mr. POLIS 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, to designate the Tenmile Recreation Management Area and Porcupine Gulch Protection Area, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Continental Divide Wilderness and Recreation Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. Colorado wilderness additions.
Sec. 3. Tenmile Recreation Management Area, White River National Forest, Colorado.
Sec. 4. Porcupine Gulch Protection Area, White River National Forest, Colorado.

1 **SEC. 2. COLORADO WILDERNESS ADDITIONS.**

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

5 (1) in paragraph (18), by striking “1993,” and
6 inserting “1993, and certain Federal lands in the
7 White River National Forest which comprise ap-
8 proximately 6,349 acres, as generally depicted as
9 ‘Proposed Ute Pass Wilderness’, ‘Proposed Acorn
10 Creek Wilderness’, and ‘Proposed Ptarmigan Addi-
11 tions Wilderness’ on a map entitled ‘Ptarmigan Peak
12 Wilderness Additions Proposal’, dated July, 2014,”
13 and

14 (2) by adding at the end the following new
15 paragraphs:

16 “(22) HOLY CROSS WILDERNESS ADDITION.—
17 Certain Federal lands in the White River National
18 Forest which comprise approximately 3,942 acres, as
19 generally depicted as ‘Proposed No Name Wilder-
20 ness’ on a map entitled ‘Holy Cross Wilderness Ad-
21 dition Proposal’, dated July, 2014, and which are in-
22 corporated in and shall be deemed to be a part of

1 the Holy Cross Wilderness designated by section
2 102(a)(5) of Public Law 96–560 (94 Stat. 3266).

3 “(23) HOOSIER RIDGE WILDERNESS.—Certain
4 Federal lands in the White River National Forest
5 which comprise approximately 5,172 acres, as gen-
6 erally depicted on a map entitled ‘Hoosier Ridge
7 Wilderness Proposal’, dated July, 2014, and which
8 shall be known as the ‘Hoosier Ridge Wilderness’.

9 “(24) TENMILE WILDERNESS.—Certain Federal
10 lands in the White River National Forest which
11 comprise approximately 7,577 acres, as generally de-
12 picted as ‘Proposed Tenmile Wilderness’ on a map
13 entitled ‘Tenmile Proposal’, dated July, 2014, and
14 which shall be known as the ‘Tenmile Wilderness’.

15 “(25) WILLIAMS FORK WILDERNESS.—Certain
16 Federal lands in the White River National Forest
17 which comprise approximately 9,338 acres, as gen-
18 erally depicted on a map entitled ‘Proposed Williams
19 Fork Wilderness’, dated July, 2014, and which shall
20 be known as the ‘Williams Fork Wilderness’.

21 “(26) EAGLES NEST WILDERNESS ADDI-
22 TIONS.—

23 “(A) DESIGNATION OF WILDERNESS.—
24 Certain Federal lands in the White River Na-
25 tional Forest which comprise approximately

1 7,082 acres, as generally depicted as ‘Proposed
2 Freeman Creek Wilderness’ and ‘Proposed
3 Spraddle Creek Wilderness’ on a map entitled
4 ‘Eagles Nest Wilderness Additions Proposal’,
5 dated July, 2014, and which are incorporated
6 in and shall be deemed to be a part of the Ea-
7 gles Nest Wilderness designated by Public Law
8 94–352 (90 Stat. 870).

9 “(B) POTENTIAL WILDERNESS.—

10 “(i) DESIGNATION.—In furtherance of
11 the purposes of the Wilderness Act, certain
12 Federal lands in the White River National
13 Forest which comprise approximately
14 2,338 acres, as generally depicted as ‘Pro-
15 posed Spraddle Creek Potential Wilder-
16 ness’ on a map entitled ‘Eagles Nest Wil-
17 derness Additions Proposal’, dated July
18 2014, is designated as a potential wilder-
19 ness area.

20 “(ii) MANAGEMENT.—Except as pro-
21 vided in clause (iii) and subject to valid ex-
22 isting rights, the potential wilderness area
23 designated by this subparagraph shall be
24 managed in accordance with the Wilder-
25 ness Act and this Act.

1 “(iii) ECOLOGICAL RESTORATION.—
2 For purposes of ecological restoration (in-
3 cluding any activity necessary to restore
4 the natural ecosystems and water quality
5 and protect watershed values in the poten-
6 tial wilderness area designated by this sub-
7 paragraph), the Secretary or an authorized
8 third party may use motorized and mecha-
9 nized transport and equipment in the po-
10 tential wilderness area until the date on
11 which the potential wilderness area is in-
12 corporated into the Eagles Nest Wilder-
13 ness.

14 “(iv) DESIGNATION AS WILDER-
15 NESS.—The potential wilderness area des-
16 ignated by this subparagraph shall be des-
17 ignated as wilderness and incorporated in
18 and deemed to be a part of the Eagles
19 Nest Wilderness on the earlier of—

20 “(I) the date on which the Sec-
21 retary publishes in the Federal Reg-
22 ister notice that the ecological restora-
23 tion activities identified in clause (iii)
24 have been completed by the Secretary
25 or an authorized third party; or

1 “(II) the date that is 10 years
2 after the date of enactment of the
3 Continental Divide Wilderness and
4 Recreation Act.”.

5 (b) EFFECTIVE DATE.—Any reference in the Wilder-
6 ness Act (16 U.S.C. 1131 et seq.) to the effective date
7 of that Act shall be considered to be a reference to the
8 date of enactment of this Act for purposes of admin-
9 istering the Federal lands designated as wilderness by
10 paragraphs (18) and (22) through (26)(A) of section 2(a)
11 of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
12 note; Public Law 103–77), as amended or added by sub-
13 section (a).

14 (c) FIRE, INSECTS, AND DISEASES.—As provided in
15 section 4(d)(1) of the Wilderness Act (16 U.S.C.
16 1133(d)(1)), in the case of the Federal lands designated
17 as wilderness by paragraphs (18) and (22) through
18 (26)(A) of section 2(a) of the Colorado Wilderness Act of
19 1993 (16 U.S.C. 1132 note; Public Law 103–77), as
20 amended or added by subsection (a), the Secretary may
21 take any measure that the Secretary determines to be nec-
22 essary to control fire, insects, and diseases, subject to such
23 terms and conditions as the Secretary determines to be
24 appropriate.

1 (d) INCORPORATION OF ACQUIRED LAND AND IN-
2 TERESTS.—Any land or interest in land that is acquired
3 by the United States within the boundaries of the Federal
4 lands designated as wilderness by paragraphs (18) and
5 (22) through (26)(A) of section 2(a) of the Colorado Wil-
6 derness Act of 1993 (16 U.S.C. 1132 note; Public Law
7 103–77), as amended or added by subsection (a), shall—

8 (1) become part of the wilderness area of which
9 the Federal lands are a part; and

10 (2) be managed in accordance with the applica-
11 ble provisions of this Act and any other applicable
12 laws.

13 (e) GRAZING.—The grazing of livestock on the Fed-
14 eral lands designated as wilderness by paragraphs (18)
15 and (22) through (26)(A) of section 2(a) of the Colorado
16 Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law
17 103–77), as amended or added by subsection (a), if estab-
18 lished before the date of enactment of this Act, shall be
19 permitted to continue subject to such reasonable regula-
20 tions as are considered necessary by the Secretary, in ac-
21 cordance with section 4(d)(4) of the Wilderness Act (16
22 U.S.C. 1133(d)(4)).

23 (f) NO BUFFER ZONES.—Congress does not intend
24 that the designation by this Act of Federal lands as wilder-
25 ness in the State of Colorado creates or implies the cre-

1 ation of protective perimeters or buffer zones around any
2 wilderness area. The fact that nonwilderness activities or
3 uses can be seen or heard from within a wilderness area
4 shall not, of itself, preclude such activities or uses up to
5 the boundary of the wilderness area.

6 **SEC. 3. TENMILE RECREATION MANAGEMENT AREA, WHITE**
7 **RIVER NATIONAL FOREST, COLORADO.**

8 (a) DESIGNATION.—Certain Federal land in the
9 White River National Forest in the State of Colorado
10 which comprise approximately 11,417 acres, as generally
11 depicted as “Proposed Tenmile Recreation Management
12 Area” on a map entitled “Tenmile Proposal”, dated July
13 2014, is designated the “Tenmile Recreation Management
14 Area” (in this section referred to as the “Recreation Man-
15 agement Area”).

16 (b) PURPOSES.—The purposes of the Recreation
17 Management Area are to conserve, protect, and enhance
18 for the benefit and enjoyment of present and future gen-
19 erations the recreational, scenic, watershed, habitat, and
20 ecological resources of the area.

21 (c) MANAGEMENT.—

22 (1) IN GENERAL.—The Secretary of Agriculture
23 shall manage the Recreation Management Area—

24 (A) in a manner that conserves, protects,
25 and enhances—

1 (i) the purposes of the Recreation
2 Management Area described in subsection
3 (b); and

4 (ii) recreation opportunities, including
5 mountain biking, hiking, fishing, horseback
6 riding, snowshoeing, climbing, skiing,
7 camping, and hunting; and

8 (B) in accordance with—

9 (i) the Forest and Rangeland Renew-
10 able Resources Planning Act of 1974 (16
11 U.S.C. 1600 et seq.);

12 (ii) any other applicable laws (includ-
13 ing regulations); and

14 (iii) this section.

15 (2) USES.—

16 (A) IN GENERAL.—The Secretary shall
17 only allow such uses of the Recreation Manage-
18 ment Area that the Secretary determines would
19 further the purposes described in subsection
20 (b).

21 (B) VEHICLES.—

22 (i) IN GENERAL.—Except as provided
23 in clause (iii), the use of motorized vehicles
24 in the Recreation Management Area shall
25 be limited to those roads, vehicle classes,

1 and periods of use authorized for such use
2 on the date of enactment of this Act.

3 (ii) NEW OR TEMPORARY ROADS.—
4 Except as provided in clause (iii), no new
5 or temporary roads shall be constructed
6 within the Recreation Management Area.

7 (iii) EXCEPTIONS.—Nothing in clause
8 (i) or (ii) prevents the Secretary from—

9 (I) rerouting or closing an exist-
10 ing road or trail to protect natural re-
11 sources from degradation, as deter-
12 mined to be appropriate by the Sec-
13 retary;

14 (II) authorizing the use of motor-
15 ized vehicles for administrative pur-
16 poses;

17 (III) constructing temporary
18 roads or permitting the use of motor-
19 ized vehicles to carry out pre- or post-
20 fire watershed protection projects;

21 (IV) authorizing the use of mo-
22 torized vehicles to carry out activities
23 associated with subsection (g), (h), or
24 (i); and

25 (V) responding to an emergency.

1 (C) COMMERCIAL TIMBER.—

2 (i) IN GENERAL.—No projects shall be
3 undertaken for the purpose of harvesting
4 commercial timber within the Recreation
5 Management Area.

6 (ii) LIMITATION.—Nothing in clause
7 (i) prevents the Secretary from harvesting
8 or selling merchantable products that are
9 byproducts of activities authorized by this
10 section.

11 (d) MAPS AND LEGAL DESCRIPTIONS.—

12 (1) FILING.—As soon as practicable after the
13 date of enactment of this Act, the Secretary shall
14 prepare a map and legal descriptions for the Recre-
15 ation Management Area.

16 (2) FORCE OF LAW.—The map and legal de-
17 scription prepared under paragraph (1) shall have
18 the same force and effect as if included in this Act,
19 except that the Secretary may correct typographical
20 errors in the maps and legal descriptions.

21 (3) PUBLIC AVAILABILITY.—The map and legal
22 description prepared under paragraph (1) shall be
23 on file and available for public inspection in the ap-
24 propriate office of the Secretary.

1 (e) WITHDRAWAL.—Subject to valid rights in exist-
2 ence on the date of enactment of this Act, the Federal
3 land within the Recreation Management Area is with-
4 drawn from—

5 (1) all forms of entry, appropriation, and dis-
6 posal under the public land laws;

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

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

11 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
12 ESTS.—Any land or interest in land that is acquired by
13 the United States within the boundaries of the Recreation
14 Management Area shall—

15 (1) become part of the Recreation Management
16 Area; and

17 (2) be managed in accordance with the applica-
18 ble provisions of this Act and any other applicable
19 laws.

20 (g) FIRE, INSECTS, AND DISEASES.—The Secretary
21 may take any measure that the Secretary determines to
22 be necessary to prevent, control, and mitigate fire, insects,
23 and diseases, and hazardous fuels, subject to such terms
24 and conditions as the Secretary determines to be appro-
25 priate.

1 (h) WATER MANAGEMENT INFRASTRUCTURE.—
2 Nothing in this section affects the construction, repair, re-
3 construction, replacement, operation, maintenance, or ren-
4 ovation of water management infrastructure existing on
5 the date of enactment of this Act or such future infra-
6 structure necessary for the development or exercise of
7 water rights decreed prior to the date of enactment of this
8 Act within the Tenmile Recreation Management Area.

9 (i) REGIONAL TRANSPORTATION PROJECTS.—Noth-
10 ing in this section precludes the Secretary from author-
11 izing, consistent with applicable laws (including regula-
12 tions), the use or lease of Federal land within the Recre-
13 ation Management Area for—

14 (1) regional transportation projects, including
15 highway widening or realignment and construction
16 of multimodal transportation systems; and

17 (2) infrastructure, activities, or safety measures
18 associated with the implementation or utilization of
19 those facilities.

20 (j) APPLICATION OF LAW.—Nothing in this section
21 shall affect the designation of the Federal land within the
22 Recreation Management Area for purposes of section 303
23 of title 49, United States Code, and section 138 of title
24 23, United States Code.

1 (k) PERMITS.—Nothing in this section alters or lim-
2 its—

3 (1) a permit held by a ski area or other entity;

4 or

5 (2) the acceptance, review, or implementation of
6 associated activities or facilities proposed or author-
7 ized by law or permit outside of the Recreation Man-
8 agement Area.

9 (l) WATER.—The provisions of section 3(e) of the
10 James Peak Wilderness and Protection Area Act (Public
11 Law 107–216; 116 Stat. 1055) shall apply to the Recre-
12 ation Management Area established by this section.

13 (m) MILITARY ACTIVITIES.—

14 (1) COLORADO NATIONAL GUARD USE.—Noth-
15 ing in this section shall restrict, preclude or other-
16 wise affect the use by the Colorado Army National
17 Guard, a reserve component of the Armed Forces, of
18 the Recreation Management Area for aircraft train-
19 ing, testing, evaluation, emergency response, or
20 other related air operations—

21 (A) in the manner and degree such uses
22 were authorized to occur on the date of the en-
23 actment of this Act; or

1 (B) as authorized under future agreements
2 between the Secretary and the Secretary of De-
3 fense.

4 (2) MILITARY AIRCRAFT USE.—Nothing in this
5 section restricts or precludes, or should cause any
6 other Federal regulation to restrict or preclude—

7 (A) low-level overflights of military air-
8 craft; or

9 (B) the designation, modification, or cre-
10 ation of new units of special use airspace, or
11 the establishment of military flight training
12 routes.

13 (n) FISH AND WILDLIFE.—Nothing in this section
14 affects the jurisdiction or responsibilities of the State of
15 Colorado with respect to fish and wildlife in the State, in-
16 cluding hunting and fishing.

17 (o) NO BUFFER ZONES.—The Recreation Manage-
18 ment Area shall not create a protective perimeter or buffer
19 zone around the Recreation Management Area.

20 **SEC. 4. PORCUPINE GULCH PROTECTION AREA, WHITE**
21 **RIVER NATIONAL FOREST, COLORADO.**

22 (a) DESIGNATION.—Certain Federal land located in
23 the White River National Forest in the State of Colorado
24 which comprise approximately 5,204 acres, as generally
25 depicted on a map entitled “Porcupine Gulch Protection

1 Area Proposal”, dated July 2014, is designated the “Por-
2 cupine Gulch Protection Area” (in this section referred to
3 as the “Protection Area”).

4 (b) PURPOSES.—The purposes of the Protection Area
5 are to conserve, protect, and enhance for the benefit and
6 enjoyment of present and future generations the scenic,
7 roadless, watershed, and ecological resources of the Pro-
8 tection Area.

9 (c) MANAGEMENT.—

10 (1) IN GENERAL.—The Secretary of Agriculture
11 shall manage the Protection Area—

12 (A) in a manner that conserves, protects,
13 and enhances the purposes described in sub-
14 section (b); and

15 (B) in accordance with—

16 (i) the Forest and Rangeland Renew-
17 able Resources Planning Act of 1974 (16
18 U.S.C. 1600 et seq.);

19 (ii) any other applicable laws (includ-
20 ing regulations); and

21 (iii) this section.

22 (2) USES.—

23 (A) IN GENERAL.—The Secretary shall
24 only allow such uses of the Protection Area that

1 the Secretary determines would further the pur-
2 poses described in subsection (b).

3 (B) MOTORIZED VEHICLES.—

4 (i) IN GENERAL.—Except as provided
5 in clause (iii), the use of motorized vehicles
6 and mechanized transport in the Protec-
7 tion Area shall be prohibited.

8 (ii) NEW OR TEMPORARY ROADS.—
9 Except as provided in clause (iii), no new
10 or temporary roads shall be constructed
11 within the Protection Area.

12 (iii) EXCEPTIONS.—Nothing in clause
13 (i) or (ii) prevents the Secretary from—

14 (I) authorizing the use of motor-
15 ized vehicles for administrative pur-
16 poses;

17 (II) constructing temporary
18 roads or permitting the use of motor-
19 ized vehicles to carry out pre- or post-
20 fire watershed protection projects;

21 (III) authorizing the use of mo-
22 torized vehicles to carry out activities
23 associated with subsection (g) or (h);
24 or

25 (IV) responding to an emergency.

1 (C) COMMERCIAL TIMBER.—

2 (i) IN GENERAL.—No projects shall be
3 undertaken for the purpose of harvesting
4 commercial timber within the Protection
5 Area.

6 (ii) LIMITATION.—Nothing in clause
7 (i) prevents the Secretary from harvesting
8 or selling merchantable products that are
9 byproducts of activities authorized by this
10 section.

11 (d) MAP AND LEGAL DESCRIPTION.—

12 (1) FILING.—As soon as practicable after the
13 date of enactment of this Act, the Secretary shall
14 prepare a map and legal description for the Protec-
15 tion Area.

16 (2) FORCE OF LAW.—The map and legal de-
17 scription prepared under paragraph (1) shall have
18 the same force and effect as if included in this Act,
19 except that the Secretary may correct typographical
20 errors in the map and legal description.

21 (3) PUBLIC AVAILABILITY.—The map and legal
22 description prepared under paragraph (1) shall be
23 on file and available for public inspection in the ap-
24 propriate office of the Secretary.

1 (e) WITHDRAWAL.—Subject to valid rights in exist-
2 ence on the date of enactment of this Act, the Federal
3 land within the Protection Area is withdrawn from—

4 (1) all forms of entry, appropriation, and dis-
5 posal under the public land laws;

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

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

10 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
11 ESTS.—Any land or interest in land that is acquired by
12 the United States within the boundaries of the Protection
13 Area shall—

14 (1) become part of the Protection Area; and

15 (2) be managed in accordance with the applica-
16 ble provisions of this Act and any other applicable
17 laws.

18 (g) FIRE, INSECTS, AND DISEASES.—The Secretary
19 may take any measure that the Secretary determines to
20 be necessary to prevent, control, and mitigate fire, insects,
21 and diseases and hazardous fuels, subject to such terms
22 and conditions as the Secretary determines to be appro-
23 priate.

24 (h) REGIONAL TRANSPORTATION PROJECTS.—Noth-
25 ing in this section precludes the Secretary from author-

1 izing, consistent with applicable laws (including regula-
2 tions), the use or lease of Federal land within the Protec-
3 tion Area for—

4 (1) regional transportation projects, including
5 highway widening or realignment and construction
6 of multimodal transportation systems; and

7 (2) infrastructure, activities, or safety measures
8 associated with the implementation or utilization of
9 those facilities.

10 (i) APPLICATION OF LAW.—Nothing in this section
11 shall affect the designation of the Federal land within the
12 Protection Area for purposes of section 303 of title 49,
13 United States Code, and section 138 of title 23, United
14 States Code.

15 (j) WATER.—The provisions of section 3(e) of the
16 James Peak Wilderness and Protection Area Act (Public
17 Law 107–216; 116 Stat. 1055) shall apply to the Protec-
18 tion Area.

19 (k) MILITARY ACTIVITIES.—

20 (1) COLORADO ARMY NATIONAL GUARD USE.—
21 Nothing in this section shall restrict, preclude or
22 otherwise affect the use by the Colorado Army Na-
23 tional Guard, a reserve component of the Armed
24 Forces, of the Protection Area for aircraft training,

1 testing, evaluation, emergency response, or other re-
2 lated air operations—

3 (A) in the manner and degree such uses
4 were authorized to occur on the date of the en-
5 actment of this Act; or

6 (B) as authorized under future agreements
7 between the Secretary and the Secretary of De-
8 fense.

9 (2) MILITARY AIRCRAFT USE.—Nothing in this
10 section restricts or precludes, or should cause any
11 other Federal regulation to restrict or preclude—

12 (A) low-level overflights of military air-
13 craft; or

14 (B) the designation, modification, or cre-
15 ation of new units of special use airspace, or
16 the establishment of military flight training
17 routes.

18 (l) FISH AND WILDLIFE.—Nothing in this section af-
19 fects the jurisdiction or responsibilities of the State of Col-
20 orado with respect to fish and wildlife in the State, includ-
21 ing hunting and fishing.

22 (m) NO BUFFER ZONES.—The Protection Area shall
23 not create a protective perimeter or buffer zone around
24 the Protection Area.

○