

109TH CONGRESS
2^D SESSION

H. R. 6245

To designate as wilderness certain land within the Rocky Mountain National Park, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2006

Mrs. MUSGRAVE introduced the following bill; which was referred to the Committee on Resources

A BILL

To designate as wilderness certain land within the Rocky Mountain National Park, 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 AND PURPOSE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Rocky Mountain National Park Wilderness Act”.

6 (b) **PURPOSE.**—The purpose of this Act is to des-
7 ignate as wilderness certain land within the Rocky Moun-
8 tain National Park, Colorado, in order to protect—

9 (1) the enduring scenic and historic wilderness
10 character and unique wildlife values of the land; and

1 (2) the scientific, educational, inspirational, and
2 recreational resources, values, and opportunities of
3 the land.

4 **SEC. 2. DESIGNATION OF ROCKY MOUNTAIN NATIONAL**
5 **PARK WILDERNESS.**

6 (a) DESIGNATION.—Certain land within the Rocky
7 Mountain National Park, Colorado, which comprises ap-
8 proximately 249,339 acres, as generally depicted on the
9 map titled “Rocky Mountain National Park, Colorado Wil-
10 derness Boundaries” and dated February 2006, is hereby
11 designated as wilderness. The designated land shall be
12 known as the “Rocky Mountain National Park Wilder-
13 ness” (referred to in this Act as the “Wilderness”).

14 (b) MAP AND DESCRIPTION.—

15 (1) PREPARATION AND SUBMISSION.—As soon
16 as practicable after the date of enactment of this
17 Act, the Secretary of the Interior (referred to in this
18 Act as the “Secretary”) shall—

19 (A) prepare a map and a boundary de-
20 scription of the Wilderness; and

21 (B) file the map and boundary description
22 prepared under subparagraph (A) with the
23 Committee on Resources of the House of Rep-
24 resentatives and the Committee on Energy and
25 Natural Resources of the Senate.

1 (2) AVAILABILITY.—The map and boundary de-
2 scription prepared under paragraph (1)(A) shall be
3 on file and available for public inspection in the Of-
4 fice of the Director of the National Park Service,
5 Department of the Interior.

6 (3) FORCE AND EFFECT.—The map and bound-
7 ary description prepared under paragraph (1)(A)
8 shall have the same force and effect as if included
9 in this Act.

10 (4) CORRECTION OF ERRORS.—The Secretary
11 may correct clerical and typographical errors in the
12 map and boundary description.

13 (c) EXCLUSION OF CERTAIN LAND.—The boundaries
14 of the Wilderness specifically exclude the following:

15 (1) The Grand River Ditch (as used in this Act,
16 the “Grand River Ditch” includes the main canal of
17 the Grand River Ditch and a branch thereof known
18 as the Specimen Ditch, their appurtenances and
19 right-of-way, access roads, improvements, structures,
20 buildings, camps, and work sites associated with the
21 Grand River Ditch and the Specimen Ditch that
22 were in existence as of June 1, 1998); land 200 feet
23 on each side of the marginal limits of the Grand
24 River Ditch, where the 200 foot exclusion on each
25 side of the Grand River Ditch shall not follow the

1 topography of the land, but rather, shall be meas-
2 ured by a horizontal, level projection from the mar-
3 ginal limits of the Grand River Ditch; and the land
4 down-slope from the Grand River Ditch upon which
5 rock, debris, and other materials have been depos-
6 ited during the construction, improvement, mainte-
7 nance, and repair of the Grand River Ditch.

8 (2) Land owned by the St. Vrain & Left Hand
9 Water Conservancy District, including Copeland
10 Reservoir and the Inlet Ditch to such reservoir from
11 the North St. Vrain Creek, amounting to approxi-
12 mately 35.38 acres.

13 (3) Land owned by the Wincentzen-Harms
14 Trust, amounting to approximately 2.75 acres.

15 (4) Land within the area depicted as “East
16 Shore Trail Area” on the map described in sub-
17 section (b).

18 (d) EAST SHORE TRAIL AREA.—

19 (1) ALIGNMENT LINE AND TRAIL.—

20 (A) IN GENERAL.—Not later than 1 year
21 after the date of enactment of this Act, the Sec-
22 retary shall establish an alignment line for a
23 trail, to be known as the “East Shore Trail”,
24 located within the East Shore Trail Area, to

1 maximize the opportunity for sustained use of
2 the trail without harm to affected resources.

3 (B) BOUNDARIES.—After establishing the
4 alignment line under subparagraph (A), the
5 Secretary shall identify the boundaries of the
6 trail, but the trail shall not extend more than
7 25 feet east of the alignment line or be located
8 within the Wilderness.

9 (C) EFFECT.—Nothing in this Act shall be
10 construed to—

11 (i) require the construction of a trail
12 along the alignment line established pursu-
13 ant to this paragraph; or

14 (ii) limit the extent to which any oth-
15 erwise applicable laws or policies shall
16 apply with respect to any decision regard-
17 ing construction of the trail.

18 (2) MAP ADJUSTMENT.—After establishing the
19 alignment line of the East Shore Trail, the Secretary
20 shall adjust the map of the Wilderness so that the
21 western boundary of the wilderness is 50 feet east
22 of the alignment line.

23 (3) OTHER ADJUSTMENTS.—To the extent nec-
24 essary to protect National Park resources, the Sec-
25 retary from time to time may adjust the boundaries

1 of the East Shore Trail without reducing the size of
2 the trail, but no adjustment shall have the effect of
3 placing any portion of such trail within the boundary
4 of the Wilderness.

5 (e) RELATION TO LAND OUTSIDE WILDERNESS.—

6 (1) USE OF LAND.—Except as provided in this
7 subsection, nothing in this Act shall affect the man-
8 agement or use of any land not included within the
9 boundaries of the Wilderness.

10 (2) USE OF MOTORIZED VEHICLES.—No use of
11 motorized vehicles or other motorized machinery not
12 permitted on March 1, 2006, shall be allowed in the
13 East Shore Trail Area, except as may be necessary
14 for constructing or maintaining the East Shore
15 Trail, if such construction is authorized by the Sec-
16 retary.

17 **SEC. 3. MANAGEMENT OF ROCKY MOUNTAIN NATIONAL**
18 **PARK WILDERNESS.**

19 (a) IN GENERAL.—Subject to valid existing rights,
20 land designated as wilderness by section 2(a) or subse-
21 quently included in the Wilderness shall be managed by
22 the Secretary in a manner that preserves the wilderness
23 character of the land, in accordance with this Act.

24 (b) WATER RIGHTS.—

25 (1) FINDINGS.—Congress finds the following:

1 (A) According to decisions of the courts of
2 the State of Colorado, the United States has ex-
3 isting rights to water within the Rocky Moun-
4 tain National Park.

5 (B) Those rights are sufficient for the pur-
6 poses of the Wilderness as designated by section
7 2.

8 (C) In light of the findings in subpara-
9 graphs (A) and (B), there is no need for this
10 Act to effect a reservation by the United States
11 of any additional water rights to fulfill the pur-
12 poses for which the Wilderness is designated.

13 (2) NO RESERVATION.—Nothing in this Act or
14 any action taken pursuant to this Act shall con-
15 stitute either an express or implied reservation of
16 water or water rights for any purpose.

17 (3) NO EXEMPTION FROM STATE WATER
18 LAWS.—Nothing in this Act constitutes an express
19 or implied claim or denial on the part of the Federal
20 Government as to exemption from State water laws.

21 (c) COLORADO-BIG THOMPSON PROJECT.—

22 (1) CURRENT ACTIVITIES.—Activities on,
23 under, or affecting the Wilderness relating to the
24 monitoring, operation, maintenance, repair, replace-
25 ment, and use of the Colorado-Big Thompson

1 Project and its facilities which were allowed as of
2 June 1, 1998, shall be allowed to continue and shall
3 not be affected by the designation of the land as wil-
4 derness.

5 (2) NEW ACTIVITIES.—In addition to the activi-
6 ties described in paragraph (1), any other activities
7 on, under, or affecting the Wilderness that because
8 of emergencies or catastrophic events become nec-
9 essary for the operation, maintenance, repair, re-
10 placement, and continued use of the Colorado-Big
11 Thompson Project and its facilities shall be allowed,
12 subject only to reasonable restrictions which are es-
13 tablished by the Secretary to protect the wilderness
14 values of the land. In implementing this paragraph,
15 the Secretary shall not establish any restrictions on
16 the activities that would prevent the occurrence of
17 such necessary activities or that would reduce the
18 water supply provided by the Colorado-Big Thomp-
19 son Project or the Windy Gap Project.

20 (3) RELATION TO AUTHORITY IN ACT ESTAB-
21 LISHING PARK.—Nothing in the first section of the
22 Act of January 26, 1915 (16 U.S.C. 191), shall be
23 construed to allow development within the Wilder-
24 ness of any reclamation project not in existence as
25 of the date of enactment of this Act.

1 (d) NO BUFFER ZONES.—Congress does not intend
2 that the designation by this Act of the Wilderness creates
3 or implies the creation of protective perimeters or buffer
4 zones around the Wilderness. The fact that nonwilderness
5 activities or uses can be seen or heard from within the
6 Wilderness shall not, of itself, preclude such activities or
7 uses up to the boundary of the Wilderness.

8 (e) TRAILS.—The Secretary may upgrade trails or
9 construct new trails in the Wilderness, including primitive,
10 unpaved, and wheelchair-accessible trails.

11 (f) PROHIBITION OF CERTAIN USES.—

12 (1) IN GENERAL.—Except as specifically pro-
13 vided for in this Act, and subject to existing private
14 rights—

15 (A) no commercial enterprises or perma-
16 nent roads shall be allowed within the Wilder-
17 ness; and

18 (B) except as provided in paragraph (2)
19 and as necessary to meet minimum require-
20 ments for the administration of the Wilderness
21 for the purpose of this Act (including measures
22 required in emergencies involving the health
23 and safety of persons within the Wilderness),
24 the following shall be prohibited within the Wil-
25 derness:

- 1 (i) Temporary roads.
- 2 (ii) The use of motor vehicles, motor-
- 3 ized equipment, or motorboats.
- 4 (iii) The landing of aircraft.
- 5 (iv) Any other form of mechanical
- 6 transport.
- 7 (v) Structures or installations.

8 (2) EXCEPTIONS.—

9 (A) FIRE, INSECT, AND DISEASE MANAGE-

10 MENT ACTIVITIES.—The Secretary may take

11 such measures in the Wilderness as are nec-

12 essary to control fire, insects, and diseases, in-

13 cluding the use of mechanized equipment, air-

14 craft, and motorboats.

15 (B) AIRCRAFT; OTHER VEHICLES.—

16 (i) IN GENERAL.—The Secretary may

17 allow the use of aircraft or other vehicles

18 for emergency events, such as search and

19 rescue, within the Wilderness.

20 (ii) EXISTING USES.—The use of air-

21 craft or motorboats in areas of the Wilder-

22 ness in which the uses have already be-

23 come established may be permitted to con-

24 tinue, subject to any restrictions that the

25 Secretary determines to be appropriate.

1 (g) MINERAL RESOURCES.—

2 (1) IN GENERAL.—Nothing in this Act shall
3 prevent within the Wilderness the conduct of any ac-
4 tivity, including prospecting, for the purpose of gath-
5 ering information about mineral or other resources,
6 if the activity is carried on in a manner compatible
7 with the preservation of the Wilderness environment.

8 (2) SURVEYS.—In accordance with any pro-
9 gram that the Secretary develops and conducts in
10 consultation with the Secretary of Agriculture—

11 (A) areas within the Wilderness shall be
12 surveyed on a planned, recurring basis con-
13 sistent with the concept of wilderness preserva-
14 tion by the United States Geological Survey and
15 the United States Bureau of Mines to deter-
16 mine the mineral values, if any, that may be
17 present in the Wilderness; and

18 (B) the results of such surveys shall be—

19 (i) made available to the public; and

20 (ii) submitted to the President and
21 Congress.

22 (h) COMMERCIAL SERVICES.—Commercial services
23 may be performed within the Wilderness to the extent nec-
24 essary for activities that are proper for realizing the rec-
25 reational or other wilderness purposes of the Wilderness.

1 (i) STATE AND PRIVATE LAND WITHIN THE WIL-
2 DERNESS.—

3 (1) IN GENERAL.—In any case in which State
4 or private land is completely surrounded by the Wil-
5 derness—

6 (A) the State or private landowner shall be
7 given any rights that may be necessary to en-
8 sure adequate access to the State or private
9 land by the State or private landowner and any
10 successors in interest; or

11 (B) subject to paragraph (2), the State
12 land or private land shall be exchanged for Fed-
13 eral land in the State of approximately equal
14 value under authorities available to the Sec-
15 retary.

16 (2) LIMITATION.—The United States shall not
17 transfer to the State or private landowner under
18 paragraph (1)(B) any mineral interests unless the
19 State or private landowner relinquishes or causes to
20 be relinquished to the United States the mineral in-
21 terest in the surrounded land.

22 (j) ACQUISITION OF LAND.—Subject to the avail-
23 ability of appropriations, the Secretary may acquire pri-
24 vate land within the perimeter of the Wilderness if the
25 owner consents to the acquisition.

1 (k) GIFTS, BEQUESTS AND CONTRIBUTIONS.—

2 (1) GIFTS OR BEQUESTS OF LAND.—

3 (A) IN GENERAL.—The Secretary may ac-
4 cept gifts or bequests of land within the Wilder-
5 ness for inclusion in the Wilderness.

6 (B) INCLUSION IN WILDERNESS.—Any
7 land accepted by the Secretary under subpara-
8 graph (A) shall become part of the Wilderness.

9 (C) REGULATIONS.—Regulations with re-
10 gard to any land accepted under subparagraph
11 (B) may be in accordance with such agree-
12 ments, consistent with the policy of this Act, as
13 are made at the time of such gift, or such con-
14 ditions, consistent with such policy, as may be
15 included in, and accepted with, the bequest.

16 (2) OTHER GIFTS AND CONTRIBUTIONS.—The
17 Secretary may accept private contributions and gifts
18 to be used to further the purposes of this Act.

19 (l) LIABILITY FOR WATER INFRASTRUCTURE.—The
20 owner or operator of any water infrastructure located in
21 the Wilderness on the date of enactment of this Act shall
22 not be subject to Public Law 101–337 (16 U.S.C. 19jj
23 et seq.), except in a case in which the destruction of, loss
24 of, or injuries to a park system resource are caused by

1 the negligence of the owner or operator of the water infra-
2 structure.

3 **SEC. 4. WATER PROJECT DEVELOPMENT.**

4 If authorized by the Secretary or the President, water
5 projects may be developed and maintained in the Wilder-
6 ness, including projects that involve the construction and
7 use of roads in the Wilderness.

8 **SEC. 5. GRAND RIVER DITCH OPERATIONS.**

9 (a) FINDINGS.—Congress finds that—

10 (1) the Grand River Ditch was structured be-
11 fore the establishment of the Park;

12 (2) portions of the Grand River Ditch are lo-
13 cated within and outside the boundaries of the Park;
14 and

15 (3) the Grand River Ditch has been operated in
16 accordance with Federal and State laws.

17 (b) LIABILITY.—Notwithstanding any other provision
18 of law, on and after the date of enactment of this Act,
19 no entity or person who owns, controls, or operates the
20 Grand River Ditch shall be held liable for any personal
21 injury or property damage resulting from any cause or
22 event (including, but not limited to, water escaping from
23 the Grand River Ditch by overflow or as a result of the
24 failure or partial failure of the Grand River Ditch) unless
25 the same has been proximately caused by the negligence

1 of that entity or person. To the extent that any previous
2 or existing law imposes liability other than as set forth
3 above in this section, such law shall be, retroactively as
4 of the date of enactment of this Act, and on and after
5 that date, of no force and effect as to the Grand River
6 Ditch, or upon or as to any entity or person that owns,
7 controls, or operates the Grand River Ditch. Any provision
8 in any stipulation concerning the Grand River Ditch, that
9 imposes or seeks to impose liability other than as set forth
10 above in this section on such entity or person, including
11 specifically paragraphs (5) and (6) of the stipulation exe-
12 cuted by the Water Supply and Storage Company on
13 March 21, 1907, and approved June 28, 1907, by the
14 United States Department of Agriculture, Forest Service,
15 shall be, as of the date of enactment of this Act, and on
16 and after that date, waived by the United States and not
17 claimed or enforced by it.

18 (c) ACTIVITIES ON WILDERNESS LAND RELATED TO
19 GRAND RIVER DITCH.—Activities on, under, or affecting
20 the land designated as wilderness by section 2, or potential
21 wilderness land, or those excluded land recited in section
22 2(c)(1), relating to the monitoring, operation, mainte-
23 nance, repair, replacement, improvement, and use of the
24 Grand River Ditch, including activities that become nec-

1 essary because of emergencies or catastrophic events, shall
2 be authorized and allowed and not be affected by this Act.

3 **SEC. 6. AUTHORITY TO LEASE LEIFFER PROPERTY.**

4 Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–
5 2(k)) shall apply to the tract of land near the eastern
6 boundary of Rocky Mountain National Park in Larimer
7 County, Colorado, administered by the National Park
8 Service and known as the “Leiffer tract” to the same ex-
9 tent as if such property was part of the National Park
10 System.

○