

116TH CONGRESS  
1ST SESSION

# H. R. 2546

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2019

Ms. DEGETTE (for herself and Mr. NEGUSE) introduced the following bill;  
which was referred to the Committee on Natural Resources

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## 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 2019”.

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) by adding at the end the following para-  
7 graphs:

8 “(22) Certain lands managed by the Colorado  
9 River Valley Field Office of the Bureau of Land  
10 Management, which comprise approximately 20,171  
11 acres, as generally depicted on a map titled ‘Bull  
12 Gulch and Castle Peak Proposed Wilderness’, dated  
13 July 20, 2018, which shall be known as the Bull  
14 Gulch Wilderness.

15 “(23) Certain lands managed by the Colorado  
16 River Valley Field Office of the Bureau of Land  
17 Management, which comprise approximately 16,230  
18 acres, as generally depicted on a map titled ‘Bull  
19 Gulch and Castle Peak Proposed Wilderness Areas’,  
20 dated July 20, 2018, which shall be known as the  
21 Castle Peak Wilderness.

22 “(24) Certain lands managed by the Colorado  
23 River Valley Field Office of the Bureau of Land  
24 Management, which comprise approximately 312  
25 acres, as generally depicted on a map titled ‘Maroon  
26 Bells Addition Proposed Wilderness’, dated July 20,

1       2018, which is hereby incorporated in and shall be  
2       deemed to be a part of the Maroon Bells-Snowmass  
3       Wilderness Area designated by Public Law 88-577.

4               “(25) Certain lands managed by the Gunnison  
5       Field Office of the Bureau of Land Management,  
6       which comprise approximately 38,176 acres, as gen-  
7       erally depicted on a map titled ‘Redcloud & Handies  
8       Peak Proposed Wilderness’, dated July 20, 2018,  
9       which shall be known as the Redcloud Peak Wilder-  
10      ness.

11              “(26) Certain lands managed by the Gunnison  
12      Field Office of the Bureau of Land Management or  
13      located in the Grand Mesa, Uncompahgre, and Gun-  
14      nison National Forests, which comprise approxi-  
15      mately 26,557 acres, as generally depicted on a map  
16      titled ‘Redcloud & Handies Peak Proposed Wilder-  
17      ness’, dated July 20, 2018, which shall be known as  
18      the Handies Peak Wilderness.

19              “(27) Certain lands managed by the Royal  
20      Gorge Field Office of the Bureau of Land Manage-  
21      ment, which comprise approximately 17,213 acres,  
22      as generally depicted on a map titled ‘McIntyre Hills  
23      Proposed Wilderness’, dated July 20, 2018, which  
24      shall be known as the McIntyre Hills Wilderness.

1           “(28) Certain lands managed by the Glenwood  
2           Springs Field Office of the Bureau of Land Manage-  
3           ment, which comprise approximately 11,291 acres,  
4           as generally depicted on a map titled ‘Grand Hog-  
5           back Proposed Wilderness’, dated July 20, 2018,  
6           which shall be known as the Grand Hogback Wilder-  
7           ness.

8           “(29) Certain lands managed by the Glenwood  
9           Springs Field Office of the Bureau of Land Manage-  
10          ment or located in the White River National Forest,  
11          which comprise approximately 16,305 acres, as gen-  
12          erally depicted on a map titled ‘Flat Tops Proposed  
13          Wilderness Addition’, dated July 20, 2018, and  
14          which are hereby incorporated in and shall be  
15          deemed to be a part of the Flat Tops Wilderness  
16          designated by Public Law 94–146.

17          “(30) Certain lands managed by the Grand  
18          Junction Field Office, which comprise approximately  
19          25,897 acres, as generally depicted on a map titled  
20          ‘Demaree Canyon Proposed Wilderness’, dated July  
21          20, 2018, which shall be known as the Demaree  
22          Canyon Wilderness.

23          “(31) Certain lands managed by the Grand  
24          Junction Field Office, which comprise approximately  
25          29,045 acres, as generally depicted on a map titled

1 ‘South Shale Ridge & Little Book Cliffs Proposed  
2 Wilderness’, dated July 20, 2018, which shall be  
3 known as the Little Bookcliffs Wilderness.

4 “(32) Certain lands managed by the Grand  
5 Junction Field Office, which comprise approximately  
6 27,517 acres, as generally depicted on a map titled  
7 ‘South Shale Ridge & Little Book Cliffs Proposed  
8 Wilderness’, dated July 20, 2018, which shall be  
9 known as the South Shale Ridge Wilderness.

10 “(33) Certain lands managed by the Glenwood  
11 Springs Field Office or located in the White River  
12 National Forest, which comprise approximately  
13 20,742 acres, as generally depicted on a map titled  
14 ‘Deep Creek Proposed Wilderness’, dated July 20,  
15 2018, upon being designated as wilderness as pro-  
16 vided by section 3(h)(2) of the Colorado Wilderness  
17 Act of 2018.

18 “(34) Certain lands managed by the Glenwood  
19 Springs Field Office, which comprise approximately  
20 14,538 acres, as generally depicted on a map titled  
21 ‘Pisgah Mountain Proposed Wilderness’ and dated  
22 July 20, 2018, upon being designated as wilderness  
23 as provided by section 3(h)(2) of the Colorado Wil-  
24 derness Act of 2019.”.

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

6 (1) Certain lands managed by the Colorado  
7 River Valley Field Office of the Bureau of Land  
8 Management or located in the White River National  
9 Forest, which comprise approximately 25,232 acres,  
10 as generally depicted on a map titled “Assignment  
11 Ridge Proposed Wilderness”, dated July 20, 2018,  
12 which shall be known as the Assignment Ridge Wil-  
13 derness.

14 (2) Certain lands managed by the Royal Gorge  
15 Field Office of the Bureau of Land Management or  
16 located in the Pike and San Isabel National Forests,  
17 which comprise approximately 25,192 acres, as gen-  
18 erally depicted on a map titled “Badger Creek Pro-  
19 posed Wilderness Area”, dated July 20, 2018, which  
20 shall be known as the Badger Creek Wilderness.

21 (3) Certain lands managed by the Royal Gorge  
22 Field Office of the Bureau of Land Management or  
23 located in the Pike and San Isabel National Forests,  
24 which comprise approximately 38,253 acres, as gen-  
25 erally depicted on a map titled “Beaver Creek Pro-

posed Wilderness Area”, dated July 20, 2018, which shall be known as the Beaver Creek Wilderness.

(4) Certain lands managed by the Royal Gorge Field Office of the Bureau of Land Management or the Bureau of Reclamation or located in the Pike and San Isabel National Forest, which comprise approximately 35,535 acres, as generally depicted on a map titled “Grape Creek Proposed Wilderness”, dated July 20, 2018, which shall be known as the Grape Creek Wilderness.

(5) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management, which comprise approximately 20,996 acres, as generally depicted on a map titled “Bangs Canyon Proposed Wilderness”, dated July 20, 2018, which shall be known as the Bangs Canyon Wilderness.

(6) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management, which comprise approximately 27,150 acres, as generally depicted on a map titled “Unaweep & Palisade Proposed Wilderness”, dated July 20, 2018, which shall be known as the Palisade Wilderness.

1           (7) Certain lands managed by the Grand Junction  
2           Field Office of the Bureau of Land Management or located in the Grand Mesa, Uncompaghre,  
3           and Gunnison National Forest, which comprise approximately 20,420 acres, as generally depicted on a  
4           map titled “UnawEEP & Palisade Proposed Wilderness”, dated July 20, 2018, which shall be known as  
5           the UnawEEP Wilderness.

9           (8) Certain lands managed by the Grand Junction  
10          Field Office of the Bureau of Land Management and San Juan Field Office and in the Manti-  
11          LaSal National Forest, which comprise approximately 45,220 acres, as generally depicted on a map  
12          titled “Sewemup Mesa Proposed Wilderness”, dated  
13          July 20, 2018, which shall be known as the  
14          Sewemup Mesa Wilderness.

17          (9) Certain lands managed by the Kremmling  
18          Field Office of the Bureau of Land Management,  
19          which comprise approximately 31 acres, as generally  
20          depicted on a map titled “Platte River Addition Pro-  
21          posed Wilderness”, dated July 20, 2018, and which  
22          are hereby incorporated in and shall be deemed to  
23          be part of the Platte River Wilderness designated by  
24          Public Law 98–550.



1           (10)    Certain lands managed by the  
2    Uncompahgre Field Office of the Bureau of Land  
3    Management, which comprise approximately 17,660  
4    acres, as generally depicted on a map titled  
5    “Roubideau Proposed Wilderness”, dated July 20,  
6    2018, which shall be known as the Roubideau Wil-  
7    derness.

8           (11)    Certain lands managed by the  
9    Uncompahgre Field Office of the Bureau of Land  
10   Management or located in the Grand Mesa,  
11   Uncompaghre, and Gunnison National Forest, which  
12   comprise approximately 12,986 acres, as generally  
13   depicted on a map titled “Norwood Canyon Pro-  
14   posed Wilderness”, dated July 20, 2018, which shall  
15   be known as the Norwood Canyon Wilderness.

16          (12)    Certain lands managed by the San Juan  
17   Field Office of the Bureau of Land Management,  
18   which comprise approximately 26,776 acres, as gen-  
19   erally depicted on a map titled “Cross Canyon Pro-  
20   posed Wilderness”, dated July 20, 2018, which shall  
21   be known as the Cross Canyon Wilderness.

22          (13)    Certain lands managed by the San Juan  
23   Field Office of the Bureau of Land Management,  
24   which comprise approximately 33,114 acres, as gen-  
25   erally depicted on a map titled “McKenna Peak Pro-

1 posed Wilderness”, dated July 20, 2018, which shall  
2 be known as the McKenna Peak Wilderness.

3 (14) Certain lands managed by the San Juan  
4 Field Office of the Bureau of Land Management,  
5 which comprise approximately 14,339 acres, as gen-  
6 erally depicted on a map titled “Weber-Menefee  
7 Mountain Proposed Wilderness”, dated July 20,  
8 2018, which shall be known as the Weber-Menefee  
9 Mountain Wilderness.

10 (15) Certain lands managed by the  
11 Uncompahgre and San Juan Field Offices of the  
12 Bureau of Land Management or the Bureau of Rec-  
13 lamation, which comprise approximately 34,867  
14 acres, as generally depicted on a map titled “Dolores  
15 River Canyon Proposed Wilderness”, dated July 20,  
16 2018, which shall be known as the Dolores River  
17 Canyon Wilderness.

18 (16) Certain lands managed by the San Juan  
19 Field Office of the Bureau of Land Management or  
20 located in the San Juan National Forest, which  
21 comprise approximately 31,752 acres, as generally  
22 depicted on a map titled “Snaggletooth Proposed  
23 Wilderness”, dated July 20, 2018, which shall be  
24 known as the Snaggletooth Wilderness.

1           (17) Certain lands managed by the Royal Gorge  
2       Field Office of the Bureau of Land Management or  
3       located in the Pike and San Isabel National Forests,  
4       which comprise approximately 22,654 acres, as gen-  
5       erally depicted on a map titled “Browns Canyon  
6       Proposed Wilderness”, dated July 20, 2018, which  
7       shall be known as the Browns Canyon Wilderness.

8           (18) Certain lands managed by the San Luis  
9       Field Office of the Bureau of Land Management,  
10      which comprise approximately 10,871 acres, as gen-  
11      erally depicted on a map titled “San Luis Hills Pro-  
12      posed Wilderness”, dated July 20, 2018, which shall  
13      be known as the San Luis Hills Wilderness.

14          (19) Certain lands managed by the Royal Gorge  
15      Field Office of the Bureau of Land Management,  
16      which comprise approximately 27,719 acres, as gen-  
17      erally depicted on a map titled “Table Mountain  
18      Proposed Wilderness”, dated July 20, 2018, which  
19      shall be known as the Table Mountain 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 National Park Service, and the Bureau of Reclama-  
24      tion, which comprise approximately 6,846 acres, as gen-  
25      erally depicted on a map titled “West Elk Addition Pro-

1 posed Wilderness”, dated July 20, 2018, are hereby des-  
2 ignated as wilderness and, therefore, as components of the  
3 National Wilderness Preservation System and are hereby  
4 incorporated in and shall be deemed to be a part of the  
5 West Elk Wilderness designated by Public Law 88–577.  
6 The boundary adjacent to Blue Mesa Reservoir shall be  
7 50 feet landward from the water’s edge, and shall change  
8 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 a private entity or  
8 by the State of Colorado, including lands administered by  
9 the Colorado State Land Board, shall be included within  
10 such wilderness area if such lands are acquired by the  
11 United States. Such lands may be acquired by the United  
12 States only as provided in the Wilderness Act (16 U.S.C.  
13 1131 et seq.).

14 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

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

23 (b) GRAZING.—Grazing of livestock in wilderness  
24 areas designated by this Act shall be administered in ac-  
25 cordance with the provisions of section 4(d)(4) of the Wil-

1 derness Act (16 U.S.C. 1133(d)(4)), as further inter-  
2 preted by section 108 of Public Law 96–560, and the  
3 guidelines set forth in appendix A of House Report 101–  
4 405 of the 101st Congress.

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

10 (d) BUFFER ZONES.—

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

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

20 (e) MILITARY HELICOPTER OVERFLIGHTS.—

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

23 (A) low-level overflights of military heli-  
24 copters over the areas designated as wilderness  
25 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 ignated 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 20,742 acres, as generally de-  
 18 picted on a map titled “Deep Creek Proposed  
 19 Wilderness” and dated July 20, 2018, which,  
 20 upon designation as wilderness under para-  
 21 graph (2), shall be known as the Deep Creek  
 22 Wilderness.

23 (B) Certain lands managed by the Glen-  
 24 wood Springs Field Office, which comprise ap-  
 25 proximately 14,538 acres, as generally depicted



1 on a map titled “Pisgah Mountain Proposed  
2 Wilderness” and dated July 20, 2018, which,  
3 upon designation as wilderness under para-  
4 graph (2), shall be known as the Pisgah Moun-  
5 tain Wilderness.

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

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

1       tion of such lands as wilderness under this sub-  
2       section.

3   **SEC. 4. WATER.**

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

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

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

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

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

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

21      (b) MIDSTREAM AREAS.—

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

(ii) ESTABLISHMENT OF WATER  
RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this Act, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the wilderness designated by section 2(b) to fulfill the purposes of such wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 1, 2021, appropriate the water rights required to fulfill the purposes of the wilderness designated by section 2(b).

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any 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, transmission and other  
19           ancillary facilities, and other water diversion, stor-  
20           age, 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).

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