

113TH CONGRESS
1ST SESSION

S. _____

To designate certain Federal land in Chaffee County, Colorado, as a national monument and as wilderness.

IN THE SENATE OF THE UNITED STATES

Mr. UDALL of Colorado introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To designate certain Federal land in Chaffee County, Colorado, as a national monument and as wilderness.

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.**

4 This Act may be cited as the “Browns Canyon Na-
5 tional Monument and Wilderness Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) certain Federal land in the Pike and San
9 Isabel National Forests and certain Federal land
10 managed by the Bureau of Land Management in

1 Chaffee County, Colorado, known as “Browns Can-
2 yon” contain nationally significant biological, cul-
3 tural, recreational, scenic, geological, educational,
4 and scientific values;

5 (2) Browns Canyon provides world class oppor-
6 tunities for fishing, hunting, rafting, kayaking, hik-
7 ing, horseback riding, recreational gold-panning, pic-
8 nicking, wildlife watching, and camping;

9 (3) permanently protecting the values described
10 in paragraph (1) would enhance the economic pros-
11 perity of local communities in the area that depend
12 on the area for tourism, recreation, and sustainable
13 natural resource uses; and

14 (4) designating the Browns Canyon National
15 Monument and the Browns Canyon Wilderness
16 would maintain and protect the world class rec-
17 reational opportunities within the Arkansas Head-
18 waters Recreation Area.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **MANAGEMENT PLAN.**—The term “manage-
22 ment plan” means the management plan developed
23 under section 8.

1 (2) MAP.—The term “Map” means the map en-
2 titled “Browns Canyon National Monument” and
3 dated [_____].

4 (3) NATIONAL MONUMENT.—The term “Na-
5 tional Monument” means the Browns Canyon Na-
6 tional Monument established by section 4(a).

7 (4) SECRETARY CONCERNED.—The term “Sec-
8 retary concerned” means—

9 (A) the Secretary of Agriculture, with re-
10 spect to National Forest System land; and

11 (B) the Secretary of the Interior, with re-
12 spect to Bureau of Land Management land.

13 (5) STATE.—The term “State” means the State
14 of Colorado.

15 (6) WILDERNESS.—The term “Wilderness”
16 means the Browns Canyon Wilderness designated by
17 section 2(a)(22) of the Colorado Wilderness Act of
18 1993 (16 U.S.C. 1132 note; Public Law 103–77;
19 107 Stat. 756) (as added by section 5(a)).

20 **SEC. 4. ESTABLISHMENT OF BROWNS CANYON NATIONAL**
21 **MONUMENT.**

22 (a) IN GENERAL.—Subject to valid existing rights,
23 there is established in the State the Browns Canyon Na-
24 tional Monument—

1 (1) to preserve the nationally significant biologi-
2 cal, cultural, recreational, scenic, geological, edu-
3 cational, and scientific values found in the Browns
4 Canyon area;

5 (2) to provide visitors the opportunity to enjoy
6 the recreational, geological, natural, scientific, rec-
7 reational, wildlife, riparian, educational, and scenic
8 resources of the National Monument;

9 (3) to protect important big game wildlife habi-
10 tat and the backcountry character of certain Na-
11 tional Forest System land within the National
12 Monument that are not designated as wilderness;
13 and

14 (4) to provide for cooperative management of
15 the National Monument and associated facilities by
16 the Bureau of Land Management, the Forest Serv-
17 ice, and the Arkansas Headwaters Recreation Area.

18 (b) BOUNDARIES.—

19 (1) IN GENERAL.—The National Monument
20 shall consist of approximately 22,000 acres of public
21 land, as generally depicted on the Map.

22 (2) ARKANSAS RIVER.—

23 (A) IN GENERAL.—In areas in which the
24 Arkansas River is used as a reference for defin-

1 ing the boundary of the National Monument,
2 the boundary shall—

3 (i) be located at the edge of the Ar-
4 kansas River; and

5 (ii) change according to the level of
6 the Arkansas River.

7 (B) EXCLUSION FROM NATIONAL MONU-
8 MENT.—Regardless of the level of the Arkansas
9 River, no portion of the Arkansas River shall be
10 included in the National Monument.

11 (3) ROAD OFFSET.—The boundary of any por-
12 tion of the National Monument that is bordered by
13 a road shall be set back 100 feet from the centerline
14 of the road.

15 **SEC. 5. DESIGNATION OF BROWNS CANYON WILDERNESS.**

16 (a) DESIGNATION.—Section 2(a) of the Colorado Wil-
17 derness Act of 1993 (16 U.S.C. 1132 note; Public Law
18 103–77; 107 Stat. 756; 116 Stat 1055) is amended by
19 adding at the end the following:

20 “(22) BROWNS CANYON WILDERNESS.—Certain
21 Federal land in Chaffee County, Colorado, com-
22 prising approximately 8,000 acres of land managed
23 by the Bureau of Land Management and 2,500
24 acres in the Pike and San Isabel National Forests,
25 to be known as the ‘Browns Canyon Wilderness’.”.

1 (b) BOUNDARY.—Section 3 of the Colorado Wilder-
2 ness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-
3 77; 107 Stat. 759) is amended by adding at the end the
4 following:

5 “(h) BOUNDARY OF BROWNS CANYON WILDER-
6 NESS.—

7 “(1) WESTERN BOUNDARY OFFSET.—The west-
8 ern boundary of any portion of the wilderness des-
9 igned by section 2(a)(22) that is formed by the
10 Arkansas River or the railroad line shall be set back
11 150 feet inland to the East from the mean high
12 water line or the railroad line, whichever is farthest
13 East, but in no case shall the Browns Canyon Wil-
14 derness extend within 150 feet of either the railroad
15 or the Arkansas River.

16 “(2) ROAD OFFSET.—The boundary of any por-
17 tion of the wilderness designated by section 2(a)(22)
18 that is bordered by a road shall be set back 100 feet
19 from the centerline of the road.”.

20 **SEC. 6. MAPS AND LEGAL DESCRIPTIONS.**

21 (a) IN GENERAL.—As soon as practicable after the
22 date of enactment of this Act, the Secretaries concerned
23 shall file a map and a legal description of the National
24 Monument and the Wilderness with—

1 seq.), with respect to land under the juris-
 2 diction of the Secretary of the Interior;

3 (iii) the Forest and Rangeland Renew-
 4 able Resources Planning Act of 1974 (16
 5 U.S.C. 1600 et seq.) and section 14 of the
 6 National Forest Management Act of 1976
 7 (16 U.S.C. 472a), with respect to land
 8 under the jurisdiction of the Secretary of
 9 Agriculture; and

10 (iv) any other applicable laws (includ-
 11 ing regulations).

12 (2) USES.—

13 (A) IN GENERAL.—The Secretary con-
 14 cerned shall allow only such uses of the Na-
 15 tional Monument as the Secretary concerned
 16 determines would further the purposes for
 17 which the National Monument is established.

18 (B) ARKANSAS HEADWATERS RECREATION
 19 AREA.—Nothing in this Act affects the contin-
 20 ued comanagement of the Arkansas Headwaters
 21 Recreation Area within the National Monument
 22 by the Director of the Bureau of Land Manage-
 23 ment and the State.

24 (C) MOTORIZED VEHICLES.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii) and as needed for administra-
3 tive purposes or to respond to an emer-
4 gency, the use of motorized vehicles in the
5 National Monument shall be permitted
6 only on the roads and trails that are iden-
7 tified on the Map and designated for the
8 use of motorized vehicles by the manage-
9 ment plan.

10 (ii) EXCEPTION.—Forest Road 184,
11 which is a Forest Service Level II Road, as
12 depicted on the Map—

13 (I) shall be open to motorized use
14 on a seasonal basis for hunting or on
15 an annual basis; and

16 (II) may not be improved to a
17 condition more highly developed than
18 a Forest Service Level II Road.

19 (b) WITHDRAWAL.—Subject to valid existing rights,
20 all Federal land within the National Monument and Wil-
21 derness and all land and interests in land acquired by the
22 United States within the National Monument and the Wil-
23 derness is withdrawn from—

24 (1) all forms of entry, appropriation, or disposal
25 under the public land laws;

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

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

5 (c) GRAZING.—

6 (1) IN GENERAL.—The Secretary concerned
7 shall issue and administer any grazing leases or per-
8 mits in the National Monument in accordance with
9 the laws (including regulations) applicable to the
10 issuance and administration of leases and permits on
11 other land under the jurisdiction of the Bureau of
12 Land Management and the Forest Service, respec-
13 tively.

14 (2) APPLICABLE LAW.—The grazing of live-
15 stock and associated improvements in the National
16 Monument, if established before the date of enact-
17 ment of this Act, shall be permitted to continue in
18 accordance with—

19 (A) section 4(d)(4) of the Wilderness Act
20 (16 U.S.C.1133(d)(4)); and

21 (B) the guidelines set forth in appendix A
22 of the report of the Committee on Interior and
23 Insular Affairs of the House of Representatives
24 accompanying H.R. 2570 of the 101st Congress
25 (H. Rept. 101–405).

1 (d) NO BUFFER ZONES.—

2 (1) IN GENERAL.—Nothing in this section cre-
3 ates a protective perimeter or buffer zone around the
4 Wilderness.

5 (2) ACTIVITIES OUTSIDE THE NATIONAL MONU-
6 MENT AND WILDERNESS.—The fact that an activity
7 or use on land outside the Wilderness can be seen
8 or heard within the Wilderness shall not preclude
9 the activity or use outside the boundary of the Wil-
10 derness.

11 (e) ACQUISITION OF LAND.—

12 (1) IN GENERAL.—The Secretary concerned
13 may acquire non-Federal land within and adjacent
14 to the boundaries of the National Monument or Wil-
15 derness through exchange, donation, bequest, or pur-
16 chase from a willing seller.

17 (2) MANAGEMENT.—Land acquired under para-
18 graph (1) shall—

19 (A) become part of the National Monu-
20 ment and, if applicable, the Wilderness; and

21 (B) be managed in accordance with—

22 (i) this Act; and

23 (ii) any other applicable laws.

24 (3) ADMINISTRATION OF SUBSEQUENTLY AC-
25 QUIRED LAND.—

1 (A) SECRETARY OF THE INTERIOR.—The
2 Secretary of the Interior shall manage any land
3 or interest in land within the boundaries of the
4 National Monument that is acquired by the Bu-
5 reau of Land Management after the date of en-
6 actment of this Act.

7 (B) SECRETARY OF AGRICULTURE.—The
8 Secretary of Agriculture shall manage any land
9 or interest in land within the boundaries of the
10 National Monument that is acquired by the
11 Forest Service after the date of enactment of
12 this Act.

13 (f) FIRE, INSECTS, AND DISEASE.—Subject to such
14 terms and conditions as the Secretary concerned deter-
15 mines to be appropriate, the Secretary concerned may un-
16 dertake such measures as are necessary to control fire,
17 insects, and disease—

18 (1) in the Wilderness, in accordance with sec-
19 tion 4(d)(1) of the Wilderness Act (16
20 U.S.C.1133(d)(1)); and

21 (2) in the National Monument, in accordance
22 with—

23 (A) this Act; and

24 (B) any other applicable laws.

1 (g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In
2 accordance with any applicable laws and subject to such
3 terms and conditions as the Secretary concerned deter-
4 mine to be appropriate, the Secretary concerned may pre-
5 scribe measures to control nonnative invasive plants and
6 noxious weeds within the National Monument and Wilder-
7 ness.

8 (h) WATER RIGHTS.—

9 (1) EFFECT.—Nothing in this Act—

10 (A) affects the use or allocation, in exist-
11 ence on the date of enactment of this Act, of
12 any water, water right, or interest in water;

13 (B) affects any vested absolute or decreed
14 conditional water right in existence on the date
15 of enactment of this Act, including any water
16 right held by the United States;

17 (C) affects any interstate water compact in
18 existence on the date of enactment of this Act;

19 (D) authorizes or imposes any new re-
20 served Federal water rights; or

21 (E) shall be considered to be a relinquish-
22 ment or reduction of any water rights reserved
23 or appropriated by the United States in the
24 State on or before the date of enactment of this
25 Act.

1 (2) NATIONAL MONUMENT WATER RIGHTS.—

2 With respect to water within the National Monu-
3 ment, nothing in this Act—

4 (A) authorizes any Federal agency to ap-
5 propriate or otherwise acquire any water right
6 on the mainstem of the Arkansas River; or

7 (B) prevents the State from appropriating
8 or acquiring, or requires the State to appro-
9 priate or acquire, an instream flow water right
10 on the mainstem of the Arkansas River.

11 (i) FISH AND WILDLIFE.—Nothing in this Act—

12 (1) diminishes the jurisdiction of the State with
13 respect to fish and wildlife in the State; or

14 (2) imposes any Federal water quality standard
15 upstream of the National Monument or within the
16 mainstem of the Arkansas River that is more re-
17 strictive than would be applicable had the National
18 Monument not been established.

19 (j) COMMERCIAL ACTIVITIES.—

20 (1) IN GENERAL.—The Secretary concerned
21 may permit commercial activities within the National
22 Monument and Wilderness, consistent with—

23 (A) this Act;

24 (B) the Wilderness Act (16 U.S.C. 1131 et
25 seq.); and

1 (C) any other applicable laws (including
2 regulations).

3 (2) OUTFITTING AND GUIDE ACTIVITIES.—Con-
4 sistent with section 4(d)(5) of the Wilderness Act
5 (16 U.S.C. 1133(d)(5)), commercial services (includ-
6 ing authorized outfitting and guide activities) are
7 authorized in the Wilderness to the extent necessary
8 for activities that fulfill the recreational or other wil-
9 derness purposes of the Wilderness.

10 (k) CONFLICT OF LAWS.—If there is a conflict be-
11 tween the laws applicable to the National Monument and
12 the Wilderness Area, the more restrictive provision shall
13 control.

14 **SEC. 8. DEVELOPMENT OF MANAGEMENT PLAN.**

15 (a) IN GENERAL.—Not later than 3 years after the
16 date of enactment of this Act, the Secretary of the Inte-
17 rior, in cooperation with the Secretary of Agriculture and
18 in consultation with the State, shall complete a com-
19 prehensive management plan for the conservation and pro-
20 tection of the National Monument and Wilderness.

21 (b) CONTENTS.—The management plan shall—

22 (1) describe the appropriate uses and manage-
23 ment of the National Monument and Wilderness;

24 (2) be developed with opportunities for public
25 input;

1 (3) provide for the preservation of the wildlife
2 habitat and roadless character of the non-wilderness
3 land managed by the Pike and San Isabel National
4 Forests;

5 (4) provide for the preservation of the rec-
6 reational use of the National Monument, including
7 hiking, hunting, fishing, rafting, camping, rock
8 climbing, mountain biking, off-highway vehicle riding
9 on designated routes, sightseeing, and horseback-
10 riding, if the recreational use is consistent with this
11 Act and other applicable law; and

12 (5) assess the needs for additional recreational
13 facilities in order to fulfill the purposes for which
14 the National Monument was established and, to the
15 extent the Secretary concerned determines any addi-
16 tional facilities are needed, locate new or upgraded
17 recreation facilities within the Arkansas Headwaters
18 Recreation Area and the public land west of the Ar-
19 kansas River.

20 (c) INCORPORATION OF EXISTING PLANS.—In devel-
21 oping the management plan under subsection (a), to the
22 extent consistent with this Act, the Secretary concerned
23 may incorporate any provision of any other applicable land
24 management plan, including the Arkansas River Recre-
25 ation Management Plan or a successor plan.