

108TH CONGRESS
1ST SESSION

H. R. _____

To designate certain public lands in the State of Colorado as the Browns Canyon Wilderness and to establish the Railroad Gulch Protection Area within the San Isabel National Forest, Colorado, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HEFLEY introduced the following bill; which was referred to the Committee on _____

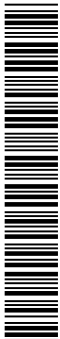
A BILL

To designate certain public lands in the State of Colorado as the Browns Canyon Wilderness and to establish the Railroad Gulch Protection Area within the San Isabel National Forest, Colorado, 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.**

4 This Act may be cited as the “Browns Canyon Wil-
5 derness Act of 2003”.

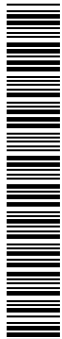


1 **SEC. 2. DESIGNATION OF BROWNS CANYON WILDERNESS,**
2 **COLORADO.**

3 (a) DESIGNATION.—In accordance with the Wilder-
4 ness Act (16 U.S.C. 1131 et seq.), certain public lands
5 in Chafee County, Colorado, comprising approximately
6 7,315 acres, as generally depicted on a map entitled
7 “Browns Canyon Wilderness” and dated ____, are hereby
8 designated as wilderness and therefore as a component of
9 the National Wilderness Preservation System. The public
10 lands designated as wilderness by this section shall be
11 known as the Browns Canyon Wilderness.

12 (b) MANAGEMENT OF WILDERNESS AREA.—Subject
13 to valid existing rights, the Secretary of the Interior shall
14 administer the Browns Canyon Wilderness in accordance
15 with this section and the Wilderness Act. For purposes
16 of this section, any reference in the Wilderness to the date
17 of the enactment of the Wilderness Act shall be deemed
18 to be a reference to the date of the enactment of this Act
19 and any reference to the Secretary of Agriculture shall be
20 deemed to be a reference to the Secretary of the Interior.

21 (c) LEGAL DESCRIPTION.—As soon as practicable
22 after the date of the enactment of this Act, the Secretary
23 of the Interior shall submit to the Committee on Resources
24 of the House of Representatives and the Committee on
25 Energy and Natural Resources of the Senate a legal de-
26 scription of the Browns Canyon Wilderness. The map re-

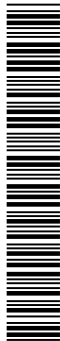


1 referred to in subsection (a) and the legal description shall
2 have the same force and effect as if included in this Act,
3 except the Secretary may correct clerical and typo-
4 graphical errors in the map and legal description. Copies
5 of the map and legal description shall be on file and avail-
6 able for public inspection in the appropriate office of the
7 Bureau of Land Management.

8 (d) WESTERN BOUNDARY.—Notwithstanding the
9 map referred to in subsection (a), the Secretary of the In-
10 terior shall ensure that the western boundary of the
11 Browns Canyon Wilderness is set back 200 feet from ei-
12 ther the track centerline of the Union Pacific Railroad or
13 the high water mark of the eastern bank of the Arkansas
14 River, where those features form the western boundary of
15 the wilderness area.

16 (e) FISH AND WILDLIFE.—As provided in section
17 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(4)),
18 nothing in this section shall be construed to affect the ju-
19 risdiction of the State of Colorado with respect to wildlife
20 and fish on the public lands located in that State.

21 (f) LIVESTOCK GRAZING.—Grazing of livestock in the
22 Browns Canyon Wilderness shall be administered in ac-
23 cordance with section 4(d)(4) of the Wilderness Act (16
24 U.S.C. 1133(d)(4)), and in accordance with the guidelines



1 set forth in Appendix A of House Report 101—405 of the
2 101st Congress.

3 (g) WATER RIGHTS.—

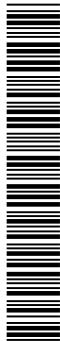
4 (1) EFFECT ON WATER RIGHTS.—Nothing in
5 this section shall—

6 (A) constitute an express or implied res-
7 ervation of water for any purpose relating to
8 the Browns Canyon Wilderness; or

9 (B) affect any water rights decreed under
10 the laws of Colorado before the date of the en-
11 actment of this Act, including water rights held
12 by the United States.

13 (2) ADDITIONAL WATER RIGHTS.—If the Sec-
14 retary of the Interior determines that a water right
15 is necessary for the purposes of administering the
16 Browns Canyon Wilderness, such water right shall
17 be established in accordance with the procedural and
18 substantive requirements of the laws of Colorado.

19 (h) WITHDRAWAL.—Subject to valid existing rights,
20 the public lands designated as the Browns Canyon Wilder-
21 ness are hereby withdrawn from all forms of entry, appro-
22 priation, or disposal under the public land laws, from loca-
23 tion, entry, and patent under the mining laws, and from
24 operation of the mineral leasing, minerals materials, and
25 geothermal leasing laws.



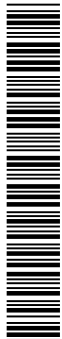
1 **SEC. 3. RAILROAD GULCH PROTECTION AREA, SAN ISABEL**
2 **NATIONAL FOREST, COLORADO.**

3 (a) ESTABLISHMENT.—Certain Federal lands in the
4 San Isabel National Forest, Colorado, comprising approxi-
5 mately 2,879 acres adjacent to the wilderness area des-
6 igned by section 2, as generally depicted as Area ____
7 on a map entitled “Brown’s Canyon Proposed Wilderness”
8 and dated _____, are hereby designated as the
9 Railroad Gulch Protection Area (in this section referred
10 to as the “protection area”).

11 (b) ADMINISTRATION.—The Secretary of Agriculture
12 shall administer the protection area in accordance with
13 this section and the laws and regulations generally appli-
14 cable to the National Forest System. The Federal lands
15 included in the protection area shall not be subject to any
16 obligation to further study such lands for wilderness des-
17 ignation.

18 (c) WITHDRAWAL.—Subject to valid existing rights,
19 all lands in the protection area are hereby withdrawn from
20 all forms of entry, appropriation, or disposal under the
21 public land laws, from location, entry, and patent under
22 the mining laws, and from disposition under the mineral
23 and geothermal leasing laws.

24 (d) DEVELOPMENT.—No developed recreation facili-
25 ties shall be constructed in the protection area. After the
26 date of the enactment of this Act, no new permanent roads



1 or trails may be constructed. The Secretary of Agriculture
2 may authorize the construction of temporary administra-
3 tive roads for management of forest health in the protec-
4 tion area, but any such road shall remain closed to public
5 use.

6 (e) **TIMBER HARVESTING.**—The Secretary of Agri-
7 culture shall not permit timber harvesting in the protec-
8 tion area for purposes other than forest health improve-
9 ment.

10 (f) **MOTORIZED TRAVEL.**—Motorized travel shall be
11 permitted in the protection area only on designated roads
12 and trails existing as of September 30, 2003. Non-
13 motorized travel and mechanized nonmotorized travel shall
14 be permitted at all times in the protection area.

15 (g) **MANAGEMENT PLAN.**—During the revision of the
16 land and resource management plan for the San Isabel
17 National Forest, the Secretary of Agriculture shall develop
18 a management plan for the protection area. Section 6(d) of
19 the Forest and Rangeland Renewable Resources Planning
20 Act of 1974 (16 U.S.C. 1604(d)) shall apply to the devel-
21 opment of the management plan.

