

SAN JUAN MOUNTAINS WILDERNESS ACT OF 2010

SEPTEMBER 16, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3914]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3914) to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “San Juan Mountains Wilderness Act of 2010”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED LAND.—The term “covered land” means—

(A) lands designated as wilderness under section 3 or section 4; and

(B) lands designated as a special management area under section 4.

(2) NONCONFORMING USE.—The term “nonconforming use” means any commercial helicopter-assisted skiing or snowboarding activities within the lands designated as a special management area under section 4 that have been authorized by the Secretary as of the date of enactment of this Act.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

(4) STATE.—The term “State” means the State of Colorado.

SEC. 3. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 3,170 acres, as generally depicted on a map titled “Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to

the Lizard Head Wilderness”, dated January 26, 2010, and which are hereby incorporated into the Lizard Head Wilderness area.

(2) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 8,375 acres, as generally depicted on a map titled “Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness”, dated January 26, 2010, and which are hereby incorporated into the Mt. Sneffels Wilderness area.

(3) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 13,224 acres, as generally depicted on a map titled “Whitehouse Additions to the Mt. Sneffels Wilderness”, dated January 26, 2010, and which are hereby incorporated into the Mt. Sneffels Wilderness area.

(4)(A) Certain lands in the San Juan Resource Area of the Bureau of Land Management comprising approximately 8,614 acres, as generally depicted on a map titled “McKenna Peak Wilderness”, dated April 15, 2010, and which shall be known as the McKenna Peak Wilderness.

(B) The lands designated under subparagraph (A) shall be administered as a component of the National Landscape Conservation System.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management and in the Office of the Chief of the Forest Service, as appropriate.

SEC. 4. SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.

(a) DESIGNATION.—Certain lands in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests comprising approximately 21,697 acres as generally depicted on a map titled “Proposed Sheep Mountain Special Management Area” and dated January 26, 2010, are hereby designated as the Sheep Mountain Special Management Area.

(b) MAPS AND DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in subsection (a) with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—Until Congress determines otherwise, activities within the area designated in subsection (a) shall be managed by the Secretary of Agriculture so as to maintain the area’s presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(2) PROHIBITIONS.—The following shall be prohibited on the Federal land described in subsection (a):

(A) Permanent roads.

(B) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(i) the use of motor vehicles, motorized equipment, or mechanical transport, except as described in paragraph (3) or section 5; and

(ii) the establishment of temporary roads.

(3) ALLOWABLE ACTIVITIES.—The Secretary may allow activities, including helisking, that have been authorized as of the date of the enactment of this Act to continue within the area designated in subsection (a). The designation under

subsection (a) shall not impact future permit processes relating to such activities.

(4) **APPLICABLE LAW.**—Any uses of the Federal land described in subsection (a), including activities described in paragraph (3), shall be in accordance with applicable law.

(d) **DESIGNATION AS WILDERNESS.**—Lands described in subsection (a) shall be designated as wilderness on the date on which the Secretary publishes in the Federal Register notice that the nonconforming use has terminated.

(e) **ADMINISTRATION AS WILDERNESS.**—Upon its designation as wilderness under subsection (e), the Sheep Mountain Special Management Area shall be—

(1) known as the Sheep Mountain Wilderness; and

(2) administered in accordance with the Wilderness Act (16 U.S.C. 1133 et seq.) and section 3.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) **IN GENERAL.**—

(1) Subject to valid rights in existence on the date of the enactment of this Act, land designated as wilderness under section 3 or section 4 shall be administered by the Secretary in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) this Act.

(2) The Secretary may continue to authorize the competitive running event permitted since 1992 in the vicinity of the boundaries of the Sheep Mountain Special Management Area designated by section 4(a), the Sheep Mountain Wilderness Area designated by section 4(f), and the Liberty Bell addition to the Mt. Sneffels Wilderness designated by section 3(a)(2) in a manner compatible with the preservation of such areas as wilderness.

(b) **EFFECTIVE DATE OF THE WILDERNESS ACT.**—With respect to land designated as wilderness under section 3 or section 4, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act or the date of the Secretary designating the land as wilderness.

(c) **FISH AND WILDLIFE.**—Nothing in this Act shall affect the jurisdiction or responsibility of the State with respect to wildlife and fish.

(d) **NO BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this Act shall create a protective perimeter or buffer zone around covered land.

(2) **ACTIVITIES OUTSIDE WILDERNESS.**—The fact that a nonwilderness activity or use can be seen or heard from within covered land shall not preclude the conduct of the activity or use outside the boundary of the covered land.

(e) **WITHDRAWAL.**—Subject to valid rights in existence on the date of the enactment of this Act, covered land is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public land laws;

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) **ACQUISITION OF LAND.**—The Secretary may acquire non-Federal land within the boundaries of the Special Management Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(g) **ACQUIRED LAND.**—Any land or interest in land located inside the boundaries of covered land that is acquired by the United States after the date of the enactment of this Act shall become part of the relevant wilderness or special management area and shall be managed in accordance with this Act and other applicable law.

(h) **STATE LAND.**—The Secretary is authorized to acquire by donation or exchange from the State of Colorado the parcel identified as “McKenna Peak Adjacent Parcel” on the map titled “McKenna Peak Wilderness” and dated April 15, 2010.

(i) **STATE TRUST LAND.**—Any portion of the State Trust land parcel identified as “Proposed McKenna Peak Wilderness Addition” on the map titled “McKenna Peak Wilderness” and dated April 15, 2010, that is acquired by the United States after the date of the enactment of this Act shall become part of the McKenna Peak Wilderness and shall be managed in accordance with this Act and other applicable laws.

(j) **GRAZING.**—Within the covered lands in which grazing was established before the date of the enactment of this Act, grazing shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary determines to be necessary, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1131(d)(4));

(2) with respect to wilderness areas administered by the Secretary of Agriculture, the provisions of section 108 of Public Law 96-560; and

(3) with respect to wilderness areas administered by the Secretary of the Interior, the guidelines described in appendix A of House Report 101-405 of the 101st Congress.

(k) AMES HYDROELECTRIC PROJECT.—The inclusion in the National Wilderness Preservation System or designation under section 4 of this Act as a Special Management Area as described in section 4 of this Act, shall not be construed to interfere with the operation and maintenance of the Ames Hydroelectric Project, as currently licensed by the Federal Energy Regulatory Commission, or as relicensed within the project boundaries set forth in the license on the date of the enactment of this Act, including reasonable use of National Wilderness Preservation System lands or Special Management Area for any necessary repair or replacement of existing facilities, transport of water and aerial or land access. All means of access to the project that are currently permitted by the Secretary on the date of enactment of this Act shall be maintained.

(l) PREVENTION OF WILDFIRES.—The inclusion in the National Wilderness Preservation System under section 3 or designation under section 4 as a Special Management Area under this Act shall not be construed to interfere with the authority of the Secretary to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires.

(m) FACILITATION OF RESPONSIBLE SPORT HUNTING.—The use of wheeled, muscle-powered carts for the removal of shot game is authorized in the areas designated under sections 3 and 4 of this Act.

SEC. 6. WATER.

(a) FINDINGS; PURPOSE; DEFINITION.—

(1) FINDINGS.—Congress finds that—

(A) the lands designated as wilderness or a Special Management Area by this Act are located at the headwaters of the streams and rivers on those lands with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands;

(B) the lands designated as wilderness or Special Management Area by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those used in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness or a Special Management Area by this Act.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the lands designated as wilderness or Special Management Area by this Act by means other than those based on a Federal reserved water right.

(3) DEFINITION.—As used in this section, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(b) RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.—

(1) WATER RIGHTS CLAIMS.—Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness or Special Management Area by this Act, as constituting an express or implied reservation of water or water rights.

(2) NO AFFECT ON WATER RIGHTS.—Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act.

(3) NO INTERPRETATION OR DESIGNATION.—Except as provided in subsection (g), nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(4) NO PRECEDENT.—Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) NEW OR EXPANDED PROJECTS.—Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue

a license or permit for the development of any new water resource facility within the areas described in sections 3 and 4 or the enlargement of any water resource facility within the areas described in sections 3 and 4.

(d) ACCESS AND OPERATION.—

(1) ACCESS TO WATER RESOURCE FACILITIES.—Subject to the provisions of this subsection, the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 3 and 4, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) ACCESS ROUTES.—Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 3 and 4 than existed as of the date of enactment of this Act.

(3) USE OF WATER RESOURCE FACILITIES.—Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 3 and 4 to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado State law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act. The impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) REPAIR AND MAINTENANCE.—Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 3 and 4 on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 3 and 4.

(e) EXISTING PROJECTS.—Except as provided in subsections (c) and (d), the provisions of this Act related to the areas described in sections 3 and 4, and the inclusion in the National Wilderness Preservation System of the areas described in section 3 and 4, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 3 and 4.

(f) MONITORING AND IMPLEMENTATION.—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 3 and 4 and take all steps necessary to implement the provisions of this section.

(g) INTERSTATE COMPACTS.—Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

SEC. 7. NATURITA CANYON MANAGEMENT PROVISIONS.

(a) WITHDRAWAL.—Subject to valid rights in existence on the date of the enactment of this Act, land described in subsection (b) is withdrawn from all forms of—

- (1) entry, appropriation, or disposal under public land laws;
- (2) location, entry, and patent under mining laws; and
- (3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(b) LAND DESCRIBED.—The land to be protected under subsection (a) is the approximately 6,596 acres depicted on the map titled "Naturita Canyon Mineral Withdrawal Area" and dated January 26, 2010.

PURPOSE OF THE BILL

The purpose of H.R. 3914 is to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3914 would designate 33,383 acres of Forest Service and Bureau of Land Management land as wilderness and 21,697 acres as a special management area, in western Colorado. The legislation includes public land in portions of the San Juan, Grand Mesa, Uncompahgre and Gunnison National Forests, and the San Juan Resource Area of the Bureau of Land Management. Most of the additions to the National Wilderness Preservation System included in the bill expand existing wilderness areas.

The San Juan Mountain range is home to many rare, threatened or endangered species, including Black Bear, Canada lynx, mountain lion, bald eagle and Gunnison sage grouse. Areas protected by the proposed wilderness designation would add critical, lower-elevation habitat to the existing wilderness areas and increase habitat connectivity for these and other species. Furthermore, areas included in the legislation are within the watershed for cities including Telluride, Ouray, and Silverton, Colorado. Supporters of the legislation point out that wilderness designation will protect water quality and quantity by insuring that these watersheds remain intact and undisturbed.

The proposed designations made by H.R. 3914 have significant support in Colorado, including the support of local elected officials in San Miguel, Ouray, and San Juan counties, which are the counties where the lands in question lie.

COMMITTEE ACTION

H.R. 3914 was introduced on October 22, 2009 by Representative John Salazar (D-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On January 21, the Subcommittee held a hearing on the bill at which the Administration testified in support of the legislation.

On June 16, 2010, the Subcommittee was discharged from further consideration of H.R. 3914 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D-AZ) offered an amendment in the nature of a substitute to make technical changes requested by the Administration and to clarify how the Bureau of Land Management may acquire lands near the McKenna Peak Wilderness. Subcommittee Ranking Member Bishop (R-UT) offered an amendment to the amendment in the nature of a substitute restating authority contained in Section 4 of the Wilderness Act, allowing for mechanical treatments to be used to stop the spread of wildfires. The amendment was agreed to by voice vote.

Representative Bishop (R-UT) then offered a second amendment to the amendment in the nature of a substitute, which allows for the use of wheeled, muscle-powered carts in the areas addressed by the bill for the removal of shot game. The amendment was agreed to by voice vote. The amendment in the nature of a substitute, as amended, was then agreed to by voice vote. The bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “San Juan Mountains Wilderness Act of 2010.”

Section 2. Definitions

Section 2 defines the term “covered land” as those lands designated as wilderness or as a special management area, by this Act. It also defines “nonconforming use” to mean commercial, helicopter-assisted skiing or snowboarding activities within the lands designated as a special management area.

Section 3. Additions to the Wilderness Preservation System

Section 3 identifies approximately 33,383 acres of public land to be added to the National Wilderness Preservation System. The boundaries for the wilderness areas identified in this section are set back 500 feet from private property with residential structures. For all mountain biking trails, the Forest Service Region 2 trail setback of 50 feet applies, and for all ditches, the Forest Service Region 2 setback of either the edge of the right-of-way or 50 feet from the edge of the canal applies.

Section 4. Sheep Mountain Special Management Area

Section 4 designates approximately 21,697 acres of public land as the “Sheep Mountain Special Management Area.” The same setbacks used to identify the wilderness boundaries apply to the boundary of the Special Management Area.

Section 4(c) provides for the management of the Special Management Area. Specifically, the lands shall be managed so as to maintain the area’s presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Permanent roads are prohibited, and except to meet the needs of protecting public health and safety, the use of motorized vehicles and the establishment of temporary roads are prohibited. This subsection also provides that the Secretary may allow activities, including helisking, that have been authorized as of the date of enactment of this Act to continue within the Special Management Area.

Section 4(d) states that the lands designated as the “The Sheep Mountain Special Management Area” shall be designated as wilderness on the date on which the Secretary publishes in the Federal Register notice that the nonconforming use has terminated.

Section 5. Administrative Provisions

Section 5(a) gives the Secretary the authority to continue permitting a specific competitive running event through the Special Management Area and several of the areas designated as wilderness by this Act.

Section 5(b) sets the effective date of the Wilderness Act with relation to the areas designated as wilderness by this Act as the date of the enactment of this Act.

Section 5(c) provides that nothing in this Act affects the responsibility of the State of Colorado with respect to wildlife and fish.

Section 5(d) clarifies that nothing in this Act creates buffer zones around the covered land.

Section 5(e) withdraws covered land from all forms of mineral entry, subject to valid existing rights.

Section 5(f) allows the Secretary to acquire non-federal land within the boundaries of the covered land only through exchange, donation, or purchase from a willing seller.

Section 5(g) provides that any land acquired within the boundaries of the covered land after the date of enactment of this Act shall be managed as either part of the relevant wilderness or Special Management Area.

Section 5(h) grants the Secretary the authority to acquire by donation or exchange from the State of Colorado the parcel identified as “McKenna Peak Adjacent Parcel.”

Section 5(i) provides that any portion of the State Trust land parcel identified as “Proposed McKenna Peak Wilderness Addition” that is acquired by the United States after the date of the enactment of this Act shall become part of the McKenna Peak Wilderness.

Section 5(j) authorizes grazing to continue in accordance with the Wilderness Act. For those parcels managed by the Forest Service, the provisions of section 108 of Public Law 96–560 also apply, and with respect to BLM wilderness identified in this Act, the guidelines described in appendix A of House Report 101–405 of the 101st Congress also apply.

Section 5(k) specifically addresses the Ames Hydroelectric Project. This subsection provides that nothing in this Act shall interfere with the operation and maintenance of the project, as currently licensed by the Federal Energy Regulatory Commission, or as relicensed within the project boundaries.

Section 5(m) specifies that the use of “human-powered,” wheeled, game carts will be allowed within the areas designated as wilderness in the bill. The Committee reaffirms that hunting is a valuable component of wilderness. The Bishop amendment, which inserted this subsection, is limited in scope to the wilderness designated in H.R. 3914. Carts must be human-powered, for removal of shot game only, and should only be permitted during hunting season. The Secretary retains authority pursuant to the Wilderness Act to restrict the use of such carts if they present a threat to the wilderness quality of the area. It is not the intent of the Committee that game carts be introduced into existing or future wilderness areas.

Section 6. Water

Section 6 describes how water and water rights should be managed in the areas designated by this Act. The language is similar to that used in the Colorado Wilderness Act of 1993 (P.L. 103–77). It states that the lands designated by this Act are located at the headwaters of streams and rivers with few, if any, actual or proposed water resource facilities located upstream. It also provides that nothing in this Act shall be construed as a creation or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act.

Section 7. Naturita Canyon Management Provisions

Section 7 withdraws approximately 6,596 acres of Forest Service lands from mineral development, subject to valid rights in existence on the date of the enactment of this Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3914—San Juan Mountains Wilderness Act of 2010

H.R. 3914 would designate about 33,000 acres of land in Colorado as wilderness areas and as components of the National Wilderness Preservation System. The bill also would designate about 22,000 acres of land as a Special Management Area. Finally, under H.R. 3914, those areas, including the Naturita Canyon Area (approximately 6,600 acres), would be unavailable for the development of natural resources.

Based on information provided by the Forest Service and the Bureau of Land Management, CBO estimates that implementing H.R. 3914 would have no significant effect on the federal budget. Enacting H.R. 3914 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

Because the affected acreage is already protected for conservation or wilderness values, CBO estimates that the costs of implementing the bill would have no significant effect on the cost of administering the area. Additionally, because the affected land currently produces no income (and is not expected to do so in the future), we estimate that enacting the bill would not affect revenues or direct spending.

Section 6 would prohibit the development of new water resource facilities or the enlargement of any existing facility within the areas. Reasonable access to existing facilities for operation, maintenance, or replacement would not be affected. Additionally, water rights already in existence before the date of enactment of the bill would not be affected. CBO estimates that implementing this provision would have no budgetary impact.

H.R. 3914 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Alan Eder and Deborah Reis. The estimate was approved by Sam Papenfuss, Unit Chief for Income Security and Education Cost Estimates Unit, Budget Analysis Division.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3914 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

