

112TH CONGRESS
1ST SESSION

H. R. 1701

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, to designate the Red Table Mountain, Pisgah Mountain, Castle Peak, Tenmile, Hoosier Ridge, and Porcupine Gulch Special Management Areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2011

Mr. POLIS introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, to designate the Red Table Mountain, Pisgah Mountain, Castle Peak, Tenmile, Hoosier Ridge, and Porcupine Gulch Special Management Areas, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Eagle and Summit County Wilderness Preservation
6 Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Designation of additional wilderness in the State of Colorado.
- Sec. 4. Red Table Mountain, Pisgah Mountain, and Castle Peak Special Management Areas.
- Sec. 5. Tenmile and Hoosier Ridge Special Management Areas.
- Sec. 6. Porcupine Gulch Special Management Area.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) SECRETARY CONCERNED.—The term “Sec-
 6 retary concerned” means—

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

9 (B) the Secretary of the Interior, with re-
 10 spect to public land administered by the Sec-
 11 retary of the Interior through the Bureau of
 12 Land Management.

13 (2) WILDERNESS AREA.—The term “wilderness
 14 area” means each wilderness area designated, or
 15 area of National Forest System land incorporated in
 16 an existing wilderness area, by the amendments
 17 made by sections 3(a) and 4(c).

18 **SEC. 3. DESIGNATION OF ADDITIONAL WILDERNESS IN THE**
 19 **STATE OF COLORADO.**

20 (a) DESIGNATION.—Section 2(a) of the Colorado Wil-
 21 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;
 22 16 U.S.C. 1132 note) is amended—

1 (1) in paragraph (18), by striking “1993,” and
2 inserting “1993, and certain lands in the Acorn
3 Creek/Ute Pass and Ptarmigan A areas of the White
4 River National Forest which comprise approximately
5 6,190 acres, as depicted on a map entitled ‘Addi-
6 tions to Ptarmigan Peak Wilderness Proposal’ and
7 dated September 2010,”; and

8 (2) by adding at the end the following new
9 paragraphs:

10 “(22) Certain lands in the White River Na-
11 tional Forest which comprise approximately 4,440
12 acres, as depicted on a map entitled ‘Hoosier Ridge
13 Proposal’ and dated September 2010, and which
14 shall be known as the Hoosier Ridge Wilderness.

15 “(23) Certain lands in the White River Na-
16 tional Forest which comprise approximately 6,900
17 acres, as depicted on a map entitled ‘Adam Moun-
18 tain Wilderness Proposal’ and dated September
19 2010, and which shall be known as the Adam Moun-
20 tain Wilderness.

21 “(24) Certain lands in the White River Na-
22 tional Forest which comprise approximately 3,770
23 acres, as depicted on a map entitled ‘Tenmile Pro-
24 posal’ and dated September 2010, and which shall
25 be known as the Tenmile Wilderness.

1 “(25) Certain lands in the White River Na-
2 tional Forest which comprise approximately 8,960
3 acres, as depicted on a map entitled ‘Williams Fork
4 Wilderness Proposal’ and dated September 2010,
5 and which shall be known as the Williams Fork Wil-
6 derness.

7 “(26) Certain public lands administered by the
8 Colorado River Valley Field Office of the Bureau of
9 Land Management which comprise approximately
10 14,670 acres, as depicted on a map entitled ‘Bull
11 Gulch Wilderness Proposal’ and dated September
12 2010, and which shall be known as the Bull Gulch
13 Wilderness.

14 “(27) Certain lands administered by the Colo-
15 rado River Valley Field Office of the Bureau of
16 Land Management which comprise approximately
17 12,080 acres, as depicted on a map entitled ‘Castle
18 Peak Proposal’ and dated September 2010, and
19 which shall be known as the Castle Peak Wilderness.

20 “(28) Certain lands in the No Name, West
21 Lake Creek, and Woods Lake areas of the White
22 River National Forest which comprise approximately
23 14,500 acres, as depicted on a map entitled ‘Addi-
24 tions to Holy Cross Wilderness Proposal’ and dated
25 September 2010, and which are hereby incorporated

1 in and shall be deemed to be a part of the Holy
2 Cross Wilderness designated by section 102(a)(5) of
3 Public Law 96–560 (94 Stat. 3266).

4 “(29) Certain lands in the Freeman Creek and
5 Spraddle Creek areas of the White River National
6 Forest which comprise approximately 10,280 acres,
7 as depicted on a map entitled ‘Additions to Eagles
8 Nest Wilderness Proposal’ and dated September
9 2010, and which are hereby incorporated in and
10 shall be deemed to be a part of the Eagles Nest Wil-
11 derness designated by the first section of Public Law
12 94–352 (90 Stat. 870).”.

13 (b) MAPS AND LEGAL DESCRIPTIONS.—

14 (1) FILING.—As soon as practicable after the
15 date of enactment of this Act, the Secretary con-
16 cerned shall file a map and a legal description of
17 each wilderness area with—

18 (A) the Committee on Energy and Natural
19 Resources of the Senate; and

20 (B) the Committee on Natural Resources
21 of the House of Representatives.

22 (2) FORCE OF LAW.—The maps and legal de-
23 scriptions filed under paragraph (1) shall have the
24 same force and effect as if included in this Act, ex-

1 cept that the Secretary concerned may correct typo-
2 graphical errors in the maps and legal descriptions.

3 (3) PUBLIC AVAILABILITY.—Each map and
4 legal description filed under paragraph (1) shall be
5 on file and available for public inspection in the ap-
6 propriate offices of the Forest Service or Bureau of
7 Land Management.

8 (c) ADMINISTRATION.—Subject to valid existing
9 rights, the wilderness areas shall be administered by the
10 Secretary concerned in accordance with this section, Pub-
11 lic Law 103–77, and the Wilderness Act (16 U.S.C. 1131
12 et seq.), except that—

13 (1) any reference in the Wilderness Act to the
14 effective date of that Act shall be considered to be
15 a reference to the date of the enactment of this Act;
16 and

17 (2) any reference in the Wilderness Act to the
18 Secretary of Agriculture shall be considered to be a
19 reference to the Secretary concerned.

20 (d) FIRE MANAGEMENT AND RELATED ACTIVI-
21 TIES.—

22 (1) AUTHORITY.—The Secretary concerned may
23 take such measures in a wilderness area as are nec-
24 essary for the control of fire, insects, and diseases
25 in accordance with section 4(d)(1) of the Wilderness

1 Act (16 U.S.C. 1133(d)(1)) and House Report 98–
2 40 of the 98th Congress.

3 (2) FUNDING PRIORITIES.—Nothing in this sec-
4 tion limits funding for fire and fuels management in
5 the wilderness areas.

6 (3) REVISION AND DEVELOPMENT OF LOCAL
7 FIRE MANAGEMENT PLANS.—As soon as practicable
8 after the date of enactment of this Act, the Sec-
9 retary concerned shall amend the local fire manage-
10 ment plans that apply to the wilderness areas.

11 (4) ADMINISTRATION.—Consistent with para-
12 graph (1) and other applicable Federal law, to en-
13 sure a timely and efficient response to fire emer-
14 gencies in the wilderness areas, the Secretary con-
15 cerned shall—

16 (A) not later than 1 year after the date of
17 enactment of this Act, establish agency ap-
18 proval procedures (including appropriate delega-
19 tions of authority to the Forest Supervisor, Dis-
20 trict Manager, or other agency officials) for re-
21 sponding to fire emergencies; and

22 (B) enter into agreements with the State
23 of Colorado or local firefighting agencies.

24 (e) USE OF HORSES.—Subject to any terms and con-
25 ditions determined to be necessary by the Secretary con-

1 cerned, nothing in this section precludes horseback riding
2 in, or the entry of recreational or commercial saddle or
3 pack stock into, a wilderness area in accordance with the
4 Wilderness Act (16 U.S.C. 1131).

5 (f) MILITARY HELICOPTER OVERFLIGHTS.—

6 (1) IN GENERAL.—Nothing in this Act restricts
7 or precludes, or should cause any other Federal reg-
8 ulation to restrict or preclude—

9 (A) low-level overflights of military heli-
10 copters over the wilderness areas, including
11 military overflights that can be seen or heard
12 within the wilderness areas;

13 (B) flight testing, and evaluation over the
14 wilderness areas; or

15 (C) the designation or creation of new
16 units of special use airspace, or the establish-
17 ment of military flight training routes, over the
18 wilderness areas.

19 (2) MILITARY AERIAL NAVIGATION TRAINING
20 EXERCISES.—The Colorado Army National Guard,
21 through the High-Altitude Army National Guard
22 Aviation Training Site, may conduct aerial naviga-
23 tion training maneuver exercises over the wilderness
24 areas designated by the amendment made by sub-
25 section (a)(2)—

1 (A) in the manner and degree consistent
2 with current authorizations, and under current
3 interagency agreements, in effect as of the date
4 of the enactment of this Act; or

5 (B) in a manner consistent with subse-
6 quent interagency agreements between the Colo-
7 rado Army National Guard or Department of
8 Defense and the Bureau of Land Management
9 or the Forest Service.

10 (g) RELEASE OF WILDERNESS STUDY AREAS.—

11 (1) FINDING.—Congress finds that, for the pur-
12 poses of section 603(c) of the Federal Land Policy
13 and Management Act of 1976 (43 U.S.C. 1782(c)),
14 the portions of the Castle Peak and Bull Gulch wil-
15 derness study areas that are not designated wilder-
16 ness by the amendment made by subsection (a)(2)
17 have been adequately studied for wilderness designa-
18 tion.

19 (2) RELEASE.—Any public land referred to in
20 paragraph (1) that is not designated as wilderness
21 by the amendment made by subsection (a)(2)—

22 (A) has been adequately studied for wilder-
23 ness designation pursuant to section 603(c) of
24 the Federal Land Policy and Management Act
25 of 1976 (43 U.S.C. 1782(c));

1 (B) is no longer subject to such section;
2 and

3 (C) shall be managed in accordance with
4 the applicable land use plan adopted under sec-
5 tion 202 of that Act (43 U.S.C. 1712).

6 **SEC. 4. RED TABLE MOUNTAIN, PISGAH MOUNTAIN, AND**
7 **CASTLE PEAK SPECIAL MANAGEMENT AREAS.**

8 (a) DESIGNATION OF ADDITIONAL AREAS.—Section
9 9(a) of the Colorado Wilderness Act of 1993 (Public Law
10 103–77; 107 Stat. 764) is amended by adding at the end
11 the following new paragraphs:

12 “(4) Certain lands in the White River National
13 Forest, comprising approximately 55,320 acres as
14 generally depicted on a map entitled ‘Red Table
15 Mountain Area’ and dated September 2010, except
16 that, with respect to these lands and consistent with
17 this section, the Secretary of Agriculture may take
18 any measures that the Secretary determines to be
19 necessary to control fire, insects, and diseases, in-
20 cluding, as the Secretary determines appropriate, the
21 coordination of those activities with the State of Col-
22 orado or a local agency.

23 “(5) Certain public lands administered by the
24 Colorado River Valley Field Office of the Bureau of
25 Land Management, comprising approximately

1 13,770 acres as generally depicted on a map entitled
2 ‘Pisgah Mountain Area’ and dated September 2010.

3 “(6) Certain public lands administered by the
4 Colorado River Valley Field Office of the Bureau of
5 Land Management, comprising approximately 4,000
6 acres as generally depicted on a map entitled ‘Castle
7 Peak Area’ and dated September 2010.”.

8 (b) MANAGEMENT.—Section 9(b) of the Colorado
9 Wilderness Act of 1993 (Public Law 103–77; 107 Stat.
10 764) is amended—

11 (1) in paragraph (4), by striking the second
12 sentence; and

13 (2) by adding at the end the following new
14 paragraphs:

15 “(4)(A) Except as otherwise provided in this Act,
16 mechanized or motorized travel shall not be permitted in
17 areas described in subsection (a).

18 “(B)(i) The Secretary of Agriculture may permit mo-
19 torized travel on trail number 535 in the San Juan Na-
20 tional Forest during periods of adequate snow cover.

21 “(ii) The Secretary of Agriculture shall permit bicycle
22 travel on trail number 1912.1 (Red Hill) to the intersec-
23 tion with trail number 1870.1 (Mount Thomas), and on
24 trail number 1870.1 (Mount Thomas) west of the intersec-

1 tion with trail number 1912.1 (Red Hill) in the White
2 River National Forest.

3 “(5)(A) Nothing in this Act shall restrict, preclude
4 or otherwise affect the use by the Colorado Army National
5 Guard, a reserve component of the Armed Forces, of the
6 Red Table Mountain Area, Pisgah Mountain Area or Cas-
7 tle Peak Area for helicopter training, testing, evaluation,
8 emergency response, or other related air and ground oper-
9 ations—

10 “(i) in the manner and degree such uses were
11 authorized to occur on the date of the enactment of
12 the Eagle and Summit County Wilderness Preserva-
13 tion Act; or

14 “(ii) as authorized under future agreements be-
15 tween the Secretary of Agriculture, on behalf of the
16 Forest Service, the Secretary of the Interior, on be-
17 half of the Bureau of Land Management, and the
18 Secretary of Defense.

19 “(B) Nothing in this Act restricts or precludes, or
20 should cause any other Federal regulation to restrict or
21 preclude—

22 “(i) low-level overflights of military helicopters
23 over the Red Table Area, Pisgah Mountain Area, or
24 Castle Peak Area;

1 “(ii) takeoffs or landings, or related air and
2 ground operations in the event of an emergency or
3 a search and rescue, emergency response, or recov-
4 ery operation; or

5 “(iii) the designation, modification, or creation
6 of new units of special use airspace, or the establish-
7 ment of military flight training routes, over the Red
8 Table Mountain Area, Pisgah Mountain Area, or
9 Castle Peak Area.

10 “(C) Nothing in this Act shall create any protective
11 perimeter or buffer zone. The fact that military activities
12 or uses can be seen or heard from within the Red Table
13 Mountain Area, Pisgah Mountain Area, or Castle Peak
14 Area shall not preclude the conduct of those activities or
15 uses outside the boundary of each area.”.

16 (c) EVENTUAL WILDERNESS DESIGNATION FOR CAS-
17 TLE PEAK AND PISGAH MOUNTAIN AREAS.—Section 9 of
18 the Colorado Wilderness Act of 1993 (Public Law 103–
19 77; 107 Stat. 764) is amended by adding at the end the
20 following new subsection:

21 “(d) EVENTUAL WILDERNESS DESIGNATION FOR
22 CASTLE PEAK AND PISGAH MOUNTAIN AREAS.—

23 “(1) IN GENERAL.—The Castle Peak and Pis-
24 gah Mountain areas designated by subsection (a)
25 shall be designated as wilderness on the date on

1 which the Secretary, in consultation with the Sec-
2 retary of Defense, publishes in the Federal Register
3 a notice that the Castle Peak and Pisgah Mountain
4 areas are no longer needed by the Colorado Army
5 National Guard for helicopter training, testing, or
6 evaluation.

7 “(2) DESIGNATION.—Upon designation under
8 paragraph (1)—

9 “(A) the Castle Peak area shall be known
10 as the Castle Peak Wilderness; and

11 “(B) the Pisgah Mountain area shall be
12 known as the Pisgah Mountain Wilderness.

13 “(3) ADMINISTRATION.—Subject to valid exist-
14 ing rights, the land designated as wilderness by this
15 subsection shall be administered by the Secretary in
16 accordance with this Act and the Wilderness Act (16
17 U.S.C. 1131 et seq.).”.

18 (d) CROSS REFERENCE AMENDMENT.—Section
19 8(b)(2)(A) of the Colorado Wilderness Act of 1993 (Public
20 Law 103–77; 107 Stat. 762) is amended by striking
21 “Piedra, Roubideau, and Tabeguache areas” and inserting
22 “special management areas”.

23 (e) CLERICAL AMENDMENT.—The heading of section
24 9 of the Colorado Wilderness Act of 1993 (Public Law
25 103–77; 107 Stat. 764) is amended to read as follows:

1 **“SEC. 9. DESIGNATION OF SPECIAL MANAGEMENT AREAS.”.**

2 **SEC. 5. TENMILE AND HOOSIER RIDGE SPECIAL MANAGE-**
3 **MENT AREAS.**

4 (a) DESIGNATION.—The following are hereby des-
5 ignated as special management areas:

6 (1) Certain Federal land located in the White
7 River National Forest, comprising approximately
8 3,240 acres, as generally depicted on the map enti-
9 tled “Tenmile Proposal” and dated September 2010,
10 which is designated as the Tenmile Special Manage-
11 ment Area.

12 (2) Certain Federal land located in the White
13 River National Forest, comprising approximately
14 1,620 acres, as generally depicted on the map enti-
15 tled “Hoosier Ridge Proposal” and dated September
16 2010, which is designated as the Hoosier Ridge Spe-
17 cial Management Area.

18 (b) MAPS AND LEGAL DESCRIPTIONS.—

19 (1) IN GENERAL.—As soon as practicable after
20 the date of enactment of this Act, the Secretary of
21 Agriculture shall file a map and a legal description
22 of the special management areas designated by sub-
23 section (a) (referred to in this section as the “special
24 management areas”) with—

25 (A) the Committee on Energy and Natural
26 Resources of the Senate; and

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

3 (2) FORCE OF LAW.—The maps and legal de-
4 scriptions filed under paragraph (1) shall have the
5 same force and effect as if included in this Act, ex-
6 cept that the Secretary may correct typographical
7 errors in the maps and legal descriptions.

8 (3) PUBLIC AVAILABILITY.—Each map and
9 legal description filed under paragraph (1) shall be
10 on file and available for public inspection in the ap-
11 propriate offices of the Forest Service.

12 (c) ADMINISTRATION.—The Secretary of Agriculture
13 shall administer the special management areas in accord-
14 ance with this section and any laws (including regulations)
15 relating to the National Forest System.

16 (d) WITHDRAWAL.—Subject to valid existing rights,
17 the Federal land in the special management areas is with-
18 drawn from all forms of—

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

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

23 (3) disposition under all laws pertaining to min-
24 eral and geothermal leasing or mineral materials.

1 (e) PROHIBITED USES.—Except as provided in sub-
2 section (g), the following shall be prohibited on the Fed-
3 eral land within the special management areas:

4 (1) Permanent roads.

5 (2) Permanent structures.

6 (3) Timber harvesting.

7 (4) Except as necessary to meet the minimum
8 requirements for the administration of the special
9 management areas and to protect public health and
10 safety—

11 (A) the use of motorized vehicles; or

12 (B) the establishment of temporary roads.

13 (5) Commercial enterprises, except as nec-
14 essary—

15 (A) for realizing the recreational or other
16 wilderness purposes of the special management
17 areas; or

18 (B) to fulfill the purposes of subsections
19 (f) and (g).

20 (f) WILDFIRE, INSECT, AND DISEASE MANAGE-
21 MENT.—Consistent with this section, the Secretary of Ag-
22 riculture may take any measures that the Secretary deter-
23 mines to be necessary to control fire, insects, and diseases,
24 including, as the Secretary determines appropriate, the co-

1 ordination of those activities with the State of Colorado
2 or local agency.

3 (g) REGIONAL TRANSPORTATION PROJECTS.—Noth-
4 ing in this section precludes the Secretary of Agriculture
5 from authorizing, consistent with applicable laws (includ-
6 ing regulations), the use or lease of Federal land within
7 the Tenmile Special Management Area for—

8 (1) regional transportation projects, including
9 highway widening or realignment and construction
10 of multimodal transportation systems; and

11 (2) infrastructure, activities, or safety measures
12 associated with the implementation or utilization of
13 those facilities.

14 **SEC. 6. PORCUPINE GULCH SPECIAL MANAGEMENT AREA.**

15 (a) DESIGNATION.—Certain Federal land located in
16 the White River National Forest, comprising approxi-
17 mately 6,180 acres, as generally depicted on the map enti-
18 tled “Porcupine Gulch Protection Area” and dated Sep-
19 tember 2010, which is hereby designated as the Porcupine
20 Gulch Special Management Area (referred to in this sec-
21 tion as the “special management area”).

22 (b) MAPS AND LEGAL DESCRIPTIONS.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Secretary of

1 Agriculture shall file a map and a legal description
2 of the special management area with—

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

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

7 (2) FORCE OF LAW.—The map and legal de-
8 scription filed under paragraph (1) shall have the
9 same force and effect as if included in this Act, ex-
10 cept that the Secretary may correct typographical
11 errors in the map and legal description.

12 (3) PUBLIC AVAILABILITY.—The map and legal
13 description filed under paragraph (1) shall be on file
14 and available for public inspection in the appropriate
15 offices of the Forest Service.

16 (c) ADMINISTRATION.—The Secretary of Agriculture
17 shall administer the special management area—

18 (1) in accordance with this section and any laws
19 (including regulations) relating to the National For-
20 est System; and

21 (2) except as provided in subsection (f), to
22 maintain the special management area's wilderness
23 character and potential for inclusion in the National
24 Wilderness Preservation System.

1 (d) WITHDRAWAL.—Subject to valid existing rights,
2 the Federal land in the special management area is with-
3 drawn from all forms of—

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

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

8 (3) disposition under all laws pertaining to min-
9 eral and geothermal leasing or mineral materials.

10 (e) PROHIBITED USES.—Except as provided in sub-
11 section (f), the following shall be prohibited on the Federal
12 land within the special management area:

13 (1) Permanent or temporary roads.

14 (2) Permanent structures.

15 (3) Commercial enterprises.

16 (4) Timber harvesting.

17 (5) Motorized and mechanized vehicles.

18 (f) REGIONAL TRANSPORTATION PROJECTS.—Noth-
19 ing in this section precludes the Secretary from author-
20 izing, consistent with applicable laws (including regula-
21 tions), the use or lease of Federal land within the special
22 management area for—

23 (1) regional transportation projects, including
24 highway widening or realignment and construction
25 of multimodal transportation systems; and

1 (2) infrastructure, activities, or safety measures
2 associated with the implementation or utilization of
3 those facilities.

4 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
5 MENT.—Consistent with this section, the Secretary of Ag-
6 riculture may take any measures that the Secretary deter-
7 mines to be necessary to control fire, insects, and diseases,
8 including, as the Secretary determines appropriate, the co-
9 ordination of those activities with a State or local agency.

10 (h) MILITARY OVERFLIGHTS.—Nothing in this sec-
11 tion restricts or precludes—

12 (1) low-level overflights of military aircraft over
13 the special management area, including military
14 overflights that can be seen or heard within the spe-
15 cial management area;

16 (2) flight testing and evaluation; or

17 (3) the designation or creation of new units of
18 special use airspace, or the establishment of military
19 flight training routes, over the special management
20 area.

○