

112TH CONGRESS
1ST SESSION

H. R. 2420

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

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2011

Ms. DEGETTE 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, 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 2011”.

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) in paragraph (4) by striking “1993,” and
7 inserting “1993, and certain lands managed by the
8 Gunnison Field Office which comprise approximately
9 3,325 acres, as depicted on a map titled ‘Proposed
10 Powderhorn Wilderness Addition’ and dated October
11 20, 2010,”; and

12 (2) by adding at the end the following para-
13 graphs:

14 “(22) Certain lands managed by the Colorado
15 River Valley Field Office of the Bureau of Land
16 Management which comprise approximately 15,200
17 acres, as generally depicted on a map titled ‘Bull
18 Gulch and Castle Peak Proposed Wilderness Areas’,
19 dated October 20, 2010, which shall be known as
20 the Bull Gulch Wilderness.

21 “(23) Certain lands managed by the Colorado
22 River Valley Field Office of the Bureau of Land
23 Management which comprise approximately 12,225
24 acres, as generally depicted on a map titled ‘Bull
25 Gulch and Castle Peak Proposed Wilderness Areas’,

1 dated October 20, 2010, which shall be known as
2 the Castle Peak Wilderness.

3 “(24) Certain lands managed by the Colorado
4 River Valley Field Office of the Bureau of Land
5 Management which comprise approximately 325
6 acres, as generally depicted on a map titled ‘Maroon
7 Bells Proposed Wilderness’, dated October 20, 2010,
8 which is hereby incorporated in and shall be deemed
9 to be a part of the Maroon Bells-Snowmass Wilder-
10 ness Area designated by Public Law 88–577.

11 “(25) Certain lands managed by the Gunnison
12 Field Office of the Bureau of Land Management
13 which comprise approximately 38,180 acres, as gen-
14 erally depicted on a map titled ‘Redcloud and
15 Handies Peak Proposed Wildernesses’, dated Octo-
16 ber 21, 2010, which shall be known as the Redcloud
17 Peak Wilderness.

18 “(26) Certain lands managed by the Gunnison
19 Field Office of the Bureau of Land Management
20 which comprise approximately 16,350 acres, as gen-
21 erally depicted on a map titled ‘Redcloud and
22 Handies Peak Proposed Wildernesses’, dated Octo-
23 ber 21, 2010, which shall be known as the Handies
24 Peak Wilderness.

1 “(27) Certain lands managed by the Royal
2 Gorge Field Office of the Bureau of Land Manage-
3 ment or located in the Pike National Forest which
4 comprise approximately 19,825 acres, as generally
5 depicted on a map titled ‘Browns Canyon Proposed
6 Wilderness Area’, dated October 20, 2010, which
7 shall be known as the Browns Canyon Wilderness.

8 “(28) Certain lands managed by the Royal
9 Gorge Field Office of the Bureau of Land Manage-
10 ment which comprise approximately 16,690 acres, as
11 generally depicted on a map titled ‘McIntyre Hills
12 Proposed Wilderness Area’, dated October 20, 2010,
13 which shall be known as the McIntyre Hills Wilder-
14 ness.

15 “(29) Certain lands managed by the Glenwood
16 Springs Field Office of the Bureau of Land Manage-
17 ment which comprise approximately 11,701 acres, as
18 generally depicted on a map titled ‘Grand Hogback
19 Proposed Wilderness Area’, dated May 31, 2011,
20 which shall be known as the Grand Hogback Wilder-
21 ness.

22 “(30) Certain lands managed by the Glenwood
23 Springs Field Office of the Bureau of Land Manage-
24 ment or located in the White River National Forest
25 which comprise approximately 16,427 acres, as gen-

1 erally depicted on a map titled ‘Flat Tops Addition
2 Proposed Wilderness Area’, dated May 31, 2011,
3 and which are hereby incorporated in and shall be
4 deemed to be a part of the Flat Tops Wilderness
5 designated by Public Law 94–146.

6 “(31) Certain lands managed by the Grand
7 Junction Field Office which comprise approximately
8 25,881 acres, as generally depicted on a map titled
9 ‘Demaree Canyon Proposed Wilderness Area’, dated
10 May 31, 2011, which shall be known as the Demaree
11 Canyon Wilderness.

12 “(32) Certain lands managed by the Grand
13 Junction Field Office which comprise approximately
14 30,557 acres, as generally depicted on a map titled
15 ‘South Shale Ridge and Little Book Cliffs Proposed
16 Wilderness’, dated May 31, 2011, which shall be
17 known as the Little Bookcliffs Wilderness.

18 “(33) Certain lands managed by the Grand
19 Junction Field Office which comprise approximately
20 27,569 acres, as generally depicted on a map titled
21 ‘South Shale Ridge and Little Book Cliffs Proposed
22 Wilderness’, dated May 31, 2011, which shall be
23 known as the South Shale Ridge Wilderness.”.

24 (b) FURTHER ADDITIONS.—The following lands in
25 the State of Colorado administered by the Bureau of Land

1 Management or the United States Forest Service are here-
2 by designated as wilderness and, therefore, as components
3 of the National Wilderness Preservation System:

4 (1) Certain lands managed by the Colorado
5 River Valley Field Office of the Bureau of Land
6 Management or located in the White River National
7 Forest: which comprise approximately 21,900 acres,
8 as generally depicted on a map titled “Assignment
9 Ridge Proposed Wilderness Area”, dated May 31,
10 2011, which shall be known as the Thompson Creek
11 Wilderness.

12 (2) Certain lands managed by the Royal Gorge
13 Field Office of the Bureau of Land Management
14 which comprise approximately 20,950 acres, as gen-
15 erally depicted on a map titled “Badger Creek Pro-
16 posed Wilderness Area”, dated October 20, 2010,
17 which shall be known as the Badger Creek Wilder-
18 ness.

19 (3) Certain lands managed by the Royal Gorge
20 Field Office of the Bureau of Land Management
21 which comprise approximately 33,425 acres, as gen-
22 erally depicted on a map titled “Beaver Creek Pro-
23 posed Wilderness Area”, dated October 20, 2010,
24 which shall be known as the Beaver Creek Wilder-
25 ness.

1 (4) Certain lands managed by the Royal Gorge
2 Field Office of the Bureau of Land Management or
3 located in the San Isabel National Forest which
4 comprise approximately 33,525 acres, as generally
5 depicted on a map titled “Grape Creek Proposed
6 Wilderness Area”, October 20, 2010, which shall be
7 known as the Grape Creek Wilderness.

8 (5) Certain lands managed by the Grand Junc-
9 tion Field Office of the Bureau of Land Manage-
10 ment which comprise approximately 21,110 acres, as
11 generally depicted on a map titled “Bangs Canyon
12 Proposed Wilderness Area”, dated May 31, 2011,
13 which shall be known as the Bangs Canyon Wilder-
14 ness.

15 (6) Certain lands managed by the Grand Junc-
16 tion Field Office of the Bureau of Land Manage-
17 ment which comprise approximately 14,089 acres, as
18 generally depicted on a map titled “Granite Creek,
19 Unaweep and Palisade Proposed Wilderness”, dated
20 June 14, 2011, which shall be known as the Granite
21 Creek Wilderness.

22 (7) Certain lands managed by the Grand Junc-
23 tion Field Office of the Bureau of Land Manage-
24 ment which comprise approximately 26,914 acres, as
25 generally depicted on a map titled “Granite Creek,

1 UnawEEP and Palisade Proposed Wilderness”, dated
2 June 14, 2011, which shall be known as the Pali-
3 sade Wilderness.

4 (8) Certain lands managed by the Grand Junc-
5 tion Field Office of the Bureau of Land Manage-
6 ment or located in the Uncompahgre National For-
7 est, which comprise approximately 39,392 acres, as
8 generally depicted on a map titled “Granite Creek,
9 UnawEEP and Palisade Proposed Wilderness”, dated
10 June 14, 2011, which shall be known as the
11 UnawEEP Wilderness.

12 (9) Certain lands managed by the Grand Junc-
13 tion Field Office of the Bureau of Land Manage-
14 ment and San Juan Field Office and in the Manti-
15 LaSal National Forest which comprise approxi-
16 mately 65,448 acres, as generally depicted on a map
17 titled “Sewemup Mesa Proposed Wilderness Area”,
18 dated May 31, 2011, which shall be known as the
19 Sewemup Mesa Wilderness.

20 (10) Certain lands managed by the Kremmling
21 Field Office of the Bureau of Land Management
22 which comprise approximately 33 acres, as generally
23 depicted on a map titled “Platte River Addition Pro-
24 posed Wilderness Area”, dated May 31, 2011, and
25 which are hereby incorporated in and shall be

1 deemed to be part of the Platte River Wilderness
2 designated by Public Law 98–550.

3 (11) Certain lands managed by the
4 Uncompahgre Field Office of the Bureau of Land
5 Management or located in the Uncompahgre Na-
6 tional Forest which comprise approximately 22,604
7 acres, as generally depicted on a map titled
8 “Roubideau Proposed Wilderness Area”, dated May
9 31, 2011, which shall be known as the Roubideau
10 Wilderness.

11 (12) Certain lands managed by the
12 Uncompahgre Field Office of the Bureau of Land
13 Management or located in the Uncompahgre Na-
14 tional Forest which comprise approximately 13,288
15 acres, as generally depicted on a map titled “Nor-
16 wood Canyon Proposed Wilderness Area”, dated
17 May 31, 2011, which shall be known as the Norwood
18 Canyon Wilderness.

19 (13) Certain lands managed by the San Juan
20 Field Office of the Bureau of Land Management
21 which comprise approximately 25,947 acres, as gen-
22 erally depicted on a map titled “Cross Canyon Pro-
23 posed Wilderness Area”, dated May 31, 2011, which
24 shall be known as the Cross Canyon Wilderness.

1 (14) Certain lands managed by the San Juan
2 Field Office of the Bureau of Land Management
3 which comprise approximately 33,467 acres, as gen-
4 erally depicted on a map titled “McKenna Peak Pro-
5 posed Wilderness Area”, May 31, 2011, which shall
6 be known as the McKenna Peak Wilderness.

7 (15) Certain lands managed by the San Juan
8 Field Office of the Bureau of Land Management
9 Certain lands which comprise approximately 14,598
10 acres, as generally depicted on a map titled “Weber-
11 Menefee Mountain Proposed Wilderness Area”,
12 dated May 31, 2011, which shall be known as the
13 Weber-Menefee Mountain Wilderness.

14 (16) Certain lands managed by the
15 Uncompahgre and San Juan Field Offices of the
16 Bureau of Land Management which comprise ap-
17 proximately 41,133 acres, as generally depicted on a
18 map titled “Dolores River Canyon Proposed Wilder-
19 ness Area”, dated May 31, 2011, which shall be
20 known as the Dolores River Canyon Wilderness.

21 (17) Certain lands managed by the San Juan
22 Field Office of the Bureau of Land Management or
23 located in the San Juan National Forest which com-
24 prise approximately 32,050 acres, as generally de-
25 picted on a map titled “Snaggletooth Proposed Wil-

1 derness Area”, dated May 31, 2011, which shall be
2 known as the Snaggletooth Wilderness.

3 (c) WEST ELK ADDITION.—Certain lands in the
4 State of Colorado administered by the Gunnison Field Of-
5 fice of the Bureau of Land Management, the United
6 States Forest Service, and the Bureau of Reclamation
7 which comprise approximately 5,000 acres, as generally
8 depicted on a map titled “West Elk Addition Proposed
9 Wilderness Area”, dated December 13, 2010, are hereby
10 designated as wilderness and, therefore, as components of
11 the National Wilderness Preservation System and are
12 hereby incorporated in and shall be deemed to be a part
13 of the West Elk Wilderness designated by Public Law 88–
14 577. The boundary adjacent to Blue Mesa Reservoir shall
15 be 50 feet from the high water mark.

16 (d) BLUE MESA RESERVOIR.—If the Bureau of Rec-
17 lamation determines that lands within the West Elk Wil-
18 derness Addition are necessary for future expansion of the
19 Blue Mesa Reservoir, the Secretary shall by publication
20 of a revised boundary description in the Federal Register
21 revise the boundary of the West Elk Wilderness Addition.

22 (e) MAPS AND DESCRIPTIONS.—As soon as prac-
23 ticable after the date of enactment of the Act, the Sec-
24 retary shall file a map and a boundary description of each
25 area designated as wilderness by this section with the

1 Committee on Natural Resources of the House of Rep-
2 resentatives and the Committee on Energy and Natural
3 Resources of the Senate. Each map and boundary descrip-
4 tion shall have the same force and effect as if included
5 in this Act, except that the Secretary may correct clerical
6 and typographical errors in the map or boundary descrip-
7 tion. The maps and boundary descriptions shall be on file
8 and available for public inspection in the Office of the Di-
9 rector of the Bureau of Land Management, Department
10 of the Interior, and in the Office of the Chief of the Forest
11 Service, Department of Agriculture, as appropriate.

12 (f) STATE AND PRIVATE LANDS.—Lands within the
13 exterior boundaries of any wilderness area designated
14 under this section that are owned by the State of Colorado
15 or by a private entity shall be included within such wilder-
16 ness area if such lands are acquired by the United States.
17 Such lands may be acquired by the United States only
18 as provided in the Wilderness Act (16 U.S.C. 1131 et
19 seq.).

20 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

21 (a) IN GENERAL.—Subject to valid existing rights,
22 lands designated as wilderness by this Act shall be man-
23 aged by the Secretary in accordance with the Wilderness
24 Act (16 U.S.C. 1131 et seq.) and this Act, except that,
25 with respect to any wilderness areas designated by this

1 Act, any reference in the Wilderness Act to the effective
2 date of the Wilderness Act shall be deemed to be a ref-
3 erence to the date of enactment of this Act.

4 (b) GRAZING.—Grazing of livestock in wilderness
5 areas designated by this Act shall be administered in ac-
6 cordance with the provisions of section 4(d)(4) of the Wil-
7 derness Act (16 U.S.C. 1133(d)(4)), as further inter-
8 preted by section 108 of Public Law 96–560, and the
9 guidelines set forth in Appendix A of House Report 101–
10 405 of the 101st Congress.

11 (c) STATE JURISDICTION.—As provided in section
12 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
13 nothing in this Act shall be construed as affecting the ju-
14 risdiction or responsibilities of the State of Colorado with
15 respect to wildlife and fish in Colorado.

16 (d) BUFFER ZONES.—

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

20 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
21 fact that an activity or use on land outside the areas
22 designated as wilderness by section 2 can be seen or
23 heard within the wilderness shall not preclude the
24 activity or use outside the boundary of the wilder-
25 ness.

1 (e) MILITARY HELICOPTER OVERFLIGHTS.—

2 (1) IN GENERAL.—Nothing in this Act restricts
3 or precludes—

4 (A) low-level overflights of military heli-
5 copters over the areas designated as wilderness
6 by section 2, including military overflights that
7 can be seen or heard within any wilderness
8 area;

9 (B) military flight testing and evaluation;
10 or

11 (C) the designation or creation of new
12 units of special use airspace, or the establish-
13 ment of military flight training routes over any
14 wilderness area.

15 (2) AERIAL NAVIGATION TRAINING EXER-
16 CISES.—The Colorado Army National Guard,
17 through the High-Altitude Army National Guard
18 Aviation Training Site, may conduct aerial naviga-
19 tion training maneuver exercises over the wilderness
20 areas designated by this Act—

21 (A) in a manner consistent with the memo-
22 randum of understanding dated August 4,
23 1987, among the Colorado Army National
24 Guard, the Bureau of Land Management, and
25 the Forest Service; or

1 (B) in a manner consistent with a subse-
2 quent memorandum of understanding entered
3 into between the Colorado Army National
4 Guard, the Bureau of Land Management, and
5 the Forest Service.

6 (f) RUNNING EVENTS.—The Secretary may continue
7 to authorize competitive running events currently per-
8 mitted in the Redcloud Peak Wilderness Area and
9 Handies Peak Wilderness Area in a manner compatible
10 with the preservation of such areas as wilderness.

11 (g) LAND TRADES.—If the Secretary trades privately
12 owned land within the perimeter of the Redcloud Peak
13 Wilderness Area or the Handies Peak Wilderness Area in
14 exchange for Federal land, then such Federal land shall
15 be located in Hinsdale County, Colorado.

16 **SEC. 4. WATER.**

17 (a) EFFECT ON WATER RIGHTS.—Nothing in this
18 Act—

19 (1) affects the use or allocation, in existence on
20 the date of enactment of this Act, of any water,
21 water right, or interest in water;

22 (2) affects any vested absolute or decreed condi-
23 tional water right in existence on the date of enact-
24 ment of this Act, including any water right held by
25 the United States;

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

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

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

9 (b) MIDSTREAM AREAS.—

10 (1) PURPOSE.—The purpose of this subsection
11 is to protect for the benefit and enjoyment of
12 present and future generations—

13 (A) the unique and nationally important
14 values of areas designated as wilderness by sec-
15 tion 2(b) (including the geological, cultural, ar-
16 chaeological, paleontological, natural, scientific,
17 recreational, environmental, biological, wilder-
18 ness, wildlife, riparian, historical, educational,
19 and scenic resources of the public land); and

20 (B) the water resources of area streams,
21 based on seasonally available flows, that are
22 necessary to support aquatic, riparian, and ter-
23 restrial species and communities.

24 (2) WILDERNESS WATER RIGHTS.—

1 (A) IN GENERAL.—The Secretary shall en-
2 sure that any water rights within the wilderness
3 designated by section 2(b) required to fulfill the
4 purposes of such wilderness are secured in ac-
5 cordance with subparagraphs (B) through (G).

6 (B) STATE LAW.—

7 (i) PROCEDURAL REQUIREMENTS.—
8 Any water rights for which the Secretary
9 pursues adjudication shall be appropriated,
10 adjudicated, changed, and administered in
11 accordance with the procedural require-
12 ments and priority system of State law.

13 (ii) ESTABLISHMENT OF WATER
14 RIGHTS.—

15 (I) IN GENERAL.—Except as pro-
16 vided in subclause (II), the purposes
17 and other substantive characteristics
18 of the water rights pursued under this
19 paragraph shall be established in ac-
20 cordance with State law.

21 (II) EXCEPTION.—Notwith-
22 standing subclause (I) and in accord-
23 ance with this Act, the Secretary may
24 appropriate and seek adjudication of
25 water rights to maintain surface water

1 levels and stream flows on and across
2 the wilderness designated by section
3 2(b) to fulfill the purposes of such
4 wilderness.

5 (C) DEADLINE.—The Secretary shall
6 promptly, but not earlier than January 1, 2015,
7 appropriate the water rights required to fulfill
8 the purposes of the wilderness designated by
9 section 2(b).

10 (D) REQUIRED DETERMINATION.—The
11 Secretary shall not pursue adjudication for any
12 instream flow water rights unless the Secretary
13 makes a determination pursuant to subpara-
14 graph (E)(ii) or (F).

15 (E) COOPERATIVE ENFORCEMENT.—

16 (i) IN GENERAL.—The Secretary shall
17 not pursue adjudication of any Federal
18 instream flow water rights established
19 under this paragraph if—

20 (I) the Secretary determines,
21 upon adjudication of the water rights
22 by the Colorado Water Conservation
23 Board, that the Board holds water
24 rights sufficient in priority, amount,

1 and timing to fulfill the purposes of
2 this subsection; and

3 (II) the Secretary has entered
4 into a perpetual agreement with the
5 Colorado Water Conservation Board
6 to ensure full exercise, protection, and
7 enforcement of the State water rights
8 within the Wilderness to reliably fulfill
9 the purposes of this subsection.

10 (ii) ADJUDICATION.—If the Secretary
11 determines that the provisions of clause (i)
12 have not been met, the Secretary shall ad-
13 judicate and exercise any Federal water
14 rights required to fulfill the purposes of
15 the Wilderness in accordance with this
16 paragraph.

17 (F) INSUFFICIENT WATER RIGHTS.—If the
18 Colorado Water Conservation Board modifies
19 the instream flow water rights obtained under
20 subparagraph (E) to such a degree that the
21 Secretary determines that water rights held by
22 the State are insufficient to fulfill the purposes
23 of this Act, the Secretary shall adjudicate and
24 exercise Federal water rights required to fulfill

1 the purposes of this Act in accordance with sub-
2 paragraph (B).

3 (G) FAILURE TO COMPLY.—The Secretary
4 shall promptly act to exercise and enforce the
5 water rights described in subparagraph (E) if
6 the Secretary determines that—

7 (i) the State is not exercising its
8 water rights consistent with subparagraph
9 (E)(i)(I); or

10 (ii) the agreement described in sub-
11 paragraph (E)(i)(II) is not fulfilled or com-
12 plied with sufficiently to fulfill the pur-
13 poses of this Act.

14 (3) WATER RESOURCE FACILITY.—Notwith-
15 standing any other provision of law, beginning on
16 the date of enactment of this Act, neither the Presi-
17 dent nor any other officer, employee, or agent of the
18 United States shall fund, assist, authorize, or issue
19 a license or permit for development of any new irri-
20 gation and pumping facility, reservoir, water con-
21 servation work, aqueduct, canal, ditch, pipeline, well,
22 hydropower project, transmission, other ancillary fa-
23 cility, or other water, diversion, storage, or carriage
24 structure in the wilderness designated by section
25 2(b).

1 (c) ACCESS AND OPERATION.—

2 (1) DEFINITION.—As used in this subsection,
3 the term “water resource facility” means irrigation
4 and pumping facilities, reservoirs, water conserva-
5 tion works, aqueducts, canals, ditches, pipelines,
6 wells, hydropower projects, and transmission and
7 other ancillary facilities, and other water diversion,
8 storage, and carriage structures.

9 (2) ACCESS TO WATER RESOURCE FACILI-
10 TIES.—Subject to the provisions of this subsection,
11 the Secretary shall allow reasonable access to water
12 resource facilities in existence on the date of enact-
13 ment of this Act within the areas described in sec-
14 tions 2(b) and 2(c), including motorized access
15 where necessary and customarily employed on routes
16 existing as of the date of enactment of this Act.

17 (3) ACCESS ROUTES.—Existing access routes
18 within such areas customarily employed as of the
19 date of enactment of this Act may be used, main-
20 tained, repaired, and replaced to the extent nec-
21 essary to maintain their present function, design,
22 and serviceable operation, so long as such activities
23 have no increased adverse impacts on the resources
24 and values of the areas described in sections 2(b)

1 and 2(c) than existed as of the date of enactment of
2 this Act.

3 (4) USE OF WATER RESOURCE FACILITIES.—

4 Subject to the provisions of this subsection and sub-
5 section (a)(4), the Secretary shall allow water re-
6 source facilities existing on the date of enactment of
7 this Act within areas described in sections 2(b) and
8 2(c) to be used, operated, maintained, repaired, and
9 replaced to the extent necessary for the continued
10 exercise, in accordance with Colorado State law, of
11 vested water rights adjudicated for use in connection
12 with such facilities by a court of competent jurisdic-
13 tion prior to the date of enactment of this Act. The
14 impact of an existing facility on the water resources
15 and values of the area shall not be increased as a
16 result of changes in the adjudicated type of use of
17 such facility as of the date of enactment of this Act.

18 (5) REPAIR AND MAINTENANCE.—Water re-
19 source facilities, and access routes serving such fa-
20 cilities, existing within the areas described in sec-
21 tions 2(b) and 2(c) on the date of enactment of this
22 Act shall be maintained and repaired when and to
23 the extent necessary to prevent increased adverse

- 1 impacts on the resources and values of the areas de-
- 2 scribed in sections 2(b) and 2(c).

○