

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2621

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IN THE SENATE OF THE UNITED STATES

MAY 17, 2012

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To establish the Chimney Rock National Monument in the  
State of 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chimney Rock Na-  
3 tional Monument Establishment Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) NATIONAL MONUMENT.—The term “na-  
7 tional monument” means the Chimney Rock Na-  
8 tional Monument established by section 3(a).

9 (2) SECRETARY.—The term “Secretary” means  
10 the Secretary of Agriculture.

11 (3) STATE.—The term “State” means the State  
12 of Colorado.

13 **SEC. 3. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL**  
14 **MONUMENT.**

15 (a) ESTABLISHMENT.—There is established in the  
16 State the Chimney Rock National Monument—

17 (1) to preserve, protect, and restore the archeo-  
18 logical, cultural, historic, geologic, hydrologic, nat-  
19 ural, educational, and scenic resources of Chimney  
20 Rock and adjacent land; and

21 (2) to provide for public interpretation and  
22 recreation consistent with the protection of the re-  
23 sources described in paragraph (1).

24 (b) BOUNDARIES.—

25 (1) IN GENERAL.—The national monument  
26 shall consist of approximately 4,726 acres of land

1 and interests in land, as generally depicted on the  
2 map entitled “Boundary Map, Chimney Rock Na-  
3 tional Monument” and dated January 5, 2010.

4 (2) MINOR ADJUSTMENTS.—The Secretary may  
5 make minor adjustments to the boundary of the na-  
6 tional monument to reflect the inclusion of signifi-  
7 cant archeological resources discovered after the  
8 date of the enactment of this Act on adjacent Na-  
9 tional Forest System land.

10 (3) AVAILABILITY OF MAP.—The map described  
11 in paragraph (1) shall be on file and available for  
12 public inspection in the appropriate offices of the  
13 Forest Service.

14 **SEC. 4. ADMINISTRATION.**

15 (a) IN GENERAL.—The Secretary shall—

16 (1) administer the national monument—

17 (A) in furtherance of the purposes for  
18 which the national monument was established;

19 and

20 (B) in accordance with—

21 (i) this Act; and

22 (ii) any laws generally applicable to  
23 the National Forest System; and

1           (2) allow only such uses of the national monu-  
2           ment that the Secretary determines would further  
3           the purposes described in section 3(a).

4           (b) TRIBAL USES.—

5           (1) IN GENERAL.—The Secretary shall admin-  
6           ister the national monument in accordance with—

7                   (A) the Native American Graves Protection  
8                   and Repatriation Act (25 U.S.C. 3001 et seq.);  
9                   and

10                   (B) the policy described in Public Law 95-  
11                   341 (commonly known as the “American Indian  
12                   Religious Freedom Act”) (42 U.S.C. 1996).

13           (2) TRADITIONAL USES.—Subject to any terms  
14           and conditions the Secretary determines to be nec-  
15           essary and in accordance with applicable law, the  
16           Secretary shall allow for the continued use of the na-  
17           tional monument by members of Indian tribes—

18                   (A) for traditional ceremonies; and

19                   (B) as a source of traditional plants and  
20           other materials.

21           (c) VEGETATION MANAGEMENT.—The Secretary may  
22           carry out vegetation management treatments within the  
23           national monument, except that the harvesting of timber  
24           shall only be used if the Secretary determines that the har-  
25           vesting is necessary for—

1           (1) ecosystem restoration in furtherance of sec-  
2           tion 3(a); or

3           (2) the control of fire, insects, or diseases.

4           (d) MOTOR VEHICLES AND MOUNTAIN BIKES.—The  
5 use of motor vehicles and mountain bikes in the national  
6 monument shall be limited to the roads and trails identi-  
7 fied by the Secretary as appropriate for the use of motor  
8 vehicles and mountain bikes.

9           (e) GRAZING.—The Secretary shall permit grazing  
10 within the national monument, where established before  
11 the date of the enactment of this Act—

12           (1) subject to all applicable laws (including reg-  
13           ulations); and

14           (2) consistent with the purposes described in  
15           section 3(a).

16           (f) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in  
17 this Act precludes the Secretary from renewing or author-  
18 izing the upgrading of a utility right-of-way in existence  
19 as of the date of the enactment of this Act through the  
20 national monument—

21           (1) in accordance with—

22                   (A) the National Environmental Policy Act  
23                   of 1969 (42 U.S.C. 4321 et seq.); and

24                   (B) any other applicable law; and

1           (2) subject to such terms and conditions as the  
2       Secretary determines to be appropriate.

3       (g) VOLUNTEERS.—The Secretary shall allow for the  
4       continued access and work of volunteers at the national  
5       monument.

6       (h) RESEARCH.—Scientific research, including ar-  
7       cheological research, educational, and interpretive uses  
8       shall be permitted within the Monument.

9       (i) OTHER ADMINISTRATIVE COSTS.—Any signs, fix-  
10      tures, alterations, or additions needed in connection with  
11      the designation or advertisement of the Monument shall  
12      be paid for only with non-Federal funds or amounts made  
13      available for such purposes in prior Acts of appropriation.

14      (j) DESIGNATION OF MANAGER.—As soon as prac-  
15      ticable after the management plan is developed under sec-  
16      tion 5(a), the Secretary shall designate an employee of the  
17      Department of Agriculture whose duties shall include act-  
18      ing as the point of contact for the management of the na-  
19      tional monument.

20      (k) OTHER RECREATIONAL USES.—The Secretary  
21      shall allow continued use of the national monument for  
22      hunting, fishing, and other recreational uses authorized on  
23      the date of the enactment of this Act, except that the Sec-  
24      retary may implement temporary emergency closures or  
25      restrictions of the smallest practicable area to provide for

1 public safety, resource conservation, or other purposes au-  
2 thorized by law.

3 **SEC. 5. MANAGEMENT PLAN.**

4 (a) IN GENERAL.—Not later than 3 years after the  
5 date of the enactment of this Act, the Secretary, in con-  
6 sultation with Indian tribes with a cultural or historic tie  
7 to Chimney Rock, shall develop a management plan for  
8 the national monument.

9 (b) PUBLIC COMMENT.—In developing the manage-  
10 ment plan, the Secretary shall provide an opportunity for  
11 public comment by—

12 (1) State and local governments;

13 (2) tribal governments; and

14 (3) any other interested organizations and indi-  
15 viduals.

16 **SEC. 6. LAND ACQUISITION.**

17 The Secretary may acquire land and any interest in  
18 land within or adjacent to the boundary of the national  
19 monument by—

20 (1) purchase from willing sellers with donated  
21 or appropriated funds;

22 (2) donation; or

23 (3) exchange.

1 **SEC. 7. WITHDRAWAL.**

2 (a) IN GENERAL.—Subject to valid existing rights,  
3 all Federal land within the national monument (including  
4 any land or interest in land acquired after the date of the  
5 enactment of this Act) is withdrawn from—

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

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

10 (3) subject to subsection (b), operation of the  
11 mineral leasing, mineral materials, and geothermal  
12 leasing laws.

13 (b) LIMITATION.—Notwithstanding subsection  
14 (a)(3), the Federal land is not withdrawn for the purposes  
15 of issuance of gas pipeline rights-of-way within easements  
16 in existence as of the date of the enactment of this Act.

17 **SEC. 8. EFFECT.**

18 (a) WATER RIGHTS.—

19 (1) IN GENERAL.—Nothing in this Act affects  
20 any valid water rights, including water rights held  
21 by the United States.

22 (2) RESERVED WATER RIGHT.—The designa-  
23 tion of the national monument does not create a  
24 Federal reserved water right.

25 (b) TRIBAL RIGHTS.—Nothing in this Act affects—



1           (1) the rights of any Indian tribe on Indian  
2           land;

3           (2) any individually held trust land or Indian  
4           allotment; or

5           (3) any treaty rights providing for nonexclusive  
6           access to or within the national monument by mem-  
7           bers of Indian tribes for traditional and cultural  
8           purposes.

9           (c) FISH AND WILDLIFE.—Nothing in this Act af-  
10          fects the jurisdiction of the State with respect to the man-  
11          agement of fish and wildlife on public land in the State.

12          (d) ADJACENT USES.—Nothing in this Act—

13                 (1) creates a protective perimeter or buffer zone  
14                 around the national monument; or

15                 (2) affects private property outside of the  
16                 boundary of the national monument.

Passed the House of Representatives May 16, 2012.

Attest:

KAREN L. HAAS,

*Clerk.*