

112TH CONGRESS  
1ST SESSION

# S. 508

To establish the Chimney Rock National Monument in the State of Colorado.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 8, 2011

Mr. BENNET (for himself and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To establish the Chimney Rock National Monument in the State of Colorado.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

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

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

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



1 date of enactment of this Act on adjacent National  
2 Forest System land.

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

7 **SEC. 4. ADMINISTRATION.**

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

9 (1) administer the national monument—

10 (A) in furtherance of the purposes for  
11 which the national monument was established;

12 and

13 (B) in accordance with—

14 (i) this Act; and

15 (ii) any laws generally applicable to  
16 the National Forest System; and

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

20 (b) TRIBAL USES.—

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

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

25 and

1 (B) the policy described in Public Law 95–  
2 341 (commonly known as the “American Indian  
3 Religious Freedom Act”) (42 U.S.C. 1996).

4 (2) TRADITIONAL USES.—Subject to any terms  
5 and conditions the Secretary determines to be nec-  
6 essary and in accordance with applicable law, the  
7 Secretary shall allow for the continued use of the na-  
8 tional monument by members of Indian tribes—

9 (A) for traditional ceremonies; and

10 (B) as a source of traditional plants and  
11 other materials.

12 (c) VEGETATION MANAGEMENT.—The Secretary may  
13 carry out vegetation management treatments within the  
14 national monument, except that the harvesting of timber  
15 shall only be used if the Secretary determines that the har-  
16 vesting is necessary for—

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

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

20 (d) MOTOR VEHICLES AND MOUNTAIN BIKES.—The  
21 use of motor vehicles and mountain bikes in the national  
22 monument shall be limited to the roads and trails identi-  
23 fied by the Secretary as appropriate for the use of motor  
24 vehicles and mountain bikes.

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

4 (1) subject to all applicable laws (including reg-  
5 ulations); and

6 (2) consistent with the purposes described in  
7 section 3(a).

8 (f) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in  
9 this Act precludes the Secretary from renewing or author-  
10 izing the upgrading of a utility right-of-way in existence  
11 as of the date of enactment of this Act through the na-  
12 tional monument—

13 (1) in accordance with—

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

16 (B) any other applicable law; and

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

19 (g) EDUCATION AND INTERPRETIVE CENTER.—The  
20 Secretary may develop and construct an education and in-  
21 terpretive center to interpret the scientific and cultural re-  
22 sources of the national monument for the public.

23 (h) DESIGNATION OF MANAGER.—

24 (1) IN GENERAL.—As soon as practicable after  
25 the management plan is developed under section

1       5(a), the Secretary shall designate an individual as  
2       manager of the national monument.

3               (2) OTHER DUTIES.—The manager designated  
4       under paragraph (1) shall not be precluded from ful-  
5       filling other responsibilities within the San Juan Na-  
6       tional Forest.

7       **SEC. 5. MANAGEMENT PLAN.**

8               (a) IN GENERAL.—Not later than 3 years after the  
9       date of enactment of this Act, the Secretary, in consulta-  
10      tion with Indian tribes with a cultural or historic tie to  
11      Chimney Rock, shall develop a management plan for the  
12      national monument.

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

16              (1) State and local governments;

17              (2) tribal governments; and

18              (3) any other interested organizations and indi-  
19      viduals.

20      **SEC. 6. LAND ACQUISITION.**

21              The Secretary may acquire land and any interest in  
22      land within or adjacent to the boundary of the national  
23      monument by—

24              (1) purchase from willing sellers with donated  
25      or appropriated funds;

1 (2) donation; or

2 (3) exchange.

3 **SEC. 7. WITHDRAWAL.**

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

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

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

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

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

19 **SEC. 8. EFFECT.**

20 (a) WATER RIGHTS.—

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

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

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

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

7           (2) any individually held trust land or Indian  
8           allotment; or

9           (3) any treaty rights providing for nonexclusive  
10          access to or within the national monument by mem-  
11          bers of Indian tribes for traditional and cultural  
12          purposes.

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

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

17          (1) creates a protective perimeter or buffer zone  
18          around the national monument; or

19          (2) affects private property outside of the  
20          boundary of the national monument.

21       **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22          There are authorized to be appropriated such sums  
23          as are necessary to carry out this Act.

○