

117TH CONGRESS
1ST SESSION

H. R. 803

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

FEBRUARY 4, 2021

Ms. DEGETTE (for herself, Mr. NEGUSE, Mr. CROW, and Mr. PERLMUTTER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2021”.

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 by adding at the end
6 the following paragraphs:

7 “(23) Certain lands managed by the Colorado
8 River Valley Field Office of the Bureau of Land
9 Management, which comprise approximately 316
10 acres, as generally depicted on a map titled ‘Maroon
11 Bells Addition Proposed Wilderness’, dated July 20,
12 2018, which is hereby incorporated in and shall be
13 deemed to be a part of the Maroon Bells-Snowmass
14 Wilderness Area designated by Public Law 88–577.

15 “(24) Certain lands managed by the Gunnison
16 Field Office of the Bureau of Land Management,
17 which comprise approximately 38,217 acres, as gen-
18 erally depicted on a map titled ‘Redcloud & Handies
19 Peak Proposed Wilderness’, dated October 9, 2019,
20 which shall be known as the Redcloud Peak Wilder-
21 ness.

22 “(25) Certain lands managed by the Gunnison
23 Field Office of the Bureau of Land Management or
24 located in the Grand Mesa, Uncompahgre, and Gun-
25 nison National Forests, which comprise approxi-
26 mately 26,734 acres, as generally depicted on a map

1 titled ‘Redcloud & Handies Peak Proposed Wilder-
2 ness’, dated October 9, 2019, which shall be known
3 as the Handies Peak Wilderness.

4 “(26) Certain lands managed by the Royal
5 Gorge Field Office of the Bureau of Land Manage-
6 ment, which comprise approximately 16,481 acres,
7 as generally depicted on a map titled ‘Table Moun-
8 tain & McIntyre Hills Proposed Wilderness’, dated
9 November 7, 2019, which shall be known as the
10 McIntyre Hills Wilderness.

11 “(27) Certain lands managed by the Colorado
12 River Valley Field Office of the Bureau of Land
13 Management, which comprise approximately 10,282
14 acres, as generally depicted on a map titled ‘Grand
15 Hogback Proposed Wilderness’, dated October 16,
16 2019, which shall be known as the Grand Hogback
17 Wilderness.

18 “(28) Certain lands managed by the Grand
19 Junction Field Office of the Bureau of Land Man-
20 agement, which comprise approximately 25,624
21 acres, as generally depicted on a map titled
22 ‘Demaree Canyon Proposed Wilderness’, dated Octo-
23 ber 9, 2019, which shall be known as the Demaree
24 Canyon Wilderness.

1 “(29) Certain lands managed by the Grand
2 Junction Field Office of the Bureau of Land Man-
3 agement, which comprise approximately 28,279
4 acres, as generally depicted on a map titled ‘Little
5 Books Cliff Proposed Wilderness’, dated October 9,
6 2019, which shall be known as the Little Bookcliffs
7 Wilderness.

8 “(30) Certain lands managed by the Colorado
9 River Valley Field Office of the Bureau of Land
10 Management, which comprise approximately 14,886
11 acres, as generally depicted on a map titled ‘Bull
12 Gulch & Castle Peak Proposed Wilderness’, dated
13 January 29, 2020, which shall be known as the Bull
14 Gulch Wilderness.

15 “(31) Certain lands managed by the Colorado
16 River Valley Field Office of the Bureau of Land
17 Management, which comprise approximately 12,016
18 acres, as generally depicted on a map titled ‘Bull
19 Gulch & Castle Peak Proposed Wilderness Areas’,
20 dated January 29, 2020, which shall be known as
21 the Castle Peak Wilderness.”.

22 (b) FURTHER ADDITIONS.—The following lands in
23 the State of Colorado administered by the Bureau of Land
24 Management or the United States Forest Service are here-

1 by designated as wilderness and, therefore, as components
2 of the National Wilderness Preservation System:

3 (1) Certain lands managed by the Colorado
4 River Valley Field Office of the Bureau of Land
5 Management or located in the White River National
6 Forest, which comprise approximately 19,240 acres,
7 as generally depicted on a map titled “Assignment
8 Ridge Proposed Wilderness”, dated November 12,
9 2019, which shall be known as the Assignment
10 Ridge Wilderness.

11 (2) Certain lands managed by the Royal Gorge
12 Field Office of the Bureau of Land Management or
13 located in the Pike and San Isabel National Forests,
14 which comprise approximately 23,116 acres, as gen-
15 erally depicted on a map titled “Badger Creek Pro-
16 posed Wilderness”, dated November 7, 2019, which
17 shall be known as the Badger Creek Wilderness.

18 (3) Certain lands managed by the Royal Gorge
19 Field Office of the Bureau of Land Management or
20 located in the Pike and San Isabel National Forests,
21 which comprise approximately 35,251 acres, as gen-
22 erally depicted on a map titled “Beaver Creek Pro-
23 posed Wilderness”, dated November 7, 2019, which
24 shall be known as the Beaver Creek Wilderness.

1 (4) Certain lands managed by the Royal Gorge
2 Field Office of the Bureau of Land Management or
3 the Bureau of Reclamation or located in the Pike
4 and San Isabel National Forests, which comprise ap-
5 proximately 32,884 acres, as generally depicted on a
6 map titled “Grape Creek Proposed Wilderness”,
7 dated November 7, 2019, which shall be known as
8 the Grape Creek Wilderness.

9 (5) Certain lands managed by the Grand Junc-
10 tion Field Office of the Bureau of Land Manage-
11 ment, which comprise approximately 13,351 acres,
12 as generally depicted on a map titled “North &
13 South Bangs Canyon Proposed Wilderness”, dated
14 October 9, 2019, which shall be known as the North
15 Bangs Canyon Wilderness.

16 (6) Certain lands managed by the Grand Junc-
17 tion Field Office of the Bureau of Land Manage-
18 ment, which comprise approximately 5,144 acres, as
19 generally depicted on a map titled “North & South
20 Bangs Canyon Proposed Wilderness”, dated October
21 9, 2019, which shall be known as the South Bangs
22 Canyon Wilderness.

23 (7) Certain lands managed by the Grand Junc-
24 tion Field Office of the Bureau of Land Manage-
25 ment, which comprise approximately 26,624 acres,

1 as generally depicted on a map titled “UnawEEP &
2 Palisade Proposed Wilderness”, dated October 9,
3 2019, which shall be known as The Palisade Wilder-
4 ness.

5 (8) Certain lands managed by the Grand Junc-
6 tion Field Office of the Bureau of Land Manage-
7 ment or located in the Grand Mesa, Uncompaghre,
8 and Gunnison National Forests, which comprise ap-
9 proximately 19,776 acres, as generally depicted on a
10 map titled “UnawEEP & Palisade Proposed Wilder-
11 ness”, dated October 9, 2019, which shall be known
12 as the UnawEEP Wilderness.

13 (9) Certain lands managed by the Grand Junc-
14 tion Field Office of the Bureau of Land Manage-
15 ment and Uncompaghre Field Office of the Bureau
16 of Land Management and in the Manti-LaSal Na-
17 tional Forest, which comprise approximately 37,637
18 acres, as generally depicted on a map titled
19 “Sewemup Mesa Proposed Wilderness”, dated No-
20 vember 7, 2019, which shall be known as the
21 Sewemup Mesa Wilderness.

22 (10) Certain lands managed by the Kremmling
23 Field Office of the Bureau of Land Management,
24 which comprise approximately 31 acres, as generally
25 depicted on a map titled “Platte River Addition Pro-

1 posed Wilderness”, dated July 20, 2018, and which
2 are hereby incorporated in and shall be deemed to
3 be part of the Platte River Wilderness designated by
4 Public Law 98–550.

5 (11) Certain lands managed by the
6 Uncompahgre Field Office of the Bureau of Land
7 Management, which comprise approximately 17,587
8 acres, as generally depicted on a map titled
9 “Roubideau Proposed Wilderness”, dated October 9,
10 2019, which shall be known as the Roubideau Wil-
11 derness.

12 (12) Certain lands managed by the
13 Uncompahgre Field Office of the Bureau of Land
14 Management or located in the Grand Mesa,
15 Uncompahgre, and Gunnison National Forests,
16 which comprise approximately 12,102 acres, as gen-
17 erally depicted on a map titled “Norwood Canyon
18 Proposed Wilderness”, dated November 7, 2019,
19 which shall be known as the Norwood Canyon Wil-
20 derness.

21 (13) Certain lands managed by the Tres Rios
22 Field Office of the Bureau of Land Management,
23 which comprise approximately 24,475 acres, as gen-
24 erally depicted on a map titled “Papoose & Cross
25 Canyon Proposed Wilderness”, and dated January

1 29, 2020, which shall be known as the Cross Canyon
2 Wilderness.

3 (14) Certain lands managed by the Tres Rios
4 Field Office of the Bureau of Land Management,
5 which comprise approximately 21,220 acres, as gen-
6 erally depicted on a map titled “McKenna Peak Pro-
7 posed Wilderness”, dated October 16, 2019, which
8 shall be known as the McKenna Peak Wilderness.

9 (15) Certain lands managed by the Tres Rios
10 Field Office of the Bureau of Land Management,
11 which comprise approximately 14,270 acres, as gen-
12 erally depicted on a map titled “Weber-Menefee
13 Mountain Proposed Wilderness”, dated October 9,
14 2019, which shall be known as the Weber-Menefee
15 Mountain Wilderness.

16 (16) Certain lands managed by the
17 Uncompahgre and Tres Rios Field Offices of the
18 Bureau of Land Management or the Bureau of Rec-
19 lamation, which comprise approximately 33,351
20 acres, as generally depicted on a map titled “Dolores
21 River Canyon Proposed Wilderness”, dated Novem-
22 ber 7, 2019, which shall be known as the Dolores
23 River Canyon Wilderness.

24 (17) Certain lands managed by the Royal Gorge
25 Field Office of the Bureau of Land Management or

1 located in the Pike and San Isabel National Forests,
2 which comprise approximately 17,922 acres, as gen-
3 erally depicted on a map titled “Browns Canyon
4 Proposed Wilderness”, dated October 9, 2019, which
5 shall be known as the Browns Canyon Wilderness.

6 (18) Certain lands managed by the San Luis
7 Field Office of the Bureau of Land Management,
8 which comprise approximately 10,527 acres, as gen-
9 erally depicted on a map titled “San Luis Hills Pro-
10 posed Wilderness”, dated October 9, 2019, which
11 shall be known as the San Luis Hills Wilderness.

12 (19) Certain lands managed by the Royal Gorge
13 Field Office of the Bureau of Land Management,
14 which comprise approximately 23,559 acres, as gen-
15 erally depicted on a map titled “Table Mountain &
16 McIntyre Hills Proposed Wilderness”, dated Novem-
17 ber 7, 2019, which shall be known as the Table
18 Mountain Wilderness.

19 (20) Certain lands managed by the Tres Rios
20 Field Office of the Bureau of Land Management or
21 located in the San Juan National Forest, which
22 comprise approximately 10,844 acres, as generally
23 depicted on a map titled “North & South Ponderosa
24 Gorge Proposed Wilderness”, and dated January 31,

1 2020, which shall be known as the North Ponderosa
2 Gorge Wilderness.

3 (21) Certain lands managed by the Tres Rios
4 Field Office of the Bureau of Land Management or
5 located in the San Juan National Forest, which
6 comprise approximately 12,393 acres, as generally
7 depicted on a map titled “North & South Ponderosa
8 Gorge Proposed Wilderness”, and dated January 31,
9 2020, which shall be known as the South Ponderosa
10 Gorge Wilderness.

11 (22) Certain lands managed by the Little Snake
12 Field Office of the Bureau of Land Management
13 which comprise approximately 33,168 acres, as gen-
14 erally depicted on a map titled “Diamond Breaks
15 Proposed Wilderness”, and dated February 4, 2020,
16 which shall be known as the Diamond Breaks Wil-
17 derness.

18 (23) Certain lands managed by the Tres Rios
19 Field Office of the Bureau of Land Management
20 which comprises approximately 4,782 acres, as gen-
21 erally depicted on the map titled “Papoose & Cross
22 Canyon Proposed Wilderness”, and dated January
23 29, 2020, which shall be known as the Papoose Can-
24 yon Wilderness.

1 (c) WEST ELK ADDITION.—Certain lands in the
2 State of Colorado administered by the Gunnison Field Of-
3 fice of the Bureau of Land Management, the United
4 States National Park Service, and the Bureau of Reclama-
5 tion, which comprise approximately 6,695 acres, as gen-
6 erally depicted on a map titled “West Elk Addition Pro-
7 posed Wilderness”, dated October 9, 2019, are hereby des-
8 ignated as wilderness and, therefore, as components of the
9 National Wilderness Preservation System and are hereby
10 incorporated in and shall be deemed to be a part of the
11 West Elk Wilderness designated by Public Law 88–577.
12 The boundary adjacent to Blue Mesa Reservoir shall be
13 50 feet landward from the water’s edge, and shall change
14 according to the water level.

15 (d) MAPS AND DESCRIPTIONS.—As soon as prac-
16 ticable after the date of enactment of the Act, the Sec-
17 retary shall file a map and a boundary description of each
18 area designated as wilderness by this section with the
19 Committee on Natural Resources of the House of Rep-
20 resentatives and the Committee on Energy and Natural
21 Resources of the Senate. Each map and boundary descrip-
22 tion shall have the same force and effect as if included
23 in this Act, except that the Secretary may correct clerical
24 and typographical errors in the map or boundary descrip-
25 tion. The maps and boundary descriptions shall be on file

1 and available for public inspection in the Office of the Di-
2 rector of the Bureau of Land Management, Department
3 of the Interior, and in the Office of the Chief of the Forest
4 Service, Department of Agriculture, as appropriate.

5 (e) STATE AND PRIVATE LANDS.—Lands within the
6 exterior boundaries of any wilderness area designated
7 under this section that are owned by a private entity or
8 by the State of Colorado, including lands administered by
9 the Colorado State Land Board, shall be included within
10 such wilderness area if such lands are acquired by the
11 United States. Such lands may be acquired by the United
12 States only as provided in the Wilderness Act (16 U.S.C.
13 1131 et seq.).

14 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

15 (a) IN GENERAL.—Subject to valid existing rights,
16 lands designated as wilderness by this Act shall be man-
17 aged by the Secretary in accordance with the Wilderness
18 Act (16 U.S.C. 1131 et seq.) and this Act, except that,
19 with respect to any wilderness areas designated by this
20 Act, any reference in the Wilderness Act to the effective
21 date of the Wilderness Act shall be deemed to be a ref-
22 erence to the date of enactment of this Act.

23 (b) GRAZING.—Grazing of livestock in wilderness
24 areas designated by this Act shall be administered in ac-
25 cordance with the provisions of section 4(d)(4) of the Wil-

1 derness Act (16 U.S.C. 1133(d)(4)), as further inter-
2 preted by section 108 of Public Law 96–560, and the
3 guidelines set forth in appendix A of House Report 101–
4 405 of the 101st Congress.

5 (c) STATE JURISDICTION.—As provided in section
6 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
7 nothing in this Act shall be construed as affecting the ju-
8 risdiction or responsibilities of the State of Colorado with
9 respect to wildlife and fish in Colorado.

10 (d) BUFFER ZONES.—

11 (1) IN GENERAL.—Nothing in this Act creates
12 a protective perimeter or buffer zone around any
13 area designated as wilderness by this Act.

14 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
15 fact that an activity or use on land outside the areas
16 designated as wilderness by this Act can be seen or
17 heard within the wilderness shall not preclude the
18 activity or use outside the boundary of the wilder-
19 ness.

20 (e) MILITARY HELICOPTER OVERFLIGHTS AND OP-
21 ERATIONS.—

22 (1) IN GENERAL.—Nothing in this Act restricts
23 or precludes—

24 (A) low-level overflights of military heli-
25 copters over the areas designated as wilderness

1 by this Act, including military overflights that
2 can be seen or heard within any wilderness
3 area;

4 (B) military flight testing and evaluation;

5 (C) the designation or creation of new
6 units of special use airspace, or the establish-
7 ment of military flight training routes over any
8 wilderness area; or

9 (D) helicopter operations at designated
10 landing zones within the potential wilderness
11 areas established by subsection (i)(1).

12 (2) AERIAL NAVIGATION TRAINING EXER-
13 CISES.—The Colorado Army National Guard,
14 through the High-Altitude Army National Guard
15 Aviation Training Site, may conduct aerial naviga-
16 tion training maneuver exercises over, and associ-
17 ated operations within, the potential wilderness
18 areas designated by this Act—

19 (A) in a manner and degree consistent
20 with the memorandum of understanding dated
21 August 4, 1987, entered into among the Colo-
22 rado Army National Guard, the Bureau of
23 Land Management, and the Forest Service; or

24 (B) in a manner consistent with any subse-
25 quent memorandum of understanding entered

1 into among the Colorado Army National Guard,
2 the Bureau of Land Management, and the For-
3 est Service.

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

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

14 (h) RECREATIONAL CLIMBING.—Nothing in this Act
15 prohibits recreational rock climbing activities in the wil-
16 derness areas, such as the placement, use, and mainte-
17 nance of fixed anchors, including any fixed anchor estab-
18 lished before the date of the enactment of this Act—

19 (1) in accordance with the Wilderness Act (16
20 U.S.C. 1131 et seq.); and

21 (2) subject to any terms and conditions deter-
22 mined to be necessary by the Secretary.

23 (i) POTENTIAL WILDERNESS DESIGNATIONS.—

24 (1) IN GENERAL.—The following lands are des-
25 igned as potential wilderness areas:

1 (A) Certain lands managed by the Colo-
2 rado River Valley Field Office of the Bureau of
3 Land Management, which comprise approxi-
4 mately 7,376 acres, as generally depicted on a
5 map titled “Pisgah East & West Proposed Wil-
6 derness”, and dated October 16, 2019, which,
7 upon designation as wilderness under para-
8 graph (2), shall be known as the Pisgah East
9 Wilderness.

10 (B) Certain lands managed by the Colo-
11 rado River Valley Field Office of the Bureau of
12 Land Management, which comprise approxi-
13 mately 6,828 acres, as generally depicted on a
14 map titled “Pisgah East & West Proposed Wil-
15 derness”, and dated October 16, 2019, which,
16 upon designation as wilderness under para-
17 graph (2), shall be known as the Pisgah West
18 Wilderness.

19 (C) Certain lands managed by the Colo-
20 rado River Valley Field Office of the Bureau of
21 Land Management or located in the White
22 River National Forest, which comprise approxi-
23 mately 16,101 acres, as generally depicted on a
24 map titled “Flat Tops Proposed Wilderness Ad-
25 dition”, dated October 9, 2019, and which,

1 upon designation as wilderness under para-
2 graph (2), shall be incorporated in and shall be
3 deemed to be a part of the Flat Tops Wilder-
4 ness designated by Public Law 94–146.

5 (2) DESIGNATION AS WILDERNESS.—Lands
6 designated as a potential wilderness area by sub-
7 paragraphs (A) through (C) of paragraph (1) shall
8 be designated as wilderness on the date on which the
9 Secretary publishes in the Federal Register a notice
10 that all nonconforming uses of those lands author-
11 ized by subsection (e) in the potential wilderness
12 area that would be in violation of the Wilderness Act
13 (16 U.S.C. 1131 et seq.) have ceased. Such publica-
14 tion in the Federal Register and designation as wil-
15 derness shall occur for the potential wilderness area
16 as the nonconforming uses cease in that potential
17 wilderness area and designation as wilderness is not
18 dependent on cessation of nonconforming uses in the
19 other potential wilderness area.

20 (3) MANAGEMENT.—Except for activities pro-
21 vided for under subsection (e), lands designated as
22 a potential wilderness area by paragraph (1) shall be
23 managed by the Secretary in accordance with the
24 Wilderness Act as wilderness pending the designa-

1 tion of such lands as wilderness under this sub-
2 section.

3 **SEC. 4. WATER.**

4 (a) EFFECT ON WATER RIGHTS.—Nothing in this
5 Act—

6 (1) affects the use or allocation, in existence on
7 the date of enactment of this Act, of any water,
8 water right, or interest in water;

9 (2) affects any vested absolute or decreed condi-
10 tional water right in existence on the date of enact-
11 ment of this Act, including any water right held by
12 the United States;

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

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

17 (5) shall be considered to be a relinquishment
18 or reduction of any water rights reserved or appro-
19 priated by the United States in the State of Colo-
20 rado on or before the date of the enactment of this
21 Act.

22 (b) MIDSTREAM AREAS.—

23 (1) PURPOSE.—The purpose of this subsection
24 is to protect for the benefit and enjoyment of
25 present and future generations—

1 (A) the unique and nationally important
2 values of areas designated as wilderness by sec-
3 tion 2(b) (including the geological, cultural, ar-
4 chaeological, paleontological, natural, scientific,
5 recreational, environmental, biological, wilder-
6 ness, wildlife, riparian, historical, educational,
7 and scenic resources of the public land); and

8 (B) the water resources of area streams,
9 based on seasonally available flows, that are
10 necessary to support aquatic, riparian, and ter-
11 restrial species and communities.

12 (2) WILDERNESS WATER RIGHTS.—

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

18 (B) STATE LAW.—

19 (i) PROCEDURAL REQUIREMENTS.—

20 Any water rights for which the Secretary
21 pursues adjudication shall be appropriated,
22 adjudicated, changed, and administered in
23 accordance with the procedural require-
24 ments and priority system of State law.

(ii) ESTABLISHMENT OF WATER
RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this Act, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the wilderness designated by section 2(b) to fulfill the purposes of such wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 1, 2021, appropriate the water rights required to fulfill the purposes of the wilderness designated by section 2(b).

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary

1 makes a determination pursuant to subpara-
2 graph (E)(ii) or (F).

3 (E) COOPERATIVE ENFORCEMENT.—

4 (i) IN GENERAL.—The Secretary shall
5 not pursue adjudication of any Federal
6 instream flow water rights established
7 under this paragraph if—

8 (I) the Secretary determines,
9 upon adjudication of the water rights
10 by the Colorado Water Conservation
11 Board, that the Board holds water
12 rights sufficient in priority, amount,
13 and timing to fulfill the purposes of
14 this subsection; and

15 (II) the Secretary has entered
16 into a perpetual agreement with the
17 Colorado Water Conservation Board
18 to ensure full exercise, protection, and
19 enforcement of the State water rights
20 within the wilderness to reliably fulfill
21 the purposes of this subsection.

22 (ii) ADJUDICATION.—If the Secretary
23 determines that the provisions of clause (i)
24 have not been met, the Secretary shall ad-
25 judicate and exercise any Federal water

rights required to fulfill the purposes of the wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of this Act, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of this Act in accordance with subparagraph (B).

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

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

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of this Act.

1 (3) WATER RESOURCE FACILITY.—Notwith-
2 standing any other provision of law, beginning on
3 the date of enactment of this Act, neither the Presi-
4 dent nor any other officer, employee, or agent of the
5 United States shall fund, assist, authorize, or issue
6 a license or permit for development of any new irri-
7 gation and pumping facility, reservoir, water con-
8 servation work, aqueduct, canal, ditch, pipeline, well,
9 hydropower project, transmission, other ancillary fa-
10 cility, or other water, diversion, storage, or carriage
11 structure in the wilderness designated by section
12 2(b).

13 (c) ACCESS AND OPERATION.—

14 (1) DEFINITION.—As used in this subsection,
15 the term “water resource facility” means irrigation
16 and pumping facilities, reservoirs, water conserva-
17 tion works, aqueducts, canals, ditches, pipelines,
18 wells, hydropower projects, transmission and other
19 ancillary facilities, and other water diversion, stor-
20 age, and carriage structures.

21 (2) ACCESS TO WATER RESOURCE FACILI-
22 TIES.—Subject to the provisions of this subsection,
23 the Secretary shall allow reasonable access to water
24 resource facilities in existence on the date of enact-
25 ment of this Act within the areas described in sec-

1 tions 2(b) and 2(c), including motorized access
2 where necessary and customarily employed on routes
3 existing as of the date of enactment of this Act.

4 (3) ACCESS ROUTES.—Existing access routes
5 within such areas customarily employed as of the
6 date of enactment of this Act may be used, main-
7 tained, repaired, and replaced to the extent nec-
8 essary to maintain their present function, design,
9 and serviceable operation, so long as such activities
10 have no increased adverse impacts on the resources
11 and values of the areas described in sections 2(b)
12 and 2(c) than existed as of the date of enactment of
13 this Act.

14 (4) USE OF WATER RESOURCE FACILITIES.—
15 Subject to the provisions of this subsection and sub-
16 section (a)(4), the Secretary shall allow water re-
17 source facilities existing on the date of enactment of
18 this Act within areas described in sections 2(b) and
19 2(c) to be used, operated, maintained, repaired, and
20 replaced to the extent necessary for the continued
21 exercise, in accordance with Colorado State law, of
22 vested water rights adjudicated for use in connection
23 with such facilities by a court of competent jurisdic-
24 tion prior to the date of enactment of this Act. The
25 impact of an existing facility on the water resources

1 and values of the area shall not be increased as a
2 result of changes in the adjudicated type of use of
3 such facility as of the date of enactment of this Act.

4 (5) REPAIR AND MAINTENANCE.—Water re-
5 source facilities, and access routes serving such fa-
6 cilities, existing within the areas described in sec-
7 tions 2(b) and 2(c) on the date of enactment of this
8 Act shall be maintained and repaired when and to
9 the extent necessary to prevent increased adverse
10 impacts on the resources and values of the areas de-
11 scribed in sections 2(b) and 2(c).

12 **SEC. 5. SENSE OF CONGRESS.**

13 It is the sense of Congress that military aviation
14 training on Federal public lands in Colorado, including the
15 training conducted at the High-Altitude Army National
16 Guard Aviation Training Site, is critical to the national
17 security of the United States and the readiness of the
18 Armed Forces.

1 **SEC. 6. DEPARTMENT OF DEFENSE STUDY ON IMPACTS**
2 **THAT THE EXPANSION OF WILDERNESS DES-**
3 **IGNATIONS IN THE WESTERN UNITED STATES**
4 **WOULD HAVE ON THE READINESS OF THE**
5 **ARMED FORCES OF THE UNITED STATES**
6 **WITH RESPECT TO AVIATION TRAINING.**

7 (a) STUDY REQUIRED.—The Secretary of Defense
8 shall conduct a study on the impacts that the expansion
9 of wilderness designations in the Western United States
10 would have on the readiness of the Armed Forces of the
11 United States with respect to aviation training.

12 (b) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary shall submit
14 to the Committees on Armed Services of the Senate and
15 House of Representatives a report on the study required
16 under subsection (a).

○