

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1839
OFFERED BY MR. TIPTON OF COLORADO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Hermosa Creek Water-
3 shed Protection Act of 2014”.

4 SEC. 2. PURPOSES.

5 The purposes of this Act are—

6 (1) to maintain the cultural, economic, and eco-
7 logical health of the Hermosa Creek Watershed and
8 the surrounding communities that rely on the Wa-
9 tershed;

10 (2) to protect the purity of water that comes
11 from the Hermosa Creek Watershed and supplies
12 residents of the Animas River Valley and the city of
13 Durango, Colorado, with clean drinking water;

14 (3) to protect the purity of, and water supply
15 from, the Hermosa Creek Watershed for agricultural
16 purposes, including irrigation and stockwater uses;

17 (4) to enhance the economic prosperity of local
18 communities in the area who depend on the area for

1 water, recreation, and sustainable natural resource
2 uses;

3 (5) to protect and provide residents and visitors
4 the opportunity to enjoy the recreational, geological,
5 cultural, natural, scientific, wildlife, riparian, histor-
6 ical, educational, and scenic resources of the Water-
7 shed;

8 (6) to provide world-class opportunities for ski-
9 ing, biking, hiking, fishing, hunting, horseback
10 riding, snowmobiling, motorcycle riding,
11 snowshoeing, and camping;

12 (7) to provide for economic and natural re-
13 source development (including sustainable grazing,
14 vegetation management, beneficial uses of water,
15 and mineral extraction) in a manner consistent with
16 protecting the overall integrity of the Watershed;

17 (8) to protect a viable population of the native
18 Colorado River cutthroat trout fishery located in the
19 Watershed;

20 (9) to designate the Hermosa Creek Wilderness
21 Area and the Hermosa Creek Special Management
22 Area; and

23 (10) to conserve, protect, and manage a healthy
24 Hermosa Creek Watershed for the long-term ecologi-
25 cal integrity of the Watershed and the long-term

1 economic health of surrounding communities by al-
2 lowing sustainable economic development and tradi-
3 tional natural resource development in a manner
4 consistent with the purposes described in paragraphs
5 (1) through (8).

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) CITY.—The term “City” means Durango,
9 Colorado.

10 (2) COUNTY.—The term “County” means La
11 Plata County, Colorado.

12 (3) MAP.—The term “Map” means the map en-
13 titled “Hermosa Creek Proposed Watershed Protec-
14 tion Area” and dated June 2, 2014.

15 (4) SECRETARY.—The term “Secretary” means
16 the Secretary of Agriculture.

17 (5) SPECIAL MANAGEMENT AREA.—The term
18 “Special Management Area” means the Hermosa
19 Creek Special Management Area designated by sec-
20 tion 5(a).

21 (6) STATE.—The term “State” means the State
22 of Colorado.

23 **SEC. 4. HERMOSA CREEK WATERSHED PROTECTION AREA.**

24 Certain Federal land in the San Juan National For-
25 est comprising approximately 107,866 acres, as generally

1 depicted on the Map may be called the “Hermosa Creek
2 Watershed Protection Area”.

3 **SEC. 5. DESIGNATION OF HERMOSA CREEK SPECIAL MAN-**
4 **AGEMENT AREA.**

5 (a) DESIGNATION.—Subject to valid existing rights,
6 certain Federal land in the San Juan National Forest
7 comprising approximately 68,289 acres, as generally de-
8 picted on the Map, is designated as the “Hermosa Creek
9 Special Management Area”.

10 (b) ADMINISTRATION.—

11 (1) IN GENERAL.—The Secretary shall admin-
12 ister the Special Management Area—

13 (A) in accordance with—

14 (i) the National Forest Management
15 Act of 1976 (16 U.S.C. 1600 et seq.);

16 (ii) this Act; and

17 (iii) any other applicable laws.

18 (2) USES.—

19 (A) IN GENERAL.—The Secretary shall
20 allow such uses of the Special Management
21 Area that the Secretary determines would fur-
22 ther the purposes described in section 2.

23 (B) MOTORIZED AND MECHANIZED VEHI-
24 CLES.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii) and as needed for administra-
3 tive purposes or to respond to an emer-
4 gency, the use of motorized and mecha-
5 nized vehicles in the Special Management
6 Area shall be permitted only on roads and
7 trails designated for use by such vehicles
8 as identified on the Map as “Trails Open
9 to Motorized Uses” and “Trails Open to
10 Mechanized Uses”.

11 (ii) OVER-SNOW VEHICLES.—The Sec-
12 retary shall authorize the use of snowmo-
13 biles and other over-snow vehicles within
14 the Special Management Area—

15 (I) when there is adequate snow
16 coverage; and

17 (II) subject to such terms and
18 conditions as the Secretary may re-
19 quire.

20 (iii) CONTINUED ACCESS.—Within the
21 Special Management Area, at a minimum,
22 the Secretary shall maintain access for mo-
23 torized and mechanized recreation opportu-
24 nities as identified as “Trails Open to Mo-

1 torized Uses” and “Trails Open to Mecha-
2 nized Uses” on the Map.

3 (C) GRAZING.—Grazing and other tradi-
4 tional economic activities are compatible with
5 the Special Management Area designation and
6 the Secretary shall permit grazing within the
7 Special Management Area, where established
8 before the date of enactment of this Act subject
9 to all applicable laws (including regulations)
10 and Executive orders.

11 (D) PROHIBITED ACTIVITIES.—Within the
12 area of the Special Management Area identified
13 on the Map as “East Hermosa Area” the fol-
14 lowing activities shall be prohibited:

15 (i) New permanent or temporary road
16 construction or the renovation of existing
17 nonsystem roads, except as allowed under
18 the final rule entitled “Special Areas;
19 Roadless Area Conservation; Applicability
20 to the National Forests in Colorado” (77
21 Fed. Reg. 39576 (July 3, 2012)).

22 (ii) Projects undertaken for the pur-
23 pose of harvesting commercial timber
24 (other than activities relating to the har-
25 vest of merchantable products that are by-

1 products of activities conducted for ecologi-
2 cal restoration or to further the purposes
3 described in this Act).

4 (c) MAP AND LEGAL DESCRIPTION.—

5 (1) IN GENERAL.—As soon as practicable after
6 the date of enactment of this Act, the Secretary
7 shall prepare a map and a legal description of the
8 Special Management Area.

9 (2) FORCE OF LAW.—The map and legal de-
10 scription prepared under paragraph (1) shall have
11 the same force and effect as if included in this Act,
12 except that the Secretary may correct clerical and
13 typographical errors in the map and legal descrip-
14 tion.

15 (3) PUBLIC AVAILABILITY.—The map and legal
16 description prepared under paragraph (1) shall be
17 on file and available for public inspection in the ap-
18 propriate offices of the Forest Service.

19 (d) INCORPORATION OF ACQUIRED LAND AND IN-
20 TERESTS IN LAND.—Any land or interest in land that is
21 acquired by the United States within the boundary of the
22 Special Management Area shall—

23 (1) only occur through donation or exchange
24 with the written consent of the property owner;

1 (2) become part of the Special Management
2 Area;

3 (3) be withdrawn in accordance with subsection
4 (h); and

5 (4) be managed in accordance with—

6 (A) this Act; and

7 (B) any other applicable laws.

8 (e) FISH AND WILDLIFE.—Nothing in this Act af-
9 fects the jurisdiction or responsibility of the State with
10 respect to fish and wildlife in the State.

11 (f) STATE AND FEDERAL WATER MANAGEMENT.—

12 Nothing in this Act shall affect the development, oper-
13 ation, or maintenance of a water storage reservoir, includ-
14 ing necessary ancillary roads and transmission infrastruc-
15 ture, at the site in the Special Management Area that is
16 identified in—

17 (1) pages 17 through 20 of the Statewide
18 Water Supply Initiative studies prepared by the Col-
19 orado Water Conservation Board and issued by the
20 State in November 2004; and

21 (2) page 27 of the Colorado Dam Site Inven-
22 tory prepared by the Colorado Water Conservation
23 Board and dated August 1996.

24 (g) WITHDRAWAL.—Subject to valid rights in exist-
25 ence on the date of enactment of this Act, the Federal

1 land within the Special Management Area is withdrawn
2 from—

3 (1) all forms of entry, appropriation, and dis-
4 posal under the public land laws;

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

7 (3) operation of the mineral leasing, mineral
8 materials, and geothermal leasing laws.

9 (h) ADJACENT MANAGEMENT.—

10 (1) IN GENERAL.—The Special Management
11 Area designated by subsection (a) or the wilderness
12 designated by the Colorado Wilderness Act of 1993
13 (16 U.S.C. 1132 note; Public Law 103–77; 107
14 Stat. 756, 114 Stat. 1955, 116 Stat. 1055) (as
15 added by sections 7(a) and 10(b)) shall not create
16 a protective perimeter or buffer zone around the
17 Special Management Area or wilderness.

18 (2) OTHER ACTIVITIES.—The fact that activi-
19 ties or uses can be seen, heard, or detected from
20 areas within the wilderness designated by the Colo-
21 rado Wilderness Act of 1993 (16 U.S.C. 1132 note;
22 Public Law 103–77; 107 Stat. 756, 114 Stat. 1955,
23 116 Stat. 1055) (as added by sections 7(a) and
24 10(b)) shall not preclude, limit, control, regulate, or

1 determine the conduct of the activities or uses out-
2 side the boundary of the wilderness.

3 (i) WINTER SKIING AND RELATED WINTER ACTIVI-
4 TIES.—Nothing in this Act alters or limits—

5 (1) a permit held by a ski area;

6 (2) the implementation of the activities gov-
7 erned by a ski area permit; or

8 (3) the authority of the Secretary to modify or
9 expand an existing ski area permit.

10 (j) VEGETATION MANAGEMENT.—Nothing in this
11 section prevents the Secretary from conducting vegetation
12 management projects within the Special Management
13 Area—

14 (1) subject to—

15 (A) such reasonable regulations, policies,
16 and practices as the Secretary determines ap-
17 propriate; and

18 (B) all applicable laws (including regula-
19 tions); and

20 (2) in a manner consistent with—

21 (A) the purposes and management de-
22 scribed in section 2; and

23 (B) this section.

24 (k) WILDFIRE, INSECT, AND DISEASE MANAGE-
25 MENT.—Consistent with this section, the Secretary is au-

1 thORIZED to take any measures that the Secretary deter-
2 mines to be necessary to manage wildland fire and treat
3 hazardous fuels, insects, and diseases in the Special Man-
4 agement Area. The Secretary is further authorized to co-
5 ordinate such measures with the appropriate State or local
6 agency, should the Secretary determine such coordination
7 to be necessary.

8 (1) **MANAGEMENT PLAN.**—Not later than 3 years
9 after the date of enactment of this Act, the Secretary shall
10 develop a management plan for the long-term protection
11 and management of the Special Management Area that—

12 (1) takes into account public input and the pur-
13 poses in section 2; and

14 (2) provides for the recreational opportunities
15 referred to in section 2(6) to occur within the Spe-
16 cial Management Area.

17 **SEC. 6. STATE WATER RIGHTS.**

18 Nothing in section 5 affects access to, use, or alloca-
19 tion of any absolute or conditional water right decreed
20 under the laws of the State and in existence on the date
21 of enactment of this Act.

22 **SEC. 7. HERMOSA CREEK WILDERNESS.**

23 (a) **DESIGNATION OF WILDERNESS.**—Section 2(a) of
24 the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
25 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955,

1 116 Stat. 1055) is amended by adding at the end the fol-
2 lowing:

3 “(22) Certain land within the San Juan Na-
4 tional Forest which comprise approximately 37,236
5 acres, as generally depicted on the Map, and which
6 shall be known as the ‘Hermosa Creek Wilder-
7 ness’.”.

8 (b) EFFECTIVE DATE.—Any reference in the Wilder-
9 ness Act (16 U.S.C. 1131 et seq.) to the effective date
10 of that Act shall be considered to be a reference to the
11 date of enactment of this Act for purposes of admin-
12 istering the wilderness area designated by section 2(a)(22)
13 of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
14 note; Public Law 103–77; 107 Stat. 756, 114 Stat. 1955,
15 116 Stat. 1055) (as added by subsection (a)).

16 (c) FIRE, INSECTS, AND DISEASES.—As provided in
17 section 4(d)(1) of the Wilderness Act (16 U.S.C.
18 1133(d)(1)), within the wilderness areas designated by
19 section 2(a)(22) of the Colorado Wilderness Act of 1993
20 (16 U.S.C. 1132 note; Public Law 103–77; 107 Stat. 756,
21 114 Stat. 1955, 116 Stat. 1055) (as added by subsection
22 (a) and section 10(b)), the Secretary may take any meas-
23 ure that the Secretary determines to be necessary to con-
24 trol fire, insects, and diseases, subject to such terms and
25 conditions as the Secretary determines to be appropriate.

1 **SEC. 8. DURANGO AREA MINERAL WITHDRAWAL.**

2 (a) **WITHDRAWAL.**—Subject to valid existing rights,
3 the land and mineral interests described in subsection (b)
4 are withdrawn from all forms of—

5 (1) entry, appropriation, or disposal under pub-
6 lic land laws;

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

9 (3) disposition under all laws relating to min-
10 eral leasing, geothermal leasing, or mineral mate-
11 rials.

12 (b) **DESCRIPTION OF LAND AND MINERAL INTER-**
13 **ESTS.**—The land and mineral interests referred to in sub-
14 section (a) are the Federal land and mineral interests gen-
15 erally depicted within the “Withdrawal Areas” on the map
16 entitled “Perins Peak & Animas City Mountain, Horse
17 Gulch and Lake Nighthorse Mineral Withdrawal” and
18 dated April 5, 2013.

19 (c) **BUFFER.**—Nothing in this section shall require—

20 (1) the creation of a protective perimeter or
21 buffer area outside the boundaries of the withdrawal
22 area described in subsection (b); or

23 (2) any prohibition or limitation on activities
24 outside of the boundaries of the withdrawal area de-
25 scribed in subsection (b) that can be seen, heard, or

1 detected from within the boundaries of the with-
2 drawal area.

3 (d) PUBLIC PURPOSE CONVEYANCE.—Notwith-
4 standing subsection (a), the Secretary may convey any
5 portion of the land described in subsection (b) to the City,
6 the County, or the State—

7 (1) pursuant to the Act of June 14, 1926 (com-
8 monly known as the “Recreation and Public Pur-
9 poses Act”) (43 U.S.C. 869 et seq.); or

10 (2) by exchange in accordance with applicable
11 laws (including regulations).

12 **SEC. 9. CONVEYANCE OF BUREAU OF LAND MANAGEMENT**
13 **LAND TO LA PLATA COUNTY.**

14 (a) IN GENERAL.—On the expiration of the permit
15 numbered COC 64651 (09) and dated February 24, 2009,
16 upon request and agreement of the County, the Secretary
17 of the Interior shall convey to the County, without consid-
18 eration and subject to valid existing rights, all right, title,
19 and interest of the United States in and to the land de-
20 scribed in subsection (b), subject to such terms and condi-
21 tions as the Secretary determines to be necessary.

22 (b) DESCRIPTION OF LAND.—The land referred to in
23 subsection (a) consists of approximately 111 acres of land
24 managed by the Bureau of Land Management, Tres Rios
25 District, Colorado, as generally depicted on the map enti-

1 tled “La Plata County Grandview Conveyance” and dated
2 March 27, 2013.

3 (c) MAP AND LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary of
6 the Interior shall finalize the legal description of the
7 parcel to be conveyed under this section.

8 (2) MINOR ERRORS.—The Secretary of the In-
9 terior may correct any minor error in—

10 (A) the map; or

11 (B) the legal description.

12 (3) AVAILABILITY.—The map and legal descrip-
13 tion shall be on file and available for public inspec-
14 tion in the appropriate offices of the Bureau of
15 Land Management.

16 (d) ADMINISTRATIVE COSTS.—As a condition of the
17 conveyance under subsection (a), the Secretary of the In-
18 terior shall require the County to pay all administrative
19 costs and costs associated with the conveyance.

20 **SEC. 10. MOLAS PASS RECREATION AREA; WEMINUCHE**
21 **WILDERNESS ADDITION; WILDERNESS STUDY**
22 **AREA RELEASE.**

23 (a) MOLAS PASS RECREATION AREA.—

24 (1) DESIGNATION.—The approximately 461
25 acres of land in San Juan County, Colorado, that is

1 generally depicted as “Molas Pass Recreation Area”
2 on the map entitled “West Needles Contiguous Wil-
3 derness Study Area” and dated September 11, 2014,
4 is designated as the Molas Pass Recreation Area.

5 (2) LEGAL DESCRIPTION.—

6 (A) IN GENERAL.—As soon as practicable
7 after the date of enactment of this Act, the Sec-
8 retary shall prepare a legal description of the
9 Molas Pass Recreation Area.

10 (B) FORCE OF LAW.—The legal descrip-
11 tion under paragraph (1) shall have the same
12 force and effect as if included in this Act, ex-
13 cept that the Secretary may correct any errors
14 in the legal description.

15 (C) PUBLIC AVAILABILITY.—The legal de-
16 scription prepared under paragraph (1) shall be
17 on file and available for public inspection in the
18 appropriate offices of the Bureau of Land Man-
19 agement.

20 (3) USE OF SNOWMOBILES.—The use of snow-
21 mobiles shall be authorized in the Molas Pass Recre-
22 ation Area—

23 (A) during periods of adequate snow cov-
24 erage;

1 (B) in accordance with the Federal Land
2 Policy and Management Act of 1976 (42 U.S.C.
3 1701 et seq.) and applicable laws and regula-
4 tions;

5 (C) on designated trails identified as
6 “Winter Use Routes and Grooming Trails” and
7 “Historic Snow Dependent Use Route” on the
8 map entitled, “Winter Use Routes and Groom-
9 ing Trails” and dated September 11, 2014;

10 (D) in designated areas for open area mo-
11 torized travel; and

12 (E) subject to such terms and conditions
13 as the Secretary may require; however, the Sec-
14 retary shall not close any road or trail, or a
15 portion of a road or trail, in the Molas Pass
16 Recreation Area without simultaneously opening
17 a road or trail, or a portion of a road or trail,
18 of equivalent value in the immediate vicinity.

19 (4) OTHER RECREATIONAL OPPORTUNITIES.—

20 The Secretary shall authorize other recreational uses
21 in the Molas Pass Recreation Area including, but
22 not limited to, mountain biking.

23 (b) WEST NEEDLES CONTIGUOUS WSA ADDITION
24 TO THE WEMINUCHE WILDERNESS.—

1 (1) WILDERNESS ADDITION.—Section 2(a)(16)
2 of the Colorado Wilderness Act of 1993 (16 U.S.C.
3 1132 note; Public Law 103–77; 107 Stat. 756, 114
4 Stat. 1955, 116 Stat. 1055) is amended by striking
5 “Certain” and inserting “Certain lands within the
6 San Juan National Forest which comprise approxi-
7 mately 499 acres generally depicted as “Weminuche
8 Wilderness Addition” on the map entitled “West
9 Needles Contiguous Wilderness Study Area” and
10 dated September 11, 2014, and certain”.

11 (2) EFFECTIVE DATE.—Any reference in the
12 Wilderness Act (16 U.S.C. 1131 et seq.) to the ef-
13 fective date of that Act shall be considered to be a
14 reference to the date of enactment of this Act for
15 purposes of administering the wilderness area des-
16 ignated by section 2(a)(16) of the Colorado Wilder-
17 ness Act of 1993 (16 U.S.C. 1132 note; Public Law
18 103–77; 107 Stat. 756, 114 Stat. 1955, 116 Stat.
19 1055) (as added by paragraph (1)).

20 (3) TRANSFER OF ADMINISTRATIVE JURISDIC-
21 TION.—Administrative jurisdiction over the Federal
22 land designated as wilderness under paragraph (1)
23 is transferred from the Bureau of Land Manage-
24 ment to the Forest Service.

25 (c) RELEASE.—

1 (1) FINDING.—Congress finds that the land de-
2 scribed in paragraph (3) has been adequately stud-
3 ied for wilderness designation under section 603 of
4 the Federal Land Policy and Management Act of
5 1976 (43 U.S.C. 1782).

6 (2) RELEASE.—The land described in para-
7 graph (3)—

8 (A) is no longer subject to section 603(c)
9 of the Federal Land Policy and Management
10 Act of 1976 (43 U.S.C. 1782(c));

11 (B) shall be managed in accordance with
12 land management plans adopted under section
13 202 of that Act (43 U.S.C. 1712) and shall no
14 longer be subject to any requirement pertaining
15 to the management of wilderness, wilderness
16 character, or wilderness value; and

17 (C) is no longer subject to any new
18 issuance or system wide regulation, directive,
19 instruction memorandum or order that would
20 direct management of the public lands released
21 by this subsection as wilderness or containing
22 wilderness character or value, including Secre-
23 tarial Order 3310 issued on December 22,
24 2010.

1 (3) DESCRIPTION OF LAND.—The land referred
2 to in paragraphs (1) and (2) is the approximately
3 461 acres of land in the West Needles Contiguous
4 Wilderness Study Area of San Juan County, Colo-
5 rado, that is generally depicted as “Molas Pass
6 Recreation Area” on the map entitled “West Needles
7 Contiguous Wilderness Study Area Release Area”
8 and dated September 11, 2014.

9 **SEC. 11. MILITARY OVERFLIGHTS.**

10 Nothing in this Act restricts or precludes—

11 (1) low-level overflights of military aircraft over
12 the areas designated as wilderness under this Act,
13 including military overflights that can be seen,
14 heard, or detected within the wilderness areas;

15 (2) flight testing and evaluation; or

16 (3) the designation or creation of new units of
17 special use airspace, or the establishment of military
18 flight training routes over the wilderness areas.

