

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2546
OFFERED BY MS. DEGETTE OF COLORADO**

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE; DEFINITION.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Colorado Wilderness Act of 2019”.

4 (b) SECRETARY DEFINED.—As used in this Act, the
5 term “Secretary” means the Secretary of the Interior or
6 the Secretary of Agriculture, as appropriate.

**7 SEC. 2. ADDITIONS TO NATIONAL WILDERNESS PRESERVA-
8 TION SYSTEM IN THE STATE OF COLORADO.**

9 (a) ADDITIONS.—Section 2(a) of the Colorado Wil-
10 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;
11 16 U.S.C. 1132 note) is amended—

12 (1) 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 19,839
17 acres, as generally depicted on a map titled ‘Bull
18 Gulch & Castle Peak Proposed Wilderness’, dated

1 October 9, 2019, which shall be known as the Bull
2 Gulch Wilderness.

3 “(23) Certain lands managed by the Colorado
4 River Valley Field Office of the Bureau of Land
5 Management, which comprise approximately 15,987
6 acres, as generally depicted on a map titled ‘Bull
7 Gulch & Castle Peak Proposed Wilderness Areas’,
8 dated October 9, 2019, which shall be known as the
9 Castle Peak Wilderness.

10 “(24) Certain lands managed by the Colorado
11 River Valley Field Office of the Bureau of Land
12 Management, which comprise approximately 316
13 acres, as generally depicted on a map titled ‘Maroon
14 Bells Addition Proposed Wilderness’, dated July 20,
15 2018, which is hereby incorporated in and shall be
16 deemed to be a part of the Maroon Bells-Snowmass
17 Wilderness Area designated by Public Law 88–577.

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

1 “(26) Certain lands managed by the Gunnison
2 Field Office of the Bureau of Land Management or
3 located in the Grand Mesa, Uncompahgre, and Gun-
4 nison National Forests, which comprise approxi-
5 mately 26,734 acres, as generally depicted on a map
6 titled ‘Redcloud & Handies Peak Proposed Wilder-
7 ness’, dated October 9, 2019, which shall be known
8 as the Handies Peak Wilderness.

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

16 “(28) Certain lands managed by the Glenwood
17 Springs Field Office of the Bureau of Land Manage-
18 ment, which comprise approximately 10,282 acres,
19 as generally depicted on a map titled ‘Grand Hog-
20 back Proposed Wilderness’, dated October 16, 2019,
21 which shall be known as the Grand Hogback Wilder-
22 ness.

23 “(29) Certain lands managed by the Glenwood
24 Springs Field Office of the Bureau of Land Manage-
25 ment or located in the White River National Forest,

1 which comprise approximately 16,101 acres, as gen-
2 erally depicted on a map titled ‘Flat Tops Proposed
3 Wilderness Addition’, dated October 9, 2019, and
4 which are hereby incorporated in and shall be
5 deemed to be a part of the Flat Tops Wilderness
6 designated by Public Law 94–146.

7 “(30) Certain lands managed by the Grand
8 Junction Field Office, which comprise approximately
9 25,624 acres, as generally depicted on a map titled
10 ‘Demaree Canyon Proposed Wilderness’, dated Octo-
11 ber 9, 2019, which shall be known as the Demaree
12 Canyon Wilderness.

13 “(31) Certain lands managed by the Grand
14 Junction Field Office, which comprise approximately
15 28,279 acres, as generally depicted on a map titled
16 ‘Little Books Cliff Proposed Wilderness’, dated Oc-
17 tober 9, 2019, which shall be known as the Little
18 Bookcliffs Wilderness.

19 “(32) Certain lands managed by the Glenwood
20 Springs Field Office, which comprise approximately
21 7,376 acres, as generally depicted on a map titled
22 ‘Pisgah East & West Proposed Wilderness’ and
23 dated October 16, 2019, which shall be known as
24 the Pisgah East Wilderness, upon being designated

1 as wilderness as provided by section 3(h)(2) of the
2 Colorado Wilderness Act of 2019.

3 “(33) Certain lands managed by the Glenwood
4 Springs Field Office, which comprise approximately
5 6,828 acres, as generally depicted on a map titled
6 ‘Pisgah East & West Proposed Wilderness’ and
7 dated October 16, 2019, which shall be known as
8 the Pisgah West Wilderness, upon being designated
9 as wilderness as provided by section 3(h)(2) of the
10 Colorado Wilderness Act of 2019.”.

11 (b) FURTHER ADDITIONS.—The following lands in
12 the State of Colorado administered by the Bureau of Land
13 Management or the United States Forest Service are here-
14 by designated as wilderness and, therefore, as components
15 of the National Wilderness Preservation System:

16 (1) Certain lands managed by the Colorado
17 River Valley Field Office of the Bureau of Land
18 Management or located in the White River National
19 Forest, which comprise approximately 19,240 acres,
20 as generally depicted on a map titled “Assignment
21 Ridge Proposed Wilderness”, dated November 12,
22 2019, which shall be known as the Assignment
23 Ridge Wilderness.

24 (2) 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 23,116 acres, as gen-
3 erally depicted on a map titled “Badger Creek Pro-
4 posed Wilderness”, dated November 7, 2019, which
5 shall be known as the Badger Creek Wilderness.

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

13 (4) Certain lands managed by the Royal Gorge
14 Field Office of the Bureau of Land Management or
15 the Bureau of Reclamation or located in the Pike
16 and San Isabel National Forest, which comprise ap-
17 proximately 32,884 acres, as generally depicted on a
18 map titled “Grape Creek Proposed Wilderness”,
19 dated November 7, 2019, which shall be known as
20 the Grape Creek Wilderness.

21 (5) Certain lands managed by the Grand Junc-
22 tion Field Office of the Bureau of Land Manage-
23 ment, which comprise approximately 13,351 acres,
24 as generally depicted on a map titled “North &
25 South Bangs Canyon Proposed Wilderness”, dated

1 October 9, 2019, which shall be known as the North
2 Bangs Canyon Wilderness.

3 (6) Certain lands managed by the Grand Junc-
4 tion Field Office of the Bureau of Land Manage-
5 ment, which comprise approximately 5,144 acres, as
6 generally depicted on a map titled “North & South
7 Bangs Canyon Proposed Wilderness”, dated October
8 9, 2019, which shall be known as the South Bangs
9 Canyon Wilderness.

10 (7) Certain lands managed by the Grand Junc-
11 tion Field Office of the Bureau of Land Manage-
12 ment, which comprise approximately 26,624 acres,
13 as generally depicted on a map titled “Unaweep &
14 Palisade Proposed Wilderness”, dated October 9,
15 2019, which shall be known as The Palisade Wilder-
16 ness.

17 (8) Certain lands managed by the Grand Junc-
18 tion Field Office of the Bureau of Land Manage-
19 ment or located in the Grand Mesa, Uncompaghre,
20 and Gunnison National Forest, which comprise ap-
21 proximately 19,776 acres, as generally depicted on a
22 map titled “Unaweep & Palisade Proposed Wilder-
23 ness”, dated October 9, 2019, which shall be known
24 as the Unaweep Wilderness.

1 (9) Certain lands managed by the Grand Junction
2 Field Office of the Bureau of Land Management and San Juan Field Office and in the Manti-
3 LaSal National Forest, which comprise approximately 37,637 acres, as generally depicted on a map
4 titled “Sewemup Mesa Proposed Wilderness”, dated
5 November 7, 2019, which shall be known as the
6 Sewemup Mesa Wilderness.
7

8 (10) Certain lands managed by the Kremmling
9 Field Office of the Bureau of Land Management,
10 which comprise approximately 31 acres, as generally
11 depicted on a map titled “Platte River Addition Pro-
12 posed Wilderness”, dated July 20, 2018, and which
13 are hereby incorporated in and shall be deemed to
14 be part of the Platte River Wilderness designated by
15 Public Law 98–550.
16

17 (11) Certain lands managed by the
18 Uncompahgre Field Office of the Bureau of Land
19 Management, which comprise approximately 17,587
20 acres, as generally depicted on a map titled
21 “Roubideau Proposed Wilderness”, dated October 9,
22 2019, which shall be known as the Roubideau Wil-
23 derness.

24 (12) Certain lands managed by the
25 Uncompahgre Field Office of the Bureau of Land

1 Management or located in the Grand Mesa,
2 Uncompaghre, and Gunnison National Forest, which
3 comprise approximately 12,102 acres, as generally
4 depicted on a map titled “Norwood Canyon Pro-
5 posed Wilderness”, dated November 7, 2019, which
6 shall be known as the Norwood Canyon Wilderness.

7 (13) Certain lands managed by the San Juan
8 Field Office of the Bureau of Land Management,
9 which comprise approximately 24,475 acres, as gen-
10 erally depicted on a map titled “Cross Canyon Pro-
11 posed Wilderness”, dated October 9, 2019, which
12 shall be known as the Cross Canyon Wilderness.

13 (14) Certain lands managed by the San Juan
14 Field Office of the Bureau of Land Management,
15 which comprise approximately 21,220 acres, as gen-
16 erally depicted on a map titled “McKenna Peak Pro-
17 posed Wilderness”, dated October 16, 2019, which
18 shall be known as the McKenna Peak Wilderness.

19 (15) Certain lands managed by the San Juan
20 Field Office of the Bureau of Land Management,
21 which comprise approximately 14,270 acres, as gen-
22 erally depicted on a map titled “Weber-Menefee
23 Mountain Proposed Wilderness”, dated October 9,
24 2019, which shall be known as the Weber-Menefee
25 Mountain Wilderness.

1 (16) Certain lands managed by the
2 Uncompahgre and San Juan Field Offices of the
3 Bureau of Land Management or the Bureau of Rec-
4 lamation, which comprise approximately 33,351
5 acres, as generally depicted on a map titled “Dolores
6 River Canyon Proposed Wilderness”, dated Novem-
7 ber 7, 2019, which shall be known as the Dolores
8 River Canyon Wilderness.

9 (17) Certain lands managed by the Royal Gorge
10 Field Office of the Bureau of Land Management or
11 located in the Pike and San Isabel National Forests,
12 which comprise approximately 17,922 acres, as gen-
13 erally depicted on a map titled “Browns Canyon
14 Proposed Wilderness”, dated October 9, 2019, which
15 shall be known as the Browns Canyon Wilderness.

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

22 (19) Certain lands managed by the Royal Gorge
23 Field Office of the Bureau of Land Management,
24 which comprise approximately 23,559 acres, as gen-
25 erally depicted on a map titled “Table Mountain &

1 McIntyre Hills Proposed Wilderness”, dated Novem-
2 ber 7, 2019, which shall be known as the Table
3 Mountain Wilderness.

4 (c) WEST ELK ADDITION.—Certain lands in the
5 State of Colorado administered by the Gunnison Field Of-
6 fice of the Bureau of Land Management, the United
7 States National Park Service, and the Bureau of Reclama-
8 tion, which comprise approximately 6,695 acres, as gen-
9 erally depicted on a map titled “West Elk Addition Pro-
10 posed Wilderness”, dated October 9, 2019, are hereby des-
11 ignated as wilderness and, therefore, as components of the
12 National Wilderness Preservation System and are hereby
13 incorporated in and shall be deemed to be a part of the
14 West Elk Wilderness designated by Public Law 88–577.
15 The boundary adjacent to Blue Mesa Reservoir shall be
16 50 feet landward from the water’s edge, and shall change
17 according to the water level.

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

24 (e) MAPS AND DESCRIPTIONS.—As soon as prac-
25 ticable after the date of enactment of the Act, the Sec-

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

14 (f) STATE AND PRIVATE LANDS.—Lands within the
15 exterior boundaries of any wilderness area designated
16 under this section that are owned by a private entity or
17 by the State of Colorado, including lands administered by
18 the Colorado State Land Board, shall be included within
19 such wilderness area if such lands are acquired by the
20 United States. Such lands may be acquired by the United
21 States only as provided in the Wilderness Act (16 U.S.C.
22 1131 et seq.).

23 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

24 (a) IN GENERAL.—Subject to valid existing rights,
25 lands designated as wilderness by this Act shall be man-

1 aged by the Secretary in accordance with the Wilderness
2 Act (16 U.S.C. 1131 et seq.) and this Act, except that,
3 with respect to any wilderness areas designated by this
4 Act, any reference in the Wilderness Act to the effective
5 date of the Wilderness Act shall be deemed to be a ref-
6 erence to the date of enactment of this Act.

7 (b) GRAZING.—Grazing of livestock in wilderness
8 areas designated by this Act shall be administered in ac-
9 cordance with the provisions of section 4(d)(4) of the Wil-
10 derness Act (16 U.S.C. 1133(d)(4)), as further inter-
11 preted by section 108 of Public Law 96–560, and the
12 guidelines set forth in appendix A of House Report 101–
13 405 of the 101st Congress.

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

19 (d) BUFFER ZONES.—

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

23 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
24 fact that an activity or use on land outside the areas
25 designated as wilderness by section 2 can be seen or

1 heard within the wilderness shall not preclude the
2 activity or use outside the boundary of the wilder-
3 ness.

4 (e) MILITARY HELICOPTER OVERFLIGHTS AND OP-
5 ERATIONS.—

6 (1) IN GENERAL.—Nothing in this Act restricts
7 or precludes—

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

13 (B) military flight testing and evaluation;

14 (C) the designation or creation of new
15 units of special use airspace, or the establish-
16 ment of military flight training routes over any
17 wilderness area; or

18 (D) helicopter operations at designated
19 landing zones within the following five regions:

20 (i) Flat Tops Wilderness;

21 (ii) Bull Gulch Wilderness;

22 (iii) Castle Peak Wilderness;

23 (iv) Pisgah East Wilderness; and

24 (v) Pisgah West Wilderness.

1 (2) AERIAL NAVIGATION TRAINING EXER-
2 CISES.—The Colorado Army National Guard,
3 through the High-Altitude Army National Guard
4 Aviation Training Site, may conduct aerial naviga-
5 tion training maneuver exercises over, and associ-
6 ated operations within, the wilderness areas des-
7 ignated by this Act—

8 (A) in a manner and degree consistent
9 with the memorandum of understanding dated
10 August 4, 1987, entered into among the Colo-
11 rado Army National Guard, the Bureau of
12 Land Management, and the Forest Service; or

13 (B) in a manner consistent with any subse-
14 quent memorandum of understanding entered
15 into among the Colorado Army National Guard,
16 the Bureau of Land Management, and the For-
17 est Service.

18 (f) RUNNING EVENTS.—The Secretary may continue
19 to authorize competitive running events currently per-
20 mitted in the Redcloud Peak Wilderness Area and
21 Handies Peak Wilderness Area in a manner compatible
22 with the preservation of such areas as wilderness.

23 (g) LAND TRADES.—If the Secretary trades privately
24 owned land within the perimeter of the Redcloud Peak
25 Wilderness Area or the Handies Peak Wilderness Area in

1 exchange for Federal land, then such Federal land shall
2 be located in Hinsdale County, Colorado.

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

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

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

12 (i) POTENTIAL WILDERNESS DESIGNATIONS.—

13 (1) IN GENERAL.—The following lands are des-
14 ignated as potential wilderness areas:

15 (A) Certain lands managed by the Glen-
16 wood Springs Field Office, which comprise ap-
17 proximately 7,376 acres, as generally depicted
18 on a map titled “Pisgah East & West Proposed
19 Wilderness” and dated October 16, 2019,
20 which, upon designation as wilderness under
21 paragraph (2), shall be known as the Pisgah
22 East Wilderness.

23 (B) Certain lands managed by the Glen-
24 wood Springs Field Office, which comprise ap-
25 proximately 6,828 acres, as generally depicted

1 on a map titled “Pisgah East & West Proposed
2 Wilderness” and dated October 16, 2019,
3 which, upon designation as wilderness under
4 paragraph (2), shall be known as the Pisgah
5 West Wilderness.

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

21 (3) MANAGEMENT.—Except for activities pro-
22 vided for under subsection (e), lands designated as
23 a potential wilderness area by paragraph (1) shall be
24 managed by the Secretary in accordance with the
25 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.

1 (ii) ESTABLISHMENT OF WATER
2 RIGHTS.—

3 (I) IN GENERAL.—Except as pro-
4 vided in subclause (II), the purposes
5 and other substantive characteristics
6 of the water rights pursued under this
7 paragraph shall be established in ac-
8 cordance with State law.

9 (II) EXCEPTION.—Notwith-
10 standing subclause (I) and in accord-
11 ance with this Act, the Secretary may
12 appropriate and seek adjudication of
13 water rights to maintain surface water
14 levels and stream flows on and across
15 the wilderness designated by section
16 2(b) to fulfill the purposes of such
17 wilderness.

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

23 (D) REQUIRED DETERMINATION.—The
24 Secretary shall not pursue adjudication for any
25 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

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

4 (F) INSUFFICIENT WATER RIGHTS.—If the
5 Colorado Water Conservation Board modifies
6 the instream flow water rights obtained under
7 subparagraph (E) to such a degree that the
8 Secretary determines that water rights held by
9 the State are insufficient to fulfill the purposes
10 of this Act, the Secretary shall adjudicate and
11 exercise Federal water rights required to fulfill
12 the purposes of this Act in accordance with sub-
13 paragraph (B).

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

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

21 (ii) the agreement described in sub-
22 paragraph (E)(i)(II) is not fulfilled or com-
23 plied with sufficiently to fulfill the pur-
24 poses 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).

