

118TH CONGRESS
2D SESSION

H. R. 9400

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

AUGUST 23, 2024

Ms. DEGETTE introduced the following bill; which was referred to the Committee on Natural Resources

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 2024”.

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 20,171
10 acres, as generally depicted on a map titled ‘Bull
11 Gulch and Castle Peak Proposed Wilderness’, dated
12 June 15, 2018, which shall be known as the Bull
13 Gulch Wilderness.

14 “(24) Certain lands managed by the Colorado
15 River Valley Field Office of the Bureau of Land
16 Management, which comprise approximately 16,230
17 acres, as generally depicted on a map titled ‘Bull
18 Gulch and Castle Peak Proposed Wilderness Areas’,
19 dated June 15, 2018, which shall be known as the
20 Castle Peak Wilderness.

21 “(25) Certain lands managed by the Colorado
22 River Valley Field Office of the Bureau of Land
23 Management, which comprise approximately 312
24 acres, as generally depicted on a map titled ‘Maroon
25 Bells Addition Proposed Wilderness’, dated June 15,
26 2018, which is hereby incorporated in and shall be

1 deemed to be a part of the Maroon Bells-Snowmass
2 Wilderness Area designated by Public Law 88–577.

3 “(26) Certain lands managed by the Gunnison
4 Field Office of the Bureau of Land Management,
5 which comprise approximately 38,176 acres, as gen-
6 erally depicted on a map titled ‘Redcloud & Handies
7 Peak Proposed Wilderness’, dated June 16, 2018,
8 which shall be known as the Redcloud Peak Wilder-
9 ness.

10 “(27) Certain lands managed by the Gunnison
11 Field Office of the Bureau of Land Management or
12 located in the Grand Mesa, Uncompahgre, and Gun-
13 nison National Forests, which comprise approxi-
14 mately 26,557 acres, as generally depicted on a map
15 titled ‘Redcloud & Handies Peak Proposed Wilder-
16 ness’, dated June 16, 2018, which shall be known as
17 the Handies Peak Wilderness.

18 “(28) Certain lands managed by the Royal
19 Gorge Field Office of the Bureau of Land Manage-
20 ment, which comprise approximately 17,213 acres,
21 as generally depicted on a map titled ‘McIntyre Hills
22 Proposed Wilderness’, dated June 15, 2018, which
23 shall be known as the McIntyre Hills Wilderness.

24 “(29) Certain lands managed by the Glenwood
25 Springs Field Office of the Bureau of Land Manage-

1 ment, which comprise approximately 11,291 acres,
2 as generally depicted on a map titled ‘Grand Hog-
3 back Proposed Wilderness’, dated June 15, 2018,
4 which shall be known as the Grand Hogback Wilder-
5 ness.

6 “(30) Certain lands managed by the Glenwood
7 Springs Field Office of the Bureau of Land Manage-
8 ment or located in the White River National Forest,
9 which comprise approximately 16,305 acres, as gen-
10 erally depicted on a map titled ‘Flat Tops Proposed
11 Wilderness Addition’, dated June 15, 2018, and
12 which are hereby incorporated in and shall be
13 deemed to be a part of the Flat Tops Wilderness
14 designated by Public Law 94–146.

15 “(31) Certain lands managed by the Grand
16 Junction Field Office, which comprise approximately
17 25,897 acres, as generally depicted on a map titled
18 ‘Demaree Canyon Proposed Wilderness’, dated June
19 15, 2018, which shall be known as the Demaree
20 Canyon Wilderness.

21 “(32) Certain lands managed by the Grand
22 Junction Field Office, which comprise approximately
23 29,045 acres, as generally depicted on a map titled
24 ‘South Shale Ridge & Little Book Cliffs Proposed

1 Wilderness’, dated June 15, 2018, which shall be
2 known as the Little Bookcliffs Wilderness.

3 “(33) Certain lands managed by the Grand
4 Junction Field Office, which comprise approximately
5 27,517 acres, as generally depicted on a map titled
6 ‘South Shale Ridge & Little Book Cliffs Proposed
7 Wilderness’, dated June 15, 2018, which shall be
8 known as the South Shale Ridge Wilderness.

9 “(34) Certain lands managed by the Glenwood
10 Springs Field Office or located in the White River
11 National Forest, which comprise approximately
12 20,742 acres, as generally depicted on a map titled
13 ‘Deep Creek Proposed Wilderness’, dated June 15,
14 2018, upon being designated as wilderness as pro-
15 vided by section 3(h)(2) of the Colorado Wilderness
16 Act of 2024.

17 “(35) Certain lands managed by the Glenwood
18 Springs Field Office, which comprise approximately
19 14,538 acres, as generally depicted on a map titled
20 ‘Pisgah Mountain Proposed Wilderness’ and date is
21 June 15, 2018, upon being designated as wilderness
22 as provided by section 3(h)(2) of the Colorado Wil-
23 derness Act of 2024.

24 “(36) Certain lands managed by the Tres Rios
25 Field Office, which comprise approximately 29,118

1 acres, as generally depicted on a map titled ‘Bug
2 Canyon and Cross Canyon Proposed Wilderness’,
3 dated September 28, 2023, which shall be known as
4 the Bug Canyon and Cross Canyon Wilderness Area.

5 “(37) Certain lands managed by the Colorado
6 River Valley Field Office, which comprise approxi-
7 mately 30,935 acres, as generally depicted on a map
8 titled ‘Bull Gulch and Castle Peak Proposed Wilder-
9 ness’, dated September 28, 2023, which shall be
10 known as the Bull Gulch and Castle Peak Wilder-
11 ness Area.

12 “(38) Certain lands managed by the Tres Rios
13 Field Office, which comprise approximately 31,406
14 acres, as generally depicted on a map titled ‘McKen-
15 na Peak Proposed Wilderness’, dated September 28,
16 2023, which shall be known as the McKenna Peak
17 Wilderness Area.

18 “(39) Certain lands managed by the Tres Rios
19 Field Office and Uncompahgre Field Office, which
20 comprise approximately 56,206 acres, as generally
21 depicted on a map titled ‘Dolores River Canyon Pro-
22 posed Wilderness’, dated November 14, 2023, which
23 shall be known as the Dolores River Canyon Wilder-
24 ness Area.

1 “(40) Certain lands managed by the
2 Uncompahgre Field Office and Grand Junction
3 Field Office, which comprise approximately 39,919
4 acres, as generally depicted on a map titled
5 ‘Sewemup Mesa Proposed Wilderness’, dated No-
6 vember 14, 2023, which shall be known as the
7 Sewemup Mesa Wilderness Area.”.

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

13 (1) Certain lands managed by the Colorado
14 River Valley Field Office of the Bureau of Land
15 Management or located in the White River National
16 Forest, which comprise approximately 25,232 acres,
17 as generally depicted on a map titled “Assignment
18 Ridge Proposed Wilderness”, dated July 11, 2018,
19 which shall be known as the Assignment Ridge Wil-
20 derness.

21 (2) Certain lands managed by the Royal Gorge
22 Field Office of the Bureau of Land Management or
23 located in the Pike and San Isabel National Forests,
24 which comprise approximately 25,192 acres, as gen-
25 erally depicted on a map titled “Badger Creek Pro-

1 posed Wilderness Area”, dated June 15, 2018,
2 which shall be known as the Badger Creek Wilder-
3 ness.

4 (3) Certain lands managed by the Royal Gorge
5 Field Office of the Bureau of Land Management or
6 located in the Pike and San Isabel National Forests,
7 which comprise approximately 38,253 acres, as gen-
8 erally depicted on a map titled “Beaver Creek Pro-
9 posed Wilderness Area”, dated June 15, 2018,
10 which shall be known as the Beaver Creek Wilder-
11 ness.

12 (4) Certain lands managed by the Royal Gorge
13 Field Office of the Bureau of Land Management or
14 the Bureau of Reclamation or located in the Pike
15 and San Isabel National Forest, which comprise ap-
16 proximately 35,535 acres, as generally depicted on a
17 map titled “Grape Creek Proposed Wilderness”,
18 dated June 15, 2018, which shall be known as the
19 Grape Creek Wilderness.

20 (5) Certain lands managed by the Grand Junc-
21 tion Field Office of the Bureau of Land Manage-
22 ment, which comprise approximately 20,996 acres,
23 as generally depicted on a map titled “Bangs Can-
24 yon Proposed Wilderness”, dated June 15, 2018,

1 which shall be known as the Bangs Canyon Wilder-
2 ness.

3 (6) Certain lands managed by the Grand Junc-
4 tion Field Office of the Bureau of Land Manage-
5 ment, which comprise approximately 27,150 acres,
6 as generally depicted on a map titled “UnawEEP &
7 Palisade Proposed Wilderness”, dated June 15,
8 2018, which shall be known as the Palisade Wilder-
9 ness.

10 (7) Certain lands managed by the Grand Junc-
11 tion Field Office of the Bureau of Land Manage-
12 ment or located in the Grand Mesa, Uncompaghre,
13 and Gunnison National Forest, which comprise ap-
14 proximately 20,420 acres, as generally depicted on a
15 map titled “UnawEEP & Palisade Proposed Wilder-
16 ness”, dated June 15, 2018, which shall be known
17 as the UnawEEP Wilderness.

18 (8) Certain lands managed by the Grand Junc-
19 tion Field Office of the Bureau of Land Manage-
20 ment and San Juan Field Office and in the Manti-
21 LaSal National Forest, which comprise approxi-
22 mately 45,220 acres, as generally depicted on a map
23 titled “Sewemup Mesa Proposed Wilderness”, dated
24 June 15, 2018, which shall be known as the
25 Sewemup Mesa Wilderness.

1 (9) Certain lands managed by the Kremmling
2 Field Office of the Bureau of Land Management,
3 which comprise approximately 31 acres, as generally
4 depicted on a map titled “Platte River Addition Pro-
5 posed Wilderness”, dated June 15, 2018, and which
6 are hereby incorporated in and shall be deemed to
7 be part of the Platte River Wilderness designated by
8 Public Law 98–550.

9 (10) Certain lands managed by the
10 Uncompahgre Field Office of the Bureau of Land
11 Management, which comprise approximately 17,660
12 acres, as generally depicted on a map titled
13 “Roubideau Proposed Wilderness”, dated June 15,
14 2018, which shall be known as the Roubideau Wil-
15 derness.

16 (11) Certain lands managed by the
17 Uncompahgre Field Office of the Bureau of Land
18 Management or located in the Grand Mesa,
19 Uncompaghre, and Gunnison National Forest, which
20 comprise approximately 12,986 acres, as generally
21 depicted on a map titled “Norwood Canyon Pro-
22 posed Wilderness”, dated June 15, 2018, which shall
23 be known as the Norwood Canyon Wilderness.

24 (12) Certain lands managed by the San Juan
25 Field Office of the Bureau of Land Management,

1 which comprise approximately 26,776 acres, as gen-
2 erally depicted on a map titled “Cross Canyon Pro-
3 posed Wilderness”, dated June 15, 2018, which shall
4 be known as the Cross Canyon Wilderness.

5 (13) Certain lands managed by the San Juan
6 Field Office of the Bureau of Land Management,
7 which comprise approximately 33,114 acres, as gen-
8 erally depicted on a map titled “McKenna Peak Pro-
9 posed Wilderness”, dated June 15, 2018, which shall
10 be known as the McKenna Peak Wilderness.

11 (14) Certain lands managed by the San Juan
12 Field Office of the Bureau of Land Management
13 Certain lands, which comprise approximately 14,339
14 acres, as generally depicted on a map titled “Weber-
15 Menefee Mountain Proposed Wilderness”, dated
16 June 15, 2018, which shall be known as the Weber-
17 Menefee Mountain Wilderness.

18 (15) Certain lands managed by the
19 Uncompahgre and San Juan Field Offices of the
20 Bureau of Land Management or the Bureau of Rec-
21 lamation, which comprise approximately 34,867
22 acres, as generally depicted on a map titled “Dolores
23 River Canyon Proposed Wilderness”, dated June 15,
24 2018, which shall be known as the Dolores River
25 Canyon Wilderness.

1 (16) Certain lands managed by the San Juan
2 Field Office of the Bureau of Land Management or
3 located in the San Juan National Forest, which
4 comprise approximately 31,752 acres, as generally
5 depicted on a map titled “Snaggletooth Proposed
6 Wilderness”, dated June 15, 2018, which shall be
7 known as the Snaggletooth Wilderness.

8 (17) Certain lands managed by the Royal Gorge
9 Field Office of the Bureau of Land Management or
10 located in the Pike and San Isabel National Forests,
11 which comprise approximately 22,654 acres, as gen-
12 erally depicted on a map titled “Browns Canyon
13 Proposed Wilderness”, dated June 15, 2018, which
14 shall be known as the Browns Canyon Wilderness.

15 (18) Certain lands managed by the San Luis
16 Field Office of the Bureau of Land Management,
17 which comprise approximately 10,871 acres, as gen-
18 erally depicted on a map titled “San Luis Hills Pro-
19 posed Wilderness”, dated June 15, 2018, which shall
20 be known as the San Luis Hills Wilderness.

21 (19) Certain lands managed by the Royal Gorge
22 Field Office of the Bureau of Land Management,
23 which comprise approximately 27,719 acres, as gen-
24 erally depicted on a map titled “Table Mountain

1 Proposed Wilderness”, dated June 15, 2018, which
2 shall be known as the Table Mountain Wilderness.

3 (c) WEST ELK ADDITION.—Certain lands in the
4 State of Colorado administered by the Gunnison Field Of-
5 fice of the Bureau of Land Management, the United
6 States National Park Service, and the Bureau of Reclama-
7 tion, which comprise approximately 6,846 acres, as gen-
8 erally depicted on a map titled “West Elk Addition Pro-
9 posed Wilderness”, dated June 15, 2018, are hereby des-
10 igned as wilderness and, therefore, as components of the
11 National Wilderness Preservation System and are hereby
12 incorporated in and shall be deemed to be a part of the
13 West Elk Wilderness designated by Public Law 88–577.
14 The boundary adjacent to Blue Mesa Reservoir shall be
15 50 feet landward from the water’s edge, and shall change
16 according to the water level.

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

23 (e) MAPS AND DESCRIPTIONS.—As soon as prac-
24 ticable after the date of enactment of the Act, the Sec-
25 retary shall file a map and a boundary description of each

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

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

22 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

23 (a) IN GENERAL.—Subject to valid existing rights,
24 lands designated as wilderness by this Act shall be man-
25 aged by the Secretary in accordance with the Wilderness

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

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

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

18 (d) BUFFER ZONES.—

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

22 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
23 fact that an activity or use on land outside the areas
24 designated as wilderness by section 2 can be seen or
25 heard within the wilderness shall not preclude the

1 activity or use outside the boundary of the wilder-
2 ness.

3 (e) MILITARY HELICOPTER OVERFLIGHTS.—

4 (1) IN GENERAL.—Nothing in this Act restricts
5 or precludes—

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

11 (B) military flight testing and evaluation;
12 or

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

17 (2) AERIAL NAVIGATION TRAINING EXER-
18 CISES.—The Colorado Army National Guard,
19 through the High-Altitude Army National Guard
20 Aviation Training Site, may conduct aerial naviga-
21 tion training maneuver exercises over the wilderness
22 areas designated by this Act—

23 (A) in a manner consistent with the memo-
24 randum of understanding dated August 4,
25 1987, entered into among the Colorado Army

1 National Guard, the Bureau of Land Manage-
2 ment, and the Forest Service; or

3 (B) in a manner consistent with a subse-
4 quent memorandum of understanding entered
5 into among the Colorado Army National Guard,
6 the Bureau of Land Management, and the For-
7 est Service.

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

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

18 (h) POTENTIAL WILDERNESS DESIGNATIONS.—

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

21 (A) Certain lands managed by the Glen-
22 wood Springs Field Office or located in the
23 White River National Forest, which comprise
24 approximately 20,742 acres, as generally de-
25 picted on a map titled “Deep Creek Proposed

1 Wilderness” and dated is June 15, 2018, which,
2 upon designation as wilderness under para-
3 graph (2), shall be known as the Deep Creek
4 Wilderness.

5 (B) Certain lands managed by the Glen-
6 wood Springs Field Office, which comprise ap-
7 proximately 14,538 acres, as generally depicted
8 on a map titled “Pisgah Mountain Proposed
9 Wilderness” and dated June 15, 2018, which,
10 upon designation as wilderness under para-
11 graph (2), shall be known as the Pisgah Moun-
12 tain Wilderness.

13 (2) DESIGNATION AS WILDERNESS.—Lands
14 designated as a potential wilderness area by sub-
15 paragraph (A) or (B) of paragraph (1) shall be des-
16 ignated as wilderness on the date on which the Sec-
17 retary publishes in the Federal Register a notice
18 that all nonconforming uses of those lands author-
19 ized by subsection (e) in the potential wilderness
20 area that would be in violation of the Wilderness Act
21 (16 U.S.C. 1131 et seq.) have ceased. Such publica-
22 tion in the Federal Register and designation as wil-
23 derness shall occur for the potential wilderness area
24 as the nonconforming uses cease in that potential
25 wilderness area and designation as wilderness is not

1 dependent on cessation of nonconforming uses in the
2 other potential wilderness area.

3 (3) MANAGEMENT.—Except for activities pro-
4 vided for under subsection (e), lands designated as
5 a potential wilderness area by paragraph (1) shall be
6 managed by the Secretary in accordance with the
7 Wilderness Act as wilderness pending the designa-
8 tion of such lands as wilderness under this sub-
9 section.

10 **SEC. 4. WATER.**

11 (a) EFFECT ON WATER RIGHTS.—Nothing in this
12 Act—

13 (1) affects the use or allocation, in existence on
14 the date of enactment of this Act, of any water,
15 water right, or interest in water;

16 (2) affects any vested absolute or decreed condi-
17 tional water right in existence on the date of enact-
18 ment of this Act, including any water right held by
19 the United States;

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

22 (4) authorizes or imposes any new reserved
23 Federal water rights; and

24 (5) shall be considered to be a relinquishment
25 or reduction of any water rights reserved or appro-

1 priated by the United States in the State on or be-
2 fore the date of the enactment of this Act.

3 (b) MIDSTREAM AREAS.—

4 (1) PURPOSE.—The purpose of this subsection
5 is to protect for the benefit and enjoyment of
6 present and future generations—

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

14 (B) the water resources of area streams,
15 based on seasonally available flows, that are
16 necessary to support aquatic, riparian, and ter-
17 restrial species and communities.

18 (2) WILDERNESS WATER RIGHTS.—

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

24 (B) STATE LAW.—

1 (i) PROCEDURAL REQUIREMENTS.—
2 Any water rights for which the Secretary
3 pursues adjudication shall be appropriated,
4 adjudicated, changed, and administered in
5 accordance with the procedural require-
6 ments and priority system of State law.

7 (ii) ESTABLISHMENT OF WATER
8 RIGHTS.—

9 (I) IN GENERAL.—Except as pro-
10 vided in subclause (II), the purposes
11 and other substantive characteristics
12 of the water rights pursued under this
13 paragraph shall be established in ac-
14 cordance with State law.

15 (II) EXCEPTION.—Notwithstand-
16 ing subclause (I) and in accordance
17 with this Act, the Secretary may ap-
18 propriate and seek adjudication of
19 water rights to maintain surface water
20 levels and stream flows on and across
21 the wilderness designated by section
22 2(b) to fulfill the purposes of such
23 wilderness.

24 (C) DEADLINE.—The Secretary shall
25 promptly, but not earlier than January 1, 2025,

1 appropriate the water rights required to fulfill
2 the purposes of the wilderness designated by
3 section 2(b).

4 (D) REQUIRED DETERMINATION.—The
5 Secretary shall not pursue adjudication for any
6 instream flow water rights unless the Secretary
7 makes a determination pursuant to subpara-
8 graph (E)(ii) or (F).

9 (E) COOPERATIVE ENFORCEMENT.—

10 (i) IN GENERAL.—The Secretary shall
11 not pursue adjudication of any Federal
12 instream flow water rights established
13 under this paragraph if—

14 (I) the Secretary determines,
15 upon adjudication of the water rights
16 by the Colorado Water Conservation
17 Board, that the Board holds water
18 rights sufficient in priority, amount,
19 and timing to fulfill the purposes of
20 this subsection; and

21 (II) the Secretary has entered
22 into a perpetual agreement with the
23 Colorado Water Conservation Board
24 to ensure full exercise, protection, and
25 enforcement of the State water rights

1 within the Wilderness to reliably fulfill
2 the purposes of this subsection.

3 (ii) ADJUDICATION.—If the Secretary
4 determines that the provisions of clause (i)
5 have not been met, the Secretary shall ad-
6 judicate and exercise any Federal water
7 rights required to fulfill the purposes of
8 the Wilderness in accordance with this
9 paragraph.

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

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

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

4 (ii) the agreement described in sub-
5 paragraph (E)(i)(II) is not fulfilled or com-
6 plied with sufficiently to fulfill the pur-
7 poses of this Act.

8 (3) WATER RESOURCE FACILITY.—Notwith-
9 standing any other provision of law, beginning on
10 the date of enactment of this Act, neither the Presi-
11 dent nor any other officer, employee, or agent of the
12 United States shall fund, assist, authorize, or issue
13 a license or permit for development of any new irri-
14 gation and pumping facility, reservoir, water con-
15 servation work, aqueduct, canal, ditch, pipeline, well,
16 hydropower project, transmission, other ancillary fa-
17 cility, or other water, diversion, storage, or carriage
18 structure in the wilderness designated by section
19 2(b).

20 (c) ACCESS AND OPERATION.—

21 (1) DEFINITION.—As used in this subsection,
22 the term “water resource facility” means irrigation
23 and pumping facilities, reservoirs, water conserva-
24 tion works, aqueducts, canals, ditches, pipelines,
25 wells, hydropower projects, and transmission and

1 other ancillary facilities, and other water diversion,
2 storage, and carriage structures.

3 (2) ACCESS TO WATER RESOURCE FACILI-
4 TIES.—Subject to the provisions of this subsection,
5 the Secretary shall allow reasonable access to water
6 resource facilities in existence on the date of enact-
7 ment of this Act within the areas described in sec-
8 tions 2(b) and 2(c), including motorized access
9 where necessary and customarily employed on routes
10 existing as of the date of enactment of this Act.

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

21 (4) USE OF WATER RESOURCE FACILITIES.—
22 Subject to the provisions of this subsection and sub-
23 section (a)(4), the Secretary shall allow water re-
24 source facilities existing on the date of enactment of
25 this Act within areas described in sections 2(b) and

1 2(c) to be used, operated, maintained, repaired, and
2 replaced to the extent necessary for the continued
3 exercise, in accordance with Colorado State law, of
4 vested water rights adjudicated for use in connection
5 with such facilities by a court of competent jurisdic-
6 tion prior to the date of enactment of this Act. The
7 impact of an existing facility on the water resources
8 and values of the area shall not be increased as a
9 result of changes in the adjudicated type of use of
10 such facility as of the date of enactment of this Act.

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

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