

**§ 410hhh-1. Definitions**

In this subchapter:

**(1) Advisory Council**

The term “Advisory Council” means the Great Sand Dunes National Park Advisory Council established under section 410hhh-6(a)<sup>1</sup> of this title.

**(2) Luis Maria Baca Grant No. 4**

The term “Luis Maria Baca Grant No. 4” means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

**(3) Map**

The term “map” means the map entitled “Great Sand Dunes National Park and Preserve”, numbered 140/80,032 and dated September 19, 2000.

**(4) National monument**

The term “national monument” means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this subchapter.

**(5) National park**

The term “national park” means the Great Sand Dunes National Park established in section 410hhh-2 of this title.

**(6) National wildlife refuge**

The term “wildlife refuge” means the Baca National Wildlife Refuge established in section 410hhh-4 of this title.

**(7) Preserve**

The term “preserve” means the Great Sand Dunes National Preserve established in section 410hhh-3 of this title.

**(8) Resources**

The term “resources” means the resources described in section 410hhh of this title.

**(9) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(10) Uses**

The term “uses” means the uses described in section 410hhh of this title.

(Pub. L. 106-530, §3, Nov. 22, 2000, 114 Stat. 2528.)

**§ 410hhh-2. Great Sand Dunes National Park, Colorado****(a) Establishment**

When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary’s determination in the Federal Register.

<sup>1</sup> So in original. Probably should be section “410hhh-8(a)”.

**(b) Availability of map**

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**(c) Notification**

Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

- (1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and
- (2) the progress of the Secretary in acquiring the necessary lands.

**(d) Abolishment of National Monument**

(1) On the date of establishment of the national park pursuant to subsection (a) of this section, the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this subchapter), regulation, document, record, map, or other paper of the United States to “Great Sand Dunes National Monument” shall be considered a reference to “Great Sand Dunes National Park”.

**(e) Transfer of jurisdiction**

Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

- (1) is depicted on the map as being within the boundaries of the national park or the preserve; and
- (2) is not under the administrative jurisdiction of the National Park Service on November 22, 2000.

(Pub. L. 106-530, §4, Nov. 22, 2000, 114 Stat. 2529.)

## CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## DESIGNATION OF PARK

On Sept. 13, 2004, the Secretary of the Interior made the determination under subsec. (a) of this section and designated the existing Great Sand Dunes National Monument as the Great Sand Dunes National Park. See 69 F.R. 57355.

**§ 410hhh-3. Great Sand Dunes National Preserve, Colorado****(a) Establishment of Great Sand Dunes National Preserve**

(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve.

The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to November 22, 2000, shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-767; 16 U.S.C. 539i note).

**(b) Map and legal description**

(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**(c) Boundary survey**

As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

(Pub. L. 106-530, §5, Nov. 22, 2000, 114 Stat. 2529.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a)(3), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The Colorado Wilderness Act of 1993, referred to in subsec. (a)(3), is Pub. L. 103-77, Aug. 13, 1993, 107 Stat. 756. For complete classification of this Act to the Code, see Short Title note set out under section 539i of this title and Tables.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 410hhh-4. Baca National Wildlife Refuge, Colorado**

**(a) Establishment and purpose**

**(1) Establishment**

**(A) In general**

When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

**(B) Effective date**

The establishment of the refuge under subparagraph (A) shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

**(2) Purpose**

The purpose of the Baca National Wildlife Refuge shall be to restore, enhance, and main-

tain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley.

**(b) Availability of map**

The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

**(c) Administration**

**(1) In general**

The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

**(2) Requirements**

In administering the Baca National Wildlife Refuge, the Secretary shall, to the maximum extent practicable—

(A) emphasize migratory bird conservation; and

(B) take into consideration the role of the Refuge in broader landscape conservation efforts.

**(d) Protection of water resources**

In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses;

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users; and

(3) subject to any agreement in existence as of March 11, 2009, and to the extent consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.

(Pub. L. 106-530, §6, Nov. 22, 2000, 114 Stat. 2530; Pub. L. 111-8, div. E, title I, §117, Mar. 11, 2009, 123 Stat. 724.)

REFERENCES IN TEXT

The National Wildlife Refuge System Administration Act of 1966, referred to in subsec. (c)(1), consists of sections 4 and 5 of Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 927, and is classified to sections 668dd and 668ee of this title. For further details, see Short Title note set out under section 668dd of this title.

Act of September 28, 1962, referred to in subsec. (c)(1), is Pub. L. 87-714, Sept. 28, 1962, 76 Stat. 653, popularly known as the Refuge Recreation Act, which is classified generally to subchapter LXVIII (§460k et seq.) of this chapter.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-8, §117(1), substituted “Establishment and purpose” for “Establishment” in heading, designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and inserted headings, substituted “The establishment of the refuge under subparagraph (A)” for “Such establishment” in subpar. (B), and added par. (2).

Subsec. (c). Pub. L. 111-8, §117(2), designated existing provisions as par. (1), inserted heading, and added par. (2).