

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).

Subsec. (d)(3). Pub. L. 111-8, §117(3), added par. (3).

**§ 410hhh-5. Administration of national park and preserve**

**(a) In general**

The Secretary shall administer the national park and the preserve in accordance with—

- (1) this subchapter; and
- (2) all laws generally applicable to units of the National Park System, including—
  - (A) sections 1, 2, 3, and 4 of this title; and
  - (B) sections 461 to 467 of this title.

**(b) Grazing**

**(1) Acquired State or private land**

With respect to former State or private land on which grazing is authorized to occur on November 22, 2000, and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

**(2) Federal land**

Where grazing is permitted on land that is Federal land as of November 22, 2000, and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

**(3) Termination of leases**

Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

**(c) Hunting, fishing, and trapping**

**(1) In general**

Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

**(2) Administrative exceptions**

The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

**(3) Agency agreement**

Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

**(4) Savings clause**

Nothing in this subchapter affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this subchapter.

**(d) Closed Basin Division, San Luis Valley Project**

Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

- (1) shall not be affected by this subchapter; and
- (2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).<sup>1</sup>

**(e) Withdrawal**

(1) On November 22, 2000, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

- (A) all forms of entry, appropriation, or disposal under the public land laws;
- (B) location, entry, and patent under the mining laws; and
- (C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

- (A) acquired under this subchapter; or
- (B) transferred from any Federal agency after November 22, 2000, for the national monument, the national park or preserve, or the national wildlife refuge.

**(f) Wilderness protection**

(1) Nothing in this subchapter alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-77; 16 U.S.C. 539i note). If any part of this subchapter conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

(Pub. L. 106-530, §7, Nov. 22, 2000, 114 Stat. 2530.)

REFERENCES IN TEXT

The Reclamation Project Authorization Act of 1972, referred to in subsec. (d)(2), is Pub. L. 92-514, Oct. 20, 1972, 86 Stat. 964. Title I of the Act was classified generally to subchapter XXXI (§615aaa et seq.) of chapter 12 of Title 43, Public Lands, prior to its omission from the Code. See Codification notes under sections 615aaa to 615iii of Title 43.

The Wilderness Act, referred to in subsec. (f)(2), 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.

<sup>1</sup> See References in Text note below.