

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.).¹

(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.

¹ See References in Text note below.

The Colorado Wilderness Act of 1993, referred to in subsec. (f)(2), 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.

§ 410hhh-6. Acquisition of property and boundary adjustments

(a) Acquisition authority

(1) Within the area depicted on the map as the “Acquisition Area” or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided*, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) Boundary adjustment

As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b)¹ of this section to include any land or interest acquired.

(c) Administration of acquired lands

(1) General authority

Upon acquisition of lands under subsection (a) of this section, the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands to the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) Forest service administration

(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 4607-9 of this title, the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

(Pub. L. 106-530, § 8, Nov. 22, 2000, 114 Stat. 2532.)

¹ So in original. Probably should be “subsection (c)”.

§ 410hhh-7. Water rights

(a) Omitted

(b) Effect on water rights

(1) In general

Subject to the amendment made by subsection (a) of this section,¹ nothing in this subchapter affects—

(A) the use, allocation, ownership, or control, in existence on November 22, 2000, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on November 22, 2000, including any water right held by the United States;

(C) any interstate water compact in existence on November 22, 2000; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) Water rights for national park and national preserve

In carrying out this subchapter, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this subchapter exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on November 22, 2000, for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d) of this section, no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) National Forest water rights

To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) National Monument water rights

To the extent that a water right has been established or acquired by the United States for

¹ See Codification note below.