

11,300 foot elevation contour as shown on the map referred to in subsection (b) of this section. In addition, motorized vehicle use shall not be permitted on any part of the Rogers Pass trail.

**(2) Natural gas pipeline**

The Secretary shall allow for maintenance of rights-of-ways and access roads located within the Protection Area to the extent necessary to operate the natural gas pipeline permitted under the Arapaho/Roosevelt National Forest master permit numbered 4138.01 in a manner that avoids negative impacts on public safety and allows for compliance with Federal pipeline safety requirements. Such maintenance may include vegetation management, road maintenance, ground stabilization, and motorized vehicle access.

**(3) Permanent Federal ownership**

All right, title, and interest of the United States, held on or acquired after August 21, 2002, to lands within the boundaries of the Protection Area shall be retained by the United States.

**(e) Issues related to water**

**(1) Statutory construction**

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands within the Protection Area.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on August 21, 2002.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future protection area designation.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

**(2) Colorado water law**

The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Protection Area.

**(3) Water infrastructure**

Nothing in this Act (including the provisions related to establishment or management of the Protection Area) shall affect, impede, interfere with, or diminish the operation, existence, access, maintenance, improvement, or construction of water facilities and infrastructure, rights-of-way, or other water-related property, interests, and uses, (including the use of motorized vehicles and equipment existing or located on lands within the Protection Area) on any lands except those lands managed under the management prescription referred to in subsection (d)(1)(F) of this section.

(Pub. L. 107-216, §3, Aug. 21, 2002, 116 Stat. 1056.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 107-216, Aug. 21, 2002, 116 Stat. 1055, which is classified principally to

sections 5391 to 5391-5 of this title. For complete classification of this Act to the Code, see Short Title note below 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.

SHORT TITLE

Pub. L. 107-216, §1, Aug. 21, 2002, 116 Stat. 1055, provided that: "This Act [enacting this section and sections 5391-1 to 5391-5 of this title and enacting and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the 'James Peak Wilderness and Protection Area Act'."

"SECRETARY" DEFINED

Pub. L. 107-216, §2(c), Aug. 21, 2002, 116 Stat. 1056, provided in part that in sections 5391 to 5391-5 of this title "Secretary" means the Secretary of Agriculture.

**§ 5391-1. Inholdings**

**(a) State Land Board lands**

If the Colorado State Land Board informs the Secretary that the Board is willing to transfer to the United States some or all of the lands owned by the Board located within the Protection Area, the Secretary shall promptly seek to reach agreement with the Board regarding terms and conditions for acquisition of such lands by the United States by purchase or exchange.

**(b) Jim Creek inholding**

**(1) Acquisition of lands**

The Secretary shall enter into negotiations with the owner of lands located within the portion of the Jim Creek drainage within the Protection Area for the purpose of acquiring the lands by purchase or exchange, but the United States shall not acquire such lands without the consent of the owner of the lands.

**(2) Landowner rights**

Nothing in this Act shall affect any rights of the owner of lands located within the Jim Creek drainage within the Protection Area, including any right to reasonable access to such lands by motorized or other means as determined by the Forest Service and the landowner consistent with applicable law and relevant and appropriate rules and regulations governing such access.

**(c) Report**

**(1) In general**

The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report concerning any agreement or the status of negotiations conducted pursuant to—

(A) subsection (a) of this section, upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (a) of this section, or 1 year after August 21, 2002, whichever occurs first; and

(B) subsection (b) of this section, upon conclusion of an agreement for acquisition by the United States of lands referred to in

subsection (b) of this section, or 1 year after August 21, 2002, whichever occurs first.

**(2) Funding information**

The report required by this subsection shall indicate to what extent funds are available to the Secretary as of the date of the report for the acquisition of the relevant lands and whether additional funds need to be appropriated or otherwise made available to the Secretary for such purpose.

**(d) Management of acquisitions**

Any lands within the James Peak Wilderness or the Protection Area acquired by the United States after August 21, 2002, shall be added to the James Peak Wilderness or the Protection Area, respectively, and managed accordingly.

(Pub. L. 107-216, § 4, Aug. 21, 2002, 116 Stat. 1059.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(2), is Pub. L. 107-216, Aug. 21, 2002, 116 Stat. 1055, which is classified principally to sections 539I to 539I-5 of this title. 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.

**§ 539I-2. James Peak Fall River trailhead**

**(a) Services and facilities**

Following the consultation required by subsection (c) of this section, the Forest Supervisor of the Arapaho/Roosevelt National Forest in the State of Colorado (in this section referred to as the “Forest Supervisor”) shall establish a trailhead and corresponding facilities and services to regulate use of National Forest System lands in the vicinity of the Fall River basin south of the communities of Alice Township and St. Mary’s Glacier in the State of Colorado. The facilities and services shall include the following:

- (1) Trailhead parking.
- (2) Public restroom accommodations.
- (3) Trailhead and trail maintenance.

**(b) Personnel**

The Forest Supervisor shall assign Forest Service personnel to provide appropriate management and oversight of the area described in subsection (a) of this section.

**(c) Consultation**

The Forest Supervisor shall consult with the Clear Creek County commissioners and with residents of Alice Township and St. Mary’s Glacier regarding—

- (1) the appropriate location of facilities and services in the area described in subsection (a) of this section; and
- (2) appropriate measures that may be needed in this area—
  - (A) to provide access by emergency or law enforcement vehicles;
  - (B) for public health; and
  - (C) to address concerns regarding impeded access by local residents.

**(d) Report**

After the consultation required by subsection (c) of this section, the Forest Supervisor shall submit to the Committee on Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report regarding the amount of any additional funding required to implement this section.

(Pub. L. 107-216, § 5, Aug. 21, 2002, 116 Stat. 1060.)

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.

**§ 539I-3. Loop trail study; authorization**

**(a) Study**

Not later than three years after funds are first made available for this purpose, the Secretary, in consultation with interested parties, shall complete a study of the suitability and feasibility of establishing, consistent with the purpose set forth in section 539I(a)(2) of this title, a loop trail for mechanized and other nonmotorized recreation connecting the trail designated as “Rogers Pass” and the trail designated as “Rollins Pass Road”.

**(b) Establishment**

If the results of the study required by subsection (a) of this section indicate that establishment of such a loop trail would be suitable and feasible, consistent with the purpose set forth in section 539I(a)(2) of this title, the Secretary shall establish the loop trail in a manner consistent with that purpose.

(Pub. L. 107-216, § 6, Aug. 21, 2002, 116 Stat. 1060.)

**§ 539I-4. Other administrative provisions**

**(a) Buffer zones**

The designation by this Act or by amendments made by this Act of wilderness areas and the Protection Area in the State of Colorado shall not create or imply the creation of protective perimeters or buffer zones around any wilderness area or the Protection Area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area or Protection Area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area or the Protection Area.

**(b) Rollins Pass Road**

If requested by one or more of the Colorado Counties of Grand, Gilpin, and Boulder, the Secretary shall provide technical assistance and otherwise cooperate with respect to repairing the Rollins Pass road in those counties sufficiently to allow two-wheel-drive vehicles to travel between Colorado State Highway 119 and U.S. Highway 40. If this road is repaired to such extent, the Secretary shall close the motorized roads and trails on Forest Service land indicated on the map entitled “Rollins Pass Road Reopening: Attendant Road and Trail Closures”, dated September 2001.

(Pub. L. 107-216, § 7, Aug. 21, 2002, 116 Stat. 1060.)