

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 615i 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.

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)<sup>1</sup> to include any land or interest acquired.

##### (c) Administration of acquired lands

###### (1) General authority

Upon acquisition of lands under subsection (a), 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 sections 100506(c) and 200306 of title 54, 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.)

#### CODIFICATION

In subsec. (c)(2)(B), “sections 100506(c) and 200306 of title 54” substituted for “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

#### § 410hhh-7. Water rights

##### (a) Omitted

##### (b) Effect on water rights

###### (1) In general

Subject to the amendment made by subsection (a),<sup>1</sup> 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), no Federal reservation of water may be claimed or established for the national park or the national preserve.

<sup>1</sup> So in original. Probably should be “subsection (c)”.

<sup>1</sup> See Codification note below.

**(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 the Great Sand Dunes National Monument, the water right shall—

- (1) be considered to be of equal use and value for the national park; and
- (2) retain its priority and purpose when included in the national park.

**(e) Acquired water rights and water resources****(1) In general**

(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

- (i) the national park;
- (ii) the preserve;
- (iii) the national wildlife refuge; or
- (iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

- (i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;
- (ii) fish and wildlife management and protection; or
- (iii) irrigation necessary to protect water resources.

**(2) State authority**

If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

**(f) Disposal**

The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

(Pub. L. 106-530, §9, Nov. 22, 2000, 114 Stat. 2533.)

## CODIFICATION

Section is comprised of section 9 of Pub. L. 106-530. Subsec. (a) of section 9 of Pub. L. 106-530 amended section 1501(a) of Pub. L. 102-575, 106 Stat. 4663, which is not classified to the Code.

**§ 410hhh-8. Advisory Council****(a) Establishment**

The Secretary shall establish an advisory council to be known as the “Great Sand Dunes National Park Advisory Council”.

**(b) Duties**

The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

**(c) Members**

The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

- (1) One member of, or nominated by, the Alamosa County Commission.
- (2) One member of, or nominated by, the Saguache County Commission.
- (3) One member of, or nominated by, the Friends of the Dunes Organization.
- (4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

**(d) Applicable law**

The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

**(e) Vacancy**

A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

**(f) Chairperson**

The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

**(g) No compensation**

Members of the Advisory Council shall serve without compensation.

**(h) Termination**

The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

(Pub. L. 106-530, §10, Nov. 22, 2000, 114 Stat. 2535.)

## REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 410hhh-9. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subchapter.