

SUBCHAPTER LIX-DD—BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA

§ 410fff. Findings

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

(Pub. L. 106-76, § 2, Oct. 21, 1999, 113 Stat. 1126.)

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-128, § 1, Nov. 17, 2003, 117 Stat. 1355, provided that: “This Act [amending sections 410fff-2, 410fff-3, and 410fff-5 of this title and enacting provisions set out as notes under section 410fff-2 of this title] may be cited as the ‘Black Canyon of the Gunnison Boundary Revision Act of 2003’.”

SHORT TITLE

Pub. L. 106-76, § 1, Oct. 21, 1999, 113 Stat. 1126, provided that: “This Act [enacting this subchapter and amending provisions listed in a table of National Monuments Established Under Presidential Proclamation set out under section 431 of this title and provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘Black Canyon of the

Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999’.”

§ 410fff-1. Definitions

In this subchapter:

(1) **Conservation Area**

The term “Conservation Area” means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) **Map**

The term “Map” means the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99”. The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) **Park**

The term “Park” means the Black Canyon of the Gunnison National Park established under section 410fff-2 of this title and depicted on the Map.

(4) **Secretary**

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

(Pub. L. 106-76, § 3, Oct. 21, 1999, 113 Stat. 1127.)

§ 410fff-2. Establishment of Black Canyon of the Gunnison National Park

(a) **Establishment**

(1) There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 410fff-1 of this title. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.¹

(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications” and dated April 2, 2003.

(b) **Administration**

Upon enactment of this subchapter, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park¹ to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park¹ in accordance with this subchapter and laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4),² and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and

¹So in original. The word “park” probably should be capitalized.

²See References in Text note below.

antiquities of national significance, and for other purposes,³ approved August 21, 1935 (16 U.S.C. 461 et seq.).²

(c) Maps and legal description

As soon as practicable after October 21, 1999, the Secretary shall file maps and a legal description of the park¹ with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps 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 such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) Withdrawal

Subject to valid existing rights, all Federal lands within the park¹ are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) Grazing

(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park¹ to continue where authorized under permits or leases in existence as of October 21, 1999. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park¹ where, prior to October 21, 1999, such use was scheduled to expire according to the terms of a settlement by the United States Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.¹

(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 410fff-3(a) of this title, the Secretary shall transfer any grazing privileges to the land acquired in the exchange.

(2) Within areas of the park¹ designated as wilderness, the grazing of livestock, where authorized under permits in existence as of October 21, 1999, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this subchapter, the Wilderness Act [16 U.S.C. 1131 et seq.], and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Sec-

retary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on October 21, 1999;

(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and

(D) with respect to a permit or lease issued to a corporation or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraphs (A), (B), or (C) terminates, unless the corporation or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the corporation or legal entity.

(Pub. L. 106-76, §4, Oct. 21, 1999, 113 Stat. 1127; Pub. L. 108-128, §§2(a), 4, Nov. 17, 2003, 117 Stat. 1355, 1356.)

REFERENCES IN TEXT

Upon enactment of this subchapter, referred to in subsec. (b), was in the original “upon enactment of this title”, which was translated as reading “upon enactment of this act”, meaning upon enactment of Pub. L. 106-76, which was approved Oct. 21, 1999, to reflect the probable intent of Congress.

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4), referred to in subsec. (b), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.), referred to in subsec. (b), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Wilderness Act, referred to in subsec. (e)(2), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, 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.

CODIFICATION

Section 4 of Pub. L. 108-128, which directed the amendment of section 4 of the “Black Canyon of the

³So in original. Probably should be followed by closing quotation marks.

Gunnison National Park and Gunnison Gorge National Area Act of 1999”, was executed to this section, which is section 4 of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999, to reflect the probable intent of Congress. See 2003 Amendment notes below.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-128, §2(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (e)(1)(D). Pub. L. 108-128, §4(a), added subpar. (D). See Codification note above.

Subsec. (e)(3). Pub. L. 108-128, §4(b), added subpars. (B) and (C), redesignated former subpar. (B) as (D), and, in subpar. (D), substituted “corporation or” for “partnership, corporation, or” in three places and “subparagraphs (A), (B), or (C)” for “subparagraph (A)”. See Codification note above.

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.

TRANSFER OF ADMINISTRATIVE JURISDICTION

Pub. L. 108-128, §2(b), Nov. 17, 2003, 117 Stat. 1355, provided that: “On the date of enactment of this Act [Nov. 17, 2003], the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as ‘Tract C’ on the map described in subsection (a)(2) [amending this section] to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.”

ACCESS TO WATER DELIVERY FACILITIES

Pub. L. 108-128, §5, Nov. 17, 2003, 117 Stat. 1357, provided that: “The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’, and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.”

§ 410fff-3. Acquisition of property and minor boundary adjustments

(a) Additional acquisitions

(1) In general

The Secretary may acquire land or interests in land depicted on the Map or the map described in section 410fff-2(a)(2) of this title as proposed additions.

(2) Method of acquisition

(A) In general

Land or interests in land may be acquired by—

- (i) donation;
- (ii) transfer;
- (iii) purchase with donated or appropriated funds; or
- (iv) exchange.

(B) Consent

No land or interest in land may be acquired without the consent of the owner of the land.

(b) Boundary revision

After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) Boundary survey

As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) Hunting on privately owned lands

(1) In general

The Secretary may permit hunting on privately owned land added to the Park under this subchapter, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) Termination of authority

On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this subchapter, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

(Pub. L. 106-76, §5, Oct. 21, 1999, 113 Stat. 1128; Pub. L. 108-128, §2(c), Nov. 17, 2003, 117 Stat. 1355.)

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108-128 substituted “Map or the map described in section 410fff-2(a)(2) of this title” for “Map”.

§ 410fff-4. Expansion of the Black Canyon of the Gunnison Wilderness

(a) Expansion of Black Canyon of the Gunnison Wilderness

The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94-567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as “Tract A” and consisting of approximately 4,419 acres.

(b) Administration

The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

(Pub. L. 106-76, §6, Oct. 21, 1999, 113 Stat. 1129.)

REFERENCES IN TEXT

Subsection (b) of the first section of Public Law 94-567, referred to in subsec. (a), is Pub. L. 94-567, §1(b), Oct. 20, 1976, 90 Stat. 2692, which enacted provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

§ 410fff-5. Establishment of the Gunnison Gorge National Conservation Area

(a) In general

(1) There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications”, and dated April 2, 2003.