

The National Environmental Policy Act of 1969, referred to in subsec. (c)(9), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (d)(2)(B)(ii), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Geothermal Steam Act of 1970, referred to in subsec. (i)(1)(B), is Pub. L. 91-581, Dec. 24, 1970, 84 Stat. 1566, which is classified principally to chapter 23 (§1001 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 30 and Tables.

CODIFICATION

In subsec. (d)(2)(A)(iii), “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) [sic]” 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.

§ 539q. Hermosa Creek watershed protection

(a) Definitions

In this section:

(1) City

The term “City” means the city of Durango, Colorado.

(2) County

The term “County” means La Plata County, Colorado.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(4) Special Management Area

The term “Special Management Area” means the Hermosa Creek Special Management Area designated by subsection (b)(1).

(5) State

The term “State” means the State of Colorado.

(b) Designation of Hermosa Creek Special Management Area

(1) Designation

Subject to valid existing rights, certain Federal land in the San Juan National Forest comprising approximately 70,650 acres, as generally depicted on the map entitled “Proposed Hermosa Creek Special Management Area and Proposed Hermosa Creek Wilderness Area” and dated November 12, 2014, is designated as the “Hermosa Creek Special Management Area”.

(2) Purpose

The purpose of the Special Management Area is to conserve and protect for the benefit of present and future generations the watershed, geological, cultural, natural, scientific, recreational, wildlife, riparian, historical, educational, and scenic resources of the Special Management Area.

(3) Administration

(A) In general

The Secretary shall administer the Special Management Area—

(i) in a manner that conserves, protects, and manages the resources of the Special Management Area described in paragraph (2); and

(ii) in accordance with—

(I) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(II) this Act; and

(III) any other applicable laws.

(B) Uses

(i) In general

The Secretary shall allow only such uses of the Special Management Area as the Secretary determines would further the purposes¹ described in paragraph (2).

(ii) Motorized and mechanized vehicles

(I) In general

Except as provided in subclause (II) and as needed for administrative purposes or to respond to an emergency, the use of motorized or mechanized vehicles in the Special Management Area shall be permitted only on roads and trails designated by the Secretary for use by those vehicles.

(II) Oversnow vehicles

The Secretary shall authorize the use of snowmobiles and other oversnow vehicles within the Special Management Area—

(aa) when there exists adequate snow coverage; and

(bb) subject to such terms and conditions as the Secretary may require.

(iii) Grazing

The Secretary shall permit grazing within the Special Management Area, if established before December 19, 2014, subject to all applicable laws (including regulations) and Executive orders.

(iv) Prohibited activities

Within the area of the Special Management Area identified as “East Hermosa Area” on the map entitled “Proposed Hermosa Creek Special Management Area and Proposed Hermosa Creek Wilderness Area” and dated November 12, 2014, the following activities shall be prohibited:

(I) New permanent or temporary road construction or the renovation of existing nonsystem roads, except as allowed under the final rule entitled “Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado” (77 Fed. Reg. 39576 (July 3, 2012)).

(II) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that

¹ So in original. Probably should be “purpose”.

are byproducts of activities conducted for ecological restoration or to further the purposes described in this section).

(4) State and Federal water management

Nothing in this subsection affects the potential for development, operation, or maintenance of a water storage reservoir at the site in the Special Management Area that is identified in—

(A) pages 17 through 20 of the Statewide Water Supply Initiative studies prepared by the Colorado Water Conservation Board and issued by the State in November 2004; and

(B) page 27 of the Colorado Dam Site Inventory prepared by the Colorado Water Conservation Board and dated August 1996.

(5) Withdrawal

(A) In general

Subject to valid rights in existence on December 19, 2014, and except as provided in subparagraph (B), the Federal land within the Special Management Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(B) Exception

The withdrawal under subparagraph (A) shall not apply to the areas identified as parcels A and B on the map entitled “Proposed Hermosa Creek Special Management Area and Proposed Hermosa Creek Wilderness Area” and dated November 12, 2014.

(6) Winter skiing and related winter activities

Nothing in this subsection alters or limits—

(A) a permit held by a ski area;

(B) the implementation of the activities governed by a ski area permit; or

(C) the authority of the Secretary to modify or expand an existing ski area permit.

(7) Vegetation management

Nothing in this subsection prevents the Secretary from conducting vegetation management projects within the Special Management Area—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary determines to be appropriate; and

(ii) all applicable laws (including regulations); and

(B) in a manner consistent with—

(i) the purposes¹ described in paragraph (2); and

(ii) this subsection.

(8) Wildfire, insect, and disease management

In accordance with this subsection, the Secretary may—

(A) carry out any measures that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Special Management Area; and

(B) coordinate those measures with the appropriate State or local agency, as the Secretary determines to be necessary.

(9) Management plan

Not later than 3 years after December 19, 2014, the Secretary shall develop a management plan for the long-term protection and management of the Special Management Area that—

(A) takes into account public input; and

(B) provides for recreational opportunities to occur within the Special Management Area, including skiing, biking, hiking, fishing, hunting, horseback riding, snowmobiling, motorcycle riding, off-highway vehicle use, snowshoeing, and camping.

(10) Trail and open area snowmobile usage

Nothing in this subsection affects the use or status of trails authorized for motorized or mechanized vehicle or open area snowmobile use on December 19, 2014.

(11) State water rights

Nothing in this subsection affects access to, use of, or allocation of any absolute or conditional water right that is—

(A) decreed under the laws of the State; and

(B) in existence on December 19, 2014.

(c) Hermosa Creek Wilderness

(1) Omitted

(2) Effective date

Any reference contained in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to December 19, 2014, for purposes of administering the wilderness area designated by section 2(a)(22) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; 107 Stat. 756; 114 Stat. 1955; 116 Stat. 1055) (as added by paragraph (1)).²

(3) Fire, insects, and diseases

In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by section 2(a)(22) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; 107 Stat. 756; 114 Stat. 1955; 116 Stat. 1055) (as added by paragraph (1)),² the Secretary may carry out any measure that the Secretary determines to be necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) Durango Area mineral withdrawal

(1) Withdrawal

Subject to valid existing rights, the land and mineral interests described in paragraph (2) are withdrawn from all forms of—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral leasing, geothermal leasing, or mineral materials.

² See Codification note below.

(2) Description of land and mineral interests

The land and mineral interests referred to in paragraph (1) are the Federal land and mineral interests generally depicted within the areas designated as “Withdrawal Areas” on the map entitled “Perins Peak & Animas City Mountain, Horse Gulch and Lake Nighthorse Mineral Withdrawal” and dated April 5, 2013.

(3) Public purpose conveyance

Notwithstanding paragraph (1), the Secretary of the Interior may convey any portion of the land described in paragraph (2) that is administered by the Bureau of Land Management to the City, the County, or the State—

(A) pursuant to the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.); or

(B) by exchange in accordance with applicable laws (including regulations).

(e) Conveyance of Bureau of Land Management land to County**(1) In general**

On the expiration of the permit numbered COC 64651 (09) and dated February 24, 2009, on request and agreement of the County, the Secretary of the Interior shall convey to the County, without consideration and subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2), subject to—

(A) paragraph (3);

(B) the condition that the County shall pay all administrative and other costs associated with the conveyance; and

(C) such other terms and conditions as the Secretary of the Interior determines to be necessary.

(2) Description of land

The land referred to in paragraph (1) consists of approximately 82 acres of land managed by the Bureau of Land Management, Tres Rios District, Colorado, as generally depicted on the map entitled “La Plata County Grandview Conveyance” and dated May 5, 2014.

(3) Use of conveyed land

The Federal land conveyed pursuant to this subsection may be used by the County for any public purpose, in accordance with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(4) Reversion

If the County ceases to use a parcel of the Federal land conveyed pursuant to this subsection in accordance with paragraph (1), title to the parcel shall revert to the Secretary of the Interior, at the option of the Secretary of the Interior.

(f) Molas Pass Recreation Area; Wilderness Study Area release; Wilderness Study Area transfer of administrative jurisdiction**(1) Molas Pass Recreation Area****(A) Designation**

The approximately 461 acres of land in San Juan County, Colorado, that is generally de-

icted as “Molas Pass Recreation Area” on the map entitled “Molas Pass Recreation Area and Molas Pass Wilderness Study Area” and dated November 13, 2014, is designated as the “Molas Pass Recreation Area”.

(B) Use of snowmobiles

The use of snowmobiles shall be authorized in the Molas Pass Recreation Area—

(i) during periods of adequate snow coverage;

(ii) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations);

(iii) on designated trails for winter motorized travel and grooming;

(iv) in designated areas for open area motorized travel; and

(v) subject to such terms and conditions as the Secretary may require.

(C) Other recreational opportunities

In addition to the uses authorized under subparagraph (B), the Secretary may authorize other recreational uses in the Molas Pass Recreation Area.

(2) Molas Pass Wilderness Study Area**(A) Transfer of administrative jurisdiction**

Administrative jurisdiction over the Federal land generally depicted as “Molas Pass Wilderness Study Area” on the map entitled “Molas Pass Recreation Area and Molas Pass Wilderness Study Area”, and dated November 13, 2014, is transferred from the Bureau of Land Management to the Forest Service.

(B) Administration

The Federal land described in subparagraph (A) shall—

(i) be known as the “Molas Pass Wilderness Study Area”; and

(ii) be administered by the Secretary, so as to maintain the wilderness character and potential of the Federal land for inclusion in the National Wilderness Preservation System.

(3) Release**(A) Finding**

Congress finds that the land described in subparagraph (C) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(B) Release

Effective beginning on December 19, 2014, the land described in subparagraph (C)—

(i) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(ii) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(iii) shall not be subject to Secretarial Order 3310 issued on December 22, 2010.

(C) Description of land

The land referred to in subparagraphs (A) and (B) is the approximately 461 acres lo-

cated in the West Needles Contiguous Wilderness Study Area of San Juan County, Colorado, that is generally depicted as “Molas Pass Recreation Area” on the map entitled “Molas Pass Recreation Area and Molas Pass Wilderness Study Area” and dated November 13, 2014.

(g) General provisions

(1) Fish and wildlife

Nothing in this section affects the jurisdiction or responsibility of the State with regard to fish and wildlife in the State.

(2) Maps and legal descriptions

(A) In general

As soon as practicable after December 19, 2014, the Secretary or the Secretary of the Interior, as appropriate, shall prepare maps and legal descriptions of—

- (i) the Special Management Area;
- (ii) the wilderness area designated by the amendment made by subsection (c)(1);²
- (iii) the withdrawal pursuant to subsection (d);
- (iv) the conveyance pursuant to subsection (e);
- (v) the recreation area designated by subsection (f)(1); and
- (vi) the wilderness study area designated by subsection (f)(2)(B)(i).

(B) Force of law

The maps and legal descriptions prepared under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary concerned may correct any clerical or typographical errors in the maps and legal descriptions.

(C) Public availability

The maps and legal descriptions prepared under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

(3) Adjacent management

(A) In general

Nothing in this section establishes a protective perimeter or buffer zone around—

- (i) the Special Management Area;
- (ii) the wilderness area designated by an amendment made by subsection (c)(1);² or
- (iii) the wilderness study area designated by subsection (f)(2)(B)(i).

(B) Nonwilderness activities

The fact that a nonwilderness activity or use can be seen or heard from areas within the wilderness area designated by an amendment made by subsection (c)(1)² or the wilderness study area designated by subsection (f)(2)(B)(i) shall not preclude the conduct of the activity or use outside the boundary of the wilderness area or wilderness study area.

(4) Military overflights

Nothing in this section restricts or precludes—

- (A) any low-level overflight of military aircraft over an area designated as a wilder-

ness area under an amendment made by this section,² including military overflights that can be seen, heard, or detected within the wilderness area;

- (B) flight testing or evaluation; or
- (C) the designation or establishment of—
 - (i) new units of special use airspace; or
 - (ii) any military flight training route over a wilderness area described in subparagraph (A).

(Pub. L. 113–291, div. B, title XXX, § 3062, Dec. 19, 2014, 128 Stat. 3821.)

Editorial Notes

REFERENCES IN TEXT

The National Forest Management Act of 1976, referred to in subsec. (b)(3)(A)(ii)(I), is Pub. L. 94–588, Oct. 22, 1976, 90 Stat. 2949, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594–2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

This Act, referred to in subsec. (b)(3)(A)(ii)(II), is Pub. L. 113–291, Dec. 19, 2014, 128 Stat. 3292, known as the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015. For complete classification of this Act to the Code, see Tables.

The Wilderness Act, referred to in subsec. (c)(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.

Section 2(a)(22) of the Colorado Wilderness Act of 1993, referred to in subsec. (c)(2), (3), is section 2(a)(22) of Pub. L. 103–77, as added by Pub. L. 113–291, div. B, title XXX, §3062(c)(1), Dec. 19, 2014, 128 Stat. 3823, which is listed in a table of Wilderness Areas set out under section 1132 of this title.

Act of June 14, 1926, referred to in subsecs. (d)(3)(A) and (e)(3), is act June 14, 1926, ch. 578, 44 Stat. 741, popularly known as the Recreation and Public Purposes Act, which is classified to sections 869 to 869–4 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 869 of Title 43 and Tables.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (f)(1)(B)(ii), is Pub. L. 94–579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

CODIFICATION

Section is comprised of section 3062 of Pub. L. 113–291. Subsec. (c)(1) of section 3062 of Pub. L. 113–291 enacted section 2(a)(22) of Pub. L. 103–77, which is listed in a table of Wilderness Areas set out under section 1132 of this title.

§ 539r. Rocky Mountain Front Conservation Management Area and wilderness additions

(a) Definitions

In this section:

(1) Conservation Management Area

The term “Conservation Management Area” means the Rocky Mountain Front Conservation Management Area established by subsection (b)(1)(A).