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TITLE: COLORADO WILDERNESS ACT OF 1993

SPEAKER: MR. ALLARD; Mr. DOOLITTLE; Mr. MILLER of California; Mrs. SCHROEDER; Mr. SKAGGS; Mr. THOMAS of Wyoming; Mr. VENTO

TEXT: Text that appears in UPPER CASE identifies statements or insertions which are not spoken by a Member of the House on the floor. [*H4762]

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 631) to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 631

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

(a) Short Title. -- This Act may be cited as the "Colorado Wilderness Act of 1993".

(b) Definitions. -- (1) As used in this Act with reference to lands in the National Forest System, the term "the Secretary" means the Secretary of Agriculture.

(2) As used in this Act with respect to lands not in the National Forest System, the term "the Secretary" means the Secretary of the Interior.

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) Additions. -- The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 3,390 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness Proposal (American

Flats)", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96-560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 815 acres, as generally depicted on a map entitled "Bill Hare Gulch and Larson Creek Additions to the Big Blue Wilderness", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96-560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 43,410 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated January, 1993, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest and in the Powderhorn Primitive Area administered by the Bureau of Land Management which comprise approximately 60,100 acres, as generally depicted on a map entitled "Powderhorn Wilderness Proposal", dated January, 1993, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,750 acres, as generally depicted on a map entitled "Davis Peak Additions to Mount [*H4763] Zirkel Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88-555, as amended by Public Law 96-560.

(6) Certain lands in the Gunnison National Forests which comprise approximately 33,060 acres, as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993, and which shall be known as the Fossil Ridge Wilderness.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated January, 1993, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike National Forest which comprise approximately 14,700 acres, as generally depicted on a map entitled "Lost Creek Wilderness Addition Proposal", dated January, 1993, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96-560: PROVIDED, That the Secretary is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Gunnison National Forests which comprise approximately 5,500 acres, as generally depicted on a map entitled "O-Be-Joyful Addition to the Raggeds

Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96-560.

(10) Certain lands in the Rio Grande and San Isabel National Forests and lands in the San Luis Resource Area administered by the Bureau of Land Management which comprise approximately 226,455 acres, as generally depicted on four maps entitled "Sangre de Cristo Wilderness Proposal (North Section)", "Sangre de Cristo Wilderness Proposal (North Middle Section)", "Sangre de Cristo Wilderness Proposal (South Middle Section)", and "Sangre de Cristo Wilderness Proposal (South Section)", all dated January, 1993, and which shall be known as the Sangre de Cristo Wilderness.

(11) Certain lands in the Routt National Forest which comprise approximately 47,140 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal (Sarvis Creek Wilderness)", dated January, 1993, and which shall be known as the Sarvis Creek Wilderness.

(12) Certain lands in the San Juan National Forest which comprise approximately 31,100 acres, as generally depicted on two maps, one entitled "South San Juan Wilderness Expansion Proposal, Montezuma Peak" and the other entitled "South San Juan Wilderness Expansion Proposal, V-Rock Trail", both dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public Law 96-560.

(13) Certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Addition to the Hunter-Fryingpan Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be part of the Hunter Fryingpan Wilderness designated by Public Law 95-327: PROVIDED, That no right, or claim of right, to the diversion and use of waters by the Fryingpan-Arkansas Project shall be prejudiced, expanded, diminished, altered, or affected by this Act, nor shall anything in this Act be construed to expand, abate, impair, impede, limit, interfere with, or prevent the construction, operation, use, maintenance, or repair of the project facilities and diversion systems to their full extent.

(14) Certain lands in the Arapaho National Forest which comprise approximately 8,095 acres, as generally depicted on a map entitled "Byers Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Byers Peak Wilderness.

(15) Certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Vasquez Peak Wilderness.

(16) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness Proposal and Weminuche Additions", dated January, 1993, and which are hereby incorporated in and

shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93-632, as amended by Public Law 96-560.

(17) Certain lands in the Rio Grande National Forest which comprise approximately 25,640 acres, as generally depicted on a map entitled "Wheeler Addition to the La Garita Wilderness Proposal", dated January, 1993, and which shall be incorporated in and shall be deemed to be a part of the La Garita Wilderness designated by Public Law 96-560.

(18) Certain lands in the Arapaho National Forest which comprise approximately 13,175 acres, as generally depicted on a map entitled "Farr Wilderness Proposal", dated January, 1993, and which shall be known as the Ptarmigan Peak Wilderness.

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Never Summer Wilderness designated by Public Law 96-560.

(b) Maps and Descriptions. -- As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a boundary description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary is authorized to correct clerical and typographical errors in such boundary descriptions and maps. Such maps and boundary descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) In General. -- (1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (2) and (10) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service and such lands are hereby added to the appropriate National Forest.

(b) Grazing. -- Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act

(16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(c) State Jurisdiction. -- As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) Conforming Amendment. -- Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System."

(e) Buffer Zones. -- Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(f) Wilderness Name Change. -- The wilderness area designated as "Big Blue Wilderness" by section 102(a)(1) of Public Law 96-560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness.

(g) Boundaries and Authorizations to Use Lands. -- (1) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of affected National Forests, as modified by this section, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(2) Nothing in this subsection shall affect valid existing rights of any person under the authority of law.

(3) Authorizations to use lands transferred by this section which were issued prior to the date of enactment of this Act shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and the applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this section shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 4. WILDERNESS RELEASE.

(a) Repeal of Wilderness Study Provisions. -- Sections 105 and 106 of the Act of December 22, 1980 (Public Law 96-560), are hereby repealed.

(b) Initial Plans. -- Section 107(b)(2) of the Act of December 22, 1980 (Public Law 96-560), is amended by striking out "except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressionally designated wilderness study areas,".

SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.

(a) Establishment. -- (1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource [*H4764] values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the "recreation management area").

(2) The recreation management area shall consist of certain lands in the Gunnison National Forest, Colorado, which comprise approximately 43,900 acres, as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993.

(b) Administration. -- The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal. -- Subject to valid existing rights, all lands within the recreation management area 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 the mineral and geothermal leasing laws, including all amendments thereto.

(d) Timber Harvesting. -- No timber harvesting shall be allowed within the recreation management area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(e) Livestock Grazing. -- The designation of the recreation management area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) Development. -- No developed campgrounds shall be constructed within the recreation management area. After the date of enactment of this Act, no new roads or trails may be constructed within the recreation management area.

(g) Off-Road Recreation. -- Motorized travel shall be permitted within the recreation management area only on those established trails and routes existing as of July 1, 1991, on which such travel was permitted as of such date, except that other trails and routes

may be used where necessary for administrative purposes or to respond to an emergency. No later than one year after the date of enactment of this Act, the Secretary shall identify such routes and trails and shall prepare and make available to the public a map showing such routes and trails. Nothing in this subsection shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

SEC. 6. BOWEN GULCH PROTECTION AREA.

(a) Establishment. -- (1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres, as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993.

(b) Administration. -- The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal. -- Subject to valid existing rights, all lands within the protection area 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 the mineral and geothermal leasing laws, including all amendments thereto.

(d) Development. -- No developed campgrounds shall be constructed within the protection area. After the date of enactment of this Act, no new roads or trails may be constructed within the protection area.

(e) Timber Harvesting. -- No timber harvesting shall be allowed within the protection area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(f) Motorized Travel. -- Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the protection area.

(g) Management Plan. -- During the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public comment.

SEC. 7. OTHER LANDS.

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law.

SEC. 8. WATER.

(a) Findings, Purpose, and Definition. -- (1) Congress finds that --

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands; and

(B) the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) The purpose of this section is to protect the wilderness values of the lands designated as wilderness by this Act by means other than those based on a federal reserved water right.

(3) As used in this section, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(b) Restrictions on Rights and Disclaimer of Effect. -- (1) Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.

(2)(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 Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act.

(B) Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act, except as provided in subsection (g)(2) of this section.

(C) Except as provided in subsection (g) of this section, nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(D) Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) New or Expanded Projects. -- Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 2, 5, 6 and 9 of this Act or the enlargement of any water resource facility within the areas described in sections 2, 5, 6 and 9 of this Act.

(d) Access and Operation. -- (1) Subject to the provisions of this subsection (d), the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 2, 5, 6 and 9 of this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6 and 9 of this Act than existed as of the date of enactment of this Act.

(3) Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 2, 5, 6 and 9 of this Act to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado state law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act: PROVIDED, That the impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 2, 5, 6 and 9 of this Act on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased

adverse impacts on the resources and values of the areas described in sections 2, 5, 6 and 9 of this Act.

(e) Existing Projects. -- Except as provided in subsections (c) and (d) of this section, the provisions of this Act related to the areas described in sections 2, 5, 6, and 9 of this Act, and the inclusion in the National Wilderness Preservation System of the areas described in section 2 of this Act, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this [*H4765] Act within the boundaries of the areas described in sections 2, 5, 6, and 9 of this Act.

(f) Monitoring and Implementation. -- The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of this Act and take all steps necessary to implement the provisions of this section.

(g) Interstate Compacts and North Platte River. -- (1) Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, 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. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

(2) Notwithstanding any other provision of law, neither the Secretary of Agriculture nor any other officer, employee, or agent of the United States, or any other person, shall assert in any court or agency of the United States or any other jurisdiction any rights, and no court or agency of the United States shall consider any claim or defense asserted by any person based upon such rights, which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness Area established by Public Law 98-550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be exercised as if junior to, in a manner so as not to prevent, the use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

SEC. 9. PIEDRA, ROUBIDEAU, AND TABEGUACHE AREAS.

(a) Areas. -- The provisions of this section shall apply to the following areas:

(1) Certain lands in the San Juan National Forest, Colorado, comprising approximately 62,550 acres, as generally depicted on the map entitled "Piedra Area" dated January, 1993; and

(2) Certain lands in the Uncompahgre National Forest, Colorado, comprising approximately 19,650 acres, as generally depicted on the map entitled "Roubideau Area" dated January, 1993; and

(3) Certain lands in the Uncompahgre National Forest, Colorado and in the San Juan Resource Area administered by of the Bureau of Land Management, comprising approximately 17,240 acres, as generally depicted on the map entitled "Tabeguache Area" dated January, 1993.

(b) Management. -- (1) Subject to valid existing rights, the areas described in subsection (a) are withdrawn from all forms of location, leasing, patent, disposition, or disposal under public land, mining, and mineral and geothermal leasing laws of the United States.

(2) The areas described in subsection (a) shall not be subject to any obligation to further study such lands for wilderness designation.

(3) Until Congress determines otherwise, and subject to the provisions of section 8 of this Act, activities within such areas shall be managed by the Secretary of Agriculture and the Secretary of the Interior, as appropriate, so as to maintain the areas' presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(4) Livestock grazing in such areas shall be permitted and managed to the same extent and in the same manner as of the date of enactment of this Act. Except as provided by this Act, mechanized or motorized travel shall not be permitted in such areas: Provided, That the Secretary may permit motorized travel on trail number 535 in the San Juan National Forest during periods of adequate snow cover.

(c) Data Collection. -- The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Colorado Water Conservation Board, shall compile data concerning the water resources of the areas described in subsection (a) and existing and proposed water resource facilities affecting such values.

(a) Report. -- Not later than three years from the date of enactment of this Act, the Secretary shall report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate on the status of private property interests located within the Spanish Peaks planning area of the San Isabel National Forest in Colorado, as generally depicted on a map entitled "Spanish Peaks Further Planning Area Study", dated January, 1993.

(b) Contents of Report. -- The report required by this section shall identify the location of all private property situated within the exterior boundaries of the Spanish Peaks planning area; the nature of such property interests; the acreage of such private property interests; and the Secretary's views on whether the owners of said properties would be willing to

enter into either a sale or exchange of these properties at fair market value if such a transaction became available in the near future.

(c) No Authorization of Eminent Domain. -- Nothing contained in this Act authorizes, and nothing in this Act shall be construed to authorize, the acquisition of real property by eminent domain.

(d) Management. -- Notwithstanding the provisions of section 4(a) of this Act, for a period of three years from the date of enactment of this Act, the Secretary shall manage the Spanish Peaks planning area as provided by section 105(c) of Public Law 96-560.

SEC. 11. PUMPING PLANT NAME CHANGE.

The facility of the Bureau of Reclamation, Department of the Interior, known as the Granby Pumping Plant of the Colorado-Big Thompson Project, in the State of Colorado, shall hereafter be known as the Farr Pumping Plant. Any reference to the Granby Pumping Plant in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Farr Pumping Plant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes and the gentleman from California [Mr. Doolittle] will be recognized for 20 minutes

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 631, the bill now under Consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 631 was introduced by the gentleman from Colorado [Mr. Skaggs], along with the gentlewoman from Colorado [Mrs. Schroeder], and a member of the natural resources committee, the gentleman from Colorado [Mr. McInnis].

The bill would designate as wilderness nearly 613,000 acres in Colorado, primarily on lands within the National Forest System but also including some public lands managed by the Bureau of Land Management.

In addition, the bill would establish specific management requirements for nearly 100,000 additional acres of unique Colorado lands that would not be designated as wilderness but would be protected against adverse impacts from timber harvesting and other activities.

The areas affected by the bill are described in detail in the committee report. They include a very diverse array of landforms -- mountain peaks, alpine tundra, forests, meadows, lakes, and streams -- with extraordinary environmental, wildlife, and recreation values. These areas are noteworthy and deserving of wilderness designation or other requirements for special consideration and careful management that would be provided under this bill.

The status of most national forest lands in Colorado that were considered for wilderness designation was resolved by enactment of a Colorado Wilderness Act (Public Law 96-560) in 1980. That act provided for further study of some areas, in the expectation of further congressional action.

However, additional Colorado wilderness legislation has been delayed for a decade by disagreements over water and water rights.

In 1991 the Senate passed a Colorado wilderness bill that included an explicit disclaimer of any Federal reserved water rights with respect to the wilderness areas, and would have required the Forest Service to rely on a contractual arrangement with a State agency for protection of the water-related resources of one of those areas.

The House rejected the approach of the Senate-passed bill, in September of last year passed a revised version that included an explicit reservation of a Federal water right for the lands designated as wilderness -- as had been done in wilderness bills involving lands in other States.

Then, in the final hours of the last Congress, there were discussions to see if a way could be found to bridge the gap between the positions of the two bodies with respect to the Colorado wilderness legislation. Both the chairman of the committee, Mr. Miller of California, and I took part in those intense [*H4766] discussions, along with the former Senator from Colorado, Mr. Wirth, Senator Brown, and Senator Campbell, who was at that time a Member of the House and of the former Interior and Insular Affairs Committee.

From those discussions, there emerged a proposed compromise. It had three parts, each of which was an essential aspect of the whole:

First, to confine wilderness designations solely to areas that were completely and truly headwaters areas;

Second, to remain silent as to whether or not the designation of those areas as wilderness was to be construed as having the effect of establishing a Federal reserved water right, but to preclude any effective assertion of any such right; and,

Third, to impose restrictions on water-related developments and to give the Federal land managers administrative authorities regarding water-related activities -- so that, as far as possible, the affected lands would be afforded protection similar to the protection resulting from new Federal reserved water rights.

On October 8 of last year, the Senate did pass a revised version of the bill based on these discussions. However, the parliamentary situation prevented the House from taking further action, and so the entire matter was left unresolved when the 102d Congress finally adjourned. H.R. 631 as now before the House is similar to the version the Senate passed last October.

If we were starting from scratch, Mr. Speaker, this bill would not be my preferred version of Colorado wilderness legislation.

If we were to ignore the recent history I have described, I would urge the House to pass a Bill like the one passed by the House in September of last year, which I believe was a very sound measure.

In particular, in my opinion, the 1992 House bill's express reservation of water rights was not only consistent with other wilderness legislation but also the simplest and best way to address the important matter of protecting the water-related values of the affected lands.

However, in my view, we should not ignore recent history, particularly the discussions that took place after the House acted last year. Therefore, Chairman Miller and I agreed to bring before the Natural Resources Committee H.R. 631, which has now been favorably reported in amended form and which the committee now brings before the House.

I will not attempt to fully explain all the provisions of the bill. Those provisions, including those related to water and water rights, are explained in detail in the report of the Committee on Natural Resources. But I do want to stress that the bill's provisions, as reported by the committee, reflect some unusual -- in fact, unique -- conditions.

In particular, the committee approved the water provisions only because the bill's wilderness areas have been very thoroughly scrutinized to assure that each of them is wholly and solely a headwaters area -- with no water resource facilities located upstream, and no practical opportunities for development of such facilities upstream from the wilderness areas.

Further, the water provisions have been shaped by the specific and unique provisions of Colorado law related to allocation of water resources. In my opinion, water provisions like those of this bill would not be workable or acceptable under any other circumstances.

Mr. Speaker, H.R. 631 is an important bill that deserves the approval of the House. It reflects the hard work and persistence of Mr. Skaggs and other members of the Colorado delegation in both the House and the Senate. I urge its passage.

Mr. Speaker, I would also note that H.R. 631 for the most part deals with national forest lands in Colorado which were left in wilderness study status after the enactment of the Colorado Wilderness Act of 1980.

Many of the important attributes of these areas derive from the fact that they are relatively well-watered. The high areas of Colorado's mountain ranges are mostly within the national forests. They catch the snows of winter and rains of summer, and wring the moisture from the winds. Thus, unlike many parts of the arid West, they have the water to support many forms of life. Protection of these water resources is an indispensable part of the proper management of such lands, and especially of their wilderness characteristics.

Like previous such bills, the 1980 statewide RARE II wilderness bill for Colorado was silent about water. But, after its enactment, the U.S. district court in Colorado faulted the Reagan administration's policy of not asserting a Federal reserved water right for wilderness. After that, Congress -- especially the Senate -- perceived a need to be explicit about water in subsequent wilderness bills.

That led to the now well-established practice of including in wilderness bills an express reservation of water rights, like those in bills that have designated wilderness in Nevada, Arizona, California, and New Mexico.

Section 8 of H.R. 631 as reported includes water-related provisions whose purpose is to provide protection for wilderness similar to that which would result from implementation of Federal reserved water rights while precluding any effective assertion of claims premised on such rights associated with wilderness designation.

It should be noted that the bill neither affirms nor denies the validity of the premise that designation of wilderness implicitly reserves a Federal water right, but does explicitly state that nothing in the bill is to be construed as a "relinquishment or reduction of any water rights of the United States" already in existence.

The principal effects of section 8 of the bill are --

First, to limit the jurisdiction otherwise available to a court or agency under any act of Congress -- including the so-called McCarran amendment, 43 U.S.C. 666, which affords a waiver of sovereign immunity so as to permit joinder of the United States in certain State proceedings related to water rights -- so that there could be no consideration of any claim to water or water rights involving a construction of the bill as effecting a reservation to the United States of water rights with respect to lands that the bill designates as wilderness; and

Second, to restrict the ability of any U.S. officer of employee or any other person to act on behalf of the United States to assert any such claim; and

Third, to prevent Federal approval or assistance for new or enlarged water-related facilities within wilderness areas and to constrain, partly directly and partly by providing additional authority for administrative actions, various water-related activities that could have an adverse impact on wilderness resources and values.

Of course, the bill would not -- as it could not -- have any effect on the original jurisdiction of the Supreme Court of the United States under title III of the Constitution. Any alteration of that jurisdiction would require alteration of the Constitution itself, which cannot be achieved through enactment of a mere statute.

The committee's acceptance of section 8 of H.R. 631 reflects, first, the fact that the bill's wilderness areas are solely and entirely headwaters areas, and, second, the fact section 8 is shaped to fit Colorado's system for adjudication and administration of water and water rights. Thus, favorable reporting of H.R. 631 does not mean that the committee would find similar provisions adequate to protect downstream wilderness areas, or even headwaters wilderness areas outside Colorado.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been fully explained, H.R. 631 represents a bipartisan effort on behalf of the Colorado delegation to establish wilderness areas within their State. I would like to commend Chairmen Vento and Miller for allowing the Colorado delegation to determine wilderness issues within their own boundaries.

Although, the water language compromise has received a lot of attention, H.R. 631 also contains important language that protects livestock grazing rights and denies the establishment of buffer zones. Additionally, H.R. 631 creates special management areas where wilderness designation is not appropriate. These management areas will permit the access and recreation that [*H4767] so many Americans enjoy, but which are prohibited in wilderness areas.

Mr. Speaker, I urge support of H.R. 631.

Mr. VENTO. Mr. Speaker, I thank the gentleman for his support and for his bipartisan efforts on this bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. Schroeder].

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time.

First of all, I want to thank the gentleman from Colorado [Mr. Skaggs] who has worked diligently on this bill.

I must say as the dean of the Colorado delegation, there were days when I wondered if we were ever going to have a wilderness bill. I have been through more briefings, I think, in the last 10 or 15 years and seen more maps, more overlays, and more boundary discussions than I ever thought I would see in my whole life.

This has been a contentious, hard-fought issue, but today because of the hard work of the gentleman from Colorado [Mr. Skaggs] and the hard work of other Members of the delegation, America wins, and America wins big, because this is a national treasure.

Mr. Speaker, over 600,000 acres will be put aside for the future, and I thank the gentleman from Minnesota [Mr. Vento] for having patience with our delegation, and the gentleman from California [Mr. Miller] for having patience with our delegation. I am sure there were days they wanted to say, "Just forget it," because, being a Coloradan, there were days I was almost tempted to say that.

Mr. Speaker, I do not represent the people who have this land. I represent the users of this land, the people who live in urban areas that are very anxious to have more of beautiful Colorado put away in a wilderness so that we can all share it.

When one thinks of Colorado, it is not just for the urban types in Colorado that will be using this. It is for the whole Nation. Colorado has always been the lungs of this Nation where people went to breathe. We would like to say that there could be such space everywhere, but unfortunately in other parts the settlement got going way before there was time to preserve and save. But we must continue to preserve and save, as we are doing in this bill today, or we will not have anything for future generations.

Mr. Speaker, I am very pleased that this is coming out of this body, and I think it is very important that it be done this week. Why this week? This week is a very historic week.

Mr. Speaker, over 100 years ago this week a young woman named Katharine Lee Bates was 33 years old. It was 1893, and this 33-year-old woman who was a professor at Wellesley in Massachusetts, went to Pikes Peak in Colorado on a mule train and, when she got there, she was so inspired that she wrote what we now know as "America the Beautiful." This week we will be celebrating the 100th anniversary of her having written this at the base of Pikes Peak in Colorado.

Mr. Speaker, when my colleagues think of the words of "America the Beautiful," it still is there, the beautiful spacious skies, the amber waves of grain, and the majestic mountains that are out there above the fruited plain. So, I think it is a wonderful tribute that 100 years later this body is acting to continue to preserve parts of Colorado so that it does not get polluted and so that future generations 100 years from now can still go out there and understand what Katharine Lee Bates meant as she wrote these beautiful words and

understand what our great heritage was, how tragic it would be if we did not do this today.

So, Mr. Speaker, I think it is wonderful that this was the week that was selected, this very historic 100th anniversary of "America the Beautiful," and how wonderful it is we celebrate it by putting some of these very critical lands into our national treasury for future generations, and I thank the gentleman from Minnesota [Mr. Vento] for helping this all happen.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Skaggs], who has been an ally in this process this year. He introduced the version of the bill in the House that is before us, and I want to commend him for his constant and good support for it.

The gentlewoman in responding, the dean of the delegation, I might say, the gentlewoman from Colorado [Mrs. Schroeder], in responding suggested that she did not represent the people that actually own the land. Well, actually she does. These are public lands that are owned by all Americans. Indeed everyone has an interest whether they live in an urban, suburban, or rural area. Obviously, in responding to the land-use questions, we want to be sensitive to those that indeed are using such lands, and I know that the gentleman from Colorado [Mr. Skaggs] has done that in the measure that he has introduced and that we worked together on. I am pleased to commend him and yield to him such time as he may consume.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. Skaggs].

Mr. SKAGGS. Mr. Speaker, as the person who introduced this bill, with my Colorado colleagues Scott McInnis and Pat Schroeder as cosponsors, I urge the House to pass the Colorado Wilderness Act of 1993.

This legislation has been more than a decade in the making. With expected passage by the Senate and approval by the President, it will be the first time since 1980 that Congress has added Federal lands in Colorado to the water National Wilderness Preservation System.

And what lands these are. From sweeping alpine tundra to cascading streams, from lush alpine meadows to magnificent stands of old-growth timber, the lands being designated as wilderness by this bill include some of the very best of the Colorado Rockies.

The centerpiece of this legislation is the designation of 9 new wilderness areas and the expansion of 10 existing wilderness areas, together totaling some 611,730 acres.

The new wilderness designations include nearly all of the spectacular Sangre de Cristo mountain range, with many peaks over 14,000 feet in elevation.

They include the Nation's largest expanse of alpine tundra outside of Alaska, in the Cannibal Plateau, part of the new Powderhorn Wilderness.

They include the aptly named Oh-Be-Joyful! area, which was the most bitterly contested wilderness proposal when Congress last passed a Colorado wilderness bill, and which will finally be made part of the Raggeds Wilderness.

The new wilderness designations include the unique rock formations of the Wheeler Geologic Area, which will be added to the La Garita Wilderness.

They include the 500-year-old trees of Bowen Gulch, which reach 5 feet in diameter, and which have been spared from logging and will be protected as part of the Never Summer Wilderness.

And they include stretches of the Continental Divide, in the new Byers Peak, Vasquez Peak, and Ptarmigan Peak Wilderness Areas.

With their spectacular features, diverse wildlife, and rich history, these areas are very fitting additions to the world's most advanced and extensive land preservation system. I am very proud to come from a State with such beauty, and proud that a greater portion of its beauty will now be formally preserved as wilderness.

There are, of course, many other areas in Colorado deserving of wilderness protection, but we were not able to reach the necessary consensus to designate them as wilderness in this bill. However, this bill, will certainly not be the last Colorado wilderness bill. In fact, four areas in this bill that are not now designated as wilderness are to be managed to preserve their existing wilderness suitability, so that future opportunities to add them to the wilderness system are assured.

Although the most important part of this bill is its wilderness designations, the most difficult part has had to do with water. In Western States wilderness legislation in recent years, Congress has included an explicit reservation of limited Federal water rights to guarantee enough water in the streams and lakes of those areas to preserve their wilderness qualities. That is a [*H4768] reasonable course, which has worked well in these States, and which I and others believe could have been followed in this legislation.

That approach proved unusually contentious in Colorado, however. So, last fall a unique and innovative solution was crafted by some of the State's delegation and by Chairman George Miller of the Committee on Natural Resources and Chairman Bruce Vento of that Committee's Subcommittee on National Parks, Forests, and Public Lands. That water compromise was included in a bill passed by the Senate last October; sadly, we could not get unanimous consent in the House to consider the bill before we adjourned for the year. That October compromise on water matters was included, unchanged, in this bill as we introduced it in January. It remains unchanged as the bill comes before the House today.

The compromise has four key elements. First, all downstream areas were omitted from the wilderness designations, so that only lands at the top of watersheds are being set aside for wilderness. That way, we've avoided the type of conflict most likely to occur between wilderness values and nonwilderness water use -- the possibility that somebody outside of and upstream from a wilderness area might divert water that otherwise would be flowing into and supporting a downstream wilderness area.

Second, to remove the other likely conflict between wilderness values and future nonwilderness water use, special provisions were crafted to remove any possibility of a water diversion within the wilderness area itself. Under the basic provisions of the Wilderness Act of 1964, a water project can be built on wilderness lands if the President approves it. There's never been a Presidential waiver for a water project in a wilderness area, but this bill makes it clear that there cannot be such a waiver within these wilderness areas.

Third, having removed likely conflicts between wilderness values and nonwilderness water use, the bill neither affirms nor denies the existence of reserved water rights for these wilderness areas. Instead, in an exercise of congressional authority to limit the jurisdiction of courts and agencies, the bill provides that no court or agency may consider a claim that the United States has special water rights to these areas because of their wilderness designation. Of course, Congress cannot limit the original jurisdiction of the U.S. Supreme Court, which includes jurisdiction over litigation between States, and this provision does not do so. The bill also provides that nobody can assert on behalf of the United States in a court or agency proceeding that there are Federal water rights for these areas arising from their wilderness designations.

Fourth, the water policy section of this bill explicitly states that these provisions are not to be used to interpret previous congressional actions, including the previous designations of wilderness areas in Colorado, when Congress was silent as to water rights. Those designations continue to be subject to normal court interpretation under the reserved water rights doctrine. The water policy section similarly states that this approach is not to be used as a precedent for future wilderness designations. All of us who've been involved in this legislation have repeatedly emphasized that this approach applies only to these wilderness designations and only because of the unique circumstances; that is, all of the areas are upstream areas. This approach will not work, and will not be followed, when we resume dealing with downstream wilderness areas in Colorado, as we will.

Taken as a whole, the water compromise included in this bill should fully protect the water-related wilderness values of these new wilderness designations. It will just do so in a different way than Congress has traditionally followed. The Committee Report addresses and resolves other technical and legal concerns which have been raised about this unique language.

Mr. Speaker, just a final note on one other detail of the bill. The legislation provides that the Forest Service shall study private inholdings in the Spanish Peaks area. These inholdings are the source of the only substantial concern that has been raised about the

eventual designation of this area as wilderness. The bill also provides that, for 3 years following the date of enactment, the area will continue to be managed under the terms of the 1980 Colorado Wilderness Act, which provides for the preservation of the existing suitability of this area for wilderness designation. Because this is a limited study, we expect the Forest Service to complete it expeditiously, so that there will be enough time for Congress to consider the report on land ownership and decide whether to designate the area as wilderness before the expiration of the management directive for the area.

Finally, I would like to point out the contributions of a few of the hundreds of people who have worked hard to bring this Colorado wilderness bill to the verge of enactment. First and foremost, I want to acknowledge that former Senator Tim Wirth, now Counsellor at the Department of State, has done more to make this bill a reality than anyone else. Our State's two current Senators, Hank Brown and Ben Nighthorse Campbell, also played key roles in achieving last fall's compromise and in championing it this year. Chairmen Miller and Vento have performed yeoman duty in shepherding this bill through the House. And a special thanks to the staff members who all too often go unrecognized -- to Stan Sloss, a Coloradan, who is counsel to the Subcommittee on National Parks, Forests, and Public Lands; Mark Trautwein, consultant to the full Committee on Natural Resources; and two members of my own staff, Steve Smith of my Colorado office and Stephen Saunders of my Washington office.

I stand ready now, Mr. Speaker, also to thank all my colleagues in the House for joining with us to pass this exciting and long-awaited legislation and for helping so to set aside a wondrous endowment of America's wild lands for all time.

Mr. THOMAS of Wyoming. Mr. Speaker, I would like to, first of all, congratulate the Colorado delegation for coming to an accord on this. I think it is the proper way to do it. I think the people who live in the areas ought to take the lead in these kinds of developments, and I congratulate them for doing that, unlike the most recent proposal which is a blanket wilderness for the West introduced by someone from Manhattan. In any event, Mr. Speaker, that is not my question. I am interested in water. I think it is generic. I think it sets a precedent.

Mr. Speaker, it is my understanding that the upper lands, there is an agreement that, of course, there is no development there. Those waters flow through the lands. They are, by definition, not used on wilderness; therefore, somewhat different. I understand that there are some lands then that are managed specially, and we speak specifically to not having a reservation of water rights on those.

Further, there is a section that precludes the notion of bringing suit with regard to water rights and in effect leaves the water rights in the hands of the State.

Mr. Speaker, I would ask if that is the understanding of the gentleman from Minnesota [Mr. Vento]?

Mr. VENTO. Mr. Speaker, the gentleman is correct that the lands that are designated as wilderness are the headwaters, some 613,000 acres, and there are specific provisions in section 8 that relate to them. These are lands nonsuitable for use of development of water resources. That is restricted in those areas. So in essence those areas are protected. Therefore, proper protection of the wilderness values of these will occur under that prescription.

Then there is about 100,000 acres of additional lands that are given special management status which have many of the properties of wilderness, but for all intents and purposes, yes, the restricted water provisions also apply to those.

Mr. THOMAS of Wyoming. Mr. Speaker, I would ask further, there is no express or implied reservation of rights for those lands? [*H4769]

Mr. VENTO. Mr. Speaker, for nonwilderness that is correct.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman from Minnesota [Mr. Vento].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say there is no other restriction that applies as a result of areas being designated wilderness in this instance. Any other rights that those already have in terms of water are preserved in this instance.

With regard to the wilderness areas, the bill is silent as to whether or not there is any new Federal water right in those instances.

Mr. Speaker, I would ask if that satisfies the gentleman from Wyoming [Mr. Thomas]?

Mr. THOMAS of Wyoming. Mr. Speaker, as I said, there are some areas in all of the wilderness bills that are sort of generic, and they do set precedents. So I think all of us in these kinds of States are interested in what they do in other States, even though we are not particularly interested in the amount of acreage.

Mr. VENTO. Mr. Speaker, I would just point out to the gentleman that we consider these lands unique. We do not consider this a model to deal with other areas. It seems every time we deal with water on these bills we have come up with specific language that tries to satisfy the issue, whether it is the issue in the Birds of Prey National Conservation Area in the Snake River, the circumstances surrounding that, and/or others.

Obviously, we would like to all see a solution that would work on a broader basis, but so far we have not been able to agree on that. So we did agree on this, and hopefully it will provide for and fulfill the expectations of the Members that have participated in the negotiations and the gentleman from Wyoming [Mr. Thomas].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for his work and support the bill.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Miller], the chairman of the Committee on Natural Resources and thank him for his support, which, as I noted earlier, was key to the positive resolution of this matter.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I wish to thank Chairman Vento for all of the work and time and effort he has put in on this legislation, and also to thank the Members of the Colorado delegation for their time and effort and the staff of the full committee and Subcommittee on Natural Resources.

MR. SPEAKER, I BELIEVE THE COLORADO WILDERNESS BILL BEFORE THE HOUSE TODAY IS A WORKABLE COMPROMISE THAT DESERVES THE SUPPORT OF THIS HOUSE. AS MOST MEMBERS WILL RECALL, VERY SIMILAR LEGISLATION WAS APPROVED BY THE HOUSE AND SENATE LATE IN THE LATE CONGRESS, BUT NOT IN TIME TO BE SENT TO THE PRESIDENT.

THIS LEGISLATION REFLECTS THE AGREEMENTS REACHED LAST OCTOBER WITH THE COLORADO DELEGATION AND THE SENATE. MOST IMPORTANTLY, IT CONTAINS SIGNIFICANTLY NEW LANGUAGE DEALING WITH THE QUESTION OF WATER RIGHTS AND THE PROTECTION OF WATER-RELATED RESOURCES IN WILDERNESS AREAS.

IN THE PAST, THE HOUSE, AND ULTIMATELY THE CONGRESS, AND THE PRESIDENT, HAVE ALWAYS DEEMED IT NECESSARY AND DESIRABLE TO SEEK THIS PROTECTION THROUGH THE RESERVATION OF A FEDERAL WATER RIGHT. WE ARE EMBARKED ON A DIFFERENT COURSE IN THIS INSTANCE FOR TWO BASIC REASONS: FIRST, WE ARE ASSURED THAT ALL THE WILDERNESS AREAS DESIGNATED BY THIS BILL AND SUBJECT TO THE NEW PROVISIONS REGARDING WATER-RELATED RESOURCES ARE TRULY HEADWATERS AREAS WITH NO POSSIBILITY OF UPSTREAM DEVELOPMENTS OR ACTIVITIES THAT MIGHT AFFECT THEM AND SECOND, WE BELIEVE THAT THE LANGUAGE SO PAINSTAKINGLY AGREED TO IS REASONABLY LIKELY TO AFFORD MUCH THE SAME LEVEL OF PROTECTION AS THE ASSERTION OF A FEDERAL WATER RIGHT. WE HAVE TRIED TO LAY OUT OUR COMMON UNDERSTANDING OF HOW THIS LANGUAGE OUGHT TO WORK IN THE EXTENSIVE COMMITTEE REPORT THAT ACCOMPANIES THIS BILL.

MR. SPEAKER, I WANT TO MAKE IT CLEAR THAT I WOULD HAVE PREFERRED TO STICK WITH THE HISTORIC HOUSE POSITION ON THIS MATTER. I STILL BELIEVE THAT THE RESERVATION OF A FEDERAL WATER RIGHT IS THE CLEANEST, SIMPLEST AND TIME-TESTED AVENUE FOR SORTING OUT THE MANY COMPLICATED QUESTIONS THIS MATTER RAISES.

NEVERTHELESS, I ALSO BELIEVE IT IS INCUMBENT UPON US TO SEEK NEW SOLUTIONS WHEN THE ESTABLISHED SOLUTIONS PROVE UNACCEPTABLE AND IT IS MY FERVENT HOPE THAT IF AND WHEN THIS LANGUAGE IS TESTED ON THE GROUND IN COLORADO IT WILL PROVE EQUAL TO THE TASK OF PROTECTING THE WILDERNESS AREAS WE HAVE WORKED SO HARD TO PRESERVE IN THIS BILL.

I URGE MY COLLEAGUES TO SUPPORT H.R.631.

MR. ALLARD. MR. SPEAKER, AS WE ALL KNOW, IT HAS BEEN A LONG AND TIRESOME ROAD TRYING TO DESIGNATE WILDERNESS IN COLORADO. FOR WELL MORE THAN A DECADE, DESPITE ALMOST UNANIMOUS CONCURRENCE THAT MORE WILDERNESS IS DESIRABLE, THE ISSUE HAS BEEN DEADLOCKED OVER BOUNDARIES AND DISCUSSIONS OF APPROPRIATE WATER LANGUAGE.

TODAY, WE HAVE BEFORE US, H.R. 631, A BILL THAT IS MOVING FORWARD IN THE HOUSE, AND COMPANION LEGISLATION IN THE SENATE, S. 206.

THE BILLS REPRESENT THE LATEST EFFORT TO PRESENT COMPROMISE LEGISLATION TO THIS COMMITTEE. IT IS SUPPORTED BY A HOST OF DIVERGENT GROUPS IN COLORADO. THE CRUCIAL ELEMENTS OF THESE BILLS ALMOST IDENTICALLY MIRROR AGREEMENTS HAMMERED OUT IN THE WEE MORNING HOURS OF THE LAST DAY, OF THE LAST SESSION OF THE 102D CONGRESS. ALTHOUGH IT WAS TOO LATE TO PASS LEGISLATION AT THE END OF LAST YEAR, SENATOR HANK BROWN AND HIS STAFF HAVE WORKED TIRELESSLY TO GARNER BOTH LOCAL AND COMMITTEE SUPPORT FOR THIS LEGISLATION SINCE THEN. ALTHOUGH MANY HAVE WORKED ON COLORADO WILDERNESS LEGISLATION OVER THE PAST DECADE, INCLUDING MYSELF; FORMER SENATORS WIRTH AND ARMSTRONG; FORMER REPRESENTATIVES KOGOVSEK, CAMPBELL, AND STRANG; AND CONGRESSMEN HEFLEY, SCHAEFER AND MCINNIS; IT IS TRULY SENATOR BROWN WHO DESERVES THE CREDIT FOR AUTHORIZING THE LANGUAGE THAT WAS FINALLY ABLE TO BRING THE BILL TO THIS POINT.

BESIDES THE COLORADO DELEGATION, THERE WERE A NUMBER OF INDIVIDUALS FROM COLORADO, INCLUDING WATER USERS, ATTORNEYS, AND ENVIRONMENTALISTS, WHO HAD A HAND IN THIS LEGISLATION.

SPECIFICALLY, CREDIT IS DUE TO THE NORTHERN WATER CONSERVANCY DISTRICT, WHOSE STAFF AND LEGAL COUNSEL WERE SUCH A VALUABLE RESOURCE AS A LIAISON TO THE COLORADO WATER COMMUNITY IN THE DEVELOPMENT OF THE WATER LANGUAGE INCLUDED IN THIS BILL AND ENDORSED BY THE COLORADO WATER CONGRESS.

MR. SPEAKER, COLORADO'S COMMUNITY INTEREST IS VITAL TO ANY LEGISLATION DEALING WITH WATER. I HAVE ALWAYS BELIEVED THAT WHEN DESIGNATING ADDITIONAL WILDERNESS, IT IS VITAL TO SPECIFICALLY DISCLAIM ANY INFERENCE THAT A FEDERAL RESERVED WATER RIGHT IS BEING CREATED. WITH THAT AS A BENCHMARK, I HAVE ALWAYS BEEN WILLING TO CONSIDER THE MERITS OF ANY WILDERNESS LEGISLATION. FOR THAT REASON, LAST YEAR I WAS ABLE TO SUPPORT THE WILDERNESS COMPROMISE AS INTRODUCED INTO THE SENATE BY SENATORS WIRTH AND BROWN (S. 1029, 102D CONGRESS). UNFORTUNATELY, THAT FRAGILE COMPROMISE WAS DERAILED HERE IN THIS COMMITTEE AND IN LATER NEGOTIATIONS, DESPITE THE FACT THAT THE BILL HAD BEEN ENDORSED BY NEARLY EVERY SINGLE WATER USER, ALMOST ALL OF THE ENVIRONMENTAL COMMUNITY, FARM GROUPS, AND A HOST OF PUBLIC LANDS USERS.

AS WE DEAL WITH THE LEGISLATION BEFORE US, IT IS IMPORTANT TO REMEMBER THAT THE LANGUAGE CHOSEN FOR H.R. 631 IS NOT ENDORSED BY ALL OF THE AFFECTED WATER USERS IN COLORADO. THIS IS UNLIKE THE SITUATION LAST YEAR, WHEN THERE WAS UNANIMOUS SUPPORT IN THE WATER COMMUNITY FOR THE PASSAGE OF S. 1029. IT IS THIS SENATE COMPROMISE BILL THAT I SUPPORTED LAST YEAR AND STILL SUPPORT TODAY, IN THIS YEAR'S HOUSE VERSION H.R. 195.

AGAIN, WHILE I UNDERSTAND AND APPRECIATE THE TIME, EFFORT AND CREATIVE THINKING THAT WENT INTO THE DEVELOPMENT OF H.R. 631, MY RESERVATION FOR THIS BILL STEMS FROM THE UNCERTAIN OUTCOME OF THE LEGAL BATTLES THAT MAY ARISE OVER THIS WATER LANGUAGE. WITH THIS LEGISLATION WE ARE MISSING A PIVOTAL OPPORTUNITY TO SPECIFICALLY DISCLAIM THE EXISTENCE OF A FEDERAL RESERVED WATER RIGHT. THE BILL COMES CLOSE. IT IS CERTAINLY BETTER THAN NO LANGUAGE AT ALL. BUT STILL, THERE IS JUST THAT SLIVER OF A DOUBT IN MY MIND, THAT REINFORCES MY DESIRE TO BE VERY SPECIFIC IN DISCLAIMING A FEDERAL RESERVED WATER RIGHT.

MR. SPEAKER, I RECOGNIZE THAT MOST OF THE AREAS IN THIS BILL ARE HEADQUARTERS AREAS AND THAT REALISTICALLY THERE ARE FEW IF ANY WATER RIGHTS THAT COULD BE AFFECTED BY ANY INTERPRETATION OF THE WATER LANGUAGE. BUT, I ALSO KNOW THAT THE REAL BATTLE IS YET TO BE FOUGHT. I AM TALKING ABOUT THE DOWNSTREAM, BLM RECOMMENDED WILDERNESS INCLUSIONS, THAT

WILL UNDOUBTEDLY BE TAKEN UP SHORTLY AFTER THE PASSAGE OF THIS BILL. IN THESE DOWNSTREAM AREAS ANY AMBIGUITY ON THE ISSUE OF FEDERAL RESERVED WATER RIGHTS COULD HAVE ENORMOUS RAMIFICATIONS FOR THE ENTIRE STATE OF COLORADO.

I THINK EVERYONE IS AWARE THAT ULTIMATELY THERE WILL BE COURT INTERPRETATIONS OF THIS WATER LANGUAGE. THE NEW USE OF THE WORD "AREAS" IS MEANT TO BE CERTAIN THAT A WATER RIGHT IS NOT CREATED FOR A WILDERNESS. HOWEVER, IN MY OPINION IT IS NOT BEYOND THE BOUNDS OF REALITY THAT SOME SYMPATHETIC JUDGE MIGHT MISINTERPRET THE TRUE INTENT OF THIS LEGISLATION, WHICH IS TO ENSURE THAT A FEDERAL RESERVED RIGHT IS NOT CREATED AT A LATER DATE. THEREFORE, I WOULD FEEL MORE COMFORTABLE IF THESE UNCERTAINTIES WERE ALLEVIATED AND THE BILL INCLUDED AN EXPRESS DISCLAIMER OF A FEDERAL RESERVED WATER RIGHT. [*H4770]

ACCORDINGLY, DESPITE ALL THE GOOD THINGS ENTAILED IN H.R. 631; DESPITE THE WONDERFULLY CRAFTED BOUNDARIES; CAREFUL RELEASE LANGUAGE; AND MY RESPECT AND TRUST IN SENATOR BROWN, I DECLINED TO SPONSOR THIS LATEST ATTEMPT AT COMPROMISE LANGUAGE. MY RELUCTANCE IS NOT SO MUCH FOR WHAT IS IN THE BILL, BUT FOR WHAT WOULD HAVE BEEN IN THE BILL WERE IT NOT HELD HOSTAGE BY THIS COMMITTEE. SENATOR BROWN HAS DONE EVERYTHING POSSIBLE, AND THEN SOME, TO LOOK OUT FOR COLORADO'S INTERESTS IN THE CRAFTING OF THIS BILL. WERE IT NOT FOR HIS EFFORTS THERE WOULD LIKELY BE NO COLORADO WILDERNESS BILL FOR COLORADO AT ALL.

SO, WHILE I CANNOT SUPPORT THIS LEGISLATION, NEITHER WILL I STAND IN THE WAY OF ITS PASSAGE. A MAJORITY OF COLORADO GROUPS AFFECTED BY THE BILL DO SUPPORT ITS PASSAGE, INCLUDING THE COLORADO WATER CONGRESS. AND IT IS TO THEIR JUDGMENT AND EXPERTISE, AND TO THAT OF SENATOR BROWN, THAT IN THIS INSTANCE I DEFER. IT IS NOT IN MY POWER TO FORCE A CHANGE IN THE WATER LANGUAGE AND THEREFORE I DO NOT WISH TO THROW UP ANY HURDLES THAT MIGHT CLOUD THE MANY POSITIVE ASPECTS THAT SURROUND THE PASSAGE OF THIS BILL.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I urge positive consideration of this bill.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Montgomery). The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the bill, H.R. 631, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.