

**AMENDMENT TO H.R. 2406, AS REPORTED
OFFERED BY MR. POLIS OF COLORADO**

Add at the end the following:

1 **TITLE XVII—CONTINENTAL DI-**
2 **VIDE WILDERNESS AND**
3 **RECREATION**

4 **SEC. 1701. SHORT TITLE.**

5 This title may be cited as the “Continental Divide
6 Wilderness and Recreation Act”.

7 **SEC. 1702. COLORADO WILDERNESS ADDITIONS.**

8 (a) DESIGNATION.—Section 2(a) of the Colorado Wil-
9 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;
10 16 U.S.C. 1132 note) is amended—

11 (1) in paragraph (18), by striking “1993,” and
12 inserting “1993, and certain Federal lands in the
13 White River National Forest which comprise ap-
14 proximately 6,349 acres, as generally depicted as
15 ‘Proposed Ute Pass Wilderness’, ‘Proposed Acorn
16 Creek Wilderness’, and ‘Proposed Ptarmigan Addi-
17 tions Wilderness’ on a map entitled ‘Ptarmigan Peak
18 Wilderness Additions Proposal’, dated July, 2014,”
19 and

1 (2) by adding at the end the following new
2 paragraphs:

3 “(22) HOLY CROSS WILDERNESS ADDITION.—
4 Certain Federal lands in the White River National
5 Forest which comprise approximately 3,942 acres, as
6 generally depicted as ‘Proposed No Name Wilder-
7 ness’ on a map entitled ‘Holy Cross Wilderness Ad-
8 dition Proposal’, dated July, 2014, and which are in-
9 corporated in and shall be deemed to be a part of
10 the Holy Cross Wilderness designated by section
11 102(a)(5) of Public Law 96–560 (94 Stat. 3266).

12 “(23) HOOSIER RIDGE WILDERNESS.—Certain
13 Federal lands in the White River National Forest
14 which comprise approximately 5,172 acres, as gen-
15 erally depicted on a map entitled ‘Hoosier Ridge
16 Wilderness Proposal’, dated July, 2014, and which
17 shall be known as the ‘Hoosier Ridge Wilderness’.

18 “(24) TENMILE WILDERNESS.—Certain Federal
19 lands in the White River National Forest which
20 comprise approximately 7,577 acres, as generally de-
21 picted as ‘Proposed Tenmile Wilderness’ on a map
22 entitled ‘Tenmile Proposal’, dated July, 2014, and
23 which shall be known as the ‘Tenmile Wilderness’.

24 “(25) WILLIAMS FORK WILDERNESS.—Certain
25 Federal lands in the White River National Forest

1 which comprise approximately 9,338 acres, as gen-
2 erally depicted on a map entitled ‘Proposed Williams
3 Fork Wilderness’, dated July, 2014, and which shall
4 be known as the ‘Williams Fork Wilderness’.

5 “(26) EAGLES NEST WILDERNESS ADDI-
6 TIONS.—

7 “(A) DESIGNATION OF WILDERNESS.—
8 Certain Federal lands in the White River Na-
9 tional Forest which comprise approximately
10 7,082 acres, as generally depicted as ‘Proposed
11 Freeman Creek Wilderness’ and ‘Proposed
12 Spraddle Creek Wilderness’ on a map entitled
13 ‘Eagles Nest Wilderness Additions Proposal’,
14 dated July, 2014, and which are incorporated
15 in and shall be deemed to be a part of the Ea-
16 gles Nest Wilderness designated by Public Law
17 94–352 (90 Stat. 870).

18 “(B) POTENTIAL WILDERNESS.—

19 “(i) DESIGNATION.—In furtherance of
20 the purposes of the Wilderness Act, certain
21 Federal lands in the White River National
22 Forest which comprise approximately
23 2,338 acres, as generally depicted as ‘Pro-
24 posed Spraddle Creek Potential Wilder-
25 ness’ on a map entitled ‘Eagles Nest Wil-

1 derness Additions Proposal’, dated July
2 2014, is designated as a potential wilder-
3 ness area.

4 “(ii) MANAGEMENT.—Except as pro-
5 vided in clause (iii) and subject to valid ex-
6 isting rights, the potential wilderness area
7 designated by this subparagraph shall be
8 managed in accordance with the Wilder-
9 ness Act and this Act.

10 “(iii) ECOLOGICAL RESTORATION.—
11 For purposes of ecological restoration (in-
12 cluding any activity necessary to restore
13 the natural ecosystems and water quality
14 and protect watershed values in the poten-
15 tial wilderness area designated by this sub-
16 paragraph), the Secretary or an authorized
17 third party may use motorized and mecha-
18 nized transport and equipment in the po-
19 tential wilderness area until the date on
20 which the potential wilderness area is in-
21 corporated into the Eagles Nest Wilder-
22 ness.

23 “(iv) DESIGNATION AS WILDER-
24 NESS.—The potential wilderness area des-
25 ignated by this subparagraph shall be des-

1 ignated as wilderness and incorporated in
2 and deemed to be a part of the Eagles
3 Nest Wilderness on the earlier of—

4 “(I) the date on which the Sec-
5 retary publishes in the Federal Reg-
6 ister notice that the ecological restora-
7 tion activities identified in clause (iii)
8 have been completed by the Secretary
9 or an authorized third party; or

10 “(II) the date that is 10 years
11 after the date of enactment of the
12 Continental Divide Wilderness and
13 Recreation Act.”.

14 (b) EFFECTIVE DATE.—Any reference in the Wilder-
15 ness Act (16 U.S.C. 1131 et seq.) to the effective date
16 of that Act shall be considered to be a reference to the
17 date of enactment of this Act for purposes of admin-
18 istering the Federal lands designated as wilderness by
19 paragraphs (18) and (22) through (26)(A) of section 2(a)
20 of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132
21 note; Public Law 103–77), as amended or added by sub-
22 section (a).

23 (c) FIRE, INSECTS, AND DISEASES.—As provided in
24 section 4(d)(1) of the Wilderness Act (16 U.S.C.
25 1133(d)(1)), in the case of the Federal lands designated

1 as wilderness by paragraphs (18) and (22) through
2 (26)(A) of section 2(a) of the Colorado Wilderness Act of
3 1993 (16 U.S.C. 1132 note; Public Law 103–77), as
4 amended or added by subsection (a), the Secretary may
5 take any measure that the Secretary determines to be nec-
6 essary to control fire, insects, and diseases, subject to such
7 terms and conditions as the Secretary determines to be
8 appropriate.

9 (d) INCORPORATION OF ACQUIRED LAND AND IN-
10 TERESTS.—Any land or interest in land that is acquired
11 by the United States within the boundaries of the Federal
12 lands designated as wilderness by paragraphs (18) and
13 (22) through (26)(A) of section 2(a) of the Colorado Wil-
14 derness Act of 1993 (16 U.S.C. 1132 note; Public Law
15 103–77), as amended or added by subsection (a), shall—

16 (1) become part of the wilderness area of which
17 the Federal lands are a part; and

18 (2) be managed in accordance with the applica-
19 ble provisions of this title and any other applicable
20 laws.

21 (e) GRAZING.—The grazing of livestock on the Fed-
22 eral lands designated as wilderness by paragraphs (18)
23 and (22) through (26)(A) of section 2(a) of the Colorado
24 Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law
25 103–77), as amended or added by subsection (a), if estab-

1 lished before the date of enactment of this Act, shall be
2 permitted to continue subject to such reasonable regula-
3 tions as are considered necessary by the Secretary, in ac-
4 cordance with section 4(d)(4) of the Wilderness Act (16
5 U.S.C. 1133(d)(4)).

6 (f) **NO BUFFER ZONES.**—Congress does not intend
7 that the designation by this title of Federal lands as wil-
8 derness in the State of Colorado creates or implies the
9 creation of protective perimeters or buffer zones around
10 any wilderness area. The fact that nonwilderness activities
11 or uses can be seen or heard from within a wilderness area
12 shall not, of itself, preclude such activities or uses up to
13 the boundary of the wilderness area.

14 **SEC. 1703. TENMILE RECREATION MANAGEMENT AREA,**
15 **WHITE RIVER NATIONAL FOREST, COLO-**
16 **RADO.**

17 (a) **DESIGNATION.**—Certain Federal land in the
18 White River National Forest in the State of Colorado
19 which comprise approximately 11,417 acres, as generally
20 depicted as “Proposed Tenmile Recreation Management
21 Area” on a map entitled “Tenmile Proposal”, dated July
22 2014, is designated the “Tenmile Recreation Management
23 Area” (in this section referred to as the “Recreation Man-
24 agement Area”).

1 (b) PURPOSES.—The purposes of the Recreation
2 Management Area are to conserve, protect, and enhance
3 for the benefit and enjoyment of present and future gen-
4 erations the recreational, scenic, watershed, habitat, and
5 ecological resources of the area.

6 (c) MANAGEMENT.—

7 (1) IN GENERAL.—The Secretary of Agriculture
8 shall manage the Recreation Management Area—

9 (A) in a manner that conserves, protects,
10 and enhances—

11 (i) the purposes of the Recreation
12 Management Area described in subsection
13 (b); and

14 (ii) recreation opportunities, including
15 mountain biking, hiking, fishing, horseback
16 riding, snowshoeing, climbing, skiing,
17 camping, and hunting; and

18 (B) in accordance with—

19 (i) the Forest and Rangeland Renew-
20 able Resources Planning Act of 1974 (16
21 U.S.C. 1600 et seq.);

22 (ii) any other applicable laws (includ-
23 ing regulations); and

24 (iii) this section.

25 (2) USES.—

1 (A) IN GENERAL.—The Secretary shall
2 only allow such uses of the Recreation Manage-
3 ment Area that the Secretary determines would
4 further the purposes described in subsection
5 (b).

6 (B) VEHICLES.—

7 (i) IN GENERAL.—Except as provided
8 in clause (iii), the use of motorized vehicles
9 in the Recreation Management Area shall
10 be limited to those roads, vehicle classes,
11 and periods of use authorized for such use
12 on the date of enactment of this Act.

13 (ii) NEW OR TEMPORARY ROADS.—
14 Except as provided in clause (iii), no new
15 or temporary roads shall be constructed
16 within the Recreation Management Area.

17 (iii) EXCEPTIONS.—Nothing in clause
18 (i) or (ii) prevents the Secretary from—

19 (I) rerouting or closing an exist-
20 ing road or trail to protect natural re-
21 sources from degradation, as deter-
22 mined to be appropriate by the Sec-
23 retary;

1 (II) authorizing the use of motor-
2 ized vehicles for administrative pur-
3 poses;

4 (III) constructing temporary
5 roads or permitting the use of motor-
6 ized vehicles to carry out pre- or post-
7 fire watershed protection projects;

8 (IV) authorizing the use of mo-
9 torized vehicles to carry out activities
10 associated with subsection (g), (h), or
11 (i); and

12 (V) responding to an emergency.

13 (C) COMMERCIAL TIMBER.—

14 (i) IN GENERAL.—No projects shall be
15 undertaken for the purpose of harvesting
16 commercial timber within the Recreation
17 Management Area.

18 (ii) LIMITATION.—Nothing in clause
19 (i) prevents the Secretary from harvesting
20 or selling merchantable products that are
21 byproducts of activities authorized by this
22 section.

23 (d) MAPS AND LEGAL DESCRIPTIONS.—

24 (1) FILING.—As soon as practicable after the
25 date of enactment of this Act, the Secretary shall

1 prepare a map and legal descriptions for the Recre-
2 ation Management Area.

3 (2) FORCE OF LAW.—The map and legal de-
4 scription prepared under paragraph (1) shall have
5 the same force and effect as if included in this Act,
6 except that the Secretary may correct typographical
7 errors in the maps and legal descriptions.

8 (3) PUBLIC AVAILABILITY.—The map and legal
9 description prepared under paragraph (1) shall be
10 on file and available for public inspection in the ap-
11 propriate office of the Secretary.

12 (e) WITHDRAWAL.—Subject to valid rights in exist-
13 ence on the date of enactment of this Act, the Federal
14 land within the Recreation Management Area is with-
15 drawn from—

16 (1) all forms of entry, appropriation, and dis-
17 posal under the public land laws;

18 (2) location, entry, and patent under the mining
19 laws; and

20 (3) operation of the mineral leasing, mineral
21 materials, and geothermal leasing laws.

22 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
23 ESTS.—Any land or interest in land that is acquired by
24 the United States within the boundaries of the Recreation
25 Management Area shall—

1 (1) become part of the Recreation Management
2 Area; and

3 (2) be managed in accordance with the applica-
4 ble provisions of this title and any other applicable
5 laws.

6 (g) FIRE, INSECTS, AND DISEASES.—The Secretary
7 may take any measure that the Secretary determines to
8 be necessary to prevent, control, and mitigate fire, insects,
9 and diseases, and hazardous fuels, subject to such terms
10 and conditions as the Secretary determines to be appro-
11 priate.

12 (h) WATER MANAGEMENT INFRASTRUCTURE.—
13 Nothing in this section affects the construction, repair, re-
14 construction, replacement, operation, maintenance, or ren-
15 ovation of water management infrastructure existing on
16 the date of enactment of this Act or such future infra-
17 structure necessary for the development or exercise of
18 water rights decreed prior to the date of enactment of this
19 Act within the Tenmile Recreation Management Area.

20 (i) REGIONAL TRANSPORTATION PROJECTS.—Noth-
21 ing in this section precludes the Secretary from author-
22 izing, consistent with applicable laws (including regula-
23 tions), the use or lease of Federal land within the Recre-
24 ation Management Area for—

1 (1) regional transportation projects, including
2 highway widening or realignment and construction
3 of multimodal transportation systems; and

4 (2) infrastructure, activities, or safety measures
5 associated with the implementation or utilization of
6 those facilities.

7 (j) APPLICATION OF LAW.—Nothing in this section
8 shall affect the designation of the Federal land within the
9 Recreation Management Area for purposes of section 303
10 of title 49, United States Code, and section 138 of title
11 23, United States Code.

12 (k) PERMITS.—Nothing in this section alters or lim-
13 its—

14 (1) a permit held by a ski area or other entity;
15 or

16 (2) the acceptance, review, or implementation of
17 associated activities or facilities proposed or author-
18 ized by law or permit outside of the Recreation Man-
19 agement Area.

20 (l) WATER.—The provisions of section 3(e) of the
21 James Peak Wilderness and Protection Area Act (Public
22 Law 107–216; 116 Stat. 1055) shall apply to the Recre-
23 ation Management Area established by this section.

24 (m) MILITARY ACTIVITIES.—

1 (1) COLORADO NATIONAL GUARD USE.—Noth-
2 ing in this section shall restrict, preclude or other-
3 wise affect the use by the Colorado Army National
4 Guard, a reserve component of the Armed Forces, of
5 the Recreation Management Area for aircraft train-
6 ing, testing, evaluation, emergency response, or
7 other related air operations—

8 (A) in the manner and degree such uses
9 were authorized to occur on the date of the en-
10 actment of this Act; or

11 (B) as authorized under future agreements
12 between the Secretary and the Secretary of De-
13 fense.

14 (2) MILITARY AIRCRAFT USE.—Nothing in this
15 section restricts or precludes, or should cause any
16 other Federal regulation to restrict or preclude—

17 (A) low-level overflights of military air-
18 craft; or

19 (B) the designation, modification, or cre-
20 ation of new units of special use airspace, or
21 the establishment of military flight training
22 routes.

23 (n) FISH AND WILDLIFE.—Nothing in this section
24 affects the jurisdiction or responsibilities of the State of

1 Colorado with respect to fish and wildlife in the State, in-
2 cluding hunting and fishing.

3 (o) NO BUFFER ZONES.—The Recreation Manage-
4 ment Area shall not create a protective perimeter or buffer
5 zone around the Recreation Management Area.

6 **SEC. 1704. PORCUPINE GULCH PROTECTION AREA, WHITE**
7 **RIVER NATIONAL FOREST, COLORADO.**

8 (a) DESIGNATION.—Certain Federal land located in
9 the White River National Forest in the State of Colorado
10 which comprise approximately 5,204 acres, as generally
11 depicted on a map entitled “Porcupine Gulch Protection
12 Area Proposal”, dated July 2014, is designated the “Por-
13 cupine Gulch Protection Area” (in this section referred to
14 as the “Protection Area”).

15 (b) PURPOSES.—The purposes of the Protection Area
16 are to conserve, protect, and enhance for the benefit and
17 enjoyment of present and future generations the scenic,
18 roadless, watershed, and ecological resources of the Pro-
19 tection Area.

20 (c) MANAGEMENT.—

21 (1) IN GENERAL.—The Secretary of Agriculture
22 shall manage the Protection Area—

23 (A) in a manner that conserves, protects,
24 and enhances the purposes described in sub-
25 section (b); and

1 (B) in accordance with—

2 (i) the Forest and Rangeland Renew-
3 able Resources Planning Act of 1974 (16
4 U.S.C. 1600 et seq.);

5 (ii) any other applicable laws (includ-
6 ing regulations); and

7 (iii) this section.

8 (2) USES.—

9 (A) IN GENERAL.—The Secretary shall
10 only allow such uses of the Protection Area that
11 the Secretary determines would further the pur-
12 poses described in subsection (b).

13 (B) MOTORIZED VEHICLES.—

14 (i) IN GENERAL.—Except as provided
15 in clause (iii), the use of motorized vehicles
16 and mechanized transport in the Protec-
17 tion Area shall be prohibited.

18 (ii) NEW OR TEMPORARY ROADS.—
19 Except as provided in clause (iii), no new
20 or temporary roads shall be constructed
21 within the Protection Area.

22 (iii) EXCEPTIONS.—Nothing in clause
23 (i) or (ii) prevents the Secretary from—

1 (I) authorizing the use of motor-
2 ized vehicles for administrative pur-
3 poses;

4 (II) constructing temporary
5 roads or permitting the use of motor-
6 ized vehicles to carry out pre- or post-
7 fire watershed protection projects;

8 (III) authorizing the use of mo-
9 torized vehicles to carry out activities
10 associated with subsection (g) or (h);
11 or

12 (IV) responding to an emergency.

13 (C) COMMERCIAL TIMBER.—

14 (i) IN GENERAL.—No projects shall be
15 undertaken for the purpose of harvesting
16 commercial timber within the Protection
17 Area.

18 (ii) LIMITATION.—Nothing in clause
19 (i) prevents the Secretary from harvesting
20 or selling merchantable products that are
21 byproducts of activities authorized by this
22 section.

23 (d) MAP AND LEGAL DESCRIPTION.—

24 (1) FILING.—As soon as practicable after the
25 date of enactment of this Act, the Secretary shall

1 prepare a map and legal description for the Protec-
2 tion Area.

3 (2) FORCE OF LAW.—The map and legal de-
4 scription prepared under paragraph (1) shall have
5 the same force and effect as if included in this title,
6 except that the Secretary may correct typographical
7 errors in the map and legal description.

8 (3) PUBLIC AVAILABILITY.—The map and legal
9 description prepared under paragraph (1) shall be
10 on file and available for public inspection in the ap-
11 propriate office of the Secretary.

12 (e) WITHDRAWAL.—Subject to valid rights in exist-
13 ence on the date of enactment of this Act, the Federal
14 land within the Protection Area is withdrawn from—

15 (1) all forms of entry, appropriation, and dis-
16 posal under the public land laws;

17 (2) location, entry, and patent under the mining
18 laws; and

19 (3) operation of the mineral leasing, mineral
20 materials, and geothermal leasing laws.

21 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
22 ESTS.—Any land or interest in land that is acquired by
23 the United States within the boundaries of the Protection
24 Area shall—

25 (1) become part of the Protection Area; and

1 (2) be managed in accordance with the applica-
2 ble provisions of this title and any other applicable
3 laws.

4 (g) FIRE, INSECTS, AND DISEASES.—The Secretary
5 may take any measure that the Secretary determines to
6 be necessary to prevent, control, and mitigate fire, insects,
7 and diseases and hazardous fuels, subject to such terms
8 and conditions as the Secretary determines to be appro-
9 priate.

10 (h) REGIONAL TRANSPORTATION PROJECTS.—Noth-
11 ing in this section precludes the Secretary from author-
12 izing, consistent with applicable laws (including regula-
13 tions), the use or lease of Federal land within the Protec-
14 tion Area for—

15 (1) regional transportation projects, including
16 highway widening or realignment and construction
17 of multimodal transportation systems; and

18 (2) infrastructure, activities, or safety measures
19 associated with the implementation or utilization of
20 those facilities.

21 (i) APPLICATION OF LAW.—Nothing in this section
22 shall affect the designation of the Federal land within the
23 Protection Area for purposes of section 303 of title 49,
24 United States Code, and section 138 of title 23, United
25 States Code.

1 (j) WATER.—The provisions of section 3(e) of the
2 James Peak Wilderness and Protection Area Act (Public
3 Law 107–216; 116 Stat. 1055) shall apply to the Protec-
4 tion Area.

5 (k) MILITARY ACTIVITIES.—

6 (1) COLORADO ARMY NATIONAL GUARD USE.—
7 Nothing in this section shall restrict, preclude or
8 otherwise affect the use by the Colorado Army Na-
9 tional Guard, a reserve component of the Armed
10 Forces, of the Protection Area for aircraft training,
11 testing, evaluation, emergency response, or other re-
12 lated air operations—

13 (A) in the manner and degree such uses
14 were authorized to occur on the date of the en-
15 actment of this Act; or

16 (B) as authorized under future agreements
17 between the Secretary and the Secretary of De-
18 fense.

19 (2) MILITARY AIRCRAFT USE.—Nothing in this
20 section restricts or precludes, or should cause any
21 other Federal regulation to restrict or preclude—

22 (A) low-level overflights of military air-
23 craft; or

24 (B) the designation, modification, or cre-
25 ation of new units of special use airspace, or

1 the establishment of military flight training
2 routes.

3 (l) FISH AND WILDLIFE.—Nothing in this section af-
4 fects the jurisdiction or responsibilities of the State of Col-
5 orado with respect to fish and wildlife in the State, includ-
6 ing hunting and fishing.

7 (m) NO BUFFER ZONES.—The Protection Area shall
8 not create a protective perimeter or buffer zone around
9 the Protection Area.

