

Summary of the Hermosa Creek Special Management Area Legislation  
prepared by  
San Juan National Forest  
for  
Public Open House  
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Please note that the legislation addresses many things in addition to the Hermosa Creek Special Management Area (SMA), primarily defense spending, but also including several other land management-related sections.

The section of the legislation pertinent to the Hermosa Creek SMA is outlined below, and the sub-sections related to the SMA are highlighted:

**Sec. 3062. Hermosa Creek Watershed Protection.**

**(a) Definitions**

**(b) Designation Of Hermosa Creek Special Management Area**

**(1) Designation**

**(2) Purpose**

**(3) Administration**

**(A) In General**

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**(I) In General**

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**(9) Management Plan**

**(10) Trail And Open Area Snowmobile Usage**

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**(1) Designation Of Wilderness**

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**(3) Fire, Insects, And Diseases**

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**(2) Maps And Legal Descriptions**

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**(4) Military Overflights**

The following excerpts are taken from H.R. 3979 (enrolled bill version dated January 17, 2015), titled the "Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015" obtained from <https://www.congress.gov/bill/113th-congress/house-bill/3979/text>. The final signed public law text is not available from the Government Printing Office yet.

# TITLE PAGE

H. R. 3979

## One Hundred Thirteenth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Friday,  
the third day of January, two thousand and fourteen*

### An Act

To authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015”.

(b) FINDINGS.—Congress makes the following findings:

(1)(A) Senator Carl Levin of Michigan was elected a member of the United States Senate on November 7, 1978, for a full term beginning January 3, 1979. He has served continuously in the Senate since that date, and was appointed as a member of the Committee on Armed Services in January 1979. He has served on the Committee on Armed Services since that date, a period of nearly 36 years.

(B) A graduate of Detroit Central High School, Senator Levin went on to Swarthmore College, and graduated from Harvard Law School in 1959, gaining admittance to the Michigan bar. He served his State as assistant attorney general and general counsel of the Michigan Civil Rights Commission from 1964–1967, and later served his hometown of Detroit as a member of the Detroit City Council from 1969–1973, and as the council’s president from 1974–1977.

(C) Senator Levin first served as chairman of the Committee on Armed Services of the United States Senate for a period of the 107th Congress, and has remained chairman since the 110th Congress began in 2007. He has exercised extraordinary leadership as either the chairman or ranking minority member of the committee since the start of the 105th Congress in 1997.

(D) Each year, for the past 52 years, the Committee on Armed Services has reliably passed an annual defense authorization act, and this will be the 36th that Senator Levin has had a role in. In his capacity as member, ranking member, and chairman, he has been an advocate for a strong national defense, and has made lasting contributions to the security of our Nation.

(E) It is altogether fitting and proper that this Act, the last annual authorization act for the national defense that Senator Levin manages in and for the United States Senate

~~subparagraph (A) shall be determined by a survey approved by the Secretary.~~

~~(ii) COSTS.—The reasonable survey and other administrative costs associated with the conveyance shall be paid by the holder of the permit or the owner of the private property, as applicable.~~

**SEC. 3062. 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 purposes 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 the date of enactment of this Act, 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 non-system 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 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 the date of enactment of this Act 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 purposes 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 the date of enactment of this Act, 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 the date of enactment of this Act.

(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 the date of enactment of this Act.

(c) HERMOSA CREEK WILDERNESS.—

(1) DESIGNATION OF WILDERNESS.—Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; 107 Stat. 756; 114 Stat. 1955; 116 Stat. 1055) is amended by adding at the end the following:

"(22) Certain land within the San Juan National Forest that comprises approximately 37,236 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, which shall be known as the 'Hermosa Creek Wilderness'."

(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 the date of enactment of this Act 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)).

(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)), 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) 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 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, 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 the date of enactment of this Act, 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 located 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 the date of enactment of this Act, 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);

(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); or
- (iii) the wilderness study area designated by subsection (f)(2)(B)(i).

(B) NONWILDERNESS ACTIVITIES.—The fact that a non-wilderness activity or use can be seen or heard from areas within the wilderness area designated by an amendment made by subsection (c)(1) 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 wilderness area under an amendment made by this section, 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).

~~SEC. 3063. NORTH FORK FEDERAL LANDS WITHDRAWAL AREA.~~

~~(a) DEFINITIONS.—In this section:~~

~~(1) ELIGIBLE FEDERAL LAND.—The term “eligible Federal land” means—~~

~~(A) any federally owned land or interest in land depicted on the Map as within the North Fork Federal Lands Withdrawal Area; or~~

~~(B) any land or interest in land located within the North Fork Federal Lands Withdrawal Area that is acquired by the Federal Government after the date of enactment of this Act.~~

~~(2) MAP.—The term “Map” means the Bureau of Land Management map entitled “North Fork Federal Lands Withdrawal Area” and dated June 9, 2010.~~

~~(b) WITHDRAWAL.—Subject to valid existing rights, the eligible Federal land is withdrawn from—~~

~~(1) all forms of location, entry, and patent under the mining laws; and~~

~~(2) disposition under all laws relating to mineral leasing and geothermal leasing.~~

~~(c) AVAILABILITY OF MAP.—Not later than 30 days after the date of enactment of this Act, the Map shall be made available to the public at each appropriate office of the Bureau of Land Management.~~

~~(d) EFFECT OF SECTION.—Nothing in this section prohibits the Secretary of the Interior from taking any action necessary to complete any requirement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) required for permitting surface-~~