

Readers Guide to Gunnison Outdoor Resources Protection Act

This guide provides brief explanations for some of the key provisions of the bill.

Note: Some of the draft legislation’s text appears in brackets. These brackets have two meanings:

- 1) The dates of maps are bracketed because the official maps are prepared by the relevant federal land management agencies once draft legislation is finalized for introduction
- 2) Some provisions detailing specific designation areas are bracketed. These provisions correspond with areas on the map labeled as “in Discussion”. These proposal areas remain the subject of ongoing conversations aimed at fully vetting the proposals and building consensus. For more information read the FAQ about the Gunnison Outdoor Resources Protection Act at bennet.senate.gov

SECTION 1. SHORT TITLE.

Provides the commonly used title for the bill.

SEC. 2. DEFINITIONS.

This section defines terms that are used throughout the bill so the meaning of those terms is clear and they are interpreted consistently. There are six categories of areas designated for special management in the bill, and each is broadly defined in this section to streamline the designation and management sections in the body of the bill.

Note: *The term “valid existing rights” is used throughout the legislation. This refers to certain existing legal rights, including private property, mining rights, rights of way, water rights, etc. The legislation includes provisions to make clear that it does not override such rights.*

SEC. 3. DESIGNATION OF SPECIAL MANAGEMENT AREAS.

(a) Designation.—

This section designates 10 separate Special Management Areas (SMAs), with acreage figures for each, and subject to valid existing rights.

(b) Purpose.—

The purpose section outlines the broad management emphasis for the SMAs, which is broadly to conserve, protect, and enhance the natural, scenic, scientific, cultural, watershed, recreation, and wildlife resources of the areas.

(c) Management.—

Management language routinely goes from more general to more specific, with the specific provisions taking precedence.

(iii) POTENTIAL TRAILS.—

(3) LIMITATION.—

These provisions are “savings clauses,” and indicate that decisions on these trails will be made independent from the legislation, i.e., the legislation neither supports nor inhibits land manager’s authority to allow or deny such trails.

SEC. 4. DESIGNATION OF WILDLIFE CONSERVATION AREAS.

(a) Designation.—

This Section designates eight Wildlife Conservation Areas (WCAs), with acreage figures for each and subject to valid existing rights.

(b) Purposes.—

The purposes of WCAs emphasize conserving and restoring wildlife and wildlife habitat.

SEC. 5. DESIGNATION OF PROTECTION AREAS.

(a) Designation.—

This section designates four Protection Areas, with acreage figures for each, and subject to valid existing rights.

(b) Purposes.—

The purposes of the Protection Areas emphasize protecting the natural and undeveloped character of the areas.

SEC. 6. DESIGNATION OF RECREATION MANAGEMENT AREAS.

(a) Designation.—

This section designates four Recreation Management Areas (RMAs), with acreage figures for each and subject to valid existing rights.

(b) Purposes.—

The purposes of the RMAs emphasize providing for and improving the management of recreational opportunities in the areas.

SEC. 7. DESIGNATION OF THE ROCKY MOUNTAIN SCIENTIFIC RESEARCH AND EDUCATION AREA.

(a) Designation.—

This section designates the Rocky Mountain Scientific Research and Education Area (RMSREA), which includes some of the key research areas for the Rocky Mountain Biological Laboratory, with an acreage figure and subject to valid existing rights.

(b) Purposes.—

The primary purposes of the RMSREA emphasize encouraging and preserving the conditions necessary for natural science research and education, and providing opportunities for the use of continually emerging techniques and methodologies in the conduct of such research and education.

SEC. 8. DESIGNATION OF WILDERNESS.

(a) Designation.—

This section designates five new wilderness areas and a number of additions to six existing wilderness areas. The designations are accomplished by amending the 1993 Colorado Wilderness Act to add the new areas to that existing law – the reason for this is to apply the management language from that previous act to the areas in this bill, without having to repeat the language. In particular, the language addressing water rights in the 1993 Act has become the standard for many subsequent wilderness areas in Colorado.

(b) Applicable Law.—*This section provides a technical clarification regarding certain dates in the Wilderness Act of 1964, ensuring that the date of whenever the GORP Act is enacted applies to existing grazing and valid mining claims.*

(c) Fire, Insects, and Diseases.—

While language addressing fire, insects, and disease already is explicitly included in the Wilderness Act, it has become common to duplicate it in bills designating new wilderness (even though it was not included in the 1993 Colorado Wilderness Act), and so is added here.

(d) West Elk Wilderness Boundary Modification.—

(1) IN GENERAL.—

This section slightly modifies the boundary of the West Elk Wilderness to allow safe passage for snowmobiles and skiers around a dangerous avalanche zone.

(2) WITHDRAWAL.—

The area excluded from the wilderness will remain protected from new mining and mineral leasing, and privatization, for example.

(e) Release.—

Currently, the Powderhorn Wilderness Study Area is designated to retain the area's wilderness character. The portion of the WSA that is not designated as wilderness by subsection (a) is released from that designation, and would be managed as part of the Powderhorn Wildlife Conservation Area designated by section 4(a)(7).

SEC. 9. GENERAL PROVISIONS.

(a) Maps and Legal Descriptions.—

This provision ensures that maps accompanying the legislation are legally binding for the areas designated. Those official maps will be created by the federal land management agencies as part of the legislative process.

(1) IN GENERAL.—

(b) Acquisition of Land.—

This section ensures that 1. Non-federal land within the designated areas may be acquired by the federal land managing agencies only on a voluntary basis, ie. there is no federal condemnation authority; and 2. Any such lands acquired shall become part of the area designated in the legislation and managed accordingly.

(c) Withdrawal.—

This section provides that new mining claims or leases on federal lands within the designated areas are prohibited, and that the lands will not be disposed of (traded or sold to private ownership).

(d) Fish and Wildlife.—

Recognizes that the State will continue to have jurisdiction over wildlife management.

(e) Grazing.—

This ensures that livestock grazing in all of the areas designated for special management will be managed just as grazing is on other national forest or BLM lands. As described above, the provisions governing grazing in wilderness areas are applied through the 1993 Colorado Wilderness Act.

(f) Wildfire, Insect, and Disease Management.—

This section authorizes land managers to take whatever actions they deem necessary to fight fires, or insect or disease outbreaks within the areas designated for special management.

(g) Vegetation Management.—

This section specifies that vegetation management projects within the areas designated for special management may not be carried out for the purpose of commercial logging. However, vegetation management projects may be carried out for other legitimate purposes (including forest thinning and hazardous fuels reduction), and the merchantable materials produced from such projects may be sold commercially. To the extent such projects that include the harvest or sale of logs or other merchantable materials are carried out on lands beyond the wildland-urban interface, they would have to meet the restrictions that are described.

(h) Roads and Trails.—

This section describes the circumstances under which roads can be built and rerouted within the areas designated for special management.

(i) Water Rights.—

This section ensures that the designation of areas for special management does not affect the use of existing water rights.

(j) No Buffer Zones.—

This provision ensures that activities outside areas designated by the legislation are not affected in any way.

(k) Seasonal Closures.—

This sections encourages the federal land management agencies to develop and implement seasonal closures for off-highway vehicles and bicycles where necessary to protect wildlife and wildlife habitat during their most sensitive times, eg. breeding and calving periods, in some of the most critical areas that are designated for special management.

(l) Restoration Activities.—

This provision encourages the federal land management agencies to continue to collaboratively conduct critical ecological restoration projects in some of the key areas designated for special management.

(m) Tribal Rights and Uses.—

These provisions ensure that tribal treaty rights are not affected and directs the federal land managers to allow tribal members to continue traditional uses of the areas designated by the legislation.