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## **Readers Guide to Gunnison Outdoor Resources Protection Act**

*This guide provides brief explanations of key provisions of the bill.*

### **SECTION 1. SHORT TITLE.**

*Provides the title for the bill.*

### **SEC. 2. DEFINITIONS.**

*This section defines terms used in the bill to provide clarity and consistent interpretation. This section includes definitions of the six types of special designations.*

**Note:** *The term “valid existing rights” is used throughout the legislation. This refers to certain existing legal rights, including private property, vested 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 nine (9) separate Special Management Areas (SMAs), with acreage figures for each, and subject to valid existing rights.*

#### **(b) Purpose.—**

*The purpose of the SMAs is 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.*

(1) States that management should align with the purpose of the SMAs.

(2) Uses -

(B)(i) Generally limits the use of off-highway vehicles and bicycles to roads and trails designated for those uses on the date of enactment of the GORP Act

(ii) Requires the Forest Service or BLM, as applicable, to adopt a winter travel management plan within three years of the date of enactment if such planning has not already been completed

(iii) Ensures that the GORP Act does not prohibit the development of the motorized and mechanized trails as listed in (3)

(3) LIMITATION.—

*These provisions are “savings clauses” that state land managers will make decisions on the development of the proposed trails named in the legislation in accordance with applicable law. The legislation neither supports nor inhibits land managers’ authority to allow or deny the development of trails named in the legislation.*

## SEC. 4. DESIGNATION OF WILDLIFE CONSERVATION AREAS.

(a) Designation.—

*This Section designates eight (8) 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.*

(c) Management.—

(1) *States that management should align with the purpose of the WCAs.*

(2) Uses.—

(B)(i) *Limits the use of off-highway vehicles and bicycles to roads, trails, and areas designated for those uses on the date of enactment.*

(ii) *Requires the Forest Service or BLM, as applicable, to adopt a winter travel management plan within three years of the date of enactment if such planning has not been completed, generally prohibits the use of motorized and mechanized vehicles in the Matchless WCA, and ensures that the GORP Act does not prohibit the development of the mechanized trails as listed in (3).*

(3) Limitation.—

*These provisions are “savings clauses” that state land managers will make decisions on the development of the proposed trails named in the legislation in accordance with applicable law. The legislation neither supports nor inhibits land managers’ authority to allow or deny the development of trails named in the legislation.*

## SEC. 5. DESIGNATION OF PROTECTION AREAS.

### (a) Designation.—

*This section designates four (4) 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.*

### (c) Management.—

(1) *States that management should align with the purpose of the Protection Areas.*

### (2) Uses.—

(B) *Generally prohibits the use of off-highway vehicles in the Protection Areas, except for the Deer Creek Protection Area, where over-snow vehicles may be permitted on roads, trails, and areas where they are permitted on the date of enactment.*

(C) *Bicycles may be permitted within the Protection Areas on roads and trails designated for such use on the date of enactment.*

### (3) Limitation.—

*These provisions are “savings clauses” that state land managers will make decisions on the development of the proposed trails named in the legislation in accordance with applicable law. The legislation neither supports nor inhibits land managers’ authority to allow or deny the development of trails named in the legislation.*

## SEC. 6. DESIGNATION OF RECREATION MANAGEMENT AREAS.

### (a) Designation.—

*This section designates two (2) 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 RMAs.*

### (c) Management.—

(1) *States that management should align with the purpose of the RMAs.*

### (2) Uses.—

(B)(i) *Generally limits the use of off-highway vehicles and bicycles in the Double Top RMA to roads and trails where they are permitted on the date of enactment, with the exception of over-snow vehicles, which are generally prohibited within the Double Top RMA.*

(ii) *The use of off-highway vehicles is generally prohibited in the Horse Ranch Park RMA, while over-snow vehicles and bicycles are generally limited to roads, trails, and areas where they are permitted on the date of enactment. Bicycles may also be permitted on the proposed trails named in the legislation if authorized by land managers in accordance with applicable law. The legislation neither supports nor inhibits land managers' authority to allow or deny such trails.*

## 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 to use continually emerging techniques and methodologies in the conduct of such research and education.*

(c) Management.—

(1) *States that management should align with the purpose of the RMSREA.*

(2) Uses.—

(B) *Generally limits the use of off-highway vehicles in the RMSREA to roads designated for the use on the date of enactment.*

(C) *Generally limits the use of bicycles to roads and trails designated for that use on the date of enactment and on any new trails if the Forest Service determines that the use is consistent with the purposes of the RMSREA.*

## SEC. 8. DESIGNATION OF WILDERNESS.

(a) Designation.—

*This section designates three (3) new wilderness areas and several 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. This allows the management language from that previous act to be applied 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 and the Colorado Wilderness Act of 1993, 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. NORTH FORK VALLEY WATERSHED.**

(a) *Withdrawal.—*

*This subsection provides for the withdrawal of certain federal lands in Delta County from new oil and gas leasing, subject to valid existing rights, while clarifying that such a withdrawal does not prevent the BLM from authorizing operations to use or destroy methane gas emitted from coal mines. Similar provisions are proposed in the Colorado Outdoor Recreation and Economy ("CORE") Act.*

(b) *No Surface Occupancy Restriction.—*

*This subsection provides for a no surface occupancy restriction for oil and gas exploration, development, production, and distribution on certain federal lands in Delta County, subject to valid existing rights.*

(c) Gunnison River Motorized Boats and Boat Ramp Use.—

*This subsection authorizes the BLM to transfer a special recreation use permit that has long authorized an outfitter to provide motorboat transportation into the Gunnison Gorge Wilderness notwithstanding a conflicting provision regarding transferability in the current Resource Management Plan. The BLM would have to determine that any such transfer would be in accordance with the Wilderness Act and that the public would be secured permanent reasonable use of the boat ramp at the Gunnison Forks Day Use Area.*

## SEC. 10. LAND TO BE HELD IN TRUST FOR THE UTE MOUNTAIN UTE TRIBE.

(a) Trust.—

*This subsection directs the Secretary of the Interior to take the title of the Ute Mountain Ute Tribe's Pinecrest Ranch into trust status, if requested by the Tribe, for the benefit of the Tribe. Lands that are held in trust for a Tribe enjoy a number of benefits for the Tribe, including making the lands eligible for a variety of federal tax benefits. As provided in paragraph (3), the lands would not be eligible for gaming activity under federal laws.*

(b) Survey.—

*This subsection provides for a standard land survey as part of the process of taking title into trust status.*

(c) Effect.—

*This subsection clarifies that consistent with the protection of valid existing rights stated in subsection (a), Gunnison County's rights, title, interests, and jurisdiction in County Road 25, which traverses the Pinecrest Ranch, are not affected by taking the land into trust.*

## SEC. 11. 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.*