

112TH CONGRESS
1ST SESSION

H. R. 2621

To establish the Chimney Rock National Monument in the State of Colorado,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2011

Mr. TIPTON introduced the following bill; which was referred to the Committee
on Natural Resources

A BILL

To establish the Chimney Rock National Monument in the
State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chimney Rock Na-
5 tional Monument Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) NATIONAL MONUMENT.—The term “na-
9 tional monument” means the Chimney Rock Na-
10 tional Monument established by section 3(a).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (3) STATE.—The term “State” means the State
4 of Colorado.

5 **SEC. 3. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL**
6 **MONUMENT.**

7 (a) ESTABLISHMENT.—There is established in the
8 State the Chimney Rock National Monument—

9 (1) to preserve, protect, and restore the archeo-
10 logical, cultural, historic, geologic, hydrologic, nat-
11 ural, educational, and scenic resources of Chimney
12 Rock and adjacent land; and

13 (2) to provide for public interpretation and
14 recreation consistent with the protection of the re-
15 sources described in paragraph (1).

16 (b) BOUNDARIES.—

17 (1) IN GENERAL.—The national monument
18 shall consist of approximately 4,726 acres of land
19 and interests in land, as generally depicted on the
20 map entitled “Boundary Map, Chimney Rock Na-
21 tional Monument” and dated January 5, 2010.

22 (2) MINOR ADJUSTMENTS.—The Secretary may
23 make minor adjustments to the boundary of the na-
24 tional monument to reflect the inclusion of signifi-
25 cant archeological resources discovered after the

1 date of enactment of this Act on adjacent National
2 Forest System land.

3 (3) AVAILABILITY OF MAP.—The map described
4 in paragraph (1) shall be on file and available for
5 public inspection in the appropriate offices of the
6 Forest Service.

7 **SEC. 4. ADMINISTRATION.**

8 (a) IN GENERAL.—The Secretary shall—

9 (1) administer the national monument—

10 (A) in furtherance of the purposes for
11 which the national monument was established;

12 and

13 (B) in accordance with—

14 (i) this Act; and

15 (ii) any laws generally applicable to
16 the National Forest System; and

17 (2) allow only such uses of the national monu-
18 ment that the Secretary determines would further
19 the purposes described in section 3(a).

20 (b) TRIBAL USES.—

21 (1) IN GENERAL.—The Secretary shall admin-
22 ister the national monument in accordance with—

23 (A) the Native American Graves Protection
24 and Repatriation Act (25 U.S.C. 3001 et seq.);

25 and

1 (B) the policy described in Public Law 95–
2 341 (commonly known as the “American Indian
3 Religious Freedom Act”) (42 U.S.C. 1996).

4 (2) TRADITIONAL USES.—Subject to any terms
5 and conditions the Secretary determines to be nec-
6 essary and in accordance with applicable law, the
7 Secretary shall allow for the continued use of the na-
8 tional monument by members of Indian tribes—

9 (A) for traditional ceremonies; and

10 (B) as a source of traditional plants and
11 other materials.

12 (c) VEGETATION MANAGEMENT.—The Secretary may
13 carry out vegetation management treatments within the
14 national monument, except that the harvesting of timber
15 shall only be used if the Secretary determines that the har-
16 vesting is necessary for—

17 (1) ecosystem restoration in furtherance of sec-
18 tion 3(a); or

19 (2) the control of fire, insects, or diseases.

20 (d) MOTOR VEHICLES AND MOUNTAIN BIKES.—The
21 use of motor vehicles and mountain bikes in the national
22 monument shall be limited to the roads and trails identi-
23 fied by the Secretary as appropriate for the use of motor
24 vehicles and mountain bikes.

1 (e) GRAZING.—The Secretary shall permit grazing
2 within the national monument, where established before
3 the date of enactment of this Act—

4 (1) subject to all applicable laws (including reg-
5 ulations); and

6 (2) consistent with the purposes described in
7 section 3(a).

8 (f) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in
9 this Act precludes the Secretary from renewing or author-
10 izing the upgrading of a utility right-of-way in existence
11 as of the date of enactment of this Act through the na-
12 tional monument—

13 (1) in accordance with—

14 (A) the National Environmental Policy Act
15 of 1969 (42 U.S.C. 4321 et seq.); and

16 (B) any other applicable law; and

17 (2) subject to such terms and conditions as the
18 Secretary determines to be appropriate.

19 (g) VOLUNTEERS.—The Secretary shall allow for the
20 continued access and work of volunteers at the national
21 monument.

22 (h) RESEARCH.—Scientific research, including ar-
23 cheological research, educational, and interpretive uses
24 shall be permitted within the Monument.

1 (i) OTHER ADMINISTRATIVE COSTS.—Any signs, fix-
2 tures, alterations, or additions needed in connection with
3 the designation or advertisement of the Monument shall
4 be paid for only with non-Federal funds or amounts made
5 available for such purposes in prior Acts of appropriation.

6 (j) DESIGNATION OF MANAGER.—As soon as prac-
7 ticable after the management plan is developed under sec-
8 tion 5(a), the Secretary shall designate an employee of the
9 Department of the Interior whose duties shall include act-
10 ing as the point of contact for the management of the na-
11 tional monument.

12 **SEC. 5. MANAGEMENT PLAN.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date of enactment of this Act, the Secretary, in consulta-
15 tion with Indian tribes with a cultural or historic tie to
16 Chimney Rock, shall develop a management plan for the
17 national monument.

18 (b) PUBLIC COMMENT.—In developing the manage-
19 ment plan, the Secretary shall provide an opportunity for
20 public comment by—

21 (1) State and local governments;

22 (2) tribal governments; and

23 (3) any other interested organizations and indi-
24 viduals.

1 **SEC. 6. LAND ACQUISITION.**

2 The Secretary may acquire land and any interest in
3 land within or adjacent to the boundary of the national
4 monument by—

5 (1) purchase from willing sellers with donated
6 or appropriated funds;

7 (2) donation; or

8 (3) exchange.

9 **SEC. 7. WITHDRAWAL.**

10 (a) **IN GENERAL.**—Subject to valid existing rights,
11 all Federal land within the national monument (including
12 any land or interest in land acquired after the date of en-
13 actment of this Act) is withdrawn from—

14 (1) entry, appropriation, or disposal under the
15 public land laws;

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

18 (3) subject to subsection (b), operation of the
19 mineral leasing, mineral materials, and geothermal
20 leasing laws.

21 (b) **LIMITATION.**—Notwithstanding subsection
22 (a)(3), the Federal land is not withdrawn for the purposes
23 of issuance of gas pipeline rights-of-way within easements
24 in existence as of the date of enactment of this Act.

25 **SEC. 8. EFFECT.**

26 (a) **WATER RIGHTS.**—

1 (1) IN GENERAL.—Nothing in this Act affects
2 any valid water rights, including water rights held
3 by the United States.

4 (2) RESERVED WATER RIGHT.—The designa-
5 tion of the national monument does not create a
6 Federal reserved water right.

7 (b) TRIBAL RIGHTS.—Nothing in this Act affects—

8 (1) the rights of any Indian tribe on Indian
9 land;

10 (2) any individually held trust land or Indian
11 allotment; or

12 (3) any treaty rights providing for nonexclusive
13 access to or within the national monument by mem-
14 bers of Indian tribes for traditional and cultural
15 purposes.

16 (c) FISH AND WILDLIFE.—Nothing in this Act af-
17 fects the jurisdiction of the State with respect to the man-
18 agement of fish and wildlife on public land in the State.

19 (d) ADJACENT USES.—Nothing in this Act—

20 (1) creates a protective perimeter or buffer zone
21 around the national monument; or

22 (2) affects private property outside of the
23 boundary of the national monument.

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