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THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 15, 2002

APPROVED

AUG 21 2002

MEMORANDUM FOR THE PRESIDENT

THE PRESIDENT HAS SEEN
8-21-02

SUBJECT: Enrolled Bill H.R. 1576 - James Peak Wilderness and Protection Area Act
Sponsor - Rep. Udall (D) Colorado

Last Day for Action

August 24, 2002 - Saturday

Purpose

(1) Designates approximately 14,000 acres of Federal land within the Arapaho and Roosevelt National Forest (ARNF) in the State of Colorado as the James Peak Wilderness; (2) adds approximately 3,195 acres to the Indian Peaks Wilderness in Colorado; and (3) designates 16,000 acres of the ARNF as the James Peak Protection Area.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture (USDA)	Approval
Department of the Interior	Defers to USDA (Informally)
Department of Justice	No objection (Informally)
Department of Transportation	No objection (Informally)
Department of Energy	No comment (Informally)
Council on Environmental Quality	No comment (Informally)

Discussion

Congressionally-designated wilderness areas consist of Federal lands that retain their primeval character and are without permanent improvements or human habitation. Congressionally-designated protection areas are identified by Congress in order to protect the natural qualities of these areas. Federal land agencies, such as USDA, manage these areas to protect these resources. The major provisions of H.R. 1576, which would designate new or expand existing wilderness or protection areas in Colorado, are described below.

Designation of the James Peak Wilderness and Addition to the Indian Peaks Wilderness. H.R. 1576 would designate approximately 14,000 acres of land within the Arapaho and Roosevelt National Forest (ARNF) as the James Peak Wilderness. It also would add two parcels of land in the ARNF (2,232 acres known as the "Ranch Creek Addition" and 963 acres known as the "Fourth of July Addition") to the Indian Peaks Wilderness.

Designation and Management of the James Peak Protection Area. H.R. 1576 also would designate 16,000 acres of the ARNF as the James Peak Protection Area and direct USDA to manage the Area consistent with the 1997 Forest Management Plan, so as to protect permanently its resources and values, while permitting continued recreational uses in appropriate locales, subject to certain regulations. The Area would be withdrawn from mining and geothermal leasing development, subject to valid existing rights. Timber harvesting would be prohibited except under special circumstances, but grazing would be permitted.

Within two years after enactment, USDA, in consultation with interested parties, is to inventory all roads and trails in the Area. During the inventory, USDA could connect or close existing roads and trails. Off-road motorized vehicles would be prohibited within the Area, except on roads and trails designated for use as part of the management plan. Construction of new roads and trails for motorized vehicles would be prohibited within the Area, subject to certain exceptions, including rights-of-way and access roads for vegetation management, road maintenance, ground stabilization, and motorized vehicle access necessary to operate a natural gas pipeline.

Water Rights. The enrolled bill specifies that it is not intended to: (1) constitute a reservation of any water or water rights; (2) affect the State of Colorado's water rights; (3) establish a precedent with regard to any future protection area designations; or (4) affect existing interstate water compacts or apportionment decrees between Colorado and other States. It further directs USDA to follow Colorado's water laws with respect to any new water rights within the Area.

Inholdings. H.R. 1576 provides a framework for acquisition of non-federal lands within the Protection Area. Specifically, USDA is directed to reach agreement promptly with the Colorado State Land Board if the Board is willing to transfer lands to the United States. USDA also is directed to negotiate with the owner of land within the "Jim Creek drainage" to acquire the property by purchase or exchange. USDA must report to Congress on any land agreement or negotiation and indicate whether additional funds need to be appropriated for the acquisition. Once acquired, the new land would be managed as part of the respective Wilderness or Protection Area in accordance with the enrolled bill and other applicable laws.

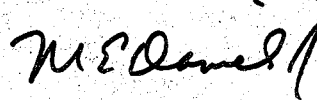
James Peak Fall River Trailhead and Loop Trail Study. USDA is to establish a new trailhead and corresponding facilities in the Fall River Basin area southeast of the James Peak Wilderness Area, after consultation with the Clear Creek County commissioners and area residents regarding the appropriate location for the facilities. USDA must report to Congress regarding any additional funding required to establish these facilities. Within three years after funds are appropriated, USDA must undertake a feasibility study regarding the establishment of a loop trail for mechanized and other non-motorized recreation vehicles connecting certain trails within the Protection Area.

Miscellaneous Provisions. Among its numerous administrative provisions and disclaimers, H.R. 1576 would require USDA to provide technical assistance and cooperation if requested by the local counties with respect to repairing nearby highways and roads. The enrolled bill also specifies that it is not intended to preclude or restrict USDA's authority to evaluate the suitability of land in the Protection Area for inclusion in the National Wilderness Preservation System, or to make recommendations to Congress for inclusion. Also, subject to certain conditions, USDA is to provide Congress the map and boundary description of the Wilderness and Protection Area.

Conclusions and Recommendations

The Department of Agriculture recommends approval of H.R. 1576, noting that "[t]he designations resulting from this bill will assure the continued protection of the area's unique qualities, outstanding primitive recreation opportunities, and scenic and scientific values." The Department also notes that the bill will protect "the last remaining unprotected stretch of the Continental Divide Trail."

We join USDA in recommending approval of H.R. 1576, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, 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.

This Act may be cited as the "James Peak Wilderness and Protection Area Act".

SEC. 2. WILDERNESS DESIGNATION.

(a) INCLUSION WITH OTHER COLORADO WILDERNESS AREAS.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103-77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following new paragraph:

"(21) Certain lands in the Arapaho/Roosevelt National Forest which comprise approximately 14,000 acres, as generally depicted on a map entitled 'Proposed James Peak Wilderness', dated September 2001, and which shall be known as the James Peak Wilderness."

(b) ADDITION TO THE INDIAN PEAKS WILDERNESS AREA.—Section 3 of the Indian Peaks Wilderness Area and Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (Public Law 95-450; 92 Stat. 1095; 16 U.S.C. 1132 note) is amended by adding at the end the following new subsections:

"(c) The approximately 2,232 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled 'Ranch Creek Addition to Indian Peaks Wilderness' dated September 2001, are hereby added to the Indian Peaks Wilderness Area.

"(d) The approximately 963 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled 'Fourth of July Addition to Indian Peaks Wilderness' dated September 2001, are hereby added to the Indian Peaks Wilderness Area."

(c) MAPS AND BOUNDARY DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the area designated as wilderness by subsection (a) and of the area added to the Indian Peaks Wilderness Area by subsection (b). The maps and boundary descriptions shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 and the Indian Peaks

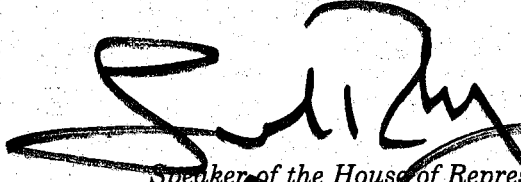
or uses can be seen or heard from within a wilderness area or Protection Area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area or the Protection Area.

(b) ROLLINS PASS ROAD.—If requested by one or more of the Colorado Counties of Grand, Gilpin, and Boulder, the Secretary shall provide technical assistance and otherwise cooperate with respect to repairing the Rollins Pass road in those counties sufficiently to allow two-wheel-drive vehicles to travel between Colorado State Highway 119 and U.S. Highway 40. If this road is repaired to such extent, the Secretary shall close the motorized roads and trails on Forest Service land indicated on the map entitled "Rollins Pass Road Reopening: Attendant Road and Trail Closures", dated September 2001.

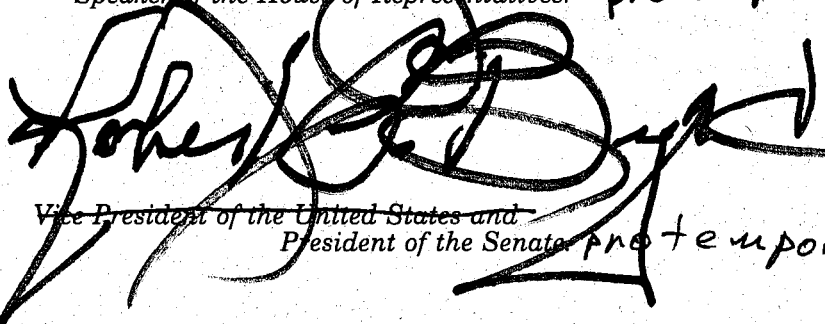
SEC. 8. WILDERNESS POTENTIAL.

(a) IN GENERAL.—Nothing in this Act shall preclude or restrict the authority of the Secretary to evaluate the suitability of lands in the Protection Area for inclusion in the National Wilderness Preservation System or to make recommendations to Congress for such inclusion.

(b) EVALUATION OF CERTAIN LANDS.—In connection with the first revision of the land and resources management plan for the Arapaho/Roosevelt National Forest after the date of the enactment of this Act, the Secretary shall evaluate the suitability of the lands managed under the management prescription referred to in section 3(d)(1)(F) for inclusion in the National Wilderness Preservation System and make recommendations to Congress regarding such inclusion.


Speaker of the House of Representatives.

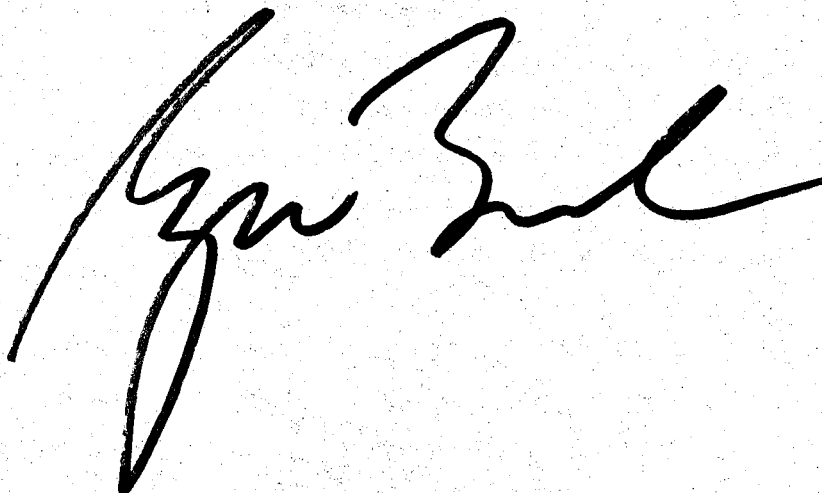
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Vice President of the United States and
President of the Senate

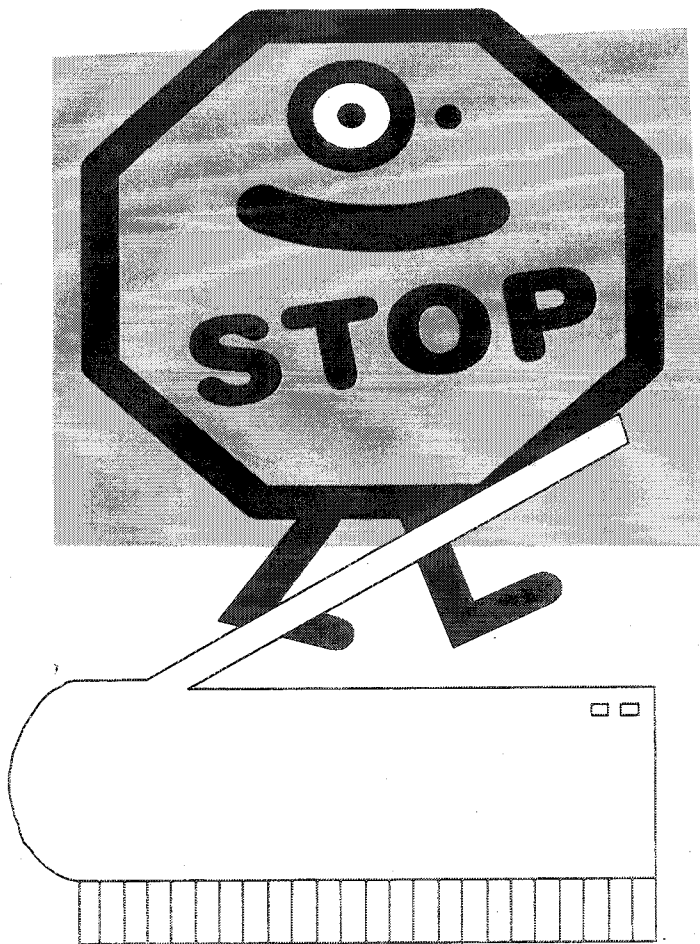
pro tempore

APPROVED

AUG 21 2002



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United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Daniels:

The Department of Agriculture recommends the President sign the enrolled bill H.R. 1576, "James Peak Wilderness and Protection Area Act." H.R. 1576 would designate the James Peak Wilderness and the James Peak Protection Area in the Arapaho and Roosevelt National Forests in Colorado.

The Administration did not oppose the bill when testifying before the Senate Committee on Energy and Natural Resources, Subcommittee on Public Land and Forests on May 9, 2002, or before the House Committee on Resources, Subcommittee on Forests and Forest Health on July 26, 2001.

The bill would designate approximately 14,000 acres of land within the Arapaho and Roosevelt National Forests as the James Peak Wilderness and add approximately 2,232 acres of the Arapaho and Roosevelt National Forests known as the Ranch Creek Addition to the Indian Peaks Wilderness. Another 963 acres of the Arapaho and Roosevelt National Forests, known as the Fourth of July Addition, would also be added to the Indian Peaks Wilderness. The bill would also designate 16,000 acres of the Arapaho and Roosevelt National Forests as the James Peak Protection Area.

The majority of National Forest System land affected by this bill is currently managed as Backcountry Recreation or Special Interest Areas. The designations resulting from this bill will assure the continued protection of the area's unique qualities, outstanding primitive recreation opportunities, and scenic and scientific values. The designations will also protect the largest unprotected roadless area on the Northern Front Range and the last remaining unprotected stretch of the Continental Divide Trail. Additionally, the designations will ensure accessible and unimpeded water flow for the State of Colorado from these areas and provide outstanding hiking, skiing, fishing, and backpacking opportunities.

Sincerely,

Ann M. Veneman
Secretary

Bills Received at the White House

Date received and
notification to OMB: 8/13/2002

Last day for action: 8/24/2002

H.R.1576

Official Title	
An Act to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes.	518668

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION

Subject: AREA ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>pro</i>	☒	☐	HUBBARD	☐	☐
CARD <i>ok</i>	☒	☐	IRASTORZA	☐	☐
BARTLETT <i>✓</i>	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☐	☐
BOLTEN <i>N/C</i>	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO <i>ok</i>	☒	☐	RICE	☐	☐
CONNAUGHTON <i>ok</i>	☒	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE <i>N/C</i>	☒	☐
FLEISCHER	☐	☐	SPELLINGS <i>ok</i>	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES <i>N/C</i>	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☐	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JOHN BURNIM, EXT. 57302, FAX 55691, NO LATER THAN 5:00 PM FRIDAY, 8-16-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

02 AUG 15 2002

THE DIRECTOR

August 15, 2002

MEMORANDUM FOR THE PRESIDENT

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Sponsor - Rep. Udall (D) Colorado

Last Day for Action

August 24, 2002 - Saturday

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(1) Designates approximately 14,000 acres of Federal land within the Arapaho and Roosevelt National Forest (ARNF) in the State of Colorado as the James Peak Wilderness; (2) adds approximately 3,195 acres to the Indian Peaks Wilderness in Colorado; and (3) designates 16,000 acres of the ARNF as the James Peak Protection Area.

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Office of Management and Budget	Approval
Department of Agriculture (USDA)	Approval
Department of the Interior	Defers to USDA (Informally)
Department of Justice	No objection (Informally)
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Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
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(b) ADDITION TO THE INDIAN PEAKS WILDERNESS AREA.—Section 3 of the Indian Peaks Wilderness Area and Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (Public Law 95-450; 92 Stat. 1095; 16 U.S.C. 1132 note) is amended by adding at the end the following new subsections:

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"(d) The approximately 963 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled 'Fourth of July Addition to Indian Peaks Wilderness' dated September 2001, are hereby added to the Indian Peaks Wilderness Area."

(c) MAPS AND BOUNDARY DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the area designated as wilderness by subsection (a) and of the area added to the Indian Peaks Wilderness Area by subsection (b). The maps and boundary descriptions shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 and the Indian Peaks

Wilderness Area and Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act, respectively, except that the Secretary may correct clerical and typographical errors in the maps and boundary descriptions. The maps and boundary descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.

SEC. 3. DESIGNATION OF JAMES PEAK PROTECTION AREA, COLORADO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds the following:

(A) The lands covered by this section include important resources and values, including wildlife habitat, clean water, open space, and opportunities for solitude.

(B) These lands also include areas that are suitable for recreational uses, including use of snowmobiles in times of adequate snow cover as well as use of other motorized and nonmotorized mechanical devices.

(C) These lands should be managed in a way that affords permanent protection to their resources and values while permitting continued recreational uses in appropriate locales and subject to appropriate regulations.

(2) PURPOSE.—The purpose of this section is to provide for management of certain lands in the Arapaho/Roosevelt National Forest in a manner consistent with the 1997 Revised Land and Resources Management Plan for this forest in order to protect the natural qualities of these areas.

(b) **DESIGNATION.—**The approximately 16,000 acres of land in the Arapaho/Roosevelt National Forest generally depicted on the map entitled "Proposed James Peak Protection Area", dated September 2001, are hereby designated as the James Peak Protection Area (hereafter in this Act referred to as the "Protection Area").

(c) **MAP AND BOUNDARY DESCRIPTION.—**As soon as practicable after the date of the enactment of this Act, the Secretary shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the Protection Area. The map and boundary description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and boundary description. The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.

(d) MANAGEMENT.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Protection Area shall be managed and administered by the Secretary in the same manner as the management area prescription designations identified for these lands in the 1997 Revision of the Land and Resource Management Plan for the Arapaho/Roosevelt National Forest and the Pawnee National Grasslands. Such management and administration shall be in accordance with the following:

(A) **GRAZING.—**Nothing in this Act, including the establishment of the Protection Area, shall affect grazing on lands within or outside of the Protection Area.

(B) MINING WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Protection Area and all land and interests in land acquired for the Protection Area by the United States are withdrawn from—

- (i) all forms of entry, appropriation, or disposal under the public land laws;
- (ii) location, entry, and patent under the mining laws; and
- (iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subparagraph shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(C) MOTORIZED AND MECHANIZED TRAVEL.—

(i) REVIEW AND INVENTORY.—Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with interested parties, shall complete a review and inventory of all roads and trails in the Protection Area on which use was allowed on September 10, 2001, except those lands managed under the management prescription referred to in subparagraph (F). During the review and inventory, the Secretary may—

(I) connect existing roads and trails in the inventoried area to other existing roads and trails in the inventoried area for the purpose of mechanized and other nonmotorized use on any lands within the Protection Area as long as there is no net gain in the total mileage of either roads or trails open for public use within the Protection Area; and

(II) close or remove roads or trails within the Protection Area that the Secretary determines to be undesirable, except those roads or trails managed pursuant to paragraph (2) of this subsection or subsection (e)(3).

(ii) AFTER COMPLETION OF INVENTORY.—After completion of the review and inventory required by clause (i), the Secretary shall ensure that motorized and mechanized travel within the Protection Area shall be permitted only on those roads and trails identified as open to use in the inventory or established pursuant to subparagraph (D).

(D) NEW ROADS AND TRAILS.—No new roads or trails shall be established within the Protection Area except those which the Secretary shall establish as follows:

(i) Roads and trails established to replace roads or trails of the same character and scope which have become nonserviceable through reasons other than neglect.

(ii) Nonpermanent roads as needed for hazardous fuels reduction or other control of fire, insect or disease control projects, or other management purposes.

(iii) Roads determined to be appropriate for reasonable access under section 4(b)(2).

(iv) A loop trail established pursuant to section 6.

(v) Construction of a trail for nonmotorized use following the corridor designated as the Continental Divide Trail.

(E) TIMBER HARVESTING.—No timber harvesting shall be allowed within the Protection Area except to the extent needed for hazardous fuels reduction or other control of fire, insect or disease control projects, or protection of public health or safety.

(F) SPECIAL INTEREST AREA.—The management prescription applicable to the lands described in the 1997 Revision of the Land and Resource Management Plan as the James Peak Special Interest Area shall also be applicable to all the lands in the Protection Area that are bounded on the north by Rollins Pass Road, on the east by the Continental Divide, and on the west by the 11,300 foot elevation contour as shown on the map referred to in subsection (b). In addition, motorized vehicle use shall not be permitted on any part of the Rogers Pass trail.

(2) NATURAL GAS PIPELINE.—The Secretary shall allow for maintenance of rights-of-ways and access roads located within the Protection Area to the extent necessary to operate the natural gas pipeline permitted under the Arapaho/Roosevelt National Forest master permit numbered 4138.01 in a manner that avoids negative impacts on public safety and allows for compliance with Federal pipeline safety requirements. Such maintenance may include vegetation management, road maintenance, ground stabilization, and motorized vehicle access.

(3) PERMANENT FEDERAL OWNERSHIP.—All right, title, and interest of the United States, held on or acquired after the date of the enactment of this Act, to lands within the boundaries of the Protection Area shall be retained by the United States.

(e) ISSUES RELATED TO WATER.—

(1) STATUTORY CONSTRUCTION.—

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands within the Protection Area.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of the enactment of this Act.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future protection area designation.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(2) COLORADO WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Protection Area.

(3) WATER INFRASTRUCTURE.—Nothing in this Act (including the provisions related to establishment or management of the Protection Area) shall affect, impede, interfere with, or diminish the operation, existence, access, maintenance, improvement, or construction of water facilities and infrastructure, rights-of-way, or other water-related property, interests, and uses, (including the use of motorized vehicles and equipment existing or located on lands within the Protection Area) on any lands except those lands managed under the management prescription referred to in subsection (d)(1)(F).

SEC. 4. INHOLDINGS.

(a) STATE LAND BOARD LANDS.—If the Colorado State Land Board informs the Secretary that the Board is willing to transfer to the United States some or all of the lands owned by the Board located within the Protection Area, the Secretary shall promptly seek to reach agreement with the Board regarding terms and conditions for acquisition of such lands by the United States by purchase or exchange.

(b) JIM CREEK INHOLDING.—

(1) ACQUISITION OF LANDS.—The Secretary shall enter into negotiations with the owner of lands located within the portion of the Jim Creek drainage within the Protection Area for the purpose of acquiring the lands by purchase or exchange, but the United States shall not acquire such lands without the consent of the owner of the lands.

(2) LANDOWNER RIGHTS.—Nothing in this Act shall affect any rights of the owner of lands located within the Jim Creek drainage within the Protection Area, including any right to reasonable access to such lands by motorized or other means as determined by the Forest Service and the landowner consistent with applicable law and relevant and appropriate rules and regulations governing such access.

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report concerning any agreement or the status of negotiations conducted pursuant to—

(A) subsection (a), upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (a), or 1 year after the date of the enactment of this Act, whichever occurs first; and

(B) subsection (b), upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (b), or 1 year after the date of the enactment of this Act, whichever occurs first.

(2) FUNDING INFORMATION.—The report required by this subsection shall indicate to what extent funds are available to the Secretary as of the date of the report for the acquisition of the relevant lands and whether additional funds need to be appropriated or otherwise made available to the Secretary for such purpose.

(d) MANAGEMENT OF ACQUISITIONS.—Any lands within the James Peak Wilderness or the Protection Area acquired by the United States after the date of the enactment of this Act shall

be added to the James Peak Wilderness or the Protection Area, respectively, and managed accordingly.

SEC. 5. JAMES PEAK FALL RIVER TRAILHEAD.

(a) **SERVICES AND FACILITIES.**—Following the consultation required by subsection (c), the Forest Supervisor of the Arapaho/Roosevelt National Forest in the State of Colorado (in this section referred to as the "Forest Supervisor") shall establish a trailhead and corresponding facilities and services to regulate use of National Forest System lands in the vicinity of the Fall River basin south of the communities of Alice Township and St. Mary's Glacier in the State of Colorado. The facilities and services shall include the following:

- (1) Trailhead parking.
- (2) Public restroom accommodations.
- (3) Trailhead and trail maintenance.

(b) **PERSONNEL.**—The Forest Supervisor shall assign Forest Service personnel to provide appropriate management and oversight of the area described in subsection (a).

(c) **CONSULTATION.**—The Forest Supervisor shall consult with the Clear Creek County commissioners and with residents of Alice Township and St. Mary's Glacier regarding—

- (1) the appropriate location of facilities and services in the area described in subsection (a); and
- (2) appropriate measures that may be needed in this area—
 - (A) to provide access by emergency or law enforcement vehicles;
 - (B) for public health; and
 - (C) to address concerns regarding impeded access by local residents.

(d) **REPORT.**—After the consultation required by subsection (c), the Forest Supervisor shall submit to the Committee on Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report regarding the amount of any additional funding required to implement this section.

SEC. 6. LOOP TRAIL STUDY; AUTHORIZATION.

(a) **STUDY.**—Not later than three years after funds are first made available for this purpose, the Secretary, in consultation with interested parties, shall complete a study of the suitability and feasibility of establishing, consistent with the purpose set forth in section 3(a)(2), a loop trail for mechanized and other non-motorized recreation connecting the trail designated as "Rogers Pass" and the trail designated as "Rollins Pass Road".

(b) **ESTABLISHMENT.**—If the results of the study required by subsection (a) indicate that establishment of such a loop trail would be suitable and feasible, consistent with the purpose set forth in section 3(a)(2), the Secretary shall establish the loop trail in a manner consistent with that purpose.

SEC. 7. OTHER ADMINISTRATIVE PROVISIONS.

(a) **BUFFER ZONES.**—The designation by this Act or by amendments made by this Act of wilderness areas and the Protection Area in the State of Colorado shall not create or imply the creation of protective perimeters or buffer zones around any wilderness area or the Protection Area. The fact that nonwilderness activities

H. R. 1576—7

or uses can be seen or heard from within a wilderness area or Protection Area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area or the Protection Area.

(b) ROLLINS PASS ROAD.—If requested by one or more of the Colorado Counties of Grand, Gilpin, and Boulder, the Secretary shall provide technical assistance and otherwise cooperate with respect to repairing the Rollins Pass road in those counties sufficiently to allow two-wheel-drive vehicles to travel between Colorado State Highway 119 and U.S. Highway 40. If this road is repaired to such extent, the Secretary shall close the motorized roads and trails on Forest Service land indicated on the map entitled "Rollins Pass Road Reopening: Attendant Road and Trail Closures", dated September 2001.

SEC. 8. WILDERNESS POTENTIAL.

(a) IN GENERAL.—Nothing in this Act shall preclude or restrict the authority of the Secretary to evaluate the suitability of lands in the Protection Area for inclusion in the National Wilderness Preservation System or to make recommendations to Congress for such inclusion.

(b) EVALUATION OF CERTAIN LANDS.—In connection with the first revision of the land and resources management plan for the Arapaho/Roosevelt National Forest after the date of the enactment of this Act, the Secretary shall evaluate the suitability of the lands managed under the management prescription referred to in section 3(d)(1)(F) for inclusion in the National Wilderness Preservation System and make recommendations to Congress regarding such inclusion.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 15, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1576 - James Peak Wilderness and Protection Area Act
Sponsor - Rep. Udall (D) Colorado

Last Day for Action

August 24, 2002 - Saturday

Purpose

(1) Designates approximately 14,000 acres of Federal land within the Arapaho and Roosevelt National Forest (ARNF) in the State of Colorado as the James Peak Wilderness; (2) adds approximately 3,195 acres to the Indian Peaks Wilderness in Colorado; and (3) designates 16,000 acres of the ARNF as the James Peak Protection Area.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture (USDA)	Approval
Department of the Interior	Defers to USDA (Informally)
Department of Justice	No objection (Informally)
Department of Transportation	No objection (Informally)
Department of Energy	No comment (Informally)
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Discussion

Congressionally-designated wilderness areas consist of Federal lands that retain their primeval character and are without permanent improvements or human habitation. Congressionally-designated protection areas are identified by Congress in order to protect the natural qualities of these areas. Federal land agencies, such as USDA, manage these areas to protect these resources. The major provisions of H.R. 1576, which would designate new or expand existing wilderness or protection areas in Colorado, are described below.

Designation of the James Peak Wilderness and Addition to the Indian Peaks Wilderness. H.R. 1576 would designate approximately 14,000 acres of land within the Arapaho and Roosevelt National Forest (ARNF) as the James Peak Wilderness. It also would add two parcels of land in the ARNF (2,232 acres known as the "Ranch Creek Addition" and 963 acres known as the "Fourth of July Addition") to the Indian Peaks Wilderness.

Designation and Management of the James Peak Protection Area. H.R. 1576 also would designate 16,000 acres of the ARNF as the James Peak Protection Area and direct USDA to manage the Area consistent with the 1997 Forest Management Plan, so as to protect permanently its resources and values, while permitting continued recreational uses in appropriate locales, subject to certain regulations. The Area would be withdrawn from mining and geothermal leasing development, subject to valid existing rights. Timber harvesting would be prohibited except under special circumstances, but grazing would be permitted.

Within two years after enactment, USDA, in consultation with interested parties, is to inventory all roads and trails in the Area. During the inventory, USDA could connect or close existing roads and trails. Off-road motorized vehicles would be prohibited within the Area, except on roads and trails designated for use as part of the management plan. Construction of new roads and trails for motorized vehicles would be prohibited within the Area, subject to certain exceptions, including rights-of-way and access roads for vegetation management, road maintenance, ground stabilization, and motorized vehicle access necessary to operate a natural gas pipeline.

Water Rights. The enrolled bill specifies that it is not intended to: (1) constitute a reservation of any water or water rights; (2) affect the State of Colorado's water rights; (3) establish a precedent with regard to any future protection area designations; or (4) affect existing interstate water compacts or apportionment decrees between Colorado and other States. It further directs USDA to follow Colorado's water laws with respect to any new water rights within the Area.

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Conclusions and Recommendations

The Department of Agriculture recommends approval of H.R. 1576, noting that "[t]he designations resulting from this bill will assure the continued protection of the area's unique qualities, outstanding primitive recreation opportunities, and scenic and scientific values." The Department also notes that the bill will protect "the last remaining unprotected stretch of the Continental Divide Trail."

We join USDA in recommending approval of H.R. 1576, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
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THE DIRECTOR

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Inholdings. H.R. 1576 provides a framework for acquisition of non-federal lands within the Protection Area. Specifically, USDA is directed to reach agreement promptly with the Colorado State Land Board if the Board is willing to transfer lands to the United States. USDA also is directed to negotiate with the owner of land within the "Jim Creek drainage" to acquire the property by purchase or exchange. USDA must report to Congress on any land agreement or negotiation and indicate whether additional funds need to be appropriated for the acquisition. Once acquired, the new land would be managed as part of the respective Wilderness or Protection Area in accordance with the enrolled bill and other applicable laws.

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Mitchell E. Daniels, Jr.
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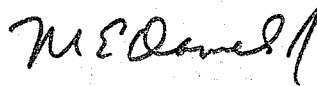
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION

Subject: AREA ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☒	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☐	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JOHN BURNIM, EXT. 57302, FAX 55691, NO LATER THAN 5:00 PM FRIDAY, 8-16-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 15, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1576 - James Peak Wilderness and Protection Area Act
Sponsor - Rep. Udall (D) Colorado

Last Day for Action

August 24, 2002 - Saturday

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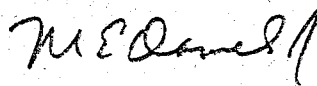
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Inholdings. H.R. 1576 provides a framework for acquisition of non-federal lands within the Protection Area. Specifically, USDA is directed to reach agreement promptly with the Colorado State Land Board if the Board is willing to transfer lands to the United States. USDA also is directed to negotiate with the owner of land within the "Jim Creek drainage" to acquire the property by purchase or exchange. USDA must report to Congress on any land agreement or negotiation and indicate whether additional funds need to be appropriated for the acquisition. Once acquired, the new land would be managed as part of the respective Wilderness or Protection Area in accordance with the enrolled bill and other applicable laws.

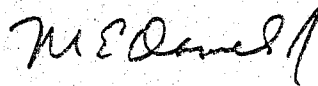
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Conclusions and Recommendations

The Department of Agriculture recommends approval of H.R. 1576, noting that "[t]he designations resulting from this bill will assure the continued protection of the area's unique qualities, outstanding primitive recreation opportunities, and scenic and scientific values." The Department also notes that the bill will protect "the last remaining unprotected stretch of the Continental Divide Trail."

We join USDA in recommending approval of H.R. 1576, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

02 AUG 16 AM 10:53

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION

Subject: AREA ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☒	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☐	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JOHN BURNIM, EXT. 57302, FAX 55691, NO LATER THAN 5:00 PM FRIDAY, 8-16-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 15, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1576 - James Peak Wilderness and Protection Area Act
Sponsor - Rep. Udall (D) Colorado

Last Day for Action

August 24, 2002 - Saturday

Purpose

(1) Designates approximately 14,000 acres of Federal land within the Arapaho and Roosevelt National Forest (ARNF) in the State of Colorado as the James Peak Wilderness; (2) adds approximately 3,195 acres to the Indian Peaks Wilderness in Colorado; and (3) designates 16,000 acres of the ARNF as the James Peak Protection Area.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture (USDA)	Approval
Department of the Interior	Defers to USDA (Informally)
Department of Justice	No objection (Informally)
Department of Transportation	No objection (Informally)
Department of Energy	No comment (Informally)
Council on Environmental Quality	No comment (Informally)

Discussion

Congressionally-designated wilderness areas consist of Federal lands that retain their primeval character and are without permanent improvements or human habitation. Congressionally-designated protection areas are identified by Congress in order to protect the natural qualities of these areas. Federal land agencies, such as USDA, manage these areas to protect these resources. The major provisions of H.R. 1576, which would designate new or expand existing wilderness or protection areas in Colorado, are described below.

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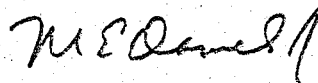
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Conclusions and Recommendations

The Department of Agriculture recommends approval of H.R. 1576, noting that "[t]he designations resulting from this bill will assure the continued protection of the area's unique qualities, outstanding primitive recreation opportunities, and scenic and scientific values." The Department also notes that the bill will protect "the last remaining unprotected stretch of the Continental Divide Trail."

We join USDA in recommending approval of H.R. 1576, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 518668

WHITE HOUSE STAFFING MEMORANDUM

02 AUG 16 AM 9:44

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION

Subject: AREA ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☒	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☐	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JOHN BURNIM, EXT. 57302, FAX 55691, NO LATER THAN 5:00 PM FRIDAY, 8-16-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

NO COMMENT

RESPONSE:

2002 AUG 16 AM 7:46

EXECUTIVE SECRETARIES
OF THE PRESIDENT

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

23

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

Subject: ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION
AREA ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
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RESPONSE:


 8/16 1:35

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 15, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1576 - James Peak Wilderness and Protection Area Act
Sponsor - Rep. Udall (D) Colorado

Last Day for Action

August 24, 2002 - Saturday

Purpose

(1) Designates approximately 14,000 acres of Federal land within the Arapaho and Roosevelt National Forest (ARNF) in the State of Colorado as the James Peak Wilderness; (2) adds approximately 3,195 acres to the Indian Peaks Wilderness in Colorado; and (3) designates 16,000 acres of the ARNF as the James Peak Protection Area.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture (USDA)	Approval
Department of the Interior	Defers to USDA (Informally)
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Department of Transportation	No objection (Informally)
Department of Energy	No comment (Informally)
Council on Environmental Quality	No comment (Informally)

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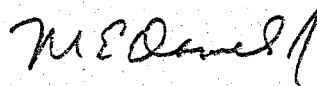
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We join USDA in recommending approval of H.R. 1576, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



02 AUG 15 PM 3:10

OFFICE OF THE VICE PRESIDENT
WASHINGTON

August 16, 2002

MEMORANDUM FOR JOHN BURNIM

FROM: JONATHAN BURKS 
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1576 – James Peak Wilderness and
Protection Area Act

The Office of the Vice President has reviewed the above-referenced draft and has no objection to the President signing the enrolled bill.

cc: Harriet Miers
Staff Secretary

SS/ RM NO. 518668

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION

Subject: AREA ACT

02 AUG 15 PM 3:09

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
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DANIELS	☐	☒	ROVE	☒	☐
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GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☐	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JOHN BURNIM, EXT. 57302, FAX 55691, NO LATER THAN 5:00 PM FRIDAY, 8-16-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

(EQ ok.

RESPONSE:

per DRA

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION

Subject: AREA ACT

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OK

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 15, 2002

MEMORANDUM FOR THE PRESIDENT

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Sponsor - Rep. Udall (D) Colorado

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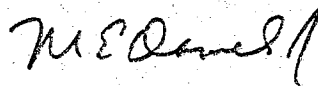
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Mitchell E. Daniels, Jr.
Director

Enclosures

02 AUG 16 1992

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION

Subject: AREA ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☒	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☐	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JOHN BURNIM, EXT. 57302, FAX 55691, NO LATER THAN 5:00 PM FRIDAY, 8-16-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

OK

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 15, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1576 - James Peak Wilderness and Protection Area Act
Sponsor - Rep. Udall (D) Colorado

Last Day for Action

August 24, 2002 - Saturday

Purpose

(1) Designates approximately 14,000 acres of Federal land within the Arapaho and Roosevelt National Forest (ARNF) in the State of Colorado as the James Peak Wilderness; (2) adds approximately 3,195 acres to the Indian Peaks Wilderness in Colorado; and (3) designates 16,000 acres of the ARNF as the James Peak Protection Area.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture (USDA)	Approval
Department of the Interior	Defers to USDA (Informally)
Department of Justice	No objection (Informally)
Department of Transportation	No objection (Informally)
Department of Energy	No comment (Informally)
Council on Environmental Quality	No comment (Informally)

Discussion

Congressionally-designated wilderness areas consist of Federal lands that retain their primeval character and are without permanent improvements or human habitation. Congressionally-designated protection areas are identified by Congress in order to protect the natural qualities of these areas. Federal land agencies, such as USDA, manage these areas to protect these resources. The major provisions of H.R. 1576, which would designate new or expand existing wilderness or protection areas in Colorado, are described below.

Designation of the James Peak Wilderness and Addition to the Indian Peaks Wilderness. H.R. 1576 would designate approximately 14,000 acres of land within the Arapaho and Roosevelt National Forest (ARNF) as the James Peak Wilderness. It also would add two parcels of land in the ARNF (2,232 acres known as the "Ranch Creek Addition" and 963 acres known as the "Fourth of July Addition") to the Indian Peaks Wilderness.

Designation and Management of the James Peak Protection Area. H.R. 1576 also would designate 16,000 acres of the ARNF as the James Peak Protection Area and direct USDA to manage the Area consistent with the 1997 Forest Management Plan, so as to protect permanently its resources and values, while permitting continued recreational uses in appropriate locales, subject to certain regulations. The Area would be withdrawn from mining and geothermal leasing development, subject to valid existing rights. Timber harvesting would be prohibited except under special circumstances, but grazing would be permitted.

Within two years after enactment, USDA, in consultation with interested parties, is to inventory all roads and trails in the Area. During the inventory, USDA could connect or close existing roads and trails. Off-road motorized vehicles would be prohibited within the Area, except on roads and trails designated for use as part of the management plan. Construction of new roads and trails for motorized vehicles would be prohibited within the Area, subject to certain exceptions, including rights-of-way and access roads for vegetation management, road maintenance, ground stabilization, and motorized vehicle access necessary to operate a natural gas pipeline.

Water Rights. The enrolled bill specifies that it is not intended to: (1) constitute a reservation of any water or water rights; (2) affect the State of Colorado's water rights; (3) establish a precedent with regard to any future protection area designations; or (4) affect existing interstate water compacts or apportionment decrees between Colorado and other States. It further directs USDA to follow Colorado's water laws with respect to any new water rights within the Area.

Inholdings. H.R. 1576 provides a framework for acquisition of non-federal lands within the Protection Area. Specifically, USDA is directed to reach agreement promptly with the Colorado State Land Board if the Board is willing to transfer lands to the United States. USDA also is directed to negotiate with the owner of land within the "Jim Creek drainage" to acquire the property by purchase or exchange. USDA must report to Congress on any land agreement or negotiation and indicate whether additional funds need to be appropriated for the acquisition. Once acquired, the new land would be managed as part of the respective Wilderness or Protection Area in accordance with the enrolled bill and other applicable laws.

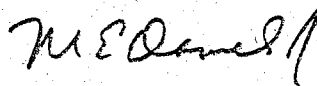
James Peak Fall River Trailhead and Loop Trail Study. USDA is to establish a new trailhead and corresponding facilities in the Fall River Basin area southeast of the James Peak Wilderness Area, after consultation with the Clear Creek County commissioners and area residents regarding the appropriate location for the facilities. USDA must report to Congress regarding any additional funding required to establish these facilities. Within three years after funds are appropriated, USDA must undertake a feasibility study regarding the establishment of a loop trail for mechanized and other non-motorized recreation vehicles connecting certain trails within the Protection Area.

Miscellaneous Provisions. Among its numerous administrative provisions and disclaimers, H.R. 1576 would require USDA to provide technical assistance and cooperation if requested by the local counties with respect to repairing nearby highways and roads. The enrolled bill also specifies that it is not intended to preclude or restrict USDA's authority to evaluate the suitability of land in the Protection Area for inclusion in the National Wilderness Preservation System, or to make recommendations to Congress for inclusion. Also, subject to certain conditions, USDA is to provide Congress the map and boundary description of the Wilderness and Protection Area.

Conclusions and Recommendations

The Department of Agriculture recommends approval of H.R. 1576, noting that "[t]he designations resulting from this bill will assure the continued protection of the area's unique qualities, outstanding primitive recreation opportunities, and scenic and scientific values." The Department also notes that the bill will protect "the last remaining unprotected stretch of the Continental Divide Trail."

We join USDA in recommending approval of H.R. 1576, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 518668

WHITE HOUSE STAFFING MEMORANDUM

Kille

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

Subject: ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION
AREA ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
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CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☒	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☐	☐		☐	☐

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No comment.

RESPONSE:

Kyle Sarge
WHCO

6-5857

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 15, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1576 - James Peak Wilderness and Protection Area Act
Sponsor - Rep. Udall (D) Colorado

Last Day for Action

August 24, 2002 - Saturday

Purpose

(1) Designates approximately 14,000 acres of Federal land within the Arapaho and Roosevelt National Forest (ARNF) in the State of Colorado as the James Peak Wilderness; (2) adds approximately 3,195 acres to the Indian Peaks Wilderness in Colorado; and (3) designates 16,000 acres of the ARNF as the James Peak Protection Area.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture (USDA)

Approval

Department of the Interior

Defers to USDA (Informally)

Department of Justice

No objection (Informally)

Department of Transportation

No objection (Informally)

Department of Energy

No comment (Informally)

Council on Environmental Quality

No comment (Informally)

Discussion

Congressionally-designated wilderness areas consist of Federal lands that retain their primeval character and are without permanent improvements or human habitation. Congressionally-designated protection areas are identified by Congress in order to protect the natural qualities of these areas. Federal land agencies, such as USDA, manage these areas to protect these resources. The major provisions of H.R. 1576, which would designate new or expand existing wilderness or protection areas in Colorado, are described below.

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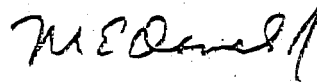
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We join USDA in recommending approval of H.R. 1576, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

8-15-02 15:55:17

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-15-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 8-16-02, 5:00 PM

ENROLLED BILL H.R. 1576, JAMES PEAK WILDERNESS AND PROTECTION

Subject: AREA ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
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FLEISCHER	☐	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☐	☐	_____	☐	☐

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no comment

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 15, 2002

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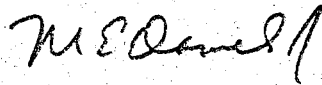
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