

106TH CONGRESS  
2D SESSION

# S. 2547

To provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 11, 2000

Mr. ALLARD (for himself and Mr. CAMPBELL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve 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 “Great Sand Dunes Na-  
5 tional Park Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Great Sand Dunes National Monument  
9 in the State of Colorado was established by Presi-

1       dential proclamation in 1932 to preserve Federal  
2       land containing spectacular and unique sand dunes  
3       and additional features of scenic, scientific, and edu-  
4       cational interest (including the unique pulse flow  
5       characteristics of Sand Creek and Medano Creek,  
6       which are integral to the existence of the dunes sys-  
7       tem);

8               (2) the Great Sand Dunes, together with the  
9       associated sand sheet and adjacent wetland and up-  
10      land, contain a variety of unique ecological, geologi-  
11      cal, paleontological, archaeological, scenic, historical,  
12      and wildlife components, which—

13               (A) are enhanced by the serenity and rural  
14      western setting of the area; and

15               (B) comprise a setting of irreplaceable na-  
16      tional significance;

17               (3) the Great Sand Dunes and adjacent land  
18      within the Great Sand Dunes National Monument—

19               (A) provide extensive opportunities for  
20      educational activities, ecological research, and  
21      recreational activities; and

22               (B) are publicly used for hiking, camping,  
23      and fishing, and for wilderness value (including  
24      solitude);

1           (4) other public and private land adjacent to  
2 the Great Sand Dunes National Monument—

3           (A) offers additional unique geological,  
4 hydrological, paleontological, scenic, scientific,  
5 educational, wildlife, and recreational resources;  
6 and

7           (B) contributes to the protection of—

8           (i) the sand sheet associated with the  
9 dune mass;

10           (ii) the ground water system on which  
11 the features of the dunes and the adjacent  
12 wetland rely; and

13           (iii) the wildlife, viewshed, and scenic  
14 qualities of the Great Sand Dunes Na-  
15 tional Monument;

16           (5) some of the private land described in para-  
17 graph (4) contains important portions of the sand  
18 dune mass, the associated sand sheet, and unique al-  
19 pine environments, which would be threatened by fu-  
20 ture development pressures;

21           (6) the designation of a Great Sand Dunes Na-  
22 tional Park, which would encompass the Great Sand  
23 Dunes National Monument and additional land,  
24 would provide—

1 (A) greater long-term protection of the ge-  
 2 ological, hydrological, paleontological, scenic,  
 3 scientific, educational, wildlife, and recreational  
 4 resources of the area (including the sand sheet  
 5 associated with the dune mass and the ground  
 6 water system on which the sand dune and wet-  
 7 land systems depend); and

8 (B) expanded visitor use opportunities; and

9 (7) land in and adjacent to the Great Sand  
 10 Dunes National Monument is—

11 (A) recognized for offering exceptional  
 12 multiple use opportunities;

13 (B) recognized for offering natural, eco-  
 14 logical, cultural, scenic, paleontological, wilder-  
 15 ness, and recreational resources;

16 (C) recognized as being a fragile and irre-  
 17 placeable ecological system that could be de-  
 18 stroyed if not carefully protected; and

19 (D) worthy of consideration for additional  
 20 protection.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **ADVISORY COUNCIL.**—The term “Advisory  
 24 Council” means the Great Sand Dunes National

1 Park Advisory Council established under section  
2 8(a).

3 (2) NATIONAL PARK.—The term “national  
4 park” means the Great Sand Dunes National Park  
5 established under section 4(a).

6 (3) PARK AND PRESERVE MAP.—The term  
7 “park and preserve map” means the map entitled  
8 “Great Sand Dunes National Park and Preserve”,  
9 dated March 17, 2000.

10 (4) PARK RESOURCES.—The term “park re-  
11 sources” means the resources described in section 2.

12 (5) PARK USES.—The term “park uses” means  
13 the uses described in section 2.

14 (6) PRESERVE.—

15 (A) IN GENERAL.—The term “preserve”  
16 means the Great Sand Dunes National Preserve  
17 established under section 4(b).

18 (B) INCLUSIONS.—The term “preserve”  
19 includes Federal land and interests in Federal  
20 land that are administered by the National  
21 Park Service in the vicinity of the national  
22 park, but outside the boundaries of the national  
23 park.

24 (7) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.

1 **SEC. 4. GREAT SAND DUNES NATIONAL PARK AND GREAT**  
2 **SAND DUNES NATIONAL PRESERVE, COLO-**  
3 **RADO.**

4 (a) GREAT SAND DUNES NATIONAL PARK.—

5 (1) ESTABLISHMENT.—

6 (A) IN GENERAL.—The Secretary may es-  
7 tablish the Great Sand Dunes National Park in  
8 the State of Colorado, as generally depicted on  
9 the park and preserve map, as a unit of the Na-  
10 tional Park System.

11 (B) AVAILABILITY OF MAP.—The park and  
12 preserve map shall be on file and available for  
13 public inspection in the offices of the Depart-  
14 ment of the Interior.

15 (2) ESTABLISHMENT REQUIRED.—

16 (A) IN GENERAL.—Notwithstanding para-  
17 graph (1), the Secretary shall establish the na-  
18 tional park as soon as the Secretary determines  
19 that sufficient land having a sufficient diversity  
20 of resources has been acquired to warrant des-  
21 ignation of the land as a unit of the National  
22 Park System.

23 (B) NOTIFICATION.—Until the date on  
24 which the national park is established, the Sec-  
25 retary shall annually notify the Committee on  
26 Energy and Natural Resources of the Senate

1 and the Committee on Resources of the House  
2 of Representatives of—

3 (i) the estimate of the Secretary of  
4 the acreage necessary to achieve a suffi-  
5 cient diversity of resources to warrant des-  
6 ignation of the national park; and

7 (ii) the progress of the Secretary in  
8 acquiring that acreage.

9 (3) INCLUSION OF NATIONAL MONUMENT.—

10 (A) IN GENERAL.—The Secretary shall in-  
11 clude the Great Sand Dunes National Monu-  
12 ment in the national park.

13 (B) AVAILABILITY OF FUNDS.—On the  
14 date of establishment of the national park, any  
15 funds made available for the purposes of the  
16 national monument shall be available for the  
17 purposes of the national park.

18 (C) TERMINATION OF MONUMENT.—The  
19 Great Sand Dunes National Monument shall  
20 terminate on the date on which the national  
21 park is established.

22 (b) PRESERVE.—

23 (1) ESTABLISHMENT.—The Secretary may es-  
24 tablish the Great Sand Dunes National Preserve in  
25 the State of Colorado, as generally depicted on the

1 park and preserve map, as a unit of the National  
2 Park System.

3 (2) INCLUSIONS.—To protect park resources  
4 and park uses, the Secretary may include in the pre-  
5 serve any Federal land adjacent to the national park  
6 that may be managed in conjunction with the na-  
7 tional park.

8 (c) TRANSFER OF JURISDICTION.—

9 (1) DEPARTMENT OF THE INTERIOR LAND.—  
10 The Secretary shall transfer to the National Park  
11 Service administrative jurisdiction over any land  
12 under the jurisdiction of Department of the Interior  
13 that—

14 (A) is depicted on the park and preserve  
15 map as being within the boundaries of the na-  
16 tional park or the preserve; and

17 (B) is not under the administrative juris-  
18 diction of the National Park Service on the date  
19 of enactment of this Act.

20 (2) FOREST SERVICE LAND.—The Secretary  
21 and the Secretary of Agriculture may—

22 (A) transfer to the National Park Service  
23 administrative jurisdiction over the Forest Sys-  
24 tem land depicted on the park and preserve

1 map that is within the boundaries of the na-  
2 tional park or the preserve; and

3 (B) transfer to the Forest Service adminis-  
4 trative jurisdiction over any land depicted on  
5 the park and preserve map that is—

6 (i) under the jurisdiction of Depart-  
7 ment of the Interior; and

8 (ii) suitable for inclusion in the Rio  
9 Grande National Forest.

10 (3) PUBLIC NOTICE AND INPUT.—The Sec-  
11 retary and the Secretary of Agriculture shall ensure  
12 that any agreement to transfer land under para-  
13 graph (2) is based on adequate public notice and  
14 comment.

15 (d) MAP AND LEGAL DESCRIPTION.—

16 (1) IN GENERAL.—As soon as practicable after  
17 the establishment of the national park and the pre-  
18 serve, the Secretary shall file maps and a legal de-  
19 scription of the national park and the preserve with  
20 the Committee on Energy and Natural Resources of  
21 the Senate and the Committee on Resources of the  
22 House of Representatives.

23 (2) FORCE AND EFFECT.—The maps and legal  
24 description shall have the same force and effect as  
25 if included in this Act, except that the Secretary

1       may correct clerical and typographical errors in the  
2       legal description and maps.

3           (3) PUBLIC AVAILABILITY.—The maps and  
4       legal description shall be on file and available for  
5       public inspection in the appropriate offices of the  
6       National Park Service.

7 **SEC. 5. ADMINISTRATION OF NATIONAL PARK AND PRE-**  
8           **SERVE.**

9       (a) APPLICABILITY OF NATIONAL PARK SYSTEM  
10      LAWS.—The Secretary shall administer the national park  
11      and the preserve in accordance with—

12           (1) this Act; and

13           (2) all laws generally applicable to units of the  
14      National Park System, including—

15           (A) the Act entitled “An Act to establish  
16      a National Park Service, and for other pur-  
17      poses”, approved August 25, 1916 (16 U.S.C.  
18      1 et seq.); and

19           (B) the Act entitled “An Act to provide for  
20      the preservation of historic American sites,  
21      buildings, objects, and antiquities of national  
22      significance, and for other purposes”, approved  
23      August 21, 1935 (16 U.S.C. 461 et seq.).

1 (b) PROTECTION OF HYDROLOGIC REGIME.—In ad-  
2 ministering the national park and the preserve, the Sec-  
3 retary shall—

4 (1) protect and maintain the balance in the hy-  
5 drologic regime necessary for the protection of park  
6 resources and park uses; and

7 (2) minimize, to the extent consistent with park  
8 protection, adverse impacts on adjacent communities  
9 and wetlands.

10 (c) GRAZING.—

11 (1) NON-FEDERAL LAND.—The Secretary shall  
12 not prohibit grazing on non-Federal land located  
13 within the boundaries of the national park and the  
14 preserve.

15 (2) FEDERAL LAND.—

16 (A) ACQUIRED STATE OR PRIVATE  
17 LAND.—With respect to former State or private  
18 land that has been acquired for the national  
19 park and the preserve, the Secretary, in con-  
20 sultation with the lessee, may permit the con-  
21 tinuation of grazing on the land, subject to ap-  
22 plicable law (including regulations).

23 (B) OTHER FEDERAL LAND.—With respect  
24 to land that is Federal land as of the date of  
25 enactment of this Act and that is located within

1 the boundaries of the national park and the  
2 preserve, the Secretary shall prohibit grazing on  
3 the land if the Secretary determines that graz-  
4 ing would harm the resources or values of the  
5 national park or the preserve.

6 (d) HUNTING, FISHING, AND TRAPPING.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), the Secretary shall permit hunting, fish-  
9 ing, and trapping on land and water within the pre-  
10 serve in accordance with applicable Federal and  
11 State laws.

12 (2) ADMINISTRATIVE EXCEPTIONS.—The Sec-  
13 retary may designate areas where, and establish lim-  
14 ited periods when, no hunting, fishing, or trapping  
15 shall be permitted under paragraph (1) for reasons  
16 of public safety, administration, or compliance with  
17 applicable law.

18 (3) AGENCY AGREEMENT.—Except in an emer-  
19 gency, regulations closing areas within the preserve  
20 to hunting, fishing, or trapping under this sub-  
21 section shall become effective only with the agree-  
22 ment of the appropriate agency of the State of Colo-  
23 rado having responsibility for fish and wildlife ad-  
24 ministration.

1           (4) RULES OF CONSTRUCTION.—Nothing in  
2 this Act—

3           (A) affects any jurisdiction or responsi-  
4 bility of the State of Colorado with respect to  
5 fish and wildlife on Federal land and water cov-  
6 ered by this Act; or

7           (B) authorizes the Secretary to require a  
8 Federal permit to hunt, fish, or trap on Federal  
9 land and water covered by this Act.

10       (e) CLOSED BASIN DIVISION, SAN LUIS VALLEY  
11 PROJECT.—Any feature of the Closed Basin Division, San  
12 Luis Valley Project, located within the boundaries of the  
13 national park or the preserve, including any well, pump,  
14 road, easement, pipeline, canal, ditch, power line, power  
15 supply facility, or any other project facility, and the oper-  
16 ation, maintenance, repair, and replacement of such a  
17 feature—

18           (1) shall not be affected by this Act; and

19           (2) shall continue to be the responsibility of,  
20 and be operated by, the Bureau of Reclamation in  
21 accordance with title I of the Reclamation Project  
22 Authorization Act of 1972 (43 U.S.C. 615aaa et  
23 seq.).

24       (f) WILDERNESS PROTECTION.—



1 non-Federal land or water) for inclusion in the na-  
2 tional park or the preserve, including—

3 (A) land or water, or interests in land or  
4 water, owned by the State of Colorado; and

5 (B) other land depicted on the park and  
6 preserve map as being suitable for acquisition  
7 by the Secretary for inclusion in the park or the  
8 preserve.

9 (2) BOUNDARY ADJUSTMENT.—As soon as  
10 practicable after the establishment of the national  
11 park and the preserve, the Secretary shall modify  
12 the boundary of the national park and preserve to  
13 include any land or interest acquired under this sub-  
14 section.

15 (b) LUIS MARIA BACA GRANT NO. 4.—

16 (1) ACQUISITION AUTHORITY.—The Secretary  
17 may negotiate for and acquire all or any appropriate  
18 portion of the Luis Maria Baca Grant No. 4, as de-  
19 picted on the park and preserve map.

20 (2) TREATMENT OF ACQUIRED LAND.—

21 (A) FISH AND WILDLIFE ADMINISTRA-  
22 TION.—In the case of any portion of the Luis  
23 Maria Baca Grant No. 4 acquired under para-  
24 graph (1) that is depicted in Zone A of the  
25 park and preserve map, the Secretary, acting

1 through the United States Fish and Wildlife  
2 Service, shall administer the acquired land as  
3 a unit of the National Wildlife Refuge System.

4 (B) FOREST SERVICE ADMINISTRATION.—

5 (i) IN GENERAL.—In the case of any  
6 portion of the Luis Maria Baca Grant No.  
7 4 acquired under paragraph (1) that is de-  
8 picted in Zone B of the park and preserve  
9 map, the Secretary shall transfer the ac-  
10 quired land to the administrative jurisdic-  
11 tion of the Forest Service, as provided in  
12 section 4(c), for management consistent  
13 with this Act.

14 (ii) LAND AND WATER CONSERVATION  
15 FUND.—For the purposes of section 7 of  
16 the Land and Water Conservation Fund  
17 Act of 1965 (16 U.S.C. 460l–9), the  
18 boundaries of the Rio Grande National  
19 Forest, as revised by the transfer of land  
20 under this subparagraph or section 4(c),  
21 shall be considered to be the boundaries of  
22 the national forest.

23 (C) INCLUSION IN NATIONAL PARK.—The  
24 Secretary shall include in the national park all

1 portions of the Luis Maria Baca Grant No. 4  
2 that—

3 (i) are acquired under paragraph (1);  
4 and  
5 (ii) are not described in subparagraph  
6 (A) or (B).

7 (c) AUTHORIZED METHODS OF ACQUISITION.—Any  
8 interest in land or water may be acquired under this sec-  
9 tion by—

10 (1) donation;  
11 (2) purchase from willing sellers with donated  
12 or appropriated funds; or  
13 (3) exchange.

14 (d) ADMINISTRATION.—The Secretary shall admin-  
15 ister any non-Federal land, water, or interest in land or  
16 water acquired under this section in accordance with sec-  
17 tion 5, except in the case of land described in subsection  
18 (b)(2)(B).

19 (e) HUNTING, FISHING, AND TRAPPING ON NON-  
20 FEDERAL LAND.—

21 (1) NO PROHIBITION.—The Secretary shall not  
22 prohibit hunting, fishing, or trapping on non-Federal  
23 land located within the boundaries of the national  
24 park.

1           (2) TERMINATION OF AUTHORITY.—On the  
2           date on which the United States acquires fee owner-  
3           ship of a parcel of non-Federal land described in  
4           paragraph (1), the restriction under that paragraph  
5           shall terminate with respect to the parcel.

6 **SEC. 7. WATER RIGHTS.**

7           (a) SAN LUIS VALLEY PROTECTION, COLORADO.—  
8           Section 1501(a) of the Reclamation Projects Authoriza-  
9           tion and Adjustment Act of 1992 (Public Law 102–575;  
10          106 Stat. 4663) is amended by striking paragraph (3) and  
11          inserting the following:

12                   “(3) adversely affect the purposes of—

13                           “(A) the Great Sand Dunes National  
14                           Monument;

15                           “(B) the Great Sands Dunes National  
16                           Park (including purposes relating to all water,  
17                           water rights, and water-dependent resources  
18                           within the park);

19                           “(C) the Great Sand Dunes National Pre-  
20                           serve (including purposes relating to all water,  
21                           water rights, and water-dependent resources  
22                           within the preserve); and

23                           “(D) any Federal land adjacent to any  
24                           area described in subparagraphs (A), (B), or  
25                           (C).”.

1 (b) EFFECT ON WATER RIGHTS.—

2 (1) IN GENERAL.—Subject to the amendment  
3 made by subsection (a), nothing in this Act affects—

4 (A) the use, allocation, and State jurisdic-  
5 tion, in existence on the date of enactment of  
6 this Act, over—

7 (i) water;

8 (ii) any existing water right and devel-  
9 opment;

10 (iii) any water law;

11 (iv) any compact; or

12 (v) any other valid existing right; or

13 (B) any vested absolute or decreed condi-  
14 tional water right in existence before the date  
15 of enactment of this Act, including any water  
16 right held by the United States.

17 (2) NO INTERFERENCE.—In carrying out this  
18 Act, the Secretary shall obtain and exercise any  
19 water right—

20 (A) in accordance with Federal and State  
21 law; and

22 (B) without interfering with any diversion,  
23 storage, or use of water for a non-Federal pur-  
24 pose in the San Luis Valley, Colorado, that is

1           in existence on the date of enactment of this  
2           Act.

3           (c) FOREST SERVICE WATER RIGHTS.—To the ex-  
4 tent that a water right is established or acquired by the  
5 United States for the Rio Grande National Forest, the  
6 water right shall—

7           (1) be considered to be of equal use and value  
8           for the national preserve; and

9           (2) retain its priority and purpose when in-  
10          cluded in the national preserve.

11          (d) NATIONAL MONUMENT WATER RIGHTS.—To the  
12 extent that a water right has been established or acquired  
13 by the United States for the Great Sand Dunes National  
14 Monument, the water right shall—

15          (1) be considered to be of equal use and value  
16          for the national park; and

17          (2) retain its priority and purpose when in-  
18          cluded in the national park.

19          (e) WATER RIGHTS AND WATER RESOURCES ON  
20 LUIS MARIA BACA GRANT NO. 4.—

21           (1) IN GENERAL.—

22           (A) LOCATION.—If, and to the extent that,  
23           the Luis Maria Baca Grant No. 4 is acquired,  
24           all water rights and water resources associated

1 with the Luis Maria Baca Grant No. 4 shall be  
2 restricted for use only within—

3 (i) the national park;

4 (ii) the preserve; or

5 (iii) the immediately surrounding  
6 areas of Alamosa or Saguache Counties,  
7 Colorado.

8 (B) USE.—Water rights and water re-  
9 sources described in subparagraph (A) shall be  
10 restricted for use in—

11 (i) the protection of park resources  
12 and park values;

13 (ii) fish and wildlife management and  
14 protection; or

15 (iii) irrigation, except as provided in  
16 the memorandum of water service agree-  
17 ment and the water service agreement be-  
18 tween the Cabeza de Vaca Land and Cattle  
19 Company, LLC, and Baca Grande Water  
20 and Sanitation District, dated August 28,  
21 1997.

22 (2) STATE AUTHORITY.—If and to the extent  
23 that, water rights associated with the Luis Maria  
24 Baca Grant No. 4 are acquired, the use of those

1 water rights shall be changed only in accordance  
2 with the laws of the State of Colorado.

3 (f) PROTECTION OF WATER RESOURCES.—The Sec-  
4 retary shall take such actions as are within the authority  
5 of the Secretary to ensure that any new or additional  
6 water development in the San Luis Valley aquifers is con-  
7 sistent with the protection and maintenance of the hydro-  
8 logic balance necessary for preservation of park resources  
9 and park uses.

10 **SEC. 8. ADVISORY COUNCIL.**

11 (a) ESTABLISHMENT.—The Secretary shall establish  
12 an advisory council to be known as the “Great Sand  
13 Dunes National Park Advisory Council”.

14 (b) DUTY.—The Advisory Council shall advise the  
15 Secretary with respect to preparation and implementation  
16 of a management plan for the national park and the pre-  
17 serve.

18 (c) APPLICABLE LAW.—The Advisory Council shall  
19 function in accordance with—

20 (1) this Act;

21 (2) the Federal Advisory Committee Act (5  
22 U.S.C. App.); and

23 (3) the Federal Land Policy and Management  
24 Act of 1976 (43 U.S.C. 1701 et seq.).

1 (d) MEMBERS.—The Advisory Council shall consist  
2 of 10 members, to be appointed by the Secretary, as fol-  
3 lows:

4 (1) 1 member of, or nominated by, the Alamosa  
5 County Commission.

6 (2) 1 member of, or nominated by, the  
7 Saguache County Commission.

8 (3) 1 member of, or nominated by, the Friends  
9 of the Dunes Organization.

10 (4) 7 members residing in, or within reasonable  
11 proximity to, the San Luis Valley, who have recog-  
12 nized backgrounds reflecting—

13 (A) the purposes for which the national  
14 park and the preserve are established; and

15 (B) the interests of persons that will be af-  
16 fected by the planning and management of the  
17 national park and the preserve.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums  
20 as are necessary to carry out this Act.

○