

116TH CONGRESS
1ST SESSION

S. _____

To amend the Wild and Scenic Rivers Act to designate certain segments of the Gila River system and the San Francisco River in the State of New Mexico as components of the National Wild and Scenic Rivers System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. UDALL (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Wild and Scenic Rivers Act to designate certain segments of the Gila River system and the San Francisco River in the State of New Mexico as components of the National Wild and Scenic Rivers System, 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 “M.H. Dutch Salmon
5 Greater Gila Wild and Scenic River Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the Greater Gila River watershed is cher-
2 ished by the people of the State of New Mexico and
3 visitors from across the United States for its clean
4 water, outstanding fish and wildlife habitat, low-cost
5 recreational opportunities for local communities, and
6 cultural sites;

7 (2) recreation, including hunting, fishing, camp-
8 ing, backpacking, hiking, wildlife viewing, horseback
9 riding, and floating, increasingly supports important
10 economic activity for local communities;

11 (3) the Greater Gila River watershed—

12 (A) is a national treasure deserving of in-
13 clusion in the National Wild and Scenic Rivers
14 System;

15 (B) possesses numerous outstandingly re-
16 markable values; and

17 (C) contains segments that merit the high
18 level of protection provided by the Wild and
19 Scenic Rivers Act (16 U.S.C. 1271 et seq.) to
20 maintain the benefits provided by the Gila
21 River and tributaries of the Gila River for fu-
22 ture generations of people in the State of New
23 Mexico to enjoy; and

24 (4) wild and scenic river designations—

1 (A) recognize the importance of maintain-
2 ing the values of the segments, while having no
3 effect on activities or rights described in section
4 4(e); and

5 (B) provide multiple benefits to the local
6 community and beyond, including by—

7 (i) focusing management on river and
8 river-related resources and values, includ-
9 ing supporting voluntary management on
10 adjacent non-Federal land;

11 (ii) protecting rivers in a manner com-
12 plementary to the Wilderness Act (16
13 U.S.C. 1131 et seq.), as contemplated
14 under section 10(b) of the Wild and Scenic
15 Rivers Act (16 U.S.C. 1281(b));

16 (iii) preserving and enhancing public
17 access, including for the legal use of off-
18 highway vehicles, while not opening private
19 land to public access;

20 (iv) preserving and enhancing the pro-
21 tection of cultural artifacts and Tribal sa-
22 cred and ceremonial sites;

23 (v) preserving and enhancing rec-
24 reational opportunities;

1 (vi) encouraging and enhancing tradi-
2 tional uses, such as hunting and fishing;

3 (vii) better informing the public about
4 areas in the region with exceptional char-
5 acteristics and opportunities for unique ex-
6 periences; and

7 (viii) promoting the outdoor recreation
8 economy.

9 (b) PURPOSE.—The purpose of this Act is to protect
10 for current and future generations of people in the United
11 States the outstandingly remarkable scenic, natural, cul-
12 tural, wildlife, fish, recreational, scientific, historic, cul-
13 tural, ecological, and other values of certain segments of
14 the Greater Gila River watershed.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) COVERED SEGMENT.—The term “covered
18 segment” means a river segment designated by para-
19 graph (231) of section 3(a) of the Wild and Scenic
20 Rivers Act (16 U.S.C. 1274(a)) (as added by 4(a)).

21 (2) SECRETARY CONCERNED.—The term “Sec-
22 retary concerned” means—

23 (A) the Secretary of the Interior, with re-
24 spect to a covered segment under the jurisdic-
25 tion of the Secretary of the Interior; and

1 (B) the Secretary of Agriculture, with re-
2 spect to a covered segment under the jurisdic-
3 tion of the Secretary of Agriculture.

4 (3) STATE.—The term “State” means the State
5 of New Mexico.

6 **SEC. 4. DESIGNATION OF WILD AND SCENIC RIVERS.**

7 (a) DESIGNATION.—Section 3(a) of the Wild and
8 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
9 ing at the end the following:

10 “(231) GILA RIVER SYSTEM AND SAN FRAN-
11 CISCO RIVER, NEW MEXICO.—The following seg-
12 ments of the Gila River system and the San Fran-
13 cisco River in the State of New Mexico, to be admin-
14 istered by the Secretary of the Interior:

15 “(A) GILA RIVER.—**[Specific segments to**
16 **be finalized after community input]**.

17 “(B) GILA RIVER, MOGOLLON BOX.—**[Spe-**
18 **cific segments to be finalized after community**
19 **input]**.

20 “(C) GILA RIVER, GILA MIDDLE BOX.—
21 **[Specific segments to be finalized after commu-**
22 **nity input]**.

23 “(D) GILA RIVER, GILA LOWER BOX.—
24 **[Specific segments to be finalized after commu-**
25 **nity input]**.

1 “(E) EAST FORK OF THE GILA RIVER.—
2 【*Specific segments to be finalized after commu-*
3 *nity input*】.

4 “(F) MIDDLE FORK OF THE GILA
5 RIVER.—【*Specific segments to be finalized after*
6 *community input*】.

7 “(G) WEST FORK OF THE GILA RIVER.—
8 【*Specific segments to be finalized after commu-*
9 *nity input*】.

10 “(H) SAN FRANCISCO RIVER, UPPER FRIS-
11 CO BOX.—【*Specific segments to be finalized*
12 *after community input*】.

13 “(I) SAN FRANCISCO RIVER, DEVIL’S
14 CREEK.—【*Specific segments to be finalized after*
15 *community input*】.

16 “(J) SAN FRANCISCO RIVER, LOWER SAN
17 FRANCISCO RIVER CANYON.—【*Specific segments*
18 *to be finalized after community input*】.

19 “(K) EAST FORK OF THE MIMBRES
20 RIVER.—【*Specific segments to be finalized after*
21 *community input*】.

22 “(L) TAYLOR CREEK.—【*Specific segments*
23 *to be finalized after community input*】.

24 “(M) MINERAL CREEK.—【*Specific seg-*
25 *ments to be finalized after community input*】.

1 “(N) APACHE CREEK.—**[Specific segments**
2 *to be finalized after community input]*.

3 “(O) BLACK CANYON CREEK.—**[Specific**
4 *segments to be finalized after community input]*.

5 “(P) DIAMOND CREEK.—**[Specific seg-**
6 *ments to be finalized after community input]*.

7 “(Q) SOUTH DIAMOND CREEK.—**[Specific**
8 *segments to be finalized after community input]*.

9 “(R) GILITA CREEK.—**[Specific segments**
10 *to be finalized after community input]*.

11 “(S) HOLDEN PRONG.—**[Specific segments**
12 *to be finalized after community input]*.

13 “(T) INDIAN CREEK.—**[Specific segments**
14 *to be finalized after community input]*.

15 “(U) IRON CREEK.—**[Specific segments to**
16 *be finalized after community input]*.

17 “(V) LAS ANIMAS CREEK.—**[Specific seg-**
18 *ments to be finalized after community input]*.

19 “(W) LITTLE CREEK.—**[Specific segments**
20 *to be finalized after community input]*.

21 “(X) MOGOLLON CREEK.—**[Specific seg-**
22 *ments to be finalized after community input]*.

23 “(Y) WEST FORK MOGOLLON CREEK.—
24 **[Specific segments to be finalized after commu-**
25 *nity input]*.

1 “(Z) MULE CREEK.—**[Specific segments to**
2 *be finalized after community input]*.

3 “(AA) SAPILLO CREEK.—**[Specific seg-**
4 *ments to be finalized after community input]*.

5 “(BB) SPRUCE CREEK.—**[Specific seg-**
6 *ments to be finalized after community input]*.

7 “(CC) TURKEY CREEK.—**[Specific seg-**
8 *ments to be finalized after community input]*.

9 “(DD) WHITEWATER CREEK.—**[Specific**
10 *segments to be finalized after community input]*.

11 “(EE) WILLOW CREEK.—**[Specific seg-**
12 *ments to be finalized after community input]*.”.

13 (b) WITHDRAWAL.—Subject to valid existing rights,
14 all Federal land within the boundary of a covered segment
15 is withdrawn from all forms of—

16 (1) entry, appropriation, or disposal under the
17 public land laws;

18 (2) location, entry, and patent under the mining
19 laws; and

20 (3) disposition under all laws pertaining to min-
21 eral and geothermal leasing or mineral materials.

22 (c) MAPS; LEGAL DESCRIPTIONS.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Secretary con-

1 cerned shall prepare maps and legal descriptions of
2 the covered segments.

3 (2) FORCE OF LAW.—The maps and legal de-
4 scriptions prepared under paragraph (1) shall have
5 the same force and effect as if included in this Act,
6 except that the Secretary concerned may correct
7 clerical and typographical errors in the maps and
8 legal descriptions.

9 (3) AVAILABILITY.—The map and legal descrip-
10 tion prepared under paragraph (1) shall be on file
11 and available for public inspection in the appropriate
12 offices of the Forest Service, the Bureau of Land
13 Management, and the National Park Service.

14 (d) INCORPORATION OF ACQUIRED LAND AND IN-
15 TERESTS IN LAND.—If the United States acquires any
16 non-Federal land within or adjacent to a covered segment,
17 the acquired land shall be incorporated in, and be adminis-
18 tered as part of, the applicable covered segment.

19 (e) EFFECT OF ACT.—

20 (1) EFFECT ON RIGHTS.—Nothing in this Act
21 or an amendment made by this Act affects any exist-
22 ing rights of, privilege of, or contract held by any
23 person that affects Federal land without the consent
24 of the person, including—

25 (A) grazing permits or leases;

1 (B) water rights, including the jurisdiction
2 of the State in administering water rights;

3 (C) existing points of diversion;

4 (D) existing water distribution infrastruc-
5 ture;

6 (E) cattle management infrastructure; and

7 (F) valid existing rights for mining and
8 mineral leases.

9 (2) CONDEMNATION.—No land or interest in
10 land may be acquired under this Act or an amend-
11 ment made by this Act without the consent of the
12 owner.

13 (3) RESTORATION.—Nothing in this Act or an
14 amendment made by this Act prohibits—

15 (A) the Secretary concerned from author-
16 izing any activity or project, the primary pur-
17 pose of which is—

18 (i) ecological restoration;

19 (ii) watershed health; or

20 (iii) the recovery of a species listed as
21 endangered or threatened under the En-
22 dangered Species Act of 1973 (16 U.S.C.
23 1531 et seq.), identified by the State as a
24 species of greatest conservation need, or
25 considered to be a special status species,

1 including the construction, maintenance,
2 and replacement of fish barriers;

3 (iv) the removal of fish or wildlife, in-
4 cluding the use of chemical treatments;

5 (v) improving river system
6 connectivity; or

7 (vi) the stabilization of river features;

8 or

9 (B) a Federal agency from assisting with
10 a loan, grant, or permit, or providing any other
11 form of assistance, for an activity or project de-
12 scribed in subparagraph (A).

13 (4) FISH AND WILDLIFE.—Nothing in this Act
14 or an amendment made by this Act affects the juris-
15 diction of the State with respect to fish and wildlife
16 located on public land in the State.

17 (5) TREATY RIGHTS.—Nothing in this Act or
18 an amendment made by this Act alters, modifies, di-
19 minishes, or extinguishes the reserved treaty rights
20 of any Indian Tribe with respect to hunting, fishing,
21 gathering, and cultural or religious rights in the vi-
22 cinity of a covered segment as protected by a treaty.