

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3129

To amend the Wild and Scenic Rivers Act to designate certain segments of the Gila River system in the State of New Mexico as components of the National Wild and Scenic Rivers System, to provide for the transfer of administrative jurisdiction over certain Federal land in the State of New Mexico, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. HEINRICH

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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. DESIGNATION OF WILD AND SCENIC RIVERS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED SEGMENT.—The term “covered
9 segment” means a river segment designated by para-
10 graph (231) of section 3(a) of the Wild and Scenic

1 Rivers Act (16 U.S.C. 1274(a)) (as added by sub-
2 section (b)).

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

5 (A) the Secretary of the Interior, with re-
6 spect to a covered segment under the jurisdic-
7 tion of the Secretary of the Interior; and

8 (B) the Secretary of Agriculture, with re-
9 spect to a covered segment under the jurisdic-
10 tion of the Secretary of Agriculture.

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

13 (b) DESIGNATION OF SEGMENTS.—Section 3(a) of
14 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is
15 amended by adding at the end the following:

16 “(231) GILA RIVER SYSTEM, NEW MEXICO.—
17 The following segments of the Gila River system in
18 Las Animas Creek, Holden Prong, and McKnight
19 Canyon in the State of New Mexico, to be adminis-
20 tered by the Secretary concerned (as defined in sec-
21 tion 2(a) of the M.H. Dutch Salmon Greater Gila
22 Wild and Scenic River Act) in the following classi-
23 fications:

24 “(A) APACHE CREEK.—The approximately
25 10.5-mile segment, as generally depicted on the

1 map entitled ‘Apache Creek’ and dated April
2 30, 2020, as a wild river.

3 “(B) BLACK CANYON CREEK.—

4 “(i) The 11.8-mile segment, as gen-
5 erally depicted on the map entitled ‘Black
6 Canyon Creek’ and dated April 30, 2020,
7 as a wild river.

8 “(ii) The 0.6-mile segment, as gen-
9 erally depicted on the map entitled ‘Black
10 Canyon Creek’ and dated April 30, 2020,
11 as a recreational river.

12 “(iii) The 1.9-mile segment, as gen-
13 erally depicted on the map entitled ‘Black
14 Canyon Creek’ and dated April 30, 2020,
15 as a recreational river.

16 “(iv) The 11-mile segment, as gen-
17 erally depicted on the map entitled ‘Black
18 Canyon Creek’ and dated April 30, 2020,
19 as a wild river.

20 “(C) DIAMOND CREEK.—

21 “(i) The approximately 13.3-mile seg-
22 ment, as generally depicted on the map en-
23 titled ‘Diamond Creek’ and dated March
24 27, 2020, as a wild river.

1 “(ii) The approximately 4.7-mile seg-
2 ment, as generally depicted on the map en-
3 titled ‘Diamond Creek’ and dated March
4 27, 2020, as a wild river.

5 “(iii) The approximately 3.1-mile seg-
6 ment, as generally depicted on the map en-
7 titled ‘Diamond Creek’ and dated March
8 27, 2020, as a recreational river.

9 “(iv) The approximately 1.6-mile seg-
10 ment, as generally depicted on the map en-
11 titled ‘Diamond Creek’ and dated March
12 27, 2020, as a recreational river.

13 “(v) The approximately 4.1-mile seg-
14 ment, as generally depicted on the map en-
15 titled ‘Diamond Creek’ and dated March
16 27, 2020, as a wild river.

17 “(D) SOUTH DIAMOND CREEK.—The ap-
18 proximately 16.1-mile segment, as generally de-
19 picted on the map entitled ‘South Diamond
20 Creek’ and dated March 27, 2020, as a wild
21 river.

22 “(E) GILA RIVER.—

23 “(i) The approximately 34.9-mile seg-
24 ment, as generally depicted on the map en-

1 titled ‘Gila River’ and dated April 30,
2 2020, as a wild river.

3 “(ii) The approximately 2.5-mile seg-
4 ment, as generally depicted on the map en-
5 titled ‘Gila River’ and dated April 30,
6 2020, as a recreational river.

7 “(iii) The approximately 3-mile seg-
8 ment, as generally depicted on the map en-
9 titled ‘Gila River’ and dated April 30,
10 2020, as a wild river.

11 “(F) GILA RIVER, EAST FORK.—The ap-
12 proximately 10.3-mile segment, as generally de-
13 picted on the map entitled ‘East Fork Gila
14 River’ and dated April 30, 2020, as a wild
15 river.

16 “(G) GILA RIVER, LOWER BOX.—

17 “(i) The approximately 3.1-mile seg-
18 ment, as generally depicted on the map en-
19 titled ‘Gila River, Lower Box’ and dated
20 April 21, 2020, as a recreational river.

21 “(ii) The approximately 6.1-mile seg-
22 ment, as generally depicted on the map en-
23 titled ‘Gila River, Lower Box’ and dated
24 April 21, 2020, as a wild river.

25 “(H) GILA RIVER, MIDDLE BOX.—

1 “(i) The approximately 0.6-mile seg-
2 ment, as generally depicted on the map en-
3 titled ‘Gila River, Middle Box’ and dated
4 April 30, 2020, as a recreational river.

5 “(ii) The approximately 0.4-mile seg-
6 ment, as generally depicted on the map en-
7 titled ‘Gila River, Middle Box’ and dated
8 April 30, 2020, as a recreational river.

9 “(iii) The approximately 0.3-mile seg-
10 ment, as generally depicted on the map en-
11 titled ‘Gila River, Middle Box’ and dated
12 April 30, 2020, as a recreational river.

13 “(iv) The approximately 0.3-mile seg-
14 ment, as generally depicted on the map en-
15 titled ‘Gila River, Middle Box’ and dated
16 April 30, 2020, as a recreational river.

17 “(v) The approximately 1.6-mile seg-
18 ment, as generally depicted on the map en-
19 titled ‘Gila River, Middle Box’ and dated
20 April 30, 2020, as a recreational river.

21 “(vi) The approximately 9.8-mile seg-
22 ment, as generally depicted on the map en-
23 titled ‘Gila River, Middle Box’ and dated
24 April 30, 2020, as a wild river.

25 “(I) GILA RIVER, MIDDLE FORK.—

1 “(i) The approximately 1.2-mile seg-
2 ment, as generally depicted on the map en-
3 titled ‘Middle Fork Gila River’ and dated
4 May 1, 2020, as a recreational river.

5 “(ii) The approximately 35.5-mile seg-
6 ment, as generally depicted on the map en-
7 titled ‘Middle Fork Gila River’ and dated
8 May 1, 2020, as a wild river.

9 “(J) GILA RIVER, WEST FORK.—

10 “(i) The approximately 30.6-mile seg-
11 ment, as generally depicted on the map en-
12 titled ‘West Fork Gila River’ and dated
13 May 1, 2020, as a wild river.

14 “(ii) The approximately 4-mile seg-
15 ment, as generally depicted on the map en-
16 titled ‘West Fork Gila River’ and dated
17 May 1, 2020, as a recreational river.

18 “(K) GILITA CREEK.— The approximately
19 6.4-mile segment, as generally depicted on the
20 map entitled ‘Gilita Creek’ and dated March 4,
21 2020, as a wild river.

22 “(L) HOLDEN PRONG.— The approxi-
23 mately 7.3-mile segment, as generally depicted
24 on the map entitled ‘Holden Prong’ and dated
25 March 27, 2020, as a wild river.

1 “(M) INDIAN CREEK.—

2 “(i) The approximately 5-mile seg-
3 ment, as generally depicted on the map en-
4 titled ‘Indian Creek’ and dated March 27,
5 2020, as a recreational river.

6 “(ii) The approximately 9.5-mile seg-
7 ment, as generally depicted on the map en-
8 titled ‘Indian Creek’ and dated March 27,
9 2020, as a wild river.

10 “(N) IRON CREEK.—The approximately
11 13.2-mile segment, as generally depicted on the
12 map entitled ‘Iron Creek’ and dated March 4,
13 2020, as a wild river.

14 “(O) LAS ANIMAS CREEK.—

15 “(i) The approximately 5.3-mile seg-
16 ment, as generally depicted on the map en-
17 titled ‘Las Animas Creek’ and dated
18 March 27, 2020, as a wild river.

19 “(ii) The approximately 2.3-mile seg-
20 ment, as generally depicted on the map en-
21 titled ‘Las Animas Creek’ and dated
22 March 27, 2020, as a scenic river.

23 “(P) LITTLE CREEK.—

24 “(i) The approximately 0.3-mile seg-
25 ment, as generally depicted on the map en-

1 titled ‘Little Creek’ and dated May 1,
2 2020, as a recreational river.

3 “(ii) The approximately 18.3-mile seg-
4 ment, as generally depicted on the map en-
5 titled ‘Little Creek’ and dated May 1,
6 2020, as a wild river.

7 “(Q) MCKNIGHT CANYON.—The approxi-
8 mately 10.3-mile segment, as generally depicted
9 on the map entitled ‘McKnight Canyon’ and
10 dated March 4, 2020, as a wild river.

11 “(R) MINERAL CREEK.—

12 “(i) The approximately 8.3-mile seg-
13 ment, as generally depicted on the map en-
14 titled ‘Mineral Creek’ and dated March 27,
15 2020, as a wild river.

16 “(ii) The approximately 0.5-mile seg-
17 ment, as generally depicted on the map en-
18 titled ‘Mineral Creek’ and dated March 27,
19 2020, as a recreational river.

20 “(iii) The approximately 0.5-mile seg-
21 ment, as generally depicted on the map en-
22 titled ‘Mineral Creek’ and dated March 27,
23 2020, as a recreational river.

24 “(iv) The approximately 0.1-mile seg-
25 ment, as generally depicted on the map en-

1 titled ‘Mineral Creek’ and dated March 27,
2 2020, as a recreational river.

3 “(v) The approximately 0.03-mile seg-
4 ment, as generally depicted on the map en-
5 titled ‘Mineral Creek’ and dated March 27,
6 2020, as a recreational river.

7 “(vi) The approximately 0.02-mile
8 segment, as generally depicted on the map
9 entitled ‘Mineral Creek’ and dated March
10 27, 2020, as a recreational river.

11 “(vii) The approximately 0.6-mile seg-
12 ment, as generally depicted on the map en-
13 titled ‘Mineral Creek’ and dated March 27,
14 2020, as a recreational river.

15 “(viii) The approximately 0.1-mile
16 segment, as generally depicted on the map
17 entitled ‘Mineral Creek’ and dated March
18 27, 2020, as a recreational river.

19 “(ix) The approximately 0.03-mile
20 segment, as generally depicted on the map
21 entitled ‘Mineral Creek’ and dated March
22 27, 2020, as a recreational river.

23 “(x) The approximately 0.7-mile seg-
24 ment, as generally depicted on the map en-

1 titled ‘Mineral Creek’ and dated March 27,
2 2020, as a recreational river.

3 “(S) MOGOLLON CREEK.— The approxi-
4 mately 15.8-mile segment, as generally depicted
5 on the map entitled ‘Mogollon Creek’ and dated
6 April 2, 2020, as a wild river.

7 “(T) WEST FORK MOGOLLON CREEK.—
8 The approximately 8.5-mile segment, as gen-
9 erally depicted on the map entitled ‘West Fork
10 Mogollon Creek’ and dated March 4, 2020, as
11 a wild river.

12 “(U) MULE CREEK.—The approximately
13 4.3-mile segment, as generally depicted on the
14 map entitled ‘Mule Creek’ and dated March 4,
15 2020, as a wild river.

16 “(V) SAN FRANCISCO RIVER, DEVIL’S
17 CREEK.—

18 “(i) The approximately 1.8-mile seg-
19 ment, as generally depicted on the map en-
20 titled ‘San Francisco River, Devil’s Creek’
21 and dated October 29, 2021, as a scenic
22 river.

23 “(ii) The approximately 6.4-mile seg-
24 ment, as generally depicted on the map en-
25 titled ‘San Francisco River, Devil’s Creek’

1 and dated October 29, 2021, as a scenic
2 river.

3 “(iii) The approximately 6.1-mile seg-
4 ment, as generally depicted on the map en-
5 titled ‘San Francisco River, Devil’s Creek’
6 and dated October 29, 2021, as a scenic
7 river.

8 “(iv) The approximately 1.2-mile seg-
9 ment, as generally depicted on the map en-
10 titled ‘San Francisco River, Devil’s Creek’
11 and dated October 29, 2021, as a rec-
12 reational river.

13 “(v) The approximately 5.9-mile seg-
14 ment, as generally depicted on the map en-
15 titled ‘San Francisco River, Devil’s Creek’
16 and dated October 29, 2021, as a rec-
17 reational river.

18 “(W) SAN FRANCISCO RIVER, LOWER SAN
19 FRANCISCO RIVER CANYON.—

20 “(i) The approximately 1.8-mile seg-
21 ment, as generally depicted on the map en-
22 titled ‘San Francisco River, Lower San
23 Francisco River Canyon’ and dated March
24 27, 2020, as a wild river.

1 “(ii) The approximately 0.6-mile seg-
2 ment, as generally depicted on the map en-
3 titled ‘San Francisco River, Lower San
4 Francisco River Canyon’ and dated March
5 27, 2020, as a recreational river.

6 “(iii) The approximately 14.6-mile
7 segment, as generally depicted on the map
8 entitled ‘San Francisco River, Lower San
9 Francisco River Canyon’ and dated March
10 27, 2020, as a wild river.

11 “(X) SAN FRANCISCO RIVER, UPPER FRIS-
12 CO BOX.—The approximately 6-mile segment,
13 as generally depicted on the map entitled ‘San
14 Francisco River, Upper Frisco Box’ and dated
15 March 4, 2020, as a wild river.

16 “(Y) SAPILLO CREEK.—The approximately
17 7.2-mile segment, as generally depicted on the
18 map entitled ‘Sapillo Creek’ and dated March
19 27, 2020, as a wild river.

20 “(Z) SPRUCE CREEK.—The approximately
21 3.7-mile segment, as generally depicted on the
22 map entitled ‘Spruce Creek’ and dated March
23 4, 2020, as a wild river.

24 “(AA) TAYLOR CREEK.—

1 “(i) The approximately 0.4-mile seg-
2 ment, as generally depicted on the map en-
3 titled ‘Taylor Creek’ and dated April 30,
4 2020, as a scenic river.

5 “(ii) The approximately 6.1-mile seg-
6 ment, as generally depicted on the map en-
7 titled ‘Taylor Creek’ and dated April 30,
8 2020, as a wild river.

9 “(iii) The approximately 6.7-mile seg-
10 ment, as generally depicted on the map en-
11 titled ‘Taylor Creek’ and dated April 30,
12 2020, as a wild river.

13 “(BB) TURKEY CREEK.—The approxi-
14 mately 17.1-mile segment, as generally depicted
15 on the map entitled ‘Turkey Creek’ and dated
16 April 30, 2020, as a wild river.

17 “(CC) WHITEWATER CREEK.—

18 “(i) The approximately 13.5-mile seg-
19 ment, as generally depicted on the map en-
20 titled ‘Whitewater Creek’ and dated March
21 27, 2020, as a wild river.

22 “(ii) The approximately 1.1-mile seg-
23 ment, as generally depicted on the map en-
24 titled ‘Whitewater Creek’ and dated March
25 27, 2020, as a recreational river.

1 “(DD) WILLOW CREEK.—

2 “(i) The approximately 3-mile seg-
3 ment, as generally depicted on the map en-
4 titled ‘Willow Creek’ and dated April 30,
5 2020, as a recreational river.

6 “(ii) The approximately 2.9-mile seg-
7 ment, as generally depicted on the map en-
8 titled ‘Willow Creek’ and dated April 30,
9 2020, as a recreational river.”.

10 (c) WITHDRAWAL.—Subject to valid existing rights,
11 all Federal land within the boundary of a covered segment
12 is withdrawn from all forms of—

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

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

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

19 (d) MAPS; LEGAL DESCRIPTIONS.—

20 (1) IN GENERAL.—As soon as practicable after
21 the date of enactment of this Act, the Secretary con-
22 cerned shall prepare maps and legal descriptions of
23 the covered segments.

24 (2) FORCE OF LAW.—The maps and legal de-
25 scriptions prepared under paragraph (1) shall have

1 the same force and effect as if included in this sec-
2 tion, except that the Secretary concerned may cor-
3 rect minor errors in the maps and legal descriptions.

4 (3) AVAILABILITY.—The map and legal descrip-
5 tion prepared under paragraph (1) shall be on file
6 and available for public inspection in the appropriate
7 offices of the Forest Service, the Bureau of Land
8 Management, and the National Park Service.

9 (e) COMPREHENSIVE RIVER MANAGEMENT PLAN.—
10 The Secretary concerned shall prepare the comprehensive
11 management plan for the covered segments pursuant to
12 section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C.
13 1274(d)) after consulting with Tribal governments, appli-
14 cable political subdivisions of the State, and interested
15 members of the public.

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

21 (g) EFFECT OF SECTION.—

22 (1) EFFECT ON RIGHTS.—In accordance with
23 section 12(b) of the Wild and Scenic Rivers Act (16
24 U.S.C. 1283(b)), nothing in this section or an
25 amendment made by this section abrogates any ex-

1 isting rights of, privilege of, or contract held by any
2 person, including any right, privilege, or contract
3 that affects Federal land or private land, without
4 the consent of the person, including—

5 (A) grazing permits or leases;

6 (B) existing water rights, including the ju-
7 risdiction of the State in administering water
8 rights;

9 (C) existing points of diversion, including
10 maintenance, repair, or replacement;

11 (D) existing water distribution infrastruc-
12 ture, including maintenance, repair, or replace-
13 ment; and

14 (E) valid existing rights for mining and
15 mineral leases.

16 (2) MINING ACTIVITIES.—Nothing in this sec-
17 tion or an amendment made by this section—

18 (A) limits the licensing, development, oper-
19 ation, or maintenance of mining activities or
20 mineral processing facilities outside the bound-
21 aries of a covered segment; or

22 (B) affects any rights, obligations, privi-
23 leges, or benefits granted under any permit or
24 approval with respect to such mining activities
25 or mineral processing facilities.

1 (3) CONDEMNATION.—No land or interest in
2 land shall be acquired under this section or an
3 amendment made by this section without the consent
4 of the owner.

5 (4) RELATIONSHIP TO OTHER LAW.—Nothing
6 in this section amends or otherwise affects the Ari-
7 zona Water Settlements Act (Public Law 108–451;
8 118 Stat. 3478).

9 (5) NATIVE FISH HABITAT RESTORATION .—

10 (A) EXISTING PROJECTS.—Nothing in this
11 section or an amendment made by this section
12 affects the authority of the Secretary concerned
13 or the State to operate, maintain, replace, or
14 improve a native fish habitat restoration project
15 (including fish barriers) in existence as of the
16 date of enactment of this Act within a covered
17 segment.

18 (B) NEW PROJECTS.—Notwithstanding
19 section 7 of the Wild and Scenic Rivers Act (16
20 U.S.C. 1278), the Secretary concerned may au-
21 thorize the construction of a native fish habitat
22 restoration project (including any necessary fish
23 barriers) within a covered segment if the
24 project—

1 (i) would enhance the recovery of a
2 species listed as threatened or endangered
3 under the Endangered Species Act of 1973
4 (16 U.S.C. 1531 et seq.), a sensitive spe-
5 cies, or a species of greatest conservation
6 need, including the Gila Trout
7 (*Oncorhynchus gilae*); and

8 (ii) would not unreasonably diminish
9 the free-flowing nature or outstandingly re-
10 markable values of the covered segment.

11 (C) PROJECTS WITHIN WILDERNESS
12 AREAS.—A native fish habitat restoration
13 project (including fish barriers) located within
14 an area designated as a component of the Na-
15 tional Wilderness Preservation System shall be
16 constructed consistent with—

17 (i) the Wilderness Act (16 U.S.C.
18 1131 et seq.); and

19 (ii) the applicable wilderness manage-
20 ment plan.

21 (6) STATE LAND JURISDICTION.—Nothing in
22 this section or an amendment made by this section
23 affects the jurisdiction of land under the jurisdiction
24 of the State, including land under the jurisdiction of

1 the New Mexico State Land Office and the New
2 Mexico Department of Game and Fish.

3 (7) FISH AND WILDLIFE.—Nothing in this sec-
4 tion or an amendment made by this section affects
5 the jurisdiction of the State with respect to fish and
6 wildlife in the State.

7 (8) TREATY RIGHTS.—Nothing in this section
8 or an amendment made by this section alters, modi-
9 fies, diminishes, or extinguishes the reserved treaty
10 rights of any Indian Tribe with respect to hunting,
11 fishing, gathering, and cultural or religious rights in
12 the vicinity of a covered segment as protected by a
13 treaty.

14 **SEC. 3. MODIFICATION OF BOUNDARIES OF GILA CLIFF**
15 **DWELLINGS NATIONAL MONUMENT AND GILA**
16 **NATIONAL FOREST.**

17 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
18 TION.—

19 (1) IN GENERAL.—Administrative jurisdiction
20 over the land described in paragraph (2) is trans-
21 ferred from the Secretary of Agriculture to the Sec-
22 retary of the Interior.

23 (2) DESCRIPTION OF LAND.—The land referred
24 to in paragraph (1) is the approximately 440 acres
25 of land identified as “Transfer from USDA Forest

1 Service to National Park Service” on the map enti-
2 tled “Gila Cliff Dwellings National Monument Pro-
3 posed Boundary Adjustment” and dated March
4 2020.

5 (b) BOUNDARY MODIFICATIONS.—

6 (1) GILA CLIFF DWELLINGS NATIONAL MONU-
7 MENT.—

8 (A) IN GENERAL.—The boundary of the
9 Gila Cliff Dwellings National Monument is re-
10 vised to incorporate the land transferred to the
11 Secretary of the Interior under subsection
12 (a)(1).

13 (B) MAP.—

14 (i) IN GENERAL.—The Secretary of
15 the Interior shall prepare and keep on file
16 for public inspection in the appropriate of-
17 fice of the National Park Service a map
18 and a legal description of the revised
19 boundary of the Gila Cliff Dwellings Na-
20 tional Monument.

21 (ii) EFFECT.—The map and legal de-
22 scription under clause (i) shall have the
23 same force and effect as if included in this
24 section, except that the Secretary of the

1 Interior may correct minor errors in the
2 map and legal description.

3 (2) GILA NATIONAL FOREST.—

4 (A) IN GENERAL.—The boundary of the
5 Gila National Forest is modified to exclude the
6 land transferred to the Secretary of the Interior
7 under subsection (a)(1).

8 (B) MAP.—

9 (i) IN GENERAL.—The Secretary of
10 Agriculture shall prepare and keep on file
11 for public inspection in the appropriate of-
12 fice of the Forest Service a map and a
13 legal description of the revised boundary of
14 the Gila National Forest.

15 (ii) EFFECT.—The map and legal de-
16 scription under clause (i) shall have the
17 same force and effect as if included in this
18 section, except that the Secretary of Agri-
19 culture may correct minor errors in the
20 map and legal description.