

107TH CONGRESS
2^D SESSION

H. R. 4750

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2002

Received

AN ACT

To designate certain lands in the State of California as components of the National Wilderness Preservation 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,*

1 **SECTION 1. SHORT TITLE AND DEFINITIONS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Big Sur Wilderness and Conservation Act of 2002”.

4 (b) DEFINITIONS.—As used in this Act, the term
5 “Secretary” means the Secretary of the Interior or the
6 Secretary of Agriculture, as appropriate.

7 **SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION**
8 **SYSTEM.**

9 (a) ADDITIONS TO VENTANA WILDERNESS.—

10 (1) IN GENERAL.—The areas described in para-
11 graph (2)—

12 (A) are hereby designated as wilderness
13 and, therefore, as components of the National
14 Wilderness Preservation System; and

15 (B) are hereby incorporated in and shall be
16 deemed to be a part of the Ventana Wilderness
17 designated by Public Law 91–58.

18 (2) AREAS DESCRIBED.—The areas referred to
19 in paragraph (1) are the following lands in the State
20 of California administered by the Bureau of Land
21 Management or the United States Forest Service:

22 (A) Certain lands which comprise approxi-
23 mately 995 acres, as generally depicted on a
24 map entitled “Anastasia Canyon Proposed Wil-
25 derness Additions to the Ventana Wilderness”
26 and dated March 22, 2002.

1 (B) Certain lands which comprise approxi-
2 mately 3,530 acres, as generally depicted on a
3 map entitled “Arroyo Seco Corridor Proposed
4 Wilderness Addition to the Ventana Wilder-
5 ness” and dated March 22, 2002.

6 (C) Certain lands which comprise approxi-
7 mately 14,550 acres, as generally depicted on a
8 map entitled “Bear Canyon Proposed Wilder-
9 ness Addition to the Ventana Wilderness” and
10 dated March 22, 2002.

11 (D) Certain lands which comprise approxi-
12 mately 855 acres, as generally depicted on a
13 map entitled “Black Rock Proposed Wilderness
14 Additions to the Ventana Wilderness” and
15 dated March 22, 2002.

16 (E) Certain lands which comprise approxi-
17 mately 6,550 acres, as generally depicted on a
18 map entitled “Chalk Peak Proposed Wilderness
19 Addition to the Ventana Wilderness” and dated
20 March 22, 2002.

21 (F) Certain lands which comprise approxi-
22 mately 1,345 acres, as generally depicted on a
23 map entitled “Chews Ridge Proposed Wilder-
24 ness Addition to the Ventana Wilderness” and
25 dated March 22, 2002.

1 (G) Certain lands which comprise approxi-
2 mately 2,130 acres, as generally depicted on a
3 map entitled “Coast Ridge Proposed Wilderness
4 Additions to the Ventana Wilderness” and
5 dated March 22, 2002.

6 (H) Certain lands which comprise approxi-
7 mately 2,270 acres, as generally depicted on a
8 map entitled “Horse Canyon Proposed Wilder-
9 ness Addition to the Ventana Wilderness” and
10 dated March 22, 2002.

11 (I) Certain lands which comprise approxi-
12 mately 755 acres, as generally depicted on a
13 map entitled “Little Sur Proposed Wilderness
14 Addition to the Ventana Wilderness” and dated
15 March 22, 2002.

16 (J) Certain lands which comprise approxi-
17 mately 4,130 acres, as generally depicted on a
18 map entitled “San Antonio Proposed Wilder-
19 ness Addition to the Ventana Wilderness” and
20 dated March 22, 2002.

21 (b) ADDITIONS TO SILVER PEAK WILDERNESS.—

22 (1) IN GENERAL.—The areas described in para-
23 graph (2)—

1 (A) are hereby designated as wilderness
2 and, therefore, as components of the National
3 Wilderness Preservation System; and

4 (B) are hereby incorporated in and shall be
5 deemed to be a part of the Silver Peak Wilder-
6 ness designated by Public Law 102–301.

7 (2) AREAS DESCRIBED.—The areas referred to
8 in paragraph (1) are the following lands in the State
9 of California administered by the United States For-
10 est Service:

11 (A) Certain lands which comprise approxi-
12 mately 8,235 acres, as generally depicted on a
13 map entitled “San Carpoforo Proposed Wilder-
14 ness Addition to the Silver Peak Wilderness”
15 and dated March 22, 2002.

16 (B) Certain lands which comprise approxi-
17 mately 8,820 acres, as generally depicted on a
18 map entitled “Willow Creek Proposed Wilder-
19 ness Addition to the Silver Peak Wilderness”
20 and dated March 22, 2002.

21 (c) ADDITIONS TO PINNACLES WILDERNESS.—

22 (1) IN GENERAL.—The areas described in para-
23 graph (2)—

1 (A) are hereby designated as wilderness
2 and, therefore, as components of the National
3 Wilderness Preservation System; and

4 (B) are hereby incorporated in and shall be
5 deemed to be a part of the Pinnacles Wilder-
6 ness designated by Public Law 94–567.

7 (2) AREAS DESCRIBED.—The areas referred to
8 in paragraph (1) are the lands in the State of Cali-
9 fornia administered by the National Park Service
10 which comprise approximately 2,715 acres, as gen-
11 erally depicted on a map entitled “Pinnacles Pro-
12 posed Wilderness Additions” and dated October 30,
13 2001.

14 (d) MAPS AND DESCRIPTIONS.—

15 (1) FILING.—As soon as practicable after the
16 date of enactment of this Act, the appropriate Sec-
17 retary shall file a map and a boundary description
18 of each area designated as wilderness by this Act
19 with the Committee on Resources of the House of
20 Representatives and the Committee on Energy and
21 Natural Resources of the Senate.

22 (2) EFFECT.—Each map and description shall
23 have the same force and effect as if included in this
24 Act, except that the appropriate Secretary is author-

1 ized to correct clerical and typographical errors in
2 such boundary descriptions and maps.

3 (3) AVAILABILITY.—Such maps and boundary
4 descriptions shall be on file and available for public
5 inspection in the Office of the Director of the Bu-
6 reau of Land Management and in the Office of the
7 Chief of the Forest Service, as appropriate.

8 (e) STATE AND PRIVATE LANDS.—Lands within the
9 exterior boundaries of any area added to a wilderness area
10 under this section that are owned by the State or by a
11 private entity shall be included within such wilderness area
12 if such lands are acquired by the United States. Such
13 lands may be acquired by the United States only as pro-
14 vided in the Wilderness Act (16 U.S.C. 1131 and fol-
15 lowing).

16 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

17 (a) IN GENERAL.—Subject to valid existing rights,
18 lands designated as wilderness by this Act shall be man-
19 aged by the Secretary of Agriculture or the Secretary of
20 the Interior, as appropriate, in accordance with the Wil-
21 derness Act (16 U.S.C. 1131 et seq.) and this Act, except
22 that, with respect to any wilderness areas designated by
23 this Act, any reference in the Wilderness Act to the effec-
24 tive date of the Wilderness Act shall be deemed to be a
25 reference to the date of enactment of this Act.

1 (b) GRAZING.—Grazing of livestock in wilderness
2 areas designated by this Act shall be administered in ac-
3 cordance with the provisions of section 4(d)(4) of the Wil-
4 derness Act (16 U.S.C. 1133(d)(4)), as further inter-
5 preted by section 108 of Public Law 96–560, and, the
6 guidelines set forth in Appendix A of House Report 101–
7 405 of the 101st Congress.

8 (c) STATE JURISDICTION.—As provided in section
9 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
10 nothing in this Act shall be construed as affecting the ju-
11 risdiction or responsibilities of the State of California with
12 respect to wildlife and fish in California.

13 (d) WATER.—

14 (1) RESERVATION OF WATER.—With respect to
15 each wilderness area designated by this Act, Con-
16 gress hereby reserves a quantity of water sufficient
17 to fulfill the purposes of this Act. The priority date
18 of such reserved rights shall be the date of enact-
19 ment of this Act.

20 (2) REQUIREMENT TO PROTECT RIGHTS.—The
21 appropriate Secretary and all other officers of the
22 United States shall take steps necessary to protect
23 the rights reserved by paragraph (1), including the
24 filing by the Secretary of a claim for the quantifica-
25 tion of such rights in any present or future appro-

1 appropriate stream adjudication in the courts of the State
2 of California in which the United States is or may
3 be joined and which is conducted in accordance with
4 the McCarran Amendment (43 U.S.C. 666).

5 (3) NO REDUCTION OR RELINQUISHMENT.—
6 Nothing in this Act shall be construed as a relin-
7 quishment or reduction of any water rights reserved
8 or appropriated by the United States in the State of
9 California on or before the date of enactment of this
10 Act.

11 (4) LIMITATION ON EFFECT.—The Federal
12 water rights reserved by this Act are specific to the
13 wilderness areas located in the State of California
14 designated by this Act. Nothing in this Act related
15 to reserved Federal water rights shall be construed
16 as establishing a precedent with regard to any fu-
17 ture designations, nor shall it constitute an interpre-
18 tation of any other Act or any designation made
19 pursuant thereto.

20 **SEC. 4. WILDERNESS FIRE MANAGEMENT.**

21 (a) REVISION OF MANAGEMENT PLANS.—The Sec-
22 retary of Agriculture shall, by not later than 1 year after
23 the date of the enactment of this Act, amend the manage-
24 ment plans that apply to each of the Ventana Wilderness
25 and the Silver Peak Wilderness, respectively, to authorize

1 the Forest Supervisor of the Los Padres National Forest
2 to take whatever appropriate actions in such wilderness
3 areas are necessary for fire prevention and watershed pro-
4 tection consistent with wilderness values, including best
5 management practices for fire presuppression and fire
6 suppression measures and techniques.

7 (b) INCORPORATION INTO FOREST PLANNING.—Any
8 special provisions contained in the management plan for
9 the Ventana Wilderness and Silver Peak Wilderness pur-
10 suant to subsection (a) shall be incorporated into the man-
11 agement plan for the Los Padres National Forest.

12 **SEC. 5. MILITARY TRAINING AT FORT HUNTER-LIGGETT.**

13 (a) OVERFLIGHTS.—Nothing in this Act shall pre-
14 clude low level overflights of military aircraft, the designa-
15 tion of new units of special airspace, or the use or estab-
16 lishment of military flight training routes over wilderness
17 areas designated by this Act.

18 (b) MILITARY ACCESS.—Nonmotorized access to and
19 use of the wilderness areas designated by this Act for mili-
20 tary training shall be authorized to continue in wilderness
21 areas designated by this Act in the same manner and de-
22 gree as authorized prior to enactment of this Act.

23 **SEC. 6. BIG SUR INVASIVE SPECIES ERADICATION.**

24 (a) IN GENERAL.—The Secretary of Agriculture may
25 conduct a 5-year pilot program to target the eradication

1 of invasive plant and animal species in the Monterey Dis-
2 trict of the Los Padres National Forest.

3 (b) APPLICATION TO OTHER PROPERTY.—Activities
4 under the program may include actions to address invasive
5 species problems on nearby private land or other land that
6 is not Forest Service property, if—

7 (1) the land owner, or the head of the govern-
8 mental agency having administrative jurisdiction
9 over the land in the case of State, local, or Federal
10 government-owned land, seeks to participate in the
11 program; and

12 (2) the invasive species concerned occurs on the
13 land and poses a threat to national forest lands.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
15 out this section there is authorized to be appropriated
16 \$1,000,000 for each of 5 fiscal years.

17 **SEC. 8. SILVER PEAK WILDERNESS WATER SYSTEM SPLIT.**

18 The Secretary of Agriculture may authorize the con-
19 struction and maintenance of a new water line and cor-
20 responding spring box improvements adjacent to an exist-
21 ing domestic water service in the Silver Peak Wilderness.

Passed the House of Representatives November 15
(legislative day, November 14), 2002.

Attest:

JEFF TRANDAHL,

Clerk.