

107TH CONGRESS
2D SESSION

H. R. 4949

To designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2002

Mr. THOMPSON of California (for himself, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. HONDA, Mrs. NAPOLITANO, Mr. HINCHHEY, Ms. PELOSI, Ms. MCKINNEY, Mr. MCDERMOTT, Ms. ESHOO, Mr. FILNER, Mr. WAXMAN, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Resources

A BILL

To designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Northern California Coastal Wild Heritage Wilderness
6 Act of 2002”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Designation of wilderness areas to be administered by Bureau of
 Land Management and Forest Service.
 Sec. 102. Administration of wilderness areas.
 Sec. 103. Designation of potential wilderness areas.

TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

Sec. 201. Designation of Black Butte River, California, as wild and scenic
 river.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Wilderness and wild and scenic rivers tourism development.
 Sec. 302. Wilderness and wild and scenic rivers recreation development.
 Sec. 303. Law enforcement.
 Sec. 304. Acquisition of inholdings.

3 **SEC. 2. FINDINGS.**

4 The Congress finds and declares the following:

5 (1) The publicly owned lands and rivers of Cali-
 6 fornia are a wildland resource of extraordinary value
 7 for this and future generations.

8 (2) Increasing pressure from California's rap-
 9 idly growing population threatens to irrevocably
 10 harm these remaining wild areas and wild rivers.

11 (3) Statutory protection is needed for these
 12 areas to ensure that they remain a part of our nat-
 13 ural heritage and continue to be a source of solitude
 14 and inspiration for all Americans.

15 (4) Continuation of military activities, including
 16 overflights, military maneuvers, testing and evalua-

1 tion, and other activities without limit to frequency
2 is not incompatible with the protection and proper
3 management of the wilderness and wild and scenic
4 river resources designated by this Act.

5 (5) Wildfire management activities necessary to
6 protect public health and safety and private property
7 are fully allowable in wilderness areas and the Sec-
8 retary may take any measures deemed necessary to
9 control or prevent fires.

10 (6) These lands shall be included in the Na-
11 tional Wilderness Preservation System and the Na-
12 tional Wild and Scenic Rivers System, in order to—

13 (A) preserve the unique wild and natural
14 features of these landscapes;

15 (B) protect a diverse array of ecosystems,
16 plants, animals, geologic structures and hydro-
17 logic features that represent the natural splen-
18 dor of California;

19 (C) protect and preserve historical and cul-
20 tural archeological sites associated with ancient
21 Indian cultures and the settlement of Cali-
22 fornia;

23 (D) protect and preserve areas that con-
24 tinue to be used by Native American tribes for
25 spiritual, cultural, or subsistence practices;

1 (E) protect watersheds, including those
2 that play an essential role in providing munic-
3 ipal and agricultural water supplies;

4 (F) provide opportunities for compatible
5 outdoor recreation, including horseback riding
6 on saddle and pack stock, hunting and fishing,
7 hiking and camping, whitewater rafting, trail
8 running, and excursions led by commercial out-
9 fitters;

10 (G) retain and enhance opportunities for
11 scientific research in pristine ecosystems; and

12 (H) promote the recovery of threatened
13 and endangered species, including salmon and
14 steelhead.

15 **TITLE I—DESIGNATION OF** 16 **WILDERNESS AREAS**

17 **SEC. 101. DESIGNATION OF WILDERNESS AREAS TO BE AD-**
18 **MINISTERED BY BUREAU OF LAND MANAGE-**
19 **MENT AND FOREST SERVICE.**

20 (a) DESIGNATION.—In furtherance of the purposes of
21 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
22 public lands in the State of California are hereby des-
23 ignated as wilderness, and therefore, as components of the
24 National Wilderness Preservation System or as additions

1 to existing components of the National Wilderness Preser-
2 vation System:

3 (1) Certain lands in the Mendocino National
4 Forest in Lake County, California, which comprise
5 approximately 20,960 acres, as generally depicted on
6 a map entitled “Snow Mountain Wilderness Area
7 Additions-Proposed”.

8 (2) Certain lands in the Mendocino National
9 Forest which comprise approximately 10,160 acres,
10 as generally depicted on a map entitled “Sanhedrin
11 Wilderness Area-Proposed”.

12 (3) Certain lands in the Mendocino National
13 Forest and certain lands administered by the Arcata
14 Field Office of the Bureau of Land Management
15 which comprise approximately 51,790 acres, as gen-
16 erally depicted on a map entitled “Yuki Wilderness
17 Area-Proposed”.

18 (4) Certain lands in the Mendocino National
19 Forest which comprise approximately 26,760 acres
20 in Mendocino County, California, as generally de-
21 picted on a map entitled “Yolla Bolly-Middle Eel
22 Wilderness Area Additions-Proposed”.

23 (5) Certain lands in the Six Rivers National
24 Forest which comprise approximately 5,740 acres, as

1 generally depicted on a map entitled “Mad River
2 Buttes Wilderness Area-Proposed”.

3 (6) Certain lands in the Six Rivers National
4 Forest which comprise approximately 33,750 acres
5 in Del Norte County and 8,440 acres in Humboldt
6 County, California, as generally depicted on a map
7 entitled “Siskiyou Wilderness Area Additions-Pro-
8 posed”.

9 (7) Certain lands in the Six Rivers National
10 Forest which comprise approximately 7,100 acres in
11 Humboldt County, California, as generally depicted
12 on a map entitled “Mt. Lassic Wilderness Area-Pro-
13 posed”.

14 (8) Certain lands in the Six Rivers National
15 Forest which comprise approximately 26,510 acres
16 in Humboldt County, California, as generally de-
17 picted on a map entitled “Trinity Alps Wilderness
18 Area Additions-Proposed”.

19 (9) Certain lands in the Six Rivers National
20 Forest which comprise approximately 3,500 acres as
21 generally depicted on a map entitled “Underwood
22 Wilderness Area-Proposed”.

23 (10) Certain lands administered by the Ukiah
24 Field Office of the Bureau of Land Management
25 which comprise approximately 38,960 acres in Lake

1 and Napa Counties, California, as generally depicted
2 on a map entitled “Cache Creek Wilderness Area-
3 Proposed”.

4 (11) Certain lands administered by the Ukiah
5 Field Office of the Bureau of Land Management
6 which comprise approximately 760 acres in Napa
7 County, California, as generally depicted on a map
8 entitled “Blue Ridge Wilderness Area-Proposed”.

9 (12) Certain lands administered by the Ukiah
10 Field Office of the Bureau of Land Management
11 which comprise approximately 3,520 acres in Napa
12 County, California, as generally depicted on a map
13 entitled “Berryessa Peak Wilderness Area-Pro-
14 posed”.

15 (13) Certain lands administered by the Ukiah
16 Field Office of the Bureau of Land Management
17 which comprise approximately 5,880 acres, as gen-
18 erally depicted on a map entitled “Cedar Roughs
19 Wilderness Area-Proposed”.

20 (14) Certain lands administered by the Arcata
21 Field Office of the Bureau of Land Management
22 which comprise approximately 41,100 acres, as gen-
23 erally depicted on a map entitled “King Range Wil-
24 derness Area-Proposed”.

1 (15) Certain lands administered by the Arcata
2 Field Office of the Bureau of Land Management
3 which comprise approximately 14,000 acres, as gen-
4 erally depicted on a map entitled “South Fork Eel
5 Wilderness Area-Proposed”.

6 (b) SPECIAL RULE, KING RANGE WILDERNESS
7 AREA.—With respect to the King Range Wilderness Area
8 designated by subsection (a)(14), in case of conflict be-
9 tween this title and Public Law 91–476 (16 U.S.C. 460y
10 et seq.), which established the King Range National Con-
11 servation Area, the more restrictive provisions shall con-
12 trol.

13 **SEC. 102. ADMINISTRATION OF WILDERNESS AREAS.**

14 (a) MANAGEMENT.—Subject to valid existing rights,
15 the wilderness areas designated by this title shall be ad-
16 ministered by the Secretary of the Interior or the Sec-
17 retary of Agriculture (in this section referred to as the
18 “Secretary”), whoever has administrative jurisdiction over
19 the area, in accordance with the provisions of the Wilder-
20 ness Act (16 U.S.C. 1131 et seq.) governing areas des-
21 ignated by that Act as wilderness, except that any ref-
22 erence in such provisions to the effective date of the Wil-
23 derness Act (or any similar reference) shall be deemed to
24 be a reference to the date of the enactment of this Act.

1 (b) MAP AND LEGAL DESCRIPTION.—As soon as
2 practicable, but no later than three years after the date
3 of the enactment of this Act, the Secretary shall file a
4 map and a legal description of each wilderness area des-
5 ignated in this title with the Committee on Energy and
6 Natural Resources of the Senate and the Committee on
7 Resources of the House of Representatives. Such map and
8 description shall have the same force and effect as if in-
9 cluded in this title, except that the correction of clerical
10 and typographical errors in such legal description may be
11 made. Copies of such map and legal description shall be
12 on file and available for public inspection in the office of
13 the Secretary.

14 (c) WILDERNESS CHARACTER.—As provided in sec-
15 tion 4(b) of the Wilderness Act (16 U.S.C. 1133(b)), the
16 Secretary concerned shall administer the areas designated
17 as wilderness in this title so as to preserve their wilderness
18 character and to devote them to the public purposes of
19 recreational, scenic, scientific, educational, conservation,
20 and historical use. All activities in the areas shall be sub-
21 ject to regulations the Secretary considers necessary to
22 fulfill the purposes of the Wilderness Act.

23 (d) FIRE MANAGEMENT ACTIVITIES.—The Secretary
24 may take such measures in the wilderness areas des-
25 ignated by this title as necessary in the control and pre-

1 vention of fire, insects, and diseases, as provided in section
2 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and
3 the Report of the Committee on Interior and Insular Af-
4 fairs to accompany H.R. 1437 of the 95th Congress (H.
5 Rept. 101–405). Such measures may include the use of
6 mechanized and motorized equipment for fire suppression
7 where necessary to protect public health and safety and
8 private property. Not later than one year after the date
9 of the enactment of this Act, the Secretary shall review
10 existing policy to ensure that authorized approval proce-
11 dures for any such measures permit a timely and efficient
12 response in case of fire emergencies in the wilderness
13 areas. In areas of extreme fire hazard, the Secretary shall
14 consider whether the authority to take whatever appro-
15 priate actions are necessary for fire management shall be
16 delegated to the Forest Supervisor or the Bureau of Land
17 Management District Manager or a field manager.

18 (e) ACCESS TO PRIVATE PROPERTY.—The Secretary
19 shall provide private property owners with adequate access
20 to their nonfederally owned land or interests in land within
21 the boundaries of the wilderness designated by this title
22 to ensure the owner of such land or interest the reasonable
23 use and enjoyment thereof.

24 (f) MANAGEMENT OF PRIVATE PROPERTY.—Nothing
25 in this title shall enlarge or diminish the private property

1 rights of non-Federal landowners with property within the
2 boundaries of the wilderness areas designated by this title.

3 (g) HUNTING AND FISHING.—Nothing in this Act
4 shall affect existing hunting and fishing, under applicable
5 State and Federal laws and regulations, within the bound-
6 aries of the wilderness areas designated by this title, in-
7 cluding the use of non-motorized devices used to carry
8 game.

9 (h) SNOW SENSORS AND STREAM GAUGES.—Nothing
10 in this title shall be construed to prevent the installation
11 and maintenance of hydrologic, meteorologic, or climato-
12 logical facilities or any combination of the foregoing, or
13 limited motorized access to such facilities when non-
14 motorized access means are not reasonably available or
15 when time is of the essence, if the Secretary determines
16 that such facilities or access are essential to flood warning,
17 flood control, water supply forecasting, or reservoir oper-
18 ation purposes.

19 (i) MILITARY ACTIVITIES.—Nothing in this title shall
20 preclude low-level overflights of military aircraft, testing
21 and evaluation, the designation of new units of special use
22 airspace, or the use or establishment of military flight
23 training routes over wilderness areas designated by this
24 title.

1 (j) HORSES.—Nothing in this title shall preclude
2 horseback riding or the entry of recreational saddle or
3 pack stock into wilderness areas designated by this title.

4 (k) LIVESTOCK GRAZING.—Grazing of livestock and
5 maintenance of existing facilities related to grazing in wil-
6 derness areas designated by this title, if established before
7 the date of the enactment of this Act, shall be permitted
8 to continue as provided in section 4(d)(4) of the Wilder-
9 ness Act (16 U.S.C. 1133(d)(4)) and section 108 of Public
10 Law 96–560 (16 U.S.C. 1133 note).

11 (l) FISH AND WILDLIFE.—Nothing in this title shall
12 be construed as affecting the jurisdiction or responsibil-
13 ities of the State of California with respect to wildlife and
14 fish on the public lands in that State as provided in section
15 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)).

16 (m) WILDLIFE MANAGEMENT.—In furtherance of
17 the purposes and principles of the Wilderness Act, man-
18 agement activities to maintain or restore fish and wildlife
19 populations and the habitats to support such populations
20 may be carried out within wilderness areas designated by
21 this title, if consistent with relevant wilderness manage-
22 ment plans, in accordance with appropriate policies and
23 guidelines.

24 (n) LAW ENFORCEMENT ACTIVITIES.—Nothing in
25 this title shall be construed as precluding or otherwise af-

1 fecting border operations by the Immigration and Natu-
2 ralization Service, the Drug Enforcement Administration,
3 the United States Customs Service, or State and local law
4 enforcement agencies within wilderness areas designated
5 by this title.

6 (o) NATIVE AMERICAN USES AND INTERESTS.—In
7 recognition of the past use of wilderness areas designated
8 by this title by members of Indian tribes for traditional
9 cultural and religious purposes, the Secretary shall ensure
10 access to such wilderness areas by Indian tribes for such
11 traditional cultural and religious purposes. In imple-
12 menting this section, the Secretary, upon the request of
13 an Indian tribe or Indian religious community, shall tem-
14 porarily close to the general public use of one or more spe-
15 cific portions of the wilderness area in order to protect
16 the privacy of traditional cultural and religious activities
17 in the area by members of the Indian tribe or Indian reli-
18 gious community. Any such closure shall be made to affect
19 the smallest practicable area for the minimum period nec-
20 essary for such purposes. Such access shall be consistent
21 with the purpose and intent of Public Law 95–341 (42
22 U.S.C. 1996; commonly known as the American Indian
23 Religious Freedom Act) and the Wilderness Act.

1 (p) COMMERCIAL OUTFITTERS.—Nothing in this title
2 shall preclude the use by commercial outfitters of the wil-
3 derness areas designated by this title.

4 (q) AREAS ADJACENT TO WILDERNESS AREAS.—
5 Nothing in this title shall be construed to create protective
6 perimeters or buffer zones around wilderness areas des-
7 ignated by this title. Activities or uses of nonwilderness
8 areas that can be seen or heard within wilderness areas
9 designated by this title shall not be precluded as a result
10 of this title.

11 (r) WATER RESOURCES PROJECTS.—Nothing in this
12 title shall preclude relicensing of, assistance to, or oper-
13 ation and maintenance of, developments below or above
14 a wilderness area designated by this title or on any stream
15 tributary thereto which will not invade the area or unrea-
16 sonably diminish the wilderness, scenic, recreational, and
17 fish and wildlife values present in the area as of the date
18 of the enactment of this Act.

19 **SEC. 103. DESIGNATION OF POTENTIAL WILDERNESS**
20 **AREAS.**

21 (a) DESIGNATION.—In furtherance of the provisions
22 of the Wilderness Act (16 U.S.C. 1131 et seq.), the fol-
23 lowing public lands in the State of California are des-
24 ignated potential wilderness areas:

1 (1) Certain lands administered by the Arcata
2 Field Office of the Bureau of Land Management
3 which comprise approximately 8,000 acres, as gen-
4 erally depicted on a map entitled “Elkhorn Ridge
5 Potential Wilderness Area-Proposed”.

6 (2) Certain lands administered by the Ukiah
7 Field Office of the Bureau of Land Management
8 which comprise approximately 12,806 acres, as gen-
9 erally depicted on a map entitled “Payne Ranch Po-
10 tential Wilderness Area-Proposed”.

11 (b) MANAGEMENT.—Subject to valid existing rights,
12 the Secretary of the Interior shall manage the potential
13 wilderness areas as wilderness (except as provided in sub-
14 section (c)) until such time as the lands are designated
15 as wilderness under subsection (d).

16 (c) ECOLOGICAL RESTORATION.—For purposes of ec-
17 ological restoration, including the elimination of non-na-
18 tive species, removal of illegal, unused or decommissioned
19 roads, repair of skid tracks, and other actions necessary
20 to restore the natural ecosystems in the potential wilder-
21 ness areas, the Secretary of the Interior may use motor-
22 ized equipment and mechanized transport until such time
23 as the potential wilderness areas are designated as wilder-
24 ness. To the maximum extent practicable, the Secretary
25 shall seek to use the minimum tool or administrative prac-

1 tice necessary to accomplish necessary ecological restora-
 2 tion with the least amount of adverse impact on wilderness
 3 character and resources.

4 (d) WILDERNESS DESIGNATION.—Upon removal of
 5 conditions incompatible with the Wilderness Act and pub-
 6 lication by the Secretary of the Interior in the Federal
 7 Register of notice of such removal or 5 years after the
 8 date of the enactment of this Act, whichever comes first,
 9 the potential wilderness areas shall be designated as wil-
 10 derness, and therefore, as components of the National Wil-
 11 derness Preservation.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to the Secretary of the
 14 Interior for each of the fiscal years 2003 through 2007
 15 \$2,500,000, to be divided equally between the potential
 16 wilderness areas designated by subsection (a), to carry out
 17 ecological restoration activities under subsection (e).

18 **TITLE II—WILD AND SCENIC**
 19 **RIVER DESIGNATIONS**

20 **SEC. 201. DESIGNATION OF BLACK BUTTE RIVER, CALI-**
 21 **FORNIA, AS WILD AND SCENIC RIVER.**

22 (a) DESIGNATION.—In order to preserve and protect
 23 for present and future generations the outstanding scenic,
 24 natural, wildlife, fishery, recreational, scientific, historic,
 25 and ecological values of the following rivers in the State

1 of California, section 3(a) of the Wild and Scenic Rivers
2 Act (16 U.S.C. 1274(a)) is amended by adding at the end
3 the following new paragraph:

4 “() BLACK BUTTE RIVER, CALIFORNIA.—The 16
5 miles of Black Butte River from the Mendocino County
6 line to its confluence with Jumpoff Creek, to be adminis-
7 tered by the Secretary of Agriculture as a wild river. The
8 3.5 miles of Black Butte River from its confluence with
9 Jumpoff Creek to its confluence with Middle Eel River,
10 to be administered by the Secretary of Agriculture as a
11 scenic river. The 1.5 miles of Cold Creek from the
12 Mendocino County line to its confluence with Black Butte
13 River, to be administered by the Secretary of Agriculture
14 as a wild river.”.

15 (b) PLAN AND REPORTING REQUIREMENTS.—Within
16 18 months after the date of the enactment of this Act,
17 the Secretary of Agriculture shall submit to Congress a
18 fire management plan and report on the cultural and his-
19 toric resources within the Black Butte River segments des-
20 ignated by the amendment made by subsection (a). The
21 Secretary shall provide a copy of the plan and report to
22 the board of supervisors of Tuolumne County, California.

23 (c) WATER RESOURCES PROJECTS.—Nothing in this
24 title shall preclude relicensing of, assistance to, or oper-
25 ation and maintenance of, developments below or above

1 a wild, scenic, or recreational river area or on any stream
2 tributary thereto which will not invade the area or unrea-
3 sonably diminish the scenic, recreational, and fish and
4 wildlife values present in the area as of the date of the
5 enactment of this Act.

6 (d) NATIVE AMERICAN USES AND INTERESTS.—In
7 recognition of the past use of the areas designated by this
8 title as wild, scenic, and recreational rivers by members
9 of Indian tribes for traditional cultural and religious pur-
10 poses, the Secretary of Agriculture shall ensure access to
11 such wild, scenic, and recreational rivers by Indian tribes
12 for such traditional cultural and religious purposes. In im-
13 plementing this section, the Secretary, upon the request
14 of an Indian tribe or Indian religious community, shall
15 temporarily close to the general public use of one or more
16 specific portions of the wild, scenic, or recreational river
17 to protect the privacy of traditional cultural and religious
18 activities in those portions by members of the Indian tribe
19 or Indian religious community. Any such closure shall be
20 made to affect the smallest practicable area for the min-
21 imum period necessary for such purposes. Such access
22 shall be consistent with the purpose and intent of Public
23 Law 95–341 (42 U.S.C. 1996; commonly known as the
24 American Indian Religious Freedom Act) and the Wilder-
25 ness Act.

1 **TITLE III—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 301. WILDERNESS AND WILD AND SCENIC RIVERS**
4 **TOURISM DEVELOPMENT.**

5 There is authorized to be appropriated for each fiscal
6 year \$2,500,000 to the Secretary of Agriculture and
7 \$2,500,000 to the Secretary of the Interior to establish
8 a program to provide grants to communities surrounded
9 by, or adjacent to, wilderness areas or wild, scenic, or rec-
10 reational rivers designated by this Act, to be used for the
11 purpose of creating and promoting wilderness- and recre-
12 ation-related jobs, developing visitors centers, informa-
13 tional brochures, and kiosks regarding the wilderness
14 areas or wild, scenic, or recreational rivers, or other devel-
15 oping other methods to promote wilderness and wild and
16 scenic river tourism.

17 **SEC. 302. WILDERNESS AND WILD AND SCENIC RIVERS**
18 **RECREATION DEVELOPMENT.**

19 There is authorized to be appropriated for each fiscal
20 year \$1,750,000 to the Secretary of Agriculture and
21 \$1,750,000 to the Secretary of the Interior to be used in
22 wilderness areas and wild, scenic, or recreational rivers
23 designated by this Act to develop trails and other facilities
24 that will promote and enhance wilderness or wild, scenic,
25 or recreational river recreation experiences.

1 **SEC. 303. LAW ENFORCEMENT.**

2 There is authorized to be appropriated for each fiscal
3 year \$1,000,000 to the Secretary of Agriculture and
4 \$1,000,000 to the Secretary of the Interior to be used in
5 wilderness areas and wild, scenic, or recreational rivers
6 designated by this Act to support law enforcement activi-
7 ties necessary to protect visitors and the natural resources
8 of these wild areas.

9 **SEC. 304. ACQUISITION OF INHOLDINGS.**

10 There is authorized to be appropriated for each fiscal
11 year \$2,500,000 to the Secretary of Agriculture and
12 \$2,500,000 to the Secretary of the Interior to be used for
13 the purpose of acquiring inholdings within the wilderness
14 areas and wild, scenic, or recreational rivers designated
15 by this Act.

○