

109TH CONGRESS
1ST SESSION

S. 128

To designate certain public land 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 SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain public land 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.**

4 This Act may be cited as the “Northern California
5 Coastal Wild Heritage Wilderness Act”.

6 **SEC. 2. DEFINITION OF SECRETARY.**

7 In this Act, the term “Secretary” means—

1 (1) with respect to land under the jurisdiction
2 of the Secretary of Agriculture, the Secretary of Ag-
3 riculture; and

4 (2) with respect to land under the jurisdiction
5 of the Secretary of the Interior, the Secretary of the
6 Interior.

7 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

8 In accordance with the Wilderness Act (16 U.S.C.
9 1131 et seq.), the following areas in the State of California
10 are designated as wilderness areas and as components of
11 the National Wilderness Preservation System:

12 (1) SNOW MOUNTAIN WILDERNESS ADDITION.—

13 (A) IN GENERAL.—Certain land in the
14 Mendocino National Forest, comprising ap-
15 proximately 23,312 acres, as generally depicted
16 on the maps described in subparagraph (B), is
17 incorporated in and shall considered to be a
18 part of the “Snow Mountain Wilderness”, as
19 designated by section 101(a)(31) of the Cali-
20 fornia Wilderness Act of 1984 (16 U.S.C. 1132
21 note; Public Law 98–425).

22 (B) DESCRIPTION OF MAPS.—The maps
23 referred to in subparagraph (A) are—

24 (i) the map entitled “Skeleton Glade
25 Unit, Snow Mountain Proposed Wilderness

1 Addition, Mendocino National Forest” and
2 dated September 17, 2004; and

3 (ii) the map entitled “Bear Creek/
4 Deafy Glade Unit, Snow Mountain Wilder-
5 ness Addition, Mendocino National Forest”
6 and dated September 17, 2004.

7 (2) SANHEDRIN WILDERNESS.—Certain land in
8 the Mendocino National Forest, comprising approxi-
9 mately 10,571 acres, as generally depicted on the
10 map entitled “Sanhedrin Proposed Wilderness,
11 Mendocino National Forest” and dated September
12 17, 2004, which shall be known as the “Sanhedrin
13 Wilderness”.

14 (3) YUKI WILDERNESS.—Certain land in the
15 Mendocino National Forest and certain land admin-
16 istered by the Bureau of Land Management in Lake
17 and Mendocino Counties, California, together com-
18 prising approximately 54,087 acres, as generally de-
19 picted on the map entitled “Yuki Proposed Wilder-
20 ness” and dated October 28, 2004, which shall be
21 known as the “Yuki Wilderness”.

22 (4) YOLLA BOLLY-MIDDLE EEL WILDERNESS
23 ADDITION.—Certain land in the Mendocino National
24 Forest and certain land administered by the Bureau
25 of Land Management in Mendocino County, Cali-

1 fornia, together comprising approximately 25,806
2 acres, as generally depicted on the map entitled
3 “Middle Fork Eel, Smokehouse and Big Butte
4 Units, Yolla Bolly-Middle Eel Proposed Wilderness
5 Addition” and dated October 28, 2004, is incor-
6 porated in and shall considered to be a part of the
7 Yolla Bolly-Middle Eel Wilderness, as designated by
8 section 3 of the Wilderness Act (16 U.S.C. 1132).

9 (5) MAD RIVER BUTTES WILDERNESS.—Certain
10 land in the Six Rivers National Forest, comprising
11 approximately 6,494 acres, as generally depicted on
12 the map entitled “Mad River Buttes, Mad River
13 Proposed Wilderness” and dated September 17,
14 2004, which shall be known as the “Mad River
15 Buttes Wilderness”.

16 (6) SISKIYOU WILDERNESS ADDITION.—

17 (A) IN GENERAL.—Certain land in the Six
18 Rivers National Forest, comprising approxi-
19 mately 48,754 acres, as generally depicted on
20 the maps described in subparagraph (B), is in-
21 corporated in and shall be considered to be a
22 part of the Siskiyou Wilderness, as designated
23 by section 101(a)(30) of the California Wilder-
24 ness Act of 1984 (16 U.S.C. 1132 note; Public
25 Law 98–425).

1 (B) DESCRIPTION OF MAPS.—The maps
2 referred to in subparagraph (A) are—

3 (i) the map entitled “Bear Basin
4 Butte Unit, Siskiyou Proposed Wilderness
5 Additions, Six Rivers National Forest” and
6 dated October 28, 2004;

7 (ii) the map entitled “Blue Creek
8 Unit, Siskiyou Proposed Wilderness Addi-
9 tion, Six Rivers National Forest” and
10 dated October 28, 2004;

11 (iii) the map entitled “Blue Ridge
12 Unit, Siskiyou Proposed Wilderness Addi-
13 tion, Six Rivers National Forest” and
14 dated September 17, 2004;

15 (iv) the map entitled “Broken Rib
16 Unit, Siskiyou Proposed Wilderness Addi-
17 tion, Six Rivers National Forest” and
18 dated September 17, 2004; and

19 (v) the map entitled “Wooly Bear
20 Unit, Siskiyou Proposed Wilderness Addi-
21 tion, Six Rivers National Forest” and
22 dated September 27, 2004.

23 (7) MOUNT LASSIC WILDERNESS.—Certain land
24 in the Six Rivers National Forest, comprising ap-
25 proximately 7,279 acres, as generally depicted on the

1 map entitled “Mt. Lassic Proposed Wilderness” and
2 dated September 17, 2004, which shall be known as
3 the “Mount Lassic Wilderness”.

4 (8) TRINITY ALPS WILDERNESS ADDITION.—

5 (A) IN GENERAL.—Certain land in the Six
6 Rivers National Forest, comprising approxi-
7 mately 28,805 acres, as generally depicted on
8 the maps described in subparagraph (B) and
9 which is incorporated in and shall be considered
10 to be a part of the Trinity Alps Wilderness as
11 designated by section 101(a)(34) of the Cali-
12 fornia Wilderness Act of 1984 (16 U.S.C. 1132
13 note; Public Law 98–425).

14 (B) DESCRIPTION OF MAPS.—The maps
15 referred to in subparagraph (A) are—

16 (i) the map entitled “Orleans Moun-
17 tain Unit (Boise Creek), Trinity Alps Pro-
18 posed Wilderness Addition, Six Rivers Na-
19 tional Forest”, and dated October 28,
20 2004;

21 (ii) the map entitled “East Fork Unit,
22 Trinity Alps Proposed Wilderness Addi-
23 tion, Six Rivers National Forest” and
24 dated September 17, 2004;

1 (iii) the map entitled “Horse Linto
2 Unit, Trinity Alps Proposed Wilderness
3 Addition, Six Rivers National Forest” and
4 dated September 17, 2004; and

5 (iv) the map entitled “Red Cap Unit,
6 Trinity Alps Proposed Wilderness Addi-
7 tion, Six Rivers National Forest” and
8 dated September 17, 2004.

9 (9) UNDERWOOD WILDERNESS.—Certain land
10 in the Six Rivers National Forest, comprising ap-
11 proximately 2,977 acres, as generally depicted on the
12 map entitled “Underwood Proposed Wilderness, Six
13 Rivers National Forest” and dated September 17,
14 2004, which shall be known as the “Underwood Wil-
15 derness”.

16 (10) CACHE CREEK WILDERNESS.—Certain
17 land administered by the Bureau of Land Manage-
18 ment in Lake County, California, comprising ap-
19 proximately 30,870 acres, as generally depicted on
20 the map entitled “Cache Creek Wilderness Area”
21 and dated September 27, 2004, which shall be
22 known as the “Cache Creek Wilderness”.

23 (11) CEDAR ROUGHS WILDERNESS.—Certain
24 land administered by the Bureau of Land Manage-
25 ment in Napa County, California, comprising ap-

1 proximately 6,350 acres, as generally depicted on the
2 map entitled “Cedar Roughs Wilderness Area” and
3 dated September 27, 2004, which shall be known as
4 the “Cedar Roughs Wilderness”.

5 (12) SOUTH FORK EEL RIVER WILDERNESS.—
6 Certain land administered by the Bureau of Land
7 Management in Mendocino County, California, com-
8 prising approximately 12,915 acres, as generally de-
9 picted on the map entitled “South Fork Eel River
10 Wilderness Area and Elkhorn Ridge Potential Wil-
11 derness” and dated September 27, 2004, which shall
12 be known as the “South Fork Eel River Wilder-
13 ness”.

14 (13) KING RANGE WILDERNESS.—

15 (A) IN GENERAL.—Certain land adminis-
16 tered by the Bureau of Land Management in
17 Humboldt and Mendocino Counties, California,
18 comprising approximately 42,585 acres, as gen-
19 erally depicted on the map entitled “King
20 Range Wilderness”, and dated November 12,
21 2004, which shall be known as the “King
22 Range Wilderness”.

23 (B) APPLICABLE LAW.—With respect to
24 the wilderness designated by subparagraph (A),
25 in the case of a conflict between this Act and

1 Public Law 91–476 (16 U.S.C. 460y et seq.),
2 the more restrictive provision shall control.

3 (14) ROCKS AND ISLANDS.—

4 (A) IN GENERAL.—All Federally-owned
5 rocks, islets, and islands (whether named or
6 unnamed and surveyed or unsurveyed) that are
7 located—

8 (i) not more than 3 geographic miles
9 off the coast of the King Range National
10 Conservation Area; and

11 (ii) above mean high tide.

12 (B) APPLICABLE LAW.—In the case of a
13 conflict between this Act and Proclamation No.
14 7264 (65 Fed. Reg. 2821), the more restrictive
15 provision shall control.

16 **SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.**

17 (a) MANAGEMENT.—Subject to valid existing rights,
18 each area designated as wilderness by this Act shall be
19 administered by the Secretary in accordance with the Wil-
20 derness Act (16 U.S.C. 1131 et seq.), except that—

21 (1) any reference in that Act to the effective
22 date shall be considered to be a reference to the date
23 of enactment of this Act; and

24 (2) any reference in that Act to the Secretary
25 of Agriculture shall be considered to be a reference

1 to the Secretary that has jurisdiction over the wil-
2 derness.

3 (b) MAP AND DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary
6 shall file a map and a legal description of each wil-
7 derness area designated by this Act with—

8 (A) the Committee on Resources of the
9 House of Representatives; and

10 (B) the Committee on Energy and Natural
11 Resources of the Senate.

12 (2) FORCE OF LAW.—A map and legal descrip-
13 tion filed under paragraph (1) shall have the same
14 force and effect as if included in this Act, except
15 that the Secretary may correct errors in the map
16 and legal description.

17 (3) PUBLIC AVAILABILITY.—Each map and
18 legal description filed under paragraph (1) shall be
19 filed and made available for public inspection in the
20 appropriate office of the Secretary.

21 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
22 ESTS.—Any land within the boundary of a wilderness area
23 designated by this Act that is acquired by the Federal
24 Government shall—

1 (1) become part of the wilderness area in which
2 the land is located; and

3 (2) be managed in accordance with this Act, the
4 Wilderness Act (16 U.S.C. 1131 et seq.), and any
5 other applicable law.

6 (d) WITHDRAWAL.—Subject to valid rights in exist-
7 ence on the date of enactment of this Act, the Federal
8 land designated as wilderness by this Act is withdrawn
9 from all forms of—

10 (1) entry, appropriation, or disposal under the
11 public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

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

16 (e) FIRE, INSECT, AND DISEASE MANAGEMENT AC-
17 TIVITIES.—

18 (1) IN GENERAL.—The Secretary may take
19 such measures in the wilderness areas designated by
20 this Act as are necessary for the control and preven-
21 tion of fire, insects, and diseases, in accordance
22 with—

23 (A) section 4(d)(1) of the Wilderness Act
24 (16 U.S.C. 1133(d)(1)); and

1 (B) House Report No. 98–40 of the 98th
2 Congress.

3 (2) REVIEW.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary shall re-
5 view existing policies applicable to the wilderness
6 areas designated by this Act to ensure that author-
7 ized approval procedures for any fire management
8 measures allow a timely and efficient response to
9 fire emergencies in the wilderness areas.

10 (f) ACCESS TO PRIVATE PROPERTY.—

11 (1) IN GENERAL.—The Secretary shall provide
12 any owner of private property within the boundary
13 of a wilderness area designated by this Act adequate
14 access to such property to ensure the reasonable use
15 and enjoyment of the property by the owner.

16 (2) KING RANGE WILDERNESS.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), within the wilderness designated by
19 section 3(13), the access route depicted on the
20 map for private landowners shall also be avail-
21 able for invitees of the private landowners.

22 (B) LIMITATION.—Nothing in subpara-
23 graph (A) requires the Secretary to provide any
24 access to the landowners or invitees beyond the

1 access that would be available if the wilderness
2 had not been designated.

3 (g) SNOW SENSORS AND STREAM GAUGES.—If the
4 Secretary determines that hydrologic, meteorologic, or cli-
5 matological instrumentation is appropriate to further the
6 scientific, educational, and conservation purposes of the
7 wilderness areas designated by this Act, nothing in this
8 Act prevents the installation and maintenance of the in-
9 strumentation within the wilderness areas.

10 (h) MILITARY ACTIVITIES.—Nothing in this Act pre-
11 cludes low-level overflights of military aircraft, the des-
12 ignment of new units of special airspace, or the use or
13 establishment of military flight training routes over wil-
14 derness areas designated by this Act.

15 (i) LIVESTOCK.—Grazing of livestock and the mainte-
16 nance of existing facilities related to grazing in wilderness
17 areas designated by this Act, where established before the
18 date of enactment of this Act, shall be permitted to con-
19 tinue in accordance with—

20 (1) section 4(d)(4) of the Wilderness Act (16
21 U.S.C. 1133(d)(4)); and

22 (2) the guidelines set forth in Appendix A of
23 the report of the Committee on Interior and Insular
24 Affairs of the House of Representatives accom-

panying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(j) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas designated by this Act if such activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this Act affects the jurisdiction of the State of California with respect to fish and wildlife on the public land located in the State.

(k) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas designated by this Act by members of Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

1 (A) IN GENERAL.—In carrying out this
2 section, the Secretary, on request of an Indian
3 tribe, may temporarily close to the general pub-
4 lic 1 or more specific portions of a wilderness
5 area to protect the privacy of the members of
6 the Indian tribe in the conduct of the tradi-
7 tional cultural and religious activities in the wil-
8 derness area.

9 (B) REQUIREMENT.—Any closure under
10 subparagraph (A) shall be made in such a man-
11 ner as to affect the smallest practicable area for
12 the minimum period of time necessary for the
13 activity to be carried out.

14 (3) APPLICABLE LAW.—Access to the wilder-
15 ness areas under this subsection shall be in accord-
16 ance with—

17 (A) Public Law 95–341 (commonly known
18 as the “American Indian Religious Freedom
19 Act”) (42 U.S.C. 1996 et seq.); and

20 (B) the Wilderness Act (16 U.S.C. 1131 et
21 seq.).

22 (l) ADJACENT MANAGEMENT.—

23 (1) IN GENERAL.—Nothing in this Act creates
24 protective perimeters or buffer zones around any wil-
25 derness area designated by this Act.

1 (2) NONWILDERNESS ACTIVITIES.—The fact
2 that nonwilderness activities or uses can be seen or
3 heard from areas within a wilderness area des-
4 ignated by this Act shall not preclude the conduct of
5 those activities or uses outside the boundary of the
6 wilderness area.

7 **SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.**

8 (a) FINDING.—Congress finds that, for the purposes
9 of section 603 of the Federal Land Policy and Manage-
10 ment Act of 1976 (43 U.S.C. 1782), any portion of a wil-
11 derness study area described in subsection (b) that is not
12 designated as wilderness by this Act or any previous Act
13 has been adequately studied for wilderness.

14 (b) DESCRIPTION OF STUDY AREAS.—The study
15 areas referred to in subsection (a) are—

16 (1) the King Range Wilderness Study Area;
17 (2) the Chemise Mountain Instant Study Area;
18 (3) the Red Mountain Wilderness Study Area;
19 (4) the Cedar Roughs Wilderness Study Area;
20 and

21 (5) those portions of the Rocky Creek/Cache
22 Creek Wilderness Study Area in Lake County, Cali-
23 fornia which are not in R. 5 W., T. 12 N., sec. 22,
24 Mount Diablo Meridian.

1 (c) RELEASE.—Any portion of a wilderness study
2 area described in subsection (b) that is not designated as
3 wilderness by this Act or any other Act enacted before the
4 date of enactment of this Act shall not be subject to sec-
5 tion 603(c) of the Federal Land Policy and Management
6 Act of 1976 (43 U.S.C. 1782(c)).

7 **SEC. 6. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.**

8 (a) DESIGNATION.—In furtherance of the purposes of
9 the Wilderness Act (16 U.S.C. 1131 et seq.), certain pub-
10 lic land in the State administered by the Bureau of Land
11 Management, comprising approximately 9,655 acres, as
12 generally depicted on the map entitled “South Fork Eel
13 River Wilderness Area and Elkhorn Ridge Potential Wil-
14 derness” and dated September 27, 2004, is designated as
15 a potential wilderness area.

16 (b) MANAGEMENT.—Except as provided in subsection
17 (c) and subject to valid existing rights, the Secretary shall
18 manage the potential wilderness area as wilderness until
19 the potential wilderness area is designated as wilderness.

20 (c) ECOLOGICAL RESTORATION.—

21 (1) IN GENERAL.—For purposes of ecological
22 restoration (including the elimination of non-native
23 species, removal of illegal, unused, or decommis-
24 sioned roads, repair of skid tracks, and any other
25 activities necessary to restore the natural ecosystems

1 in the potential wilderness area), the Secretary may
2 used motorized equipment and mechanized transport
3 in the potential wilderness area until the potential
4 wilderness area is designated as wilderness.

5 (2) LIMITATION.—To the maximum extent
6 practicable, the Secretary shall use the minimum
7 tool or administrative practice necessary to accom-
8 plish ecological restoration with the least amount of
9 adverse impact on wilderness character and re-
10 sources.

11 (d) WILDERNESS DESIGNATION.—

12 (1) IN GENERAL.—The potential wilderness
13 area shall be designated as wilderness and as a com-
14 ponent of the National Wilderness Preservation Sys-
15 tem on the earlier of—

16 (A) the date on which the Secretary pub-
17 lishes in the Federal Register notice that the
18 conditions in the potential wilderness area that
19 are incompatible with the Wilderness Act (16
20 U.S.C. 1131 et seq.) have been removed; or

21 (B) the date that is 5 years after the date
22 of enactment of this Act.

23 (2) ADMINISTRATION.—On designation as wil-
24 derness under paragraph (1), the potential wilder-
25 ness area shall be—

1 (A) known as the “Elkhorn Ridge Wilder-
2 ness”; and

3 (B) administered in accordance with this
4 Act and the Wilderness Act (16 U.S.C. 1131 et
5 seq.).

6 **SEC. 7. WILD AND SCENIC RIVER DESIGNATION.**

7 (a) DESIGNATION OF BLACK BUTTE RIVER, CALI-
8 FORNIA.—Section 3(a) of the Wild and Scenic Rivers Act
9 (16 U.S.C. 1274(a)) is amended by adding at the end the
10 following:

11 “(167) BLACK BUTTE RIVER, CALIFORNIA.—
12 The following segments of the Black Butte River in
13 the State of California, to be administered by the
14 Secretary of Agriculture:

15 “(A) The 16 miles of Black Butte River,
16 from the Mendocino County Line to its con-
17 fluence with Jumpoff Creek, as a wild river.

18 “(B) The 3.5 miles of Black Butte River
19 from its confluence with Jumpoff Creek to its
20 confluence with Middle Eel River, as a scenic
21 river.

22 “(C) The 1.5 miles of Cold Creek from the
23 Mendocino County Line to its confluence with
24 Black Butte River, as a wild river.”.

25 (b) PLAN; REPORT.—

1 (1) IN GENERAL.—Not later than 18 months
 2 after the date of enactment of this Act, the Sec-
 3 retary of Agriculture shall submit to Congress—

4 (A) a fire management plan for the Black
 5 Butte River segments designated by the amend-
 6 ment under subsection (a); and

7 (B) a report on the cultural and historic
 8 resources within those segments.

9 (2) TRANSMITTAL TO COUNTY.—The Secretary
 10 of Agriculture shall transmit to the Board of Super-
 11 visors of Mendocino County, California, a copy of
 12 the plan and report submitted under paragraph (1).

13 **SEC. 8. KING RANGE NATIONAL CONSERVATION AREA**
 14 **BOUNDARY ADJUSTMENT.**

15 Section 9 of Public Law 91–476 (16 U.S.C. 460y–
 16 8) is amended by adding at the end the following:

17 “(d) In addition to the land described in subsections
 18 (a) and (c), the land identified as the King Range Na-
 19 tional Conservation Area Additions on the map entitled
 20 ‘King Range Wilderness’ and dated November 12, 2004,
 21 is included in the Area.”.

○