

CALIFORNIA DESERT AND MOUNTAIN HERITAGE ACT OF  
2008

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JUNE 5, 2008.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 3682]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3682) to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the “California Desert and Mountain Heritage Act of 2008”.

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

Sec. 1. Short title; table of contents.

**TITLE I—DESIGNATION AND EXPANSION OF WILDERNESS AREAS**

Sec. 101. Definition of Secretary.

Sec. 102. Designation of wilderness, Cleveland and San Bernardino National Forests, Joshua Tree National Park, and Bureau of Land Management land in Riverside County, California.

Sec. 103. Joshua Tree National Park potential wilderness.

Sec. 104. Administration of wilderness.

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

Sec. 201. Wild and scenic river designations, Riverside County, California.

**TITLE III—ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT**

Sec. 301. Boundary adjustment, Santa Rosa and San Jacinto Mountains National Monument.

Sec. 302. Technical amendments to the Santa Rosa and San Jacinto Mountains National Monument Act of 2000.

## TITLE I—DESIGNATION AND EXPANSION OF WILDERNESS AREAS

### SEC. 101. DEFINITION OF SECRETARY.

In this title, the term “Secretary” means—

- (1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and
- (2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

### SEC. 102. DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.

(a) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled “Proposed Addition to Agua Tibia Wilderness”, and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(b) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled “Cahuilla Mountain Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Cahuilla Mountain Wilderness”.

(c) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled “South Fork San Jacinto Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “South Fork San Jacinto Wilderness”.

(d) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition”, and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(e) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled “Beauty Mountain Proposed Wilderness”, and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Beauty Mountain Wilderness”.

(f) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(g) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled “Orocopia Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South are intended to exclude—

- (1) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(2) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopa Mountains Wilderness boundary; and

(3) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopa Mountains Wilderness boundary.

(h) **PALEN/MCCOY WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled “Palen-McCoy Proposed Wilderness Additions”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(i) **PINTO MOUNTAINS WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled “Pinto Mountains Proposed Wilderness”, and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Pinto Mountains Wilderness”.

(j) **CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled “Chuckwalla Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(k) **MAPS AND DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal description.

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

(l) **UTILITY FACILITIES AND CORRIDORS.**—The wilderness areas and wilderness additions designated by this section are intended to exclude rights of way for existing utility facilities, such as power, gas, and telecommunications lines, and associated structures and access roads, and existing designated utility corridors. Nothing in this section or the Wilderness Act shall be construed to prohibit construction, operation, and maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

#### **SEC. 103. JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.**

(a) **DESIGNATION OF POTENTIAL WILDERNESS.**—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to subsection (b).

(b) **DESIGNATION AS WILDERNESS.**—The land designated potential wilderness by subsection (a) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(1) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(2) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(c) **MAP AND DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date on which the notice required by subsection (b) is published in the Federal Register, the Secretary

shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal description.

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

**SEC. 104. ADMINISTRATION OF WILDERNESS.**

(a) **MANAGEMENT.**—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(A) the date of the enactment of this Act; or

(B) in the case of the wilderness addition designated by subsection (b) of section 513, the date on which the notice required by such subsection is published in the Federal Register; and

(2) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(b) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundaries of a wilderness area or wilderness addition designated by this title that is acquired by the United States shall—

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

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

(c) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this title is withdrawn from all forms of—

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

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(d) **FIRE MANAGEMENT AND RELATED ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary may take such measures in a wilderness area or wilderness addition designated by this Act as are necessary for the control and prevention of fire, insects, and diseases (including the use of prescribed burning, priority treatments, or fuels reduction) in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) **FUNDING PRIORITIES.**—The designation of wilderness areas and wilderness additions by this title is not intended to alter the priorities afforded the land so designated in allocating funds for fire and related fuels management.

(3) **REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall amend the local fire management plans that apply to the Santa Rosa Wilderness and Agua Tibia Wilderness, and prepare local fire management plans for the Beauty Mountain Wilderness, Cahuilla Mountain Wilderness, and South Fork San Jacinto Wilderness Area, to identify appropriate local officials to take such actions in the wilderness areas as are necessary for fire prevention and watershed protection consistent with paragraph (1), including best management practices for fire pre-suppression and fire suppression measures and techniques.

(4) **STATE OR LOCAL AGENCIES.**—Consistent with paragraph (1) and other applicable Federal law, the Secretary may delegate by written agreement primary fire fighting authority and related public safety activities to an appropriate State or local agency.

(e) **GRAZING.**—Grazing of livestock in a wilderness area or wilderness addition designated by this title shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 5487 of the 96th Congress.

(f) **NATIVE AMERICAN USES AND INTERESTS.**—

(1) **EFFECT OF DESIGNATION.**—Nothing in the designation of the Cahuilla Mountain Wilderness by this title affects the unique cultural artifacts and sacred sites of the Indian tribes that are contained within that wilderness area, as identified by Indian tribes and the Forest Service.

(2) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this subsection, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (11 U.S.C. 1131 et seq.).

(3) INDIAN TRIBE DEFINED.—In this subsection, the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

## **TITLE II—WILD AND SCENIC RIVER DESIGNATIONS**

### **SEC. 201. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraphs:

“( ) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

“(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

“(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

“(E) The 0.6-mile segment from .25 miles upstream of the 5S09 Road crossing to its confluence with Stone Creek, as a scenic river.

“(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

“( ) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

“(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

“( ) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“( ) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.”.

### **TITLE III—ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT**

#### **SEC. 301. BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.**

Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2008:

“(1) The ‘Santa Rosa Peak Area Monument Expansion’.

“(2) The ‘Snow Creek Area Monument Expansion’.

“(3) The ‘Tahquitz Peak Area Monument Expansion’.

“(4) The ‘Southeast Area Monument Expansion’, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.”.

#### **SEC. 302. TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.**

Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed”.

#### **PURPOSE OF THE BILL**

The purpose of H.R. 3682, as ordered reported, is to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as wild, scenic, or recreational rivers, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes.

#### **BACKGROUND AND NEED FOR LEGISLATION**

H.R. 3682 designates 146,824 acres of wilderness and an additional 43,300 acres of potential wilderness; and designates 31 miles of wild and scenic rivers in Riverside County, California. The bill also adds nearly 8,400 acres to the Santa Rosa-San Jacinto Mountains National Monument.

The bill designates four new wilderness areas on U.S. Forest Service and Bureau of Land Management land and also adds land to six existing wilderness areas. It also adds four new areas to the national monument. Further, H.R. 3682 protects stretches of Bautista Creek, the north fork of the San Jacinto River and its tributary Fuller Creek, and Palm Canyon Creek.

Resources within the areas protected by the bill include dramatic mountain vistas and vast desert landscapes, coastal sage scrub and chaparral, ancient Joshua trees, the largest ironwood ecosystem in the California desert, and one of the most pristine watersheds in southwestern California. The various units provide habitat for a wide variety of rare species including arroyo toads, San Bernardino kangaroo rats, southwestern willow fly-catchers and gray vireos, red rattlesnakes, desert tortoises, and Mojave fringe-toed lizards as well as the chuckwalla (an iguana-like lizard), and many other creatures. Historic resources include petroglyphs, rock rings and

other traces of thousands of years of residence by Native Americans.

Much of the region is prone to fire. H.R. 3682 reiterates long-settled wilderness management law and practice making clear that federal agencies may act as necessary to prevent and control fire, disease and insects, including prescribed burning and, where necessary, the use of mechanized equipment. The bill would allow the agencies to use written agreements to delegate primary fire fighting authority and related public safety activities to state or local agencies.

#### COMMITTEE ACTION

H.R. 3682 was introduced on September 27, 2007, by Representative Mary Bono Mack (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands.

On November 13, 2007, the Subcommittee held a hearing on the bill. At the hearing, a witness for the Interior Department testified that the administration supported the bill's provisions relating to the Bureau of Land Management and the National Park Service and suggested several mapping and acreage adjustments and clarifications. However, a witness for the U.S. Forest Service objected to several boundaries and units which do not match the current forest plans. The Forest Service also objected to the phrasing of a provision relating to temporary closures of one wilderness unit for traditional cultural and religious purposes. However, the Forest Service did not oppose the wild and scenic river designations, and supported the expansion of the national monument.

On May 14, 2008, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged from further consideration of H.R. 3682. Subcommittee Chairman Grijalva (D-AZ) offered an amendment in the nature of a substitute making numerous changes in the bill to reflect minor mapping changes and better acreage estimates by the agencies, address administration concerns about temporary closures of the Cahuilla Mountains unit, revise language permitting the Forest Service to enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values, and make a technical change relating to the local advisory group created in the legislation establishing the national monument (P.L. 106-351). The amendment also adjusted the provisions relating to fire management to be consistent with past legislation and The Wilderness Act.

The Grijalva substitute was adopted by voice vote. The bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title; table of contents*

Section 1 provides that the bill may be cited as the "California Desert and Mountain Heritage Act of 2008" and provides a table of contents.

## TITLE I—DESIGNATION AND EXPANSION OF WILDERNESS AREAS

### *Sec. 101. Definition of Secretary*

Section 101 defines the term “Secretary” as the Secretary of Agriculture with respect to lands under the jurisdiction of the Secretary of Agriculture, and the Secretary of the Interior with respect to lands under the jurisdiction of the Secretary of the Interior.

### *Sec. 102. Designation of wilderness, Cleveland and San Bernardino National Forests, Joshua Tree National Park, and Bureau of Land Management land in Riverside County, California*

Section 102 designates the following wilderness areas and additions to wilderness areas in Riverside County, California:

(a) Agua Tibia Wilderness Additions, 2,053 acres in the Cleveland National Forest.

(b) Cahuilla Mountain Wilderness, 5,585 acres in the San Bernardino National Forest.

(c) South Fork San Jacinto Wilderness, 20,217 acres in the San Bernardino National Forest.

(d) Santa Rosa Wilderness Additions, 2,149 acres in the San Bernardino National Forest and on certain public lands administered by the Bureau of Land Management.

(e) Beauty Mountain Wilderness, 15,621 acres of public land administered by the Bureau of Land Management.

(f) Joshua Tree National Park Wilderness Additions, 36,700 acres in Joshua Tree National Park.

(g) Orocopia Mountains Wilderness Additions, 4,635 acres of public land administered by the Bureau of Land Management; with language specifying that the map is intended to exclude a corridor of 250 feet north of the centerline of the Bradshaw Trail, and 250 feet on either side of two unnamed trails from the boundary of the existing wilderness area south to Eagle Mountain Railroad and to the Chocolate Mountain Aerial Gunnery Range to accommodate existing off road vehicle use and associated camping.

(h) Palen/McCoy Wilderness Additions, 22,645 acres of public land administered by the Bureau of Land Management.

(i) Pinto Mountains Wilderness, 24,404 acres of public land administered by the Bureau of Land Management.

(j) Chuckwalla Mountains Wilderness Additions, 12,815 acres of public land administered by the Bureau of Land Management.

Section 102 also provides that the maps for each of the wilderness areas or additions designated are intended to exclude the rights of way for existing utility facilities, such as power, gas, and telecommunications lines, and associated structures and access roads, and existing designated utility corridors. The language also clarifies that nothing in this section or the Wilderness Act shall be construed to prohibit construction, operation, and maintenance of existing utility facilities located outside of the designated wilderness areas and additions.

### *Sec. 103. Joshua Tree National Park potential wilderness*

Section 103 provides that approximately 43,300 acres within Joshua Tree National Park are designated as potential wilderness, which shall be designated as wilderness and incorporated into the



existing Joshua Tree Wilderness effective upon publication by the Secretary of the Interior in the Federal Register of a notice that all uses of the land within the potential wilderness prohibited by the Wilderness Act have ceased; and that sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

*Sec. 104. Administration of wilderness*

Section 104 provides that the lands designated as wilderness or wilderness additions shall be administered according to the Wilderness Act except that any reference to the effective date of that Act shall be deemed to be a reference to the date of the enactment of H.R. 3682, or in the case of the Joshua Tree potential wilderness, the date on which the notice described above is published in the Federal Register. The section also stipulates that any reference in the Wilderness Act to the Secretary of Agriculture shall be deemed in H.R. 3682 to be a reference to the Secretary that has jurisdiction over the land.

Section 104 also withdraws all land designated as wilderness from entry, appropriation or disposal under public land laws; location, entry or patent under the mining laws; or disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

Section 104(d)(1) addresses the Secretaries' broad authority to undertake management activities to address the threats of fire, insect, and disease in the wilderness areas designated. The Act states that "such measures may be taken *as may be necessary* in the control of fire, insects, and diseases, subject to such conditions *as the Secretary deems desirable*" (emphasis added).

As the Committee has stated repeatedly, the Wilderness Act does permit the Forest Service and the Department of the Interior to use measures necessary to control wildfires, or the threat of wildfire, in wilderness areas. As H.R. 3682 expressly states, that includes prescribed burning, priority treatments, or fuels reduction. Neither section 4(d)(1) of the Wilderness Act nor H.R. 3682 restricts federal agencies to the specified activities only.

While the authority to use necessary measures is very broad, the agencies are expected to exercise that authority, to the maximum extent practicable, in a manner that is consistent with maintaining the wilderness character of the area. This instruction should not be construed as to conflict with the plain authority in the Wilderness Act to undertake such measures as may be necessary to control fire, insects and disease, and to protect public health and safety, and protect private property located immediately adjacent to those areas.

Additionally, the Committee directs that designation of wilderness areas and wilderness additions by this title does not alter the priorities afforded the land so designated in allocating funds for fire and related fuels management.

Section 104(d)(3) directs the Forest Service to immediately amend the appropriate local fire plans (or prepare local fire plans for the new wilderness areas designated) to identify appropriate local officials to undertake fire prevention and watershed protection actions, consistent with paragraph (1) of the section, including

best management practices for fire pre-suppression and fire suppression measures and techniques.

Section 104(d)(4) permits the Secretary to delegate primary fire fighting authority and related public safety activities to appropriate state or local authorities.

Section 104(e) contains standard language regarding the administration of grazing in designated wilderness areas.

Section 104(f) directs the Secretary to ensure access to the Cahuilla Mountain Wilderness by members of a recognized Indian tribe for traditional cultural purposes, consistent with the American Indian Religious Freedom Act and the Wilderness Act.

## TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

### *Sec. 201. Wild and scenic river designations, Riverside County, California*

Section 201 designates a total of 31.52 miles of wild, scenic and recreational river segments, including six segments of the North Fork of the San Jacinto River, three segments on Fuller Mill Creek, a segment of Palm Canyon Creek that will be managed through a cooperative management agreement with the Agua Caliente Band of Cahuilla Indian, and a segment of Bautista Creek.

## TITLE III—ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT

### *Sec. 301. Boundary adjustment, Santa Rosa and San Jacinto Mountains National Monument*

Section 301 expands the boundary of the Santa Rosa and San Jacinto Mountains National Monument to include the area around Santa Rosa Peak, the Snow Creek area, the area around Tahquitz Peak, and various parcels along the southeastern boundary of the national monument. The additions total 8,367 acres.

### *Sec. 302. Technical amendments to the Santa Rosa and San Jacinto Mountains National Monument Act of 2000*

Section 302 amends the 2000 act to allow the ten-member local advisory committee established in that law to operate with a quorum constituting a majority of the members appointed, rather than eight members as required in the original law.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as wild, scenic, or recreational rivers, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 3682—California Desert and Mountain Heritage Act of 2008*

H.R. 3682 would designate about 190,000 acres of land in southern California as wilderness or potential wilderness. The bill also would designate over 30 miles of rivers or creeks in the area as wild, scenic, or recreational rivers under the Wild and Scenic Rivers Act. Based on information provided by the Forest Service and the Department of the Interior (DOI), CBO estimates that enacting H.R. 3682 would have no significant effect on the federal budget.

The acreage and waterways to be added to the National Wilderness Preservation System and the Wild and Scenic River System are currently administered by the Bureau of Land Management, the National Park Service, or the Forest Service. CBO estimates that no additional resources would be required to manage the affected areas as a result of the new designations. We expect that any costs to revise brochures, maps, and signs to reflect the new designations would be minimal because most such revisions would take place in conjunction with scheduled reprinting and routine maintenance. Finally, we estimate that enacting the bill would have no effect on Forest Service or DOI receipts.

H.R. 3682 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant for Budget Analysis.

## COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

## EARMARK STATEMENT

H.R. 3682 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

**SECTION 3 OF THE WILD AND SCENIC RIVERS ACT**

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) \* \* \*

\* \* \* \* \*

( ) *NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:*

(A) *The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.*

(B) *The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.*

(C) *The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.*

(D) *The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.*

(E) *The 0.6-mile segment from .25 miles upstream of the 5S09 Road crossing to its confluence with Stone Creek, as a scenic river.*

(F) *The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.*

( ) *FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:*

(A) *The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.*

(B) *The 0.9-mile segment in the Pine Wood property, as a recreational river.*

(C) *The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.*

( ) **PALM CANYON CREEK, CALIFORNIA.**—*The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.*

( ) **BAUTISTA CREEK, CALIFORNIA.**—*The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.*

\* \* \* \* \*

## **SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000**

\* \* \* \* \*

### **SEC. 2. ESTABLISHMENT OF SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT, CALIFORNIA.**

(a) \* \* \*

\* \* \* \* \*

(e) **EXPANSION OF BOUNDARIES.**—*In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition”, and dated March 12, 2008:*

(1) *The “Santa Rosa Peak Area Monument Expansion”.*

(2) *The “Snow Creek Area Monument Expansion”.*

(3) *The “Tahquitz Peak Area Monument Expansion”.*

(4) *The “Southeast Area Monument Expansion”, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.*

\* \* \* \* \*

### **SEC. 7. LOCAL ADVISORY COMMITTEE.**

(a) \* \* \*

\* \* \* \* \*

(d) **QUORUM.**—*A quorum shall be [eight] a majority of the appointed members of the advisory committee. The operations of the advisory committee shall not be impaired by the fact that a mem-*

ber has not yet been appointed as long as a quorum has been attained.

\* \* \* \* \*

