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REPORT
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SEQUOIA AND KINGS CANYON NATIONAL PARKS WILDERNESS ACT OF 2008

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

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

R E P O R T

[To accompany H.R. 3022]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3022) to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, 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.

This Act may be cited as the "Sequoia and Kings Canyon National Parks Wilderness Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of California.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

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

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 69,500 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014a, titled "John Krebs Wilderness", and dated March 10, 2008.

(B) LIMITATIONS.—The designation of the wilderness under subparagraph (A) does not preclude operation and maintenance of the existing Hockett Meadow Cabin and Quinn Patrol Cabin in the same manner and degree in

which the cabins were operated and maintained on the day before the date of enactment of this Act.

(C) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as "Silver City" and "Kaweah Han".

(D) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this Act upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled "Sequoia-Kings Canyon Wilderness Addition", numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this Act with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this Act creates a protective perimeter or buffer zone around an area designated as wilderness by this Act.

(2) ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this Act precludes authorized activities conducted outside of the areas designated as wilderness by this Act by cabin owners (or their designees) in the Mineral King Valley area, or the property owners (or their designees) or lessees in the Silver City private inholding (as identified on the map titled "John Krebs Wilderness" and dated March 10, 2008).

(e) HORSEBACK RIDING.—Nothing in this Act precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE BILL

The purpose of H.R. 3022 is to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3022 designates 69,500 acres of public land in the Sequoia and Kings Canyon National Parks as the John Krebs Wilderness and 130 acres of potential wilderness. John Krebs is a former Member of Congress (from 1975–1979) who championed the inclusion of the Mineral King Valley within Sequoia and Kings Canyon National Parks in the 1970s. Four decades ago, the secluded valley of Mineral King was the setting for a heated debate when the Walt Disney Company unveiled plans to build a huge ski resort in the area. John Krebs was instrumental in helping protect the area from development. Mineral King was added to the Sequoia and Kings Canyon National Parks in 1978.

H.R. 3022 also adds 45,186 acres of land in the Sequoia and Kings Canyon National Parks to the existing Sequoia-Kings Canyon Wilderness. The Sequoia-Kings Canyon Wilderness was designated by Congress in 1984 as a part of the California Wilderness Act of 1984 (P.L. 98–425). The California Wilderness Act designated approximately 723,000 acres of wilderness in the Sequoia and Kings Canyon National Parks—about 84 percent of the land base—as the Sequoia-Kings Canyon Wilderness. H.R. 3022 would designate virtually all the remaining land in the Sequoia and Kings Canyon National Parks as wilderness. Coupled with the existing wilderness areas in the parks, H.R. 3022 would expand the wilderness to about 97 percent of the land base in the two national parks.

The wilderness areas designated by this Act include some spectacular areas within the Sequoia and Kings Canyon National Parks. The Redwood Canyon area contains the Redwood Mountain Grove, the largest stand of Giant Sequoia within the parks. The Redwood Canyon area also includes more than 75 known caves, including the longest cave in California with over 21 miles of surveyed passage. The Hockett Plateau includes vast rolling forests of lodgepole pine surrounding spectacular subalpine meadows. The area is a favorite destination for equestrians, backpackers, and anglers. The Mineral King area contains one of the most significant alpine karst regions in the United States, including rich marble geologic formations with more than 70 known caves and at least 17 invertebrate cave species present only in these parks. The North Fork Kaweah area contains foot hill oak woodland, chaparral, and low-elevation hardwood and conifer types. The Kaweah River is an exemplary foothill river with beautiful pools and riparian borders, and is rich in wildlife including western pond turtle, bear, and mountain lion.

COMMITTEE ACTION

H.R. 3022 was introduced on July 12, 2007 by Representative Jim Costa (D–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 October 30, 2007, the Subcommittee held a legislative hearing on the bill.

On May 14, 2008, the Subcommittee was discharged from further consideration of the legislation and the Full Natural Resources Committee met to consider the bill. Representative Jim Costa (D–CA) offered an amendment in the nature of a substitute to make

changes suggested by the National Park Service including: designation of the acreage containing small check dams as potential wilderness; requiring the Secretary to continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40 (from the California Wilderness Act of 1984); and changing the buffer zone language in Section 4(d)(2) to state that nothing in H.R. 3022 shall preclude authorized activities occurring outside of the areas designed as wilderness by H.R. 3022 by cabin owners in the Mineral King Area, or the property owners or lessees in the Silver City private inholding. The amendment in the nature of a substitute was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the bill may be cited as the "Sequoia and Kings Canyon National Parks Wilderness Act of 2008".

Section 2. Definitions

Section 2 defines the term "Secretary" as the Secretary of the Interior, and the term "State" as the State of California.

Section 3. Designation of wilderness areas

Section 3 states that in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the wilderness areas in this Act are designated as components of the National Wilderness Preservation System.

Section 3(1)(A) designates 69,500 acres and 130 acres of potential wilderness additions as the "John Krebs Wilderness."

Section 3(1)(B) states that the designation of the wilderness under subparagraph (A) does not preclude operation and maintenance of the existing Hockett Meadow Cabin and Quinn Patrol Cabin in the same manner and degree in which the cabins were operated and maintained on the day before the date of enactment of this Act.

Section 3(1)(C) specifies that nothing in this paragraph affects the cabins in and adjacent to the Mineral King Valley; or the private inholdings known as "Silver City" and "Kaweah Han".

Section 3(1)(D) states that the designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Section also authorizes the Secretary to allow the use of helicopters for the operation, maintenance, and repair of these small check dams. Furthermore, the Section states that the potential wilderness additions shall be incorporated into the John Krebs Wilderness established by this Act upon termination of the non-conforming uses.

The Committee understands that helicopter use is currently authorized for the operation, maintenance and repair of these small check dams, when conditions warrant, as a means of access for inspection and maintenance of hydrometeorological facilities, pursu-

ant to the minimum requirement provision of the Wilderness Act (16 U.S.C. 1131 et seq.) and also pursuant to language in House Report 98–40. The Committee expects that helicopter use in the wilderness and potential wilderness areas designated by this Act shall be managed accordingly.

Section 3(2) adds approximately 45,186 acres to the existing Sequoia-Kings Canyon Wilderness.

Section 4. Administration of wilderness areas

Section 4(a) states that subject to valid existing rights, each area designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

Section 4(b) states that as soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this Act and identifies other standards for the map and legal description.

Section 4(c) directs the Secretary to continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities, and associated equipment consistent with House Report 98–40.

Section 4(d)(1) states that nothing in this Act creates a protective perimeter or buffer zone around an area designated as wilderness by this Act.

Section 4(d)(2) states that nothing in this Act precludes authorized activities conducted outside of the areas designated as wilderness by this Act by the cabin owners (or their designees) in the Mineral King valley area, or the property owners (or their designees) or lessees in the Silver City private inholding.

Section 4(e) states that nothing in this Act precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this Act.

While horseback riding and pack and saddle stock are authorized uses within the Sequoia and Kings Canyon National Parks, the Secretary has the authority to manage such uses in accordance with laws applicable to the park, and consistent with park planning documents. The use of pack and saddle stock is an appropriate and historically accepted recreational activity, as documented in the 2006 General Management Plan for the parks. The Secretary may authorize horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this Act. The Committee intends that any decision made to authorize these activities shall be consistent with the statutory authority under which Sequoia and Kings Canyon National Parks were created, and the Wilderness Act, including section 4(d)(5) related to commercial services. Any authorization of these activities shall be subject to conditions and restrictions deemed necessary to protect park resources and wilderness values.

Section 5. Authorizations of appropriations

Section 5 authorizes such sums as are necessary to carry out this Act.

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 and Article IV, section 3 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 the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

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:

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H.R. 3022 would designate nearly 115,000 acres within the Sequoia National Park and the Kings Canyon National Park in California as either wilderness or proposed wilderness. Based on information provided by the National Park Service (NPS), CBO estimates that enacting H.R. 3022 would have no significant effect on the federal budget. The acreage to be added to the National Wilderness Preservation System is currently managed as wilderness by the NPS. We expect that any costs to revise NPS 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.

The bill 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. 3022 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

If enacted, this bill would make no changes in existing law.

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