

109TH CONGRESS
1ST SESSION

H. R. 233

To designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, 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

JANUARY 4, 2005

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on Resources

A BILL

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DESIGNATION OF WILDERNESS AREAS, COASTAL**
5 **CALIFORNIA.**

6 In accordance with the Wilderness Act (16 U.S.C.
7 1131 et seq.), the following areas in the State of California
8 are designated as wilderness areas and as components of
9 the National Wilderness Preservation System:

10 (1) SNOW MOUNTAIN WILDERNESS ADDITION.—

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

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

22 (i) the map entitled “Skeleton Glade
23 Unit, Snow Mountain Proposed Wilderness
24 Addition, Mendocino National Forest” and
25 dated September 17, 2004; and

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

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

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

20 (4) YOLLA BOLLY-MIDDLE EEL WILDERNESS
21 ADDITION.—Certain land in the Mendocino National
22 Forest and certain land administered by the Bureau
23 of Land Management in Mendocino County, Cali-
24 fornia, together comprising approximately 25,806
25 acres, as generally depicted on the map entitled

1 “Middle Fork Eel, Smokehouse and Big Butte
2 Units, Yolla Bolly-Middle Eel Proposed Wilderness
3 Addition” and dated October 28, 2004, is incor-
4 porated in and shall considered to be a part of the
5 Yolla Bolly-Middle Eel Wilderness, as designated by
6 section 3 of the Wilderness Act (16 U.S.C. 1132).

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

14 (6) SISKIYOU WILDERNESS ADDITION.—

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

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

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

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

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

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

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

21 (7) MOUNT LASSIC WILDERNESS.—Certain land
22 in the Six Rivers National Forest, comprising ap-
23 proximately 7,279 acres, as generally depicted on the
24 map entitled “Mt. Lassic Proposed Wilderness” and

1 dated September 17, 2004, which shall be known as
2 the “Mount Lassic Wilderness”.

3 (8) TRINITY ALPS WILDERNESS ADDITION.—

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

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

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

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

24 (iii) the map entitled “Horse Linto
25 Unit, Trinity Alps Proposed Wilderness

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

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

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

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

21 (11) CEDAR ROUGHS WILDERNESS.—Certain
22 land administered by the Bureau of Land Manage-
23 ment in Napa County, California, comprising ap-
24 proximately 6,350 acres, as generally depicted on the
25 map entitled “Cedar Roughs Wilderness Area” and

1 dated September 27, 2004, which shall be known as
2 the “Cedar Roughs Wilderness”.

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

12 (13) KING RANGE WILDERNESS.—

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

21 (B) APPLICABLE LAW.—With respect to
22 the wilderness designated by subparagraph (A),
23 in the case of a conflict between a provision of
24 section 3 and a provision of Public Law 91–476

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

3 (14) ROCKS AND ISLANDS, KING RANGE NA-
4 TIONAL CONSERVATION AREA.—

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

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

12 (ii) above mean high tide.

13 (B) APPLICABLE LAW.—With respect to
14 the wilderness designated by subparagraph (A),
15 in the case of a conflict between a provision of
16 section 3 and a provision of Proclamation No.
17 7264 (65 Fed. Reg. 2821), the more restrictive
18 provision shall control.

19 **SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.**

20 (a) MANAGEMENT.—

21 (1) MANAGEMENT GENERALLY.—Subject to
22 valid existing rights, each area designated as wilder-
23 ness by section 2 shall be administered by the Sec-
24 retary of Agriculture or the Secretary of the Inte-

1 rior, as the case may be, in accordance with the Wil-
2 derness Act (16 U.S.C. 1131 et seq.), except that—

3 (A) any reference in the Wilderness Act to
4 the effective date of such Act shall be consid-
5 ered to be a reference to the date of enactment
6 of this Act; and

7 (B) any reference in the Wilderness Act to
8 the Secretary of Agriculture shall be considered
9 to be a reference to the Secretary that has ju-
10 risdiction over the wilderness area.

11 (2) SECRETARY DEFINED.—In this section, the
12 term “Secretary concerned” means—

13 (A) with respect to a wilderness area under
14 the jurisdiction of the Secretary of Agriculture,
15 the Secretary of Agriculture; and

16 (B) with respect to a wilderness area
17 under the jurisdiction of the Secretary of the
18 Interior, the Secretary of the Interior.

19 (b) MAP AND DESCRIPTION.—

20 (1) IN GENERAL.—As soon as practicable after
21 the date of enactment of this Act, the Secretary con-
22 cerned shall file a map and a legal description of
23 each wilderness area designated by this Act with—

24 (A) the Committee on Resources of the
25 House of Representatives; and

1 (B) the Committee on Energy and Natural
2 Resources of the Senate.

3 (2) FORCE OF LAW.—A map and legal descrip-
4 tion filed under paragraph (1) shall have the same
5 force and effect as if included in this Act, except
6 that the Secretary concerned may correct errors in
7 the map and legal description.

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

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

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

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

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

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

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

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

7 (e) FIRE, INSECT, AND DISEASE MANAGEMENT AC-
8 TIVITIES.—

9 (1) IN GENERAL.—The Secretary concerned
10 may take such measures in the wilderness areas des-
11 ignated by this Act as are necessary for the control
12 and prevention of fire, insects, and diseases, in ac-
13 cordance with—

14 (A) section 4(d)(1) of the Wilderness Act
15 (16 U.S.C. 1133(d)(1)); and

16 (B) House Report No. 98–40 of the 98th
17 Congress.

18 (2) REVIEW.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary con-
20 cerned shall review existing policies applicable to the
21 wilderness areas designated by this Act to ensure
22 that authorized approval procedures for any fire
23 management measures allow a timely and efficient
24 response to fire emergencies in the wilderness areas.

25 (f) ACCESS TO PRIVATE PROPERTY.—

1 (1) IN GENERAL.—The Secretary concerned
2 shall provide any owner of private property within
3 the boundary of a wilderness area designated by this
4 Act adequate access to such property to ensure the
5 reasonable use and enjoyment of the property by the
6 owner.

7 (2) KING RANGE WILDERNESS.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), within the wilderness designated by
10 section 2(13), the access route depicted on the
11 map for private landowners shall also be avail-
12 able for invitees of the private landowners.

13 (B) LIMITATION.—Nothing in subpara-
14 graph (A) requires the Secretary concerned to
15 provide any access to the landowners or invitees
16 beyond the access that would be available if the
17 wilderness had not been designated.

18 (g) SNOW SENSORS AND STREAM GAUGES.—If the
19 Secretary concerned determines that hydrologic, meteor-
20 ologic, or climatological instrumentation is appropriate to
21 further the scientific, educational, and conservation pur-
22 poses of the wilderness areas designated by this Act, noth-
23 ing in this Act prevents the installation and maintenance
24 of the instrumentation within the wilderness areas.

1 (h) MILITARY ACTIVITIES.—Nothing in this Act pre-
2 cludes low-level overflights of military aircraft, the des-
3 ignation of new units of special airspace, or the use or
4 establishment of military flight training routes over wil-
5 derness areas designated by this Act.

6 (i) LIVESTOCK.—Grazing of livestock and the mainte-
7 nance of existing facilities related to grazing in wilderness
8 areas designated by this Act, where established before the
9 date of enactment of this Act, shall be permitted to con-
10 tinue in accordance with—

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

13 (2) the guidelines set forth in Appendix A of
14 the report of the Committee on Interior and Insular
15 Affairs of the House of Representatives accom-
16 panying H.R. 2570 of the 101st Congress (H. Rept.
17 101–405).

18 (j) FISH AND WILDLIFE MANAGEMENT.—

19 (1) IN GENERAL.—In furtherance of the pur-
20 poses of the Wilderness Act (16 U.S.C. 1131 et
21 seq.), the Secretary concerned may carry out man-
22 agement activities to maintain or restore fish and
23 wildlife populations and fish and wildlife habitats in
24 wilderness areas designated by this Act if such ac-
25 tivities are—

1 (A) consistent with applicable wilderness
2 management plans; and

3 (B) carried out in accordance with applica-
4 ble guidelines and policies.

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

9 (k) USE BY MEMBERS OF INDIAN TRIBES.—

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

16 (2) TEMPORARY CLOSURES.—

17 (A) IN GENERAL.—In carrying out this
18 subsection, the Secretary concerned, on request
19 of an Indian tribe, may temporarily close to the
20 general public 1 or more specific portions of a
21 wilderness area to protect the privacy of the
22 members of the Indian tribe in the conduct of
23 the traditional cultural and religious activities
24 in the wilderness area.

1 (B) REQUIREMENT.—Any closure under
2 subparagraph (A) shall be made in such a man-
3 ner as to affect the smallest practicable area for
4 the minimum period of time necessary for the
5 activity to be carried out.

6 (3) APPLICABLE LAW.—Access to the wilder-
7 ness areas under this subsection shall be in accord-
8 ance with—

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

12 (B) the Wilderness Act (16 U.S.C. 1131 et
13 seq.).

14 (1) ADJACENT MANAGEMENT.—

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

18 (2) NONWILDERNESS ACTIVITIES.—The fact
19 that nonwilderness activities or uses can be seen or
20 heard from areas within a wilderness area des-
21 ignated by this Act shall not preclude the conduct of
22 those activities or uses outside the boundary of the
23 wilderness area.

1 **SEC. 4. RELEASE OF WILDERNESS STUDY AREAS.**

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

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

- 10 (1) the King Range Wilderness Study Area;
11 (2) the Chemise Mountain Instant Study Area;
12 (3) the Red Mountain Wilderness Study Area;
13 (4) the Cedar Roughts Wilderness Study Area;
14 and
15 (5) those portions of the Rocky Creek/Cache
16 Creek Wilderness Study Area in Lake County, Cali-
17 fornia which are not in R. 5 W., T. 12 N., sec. 22,
18 Mount Diablo Meridian.

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

1 **SEC. 5. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.**

2 (a) DESIGNATION AS POTENTIAL WILDERNESS
3 AREA.—In furtherance of the purposes of the Wilderness
4 Act (16 U.S.C. 1131 et seq.), certain public land in the
5 State administered by the Bureau of Land Management,
6 comprising approximately 9,655 acres, as generally de-
7 picted on the map entitled “South Fork Eel River Wilder-
8 ness Area and Elkhorn Ridge Potential Wilderness” and
9 dated September 27, 2004, is designated as a potential
10 wilderness area.

11 (b) MANAGEMENT OF POTENTIAL WILDERNESS
12 AREA.—Except as provided in subsection (c) and subject
13 to valid existing rights, the Secretary of the Interior shall
14 manage the potential wilderness area as wilderness until
15 the potential wilderness area is designated as wilderness.

16 (c) ECOLOGICAL RESTORATION.—

17 (1) IN GENERAL.—For purposes of ecological
18 restoration (including the elimination of non-native
19 species, removal of illegal, unused, or decommis-
20 sioned roads, repair of skid tracks, and any other
21 activities necessary to restore the natural ecosystems
22 in the potential wilderness area), the Secretary of
23 the Interior may use motorized equipment and
24 mechanized transport in the potential wilderness
25 area until the potential wilderness area is designated
26 as wilderness.

1 (2) LIMITATION.—To the maximum extent
2 practicable, the Secretary of the Interior shall use
3 the minimum tool or administrative practice nec-
4 essary to accomplish ecological restoration with the
5 least amount of adverse impact on wilderness char-
6 acter and resources.

7 (d) DESIGNATION AS WILDERNESS.—The potential
8 wilderness area shall be designated as wilderness and as
9 a component of the National Wilderness Preservation Sys-
10 tem on the earlier of—

11 (1) the date on which the Secretary of the Inte-
12 rior publishes in the Federal Register notice that the
13 conditions in the potential wilderness area that are
14 incompatible with the Wilderness Act (16 U.S.C.
15 1131 et seq.) have been removed; or

16 (2) the date that is 5 years after the date of en-
17 actment of this Act.

18 (e) MANAGEMENT OF WILDERNESS AREA.—Upon
19 designation of the potential wilderness area as wilderness
20 under subsection (d), the wilderness area shall be—

21 (1) known as the “Elkhorn Ridge Wilderness”;
22 and

23 (2) administered by the Secretary of the Inte-
24 rior in accordance with section 3 and the Wilderness
25 Act (16 U.S.C. 1131 et seq.), except that—

1 (A) any reference in section 3 to the date
2 of enactment of this Act and any reference in
3 the Wilderness Act to the effective date of the
4 Wilderness Act shall be considered to be a ref-
5 erence to the date on which the wilderness area
6 is designated under subsection (d); and

7 (B) any reference in the Wilderness Act to
8 the Secretary of Agriculture shall be considered
9 to be a reference to the Secretary of the Inte-
10 rior.

11 **SEC. 6. WILD AND SCENIC RIVER DESIGNATION, BLACK**
12 **BUTTE RIVER, CALIFORNIA.**

13 (a) DESIGNATION OF BLACK BUTTE RIVER SEG-
14 MENTS.—Section 3(a) of the Wild and Scenic Rivers Act
15 (16 U.S.C. 1274(a)) is amended by adding at the end the
16 following:

17 “(____) BLACK BUTTE RIVER, CALIFORNIA.—The
18 following segments of the Black Butte River in the State
19 of California, to be administered by the Secretary of Agri-
20 culture:

21 “(A) The 16 miles of Black Butte River, from
22 the Mendocino County Line to its confluence with
23 Jumpoff Creek, as a wild river.

1 tional Conservation Area Additions on the map entitled
2 ‘King Range Wilderness’ and dated November 12, 2004,
3 is included in the Area.’.

○