

Public Law 102-301
102d Congress

An Act

June 19, 1992
[H.R. 2556]

Entitled the "Los Padres Condor Range and River Protection Act".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

California.
Conservation.
Environmental
protection.

SECTION 1. FINDINGS.

The Congress finds that—

(1) areas of undeveloped National Forest System lands within Los Padres National Forest have outstanding natural characteristics which will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people; and

(2) it is in the national interest that certain of these areas be designated as components of the National Wilderness Preservation System and Wild and Scenic Rivers System or reserved from mineral entry in order to preserve such areas and their specific multiple values for watershed preservation, wildlife habitat protection, scenic and historic preservation, scientific research, educational use, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people of present and future generations.

16 USC 1132
note.

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act, the following National Forest System lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in Los Padres National Forest and the Angeles National Forest, California, which comprise approximately 219,700 acres, which are generally depicted on a map entitled "Sespe Wilderness Area—Proposed" and dated September 1991, which shall be known as the Sespe Wilderness. In recognition of the significant role that Mr. Gene Marshall played in the development of this Act, the Secretary of Agriculture is authorized and directed to name the existing trail between Reyes Creek and Lion Campgrounds as the Gene Marshall-Piedra Blanca National Recreational Trail.

(2) Certain lands in Los Padres National Forest, California, which comprise approximately 29,600 acres, which are generally depicted on a map entitled "Matilija Wilderness Area—Proposed" and dated September 1991, which shall be known as the Matilija Wilderness.

(3) Certain lands in Los Padres National Forest, California, which comprise approximately 46,400 acres, which are generally depicted on a map entitled "San Rafael Wilderness Addition—Proposed" and dated September 1991, and which lands are hereby incorporated in, and shall be managed as part of, the San Rafael Wilderness.

(4) Certain lands in Los Padres National Forest, California, which comprise approximately 14,100 acres, which are generally depicted on a map entitled "Garcia Wilderness Area—Proposed" and dated September 1991, which shall be known as the Garcia Wilderness.

(5) Certain lands in Los Padres National Forest, California, which comprise approximately 38,150 acres, which are generally depicted on a map entitled "Chumash Wilderness—Proposed" and dated September 1991, which shall be known as the Chumash Wilderness and approximately 50 acres, which are generally depicted on the same map, which shall be designated as potential wilderness. The Toad Springs road corridor delineated as potential wilderness shall remain open to off road vehicle traffic until construction of an alternate route which bypasses this area is completed. These potential wilderness lands shall be automatically incorporated in and managed as part of the Chumash Wilderness upon publication of a notice in the Federal Register.

(6) Certain lands in Los Padres National Forest, California, which comprise approximately 38,000 acres, which are generally depicted on a map entitled "Ventana Wilderness Addition—Proposed" and dated September 1991, and which lands are hereby incorporated in, and shall be managed as a part of, the Ventana Wilderness.

(7) Certain lands in Los Padres National Forest, California, which comprise approximately 14,500 acres, which are generally depicted on a map entitled "Silver Peak Wilderness Addition—Proposed" and dated September 1991, which shall be known as the Silver Peak Wilderness. In recognition of Mr. Nathaniel Owings' efforts to preserve the Big Sur coastline, the area within the Silver Peak Wilderness area depicted as "Redwood Gulch" shall hereafter be known as the "Nathaniel Owings Redwood Grove". The Secretary is directed to place this name on all appropriate maps depicting the Silver Peak Wilderness Area of the Los Padres National Forest.

SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act.

(b) FIRE PREVENTION AND WATERSHED PROTECTION.—In order to guarantee the continued viability of the watersheds of the wilderness areas designated by this Act and to ensure the continued health and safety of the communities serviced by such watersheds, the Secretary of Agriculture may take such measures as are necessary for fire prevention and watershed protection including, but not limited to, acceptable fire suppression and fire suppression measures and techniques.

(c) WILDLIFE MANAGEMENT.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations, including the California condor, and the habitats to support such populations may be carried out within wilderness areas designated by this Act where consistent with relevant wilderness management plans in accordance with appropriate policies and guidelines such as those set forth in Policies and Guidelines for Fish and Wildlife Management in National

Forests and Bureau of Land Management Wilderness, dated August 25, 1986.

(d) **BUFFER ZONES.**—The Congress does not intend for the designation of wilderness areas pursuant to this Act to lead to the creation of protective perimeters or buffer zones around such wilderness areas. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) **WATER RIGHTS.**—

(1) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(2) The Secretary of Agriculture and all other officers of the United States shall take steps necessary to protect the rights reserved by this Act, including the filing by the Secretary of Agriculture of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (Ch. 651, 66 Stat. 560; 43 U.S.C. 666) (commonly referred to as the "McCarran Amendment").

(3) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(4) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated by this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

SEC. 4. FILING OF MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, a map and legal description of each wilderness area designated in section 2 shall be filed with the Committee on Energy and Natural Resources of the Senate and Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act. Correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia and in the Office of the Forest Supervisor, Los Padres National Forest.

SEC. 5. RELEASE TO NONWILDERNESS USES.

The table contained in section 111(e) of the California Wilderness Act of 1984 (98 Stat. 1631) is amended by striking all lines pertaining to further planning areas on the Los Padres National Forest. Except for those areas designated as wilderness under section 2 of this Act, these areas shall be released to nonwilderness uses

in accordance with section 111 (except for subsection (e)) of such Act.

SEC. 6. DESIGNATION OF WILD AND SCENIC RIVERS.

In order to preserve and protect for present and future generations the outstandingly remarkable values of Sespe Creek, the Big Sur River, and the Sisquoc River, all in California, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end:

"() SESPE CREEK, CALIFORNIA.—The 4-mile segment of the main stem of the creek from its confluence with Rock Creek and Howard Creek downstream to its confluence with Trout Creek, to be administered by the Secretary of Agriculture as a scenic river; and the 27.5-mile segment of the main stem of the creek extending from its confluence with Trout Creek downstream to where it leaves section 26, township 5 north, range 20 west, to be administered by the Secretary of Agriculture as a wild river.

"() SISQUOC RIVER, CALIFORNIA.—The 33-mile segment of the main stem of the river extending from its origin downstream to the Los Padres Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

"() BIG SUR RIVER, CALIFORNIA.—The main stems of the South Fork and North Fork of the Big Sur River from their headwaters to their confluence and the main stem of the river from the confluence of the South and North Forks downstream to the boundary of the Ventana Wilderness in Los Padres National Forest, for a total distance of approximately 19.5 miles, to be administered by the Secretary of Agriculture as a wild river."

SEC. 7. STUDY RIVERS.

(a) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraphs at the end thereof:

"() PIRU CREEK, CALIFORNIA.—The segment of the main stem of the creek from its source downstream to the maximum pool of Pyramid Lake and the segment of the main stem of the creek beginning 300 feet below the dam at Pyramid Lake downstream to the maximum pool at Lake Piru, for a total distance of approximately 49 miles.

"() LITTLE SUR RIVER, CALIFORNIA.—The segment of the main stem of the river from its headwaters downstream to the Pacific Ocean, a distance of approximately 23 miles. The Secretary of Agriculture shall consult with the Big Sur Multiagency Advisory Council during the study of the river.

"() MATILJA CREEK, CALIFORNIA.—The segment from its headwaters to its junction with Murietta Canyon, a distance of approximately 16 miles.

"() LOPEZ CREEK, CALIFORNIA.—The segments from its headwaters to Lopez Reservoir, a distance of approximately 11 miles.

"() SESPE CREEK, CALIFORNIA.—The segment from Chorro Grande Canyon downstream to its confluence with Rock Creek and Howard Creek, a distance of about 10.5 miles."

(b) CONSULTATION.—Each study shall be conducted by the Secretary of Agriculture. The studies of the rivers and creeks named in subsection (a) shall be made in consultation with local authorities and appropriate local and State agencies.

SEC. 8. MINERAL WITHDRAWAL.

(a) **IN GENERAL.**—Subject to valid existing rights, federally owned lands and interests therein that are depicted on a map entitled “Mineral Withdrawal Area, California Coastal Zone, Big Sur—Proposed” and dated September 1991 are withdrawn from entry, location, appropriation, leasing, sale, or disposition under the mining laws, mineral leasing and geothermal leasing laws of the United States.

(b) **MINING CLAIMS.**—Subject to valid existing rights, all mining claims located within the withdrawal area depicted on the map described in subsection (a) shall be subject to such regulations as the Secretary of Agriculture may prescribe to ensure that mining will, to the greatest practicable extent, be consistent with the protection of scenic, scientific, cultural, and other resources of the area. The Secretary of Agriculture shall not approve any plan of operation prior to a determination that the unpatented mining claim was valid prior to the mineral withdrawal created by this Act and remains valid. A patent for land within the withdrawal area that is issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such regulations.

SEC. 9. ADDITIONAL USES OF CERTAIN LANDS IN CALIFORNIA.

(a) **REMOVAL OF RESTRICTIONS.**—Notwithstanding the restrictions otherwise applicable under the terms of conveyance by the United States of any of the lands described in subsection (b) to either the city of Pittsburg, California, or Merced County, California, or under any agreement concerning any part of such lands between either such city or such county and the Secretary of the Interior or any other officer or agent of the United States, the lands described in subsection (b) may be used for the purposes specified in subsection (c) of this section.

(b) **LANDS AFFECTED.**—The lands referred to in subsection (a) of this section are—

(1) any portion not exceeding 1.5 acres of the lands described in that certain Quitclaim Deed of the United States to the city of Pittsburg, California, bearing the date of March 25, 1960, and recorded in Record of Deeds of the County of Contra Costa, State of California, as document No. 79015, in Book 3759 at page 1 of Records; and

(2) the south 15 acres of the 40 acres located in the northwest quarter of the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian in Merced County, California, conveyed to such county by deed recorded in volume 1941 at page 441 of the official records in Merced County, California.

(c) **AUTHORIZED USES.**—(1) The city of Pittsburg, California, may use the lands described in subsection (b)(1) of this section for a fire station or other public purpose, or may transfer such lands to another governmental entity on condition that such entity retain and use such lands for such purpose.

(2) Merced County, California, may authorize the use of the lands described in subsection (b)(2) of this section for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States

and the State of California. If Merced County permits such lands to be used for such purposes, the county shall include information concerning such use in the periodic reports to the Secretary of the Interior required under the terms of the conveyance of such lands to the county by the United States. Any violation of the provisions of this paragraph shall be deemed to be a breach of the conditions and covenants under which such lands were conveyed to Merced County by the United States, and shall have the same effect as provided in the deed whereby the United States conveyed the lands to the county. Except as specified in this subsection, nothing in this Act shall increase or diminish the authority or responsibility of the county with respect to the lands.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and amendments made by this Act.

Approved June 19, 1992.

LEGISLATIVE HISTORY—H.R. 2556:

HOUSE REPORTS: No. 102-290, Pt. 1 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-291 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 137 (1991): Nov. 12, considered and passed House.

Vol. 138 (1992): June 4, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

June 19, Presidential statement.