

110TH CONGRESS
1ST SESSION

S. 2109

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2007

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

A BILL

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.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “California Desert and Mountain Heritage Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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 TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT

Sec. 301. Boundary adjustment, Santa Rosa and San Jacinto Mountains Na-
 tional Monument.

3 **TITLE I—DESIGNATION AND EX-** 4 **PANSION OF WILDERNESS** 5 **AREAS**

6 **SEC. 101. DEFINITION OF SECRETARY.**

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

8 (1) with respect to land under the jurisdiction
 9 of the Secretary of Agriculture, the Secretary of Ag-
 10 riculture; and

11 (2) with respect to land under the jurisdiction
 12 of the Secretary of the Interior, the Secretary of the
 13 Interior.

1 **SEC. 102. DESIGNATION OF WILDERNESS, CLEVELAND AND**
 2 **SAN BERNARDINO NATIONAL FORESTS, JOSH-**
 3 **UA TREE NATIONAL PARK, AND BUREAU OF**
 4 **LAND MANAGEMENT LAND IN RIVERSIDE**
 5 **COUNTY, CALIFORNIA.**

6 (a) AGUA TIBIA WILDERNESS ADDITION.—In ac-
 7 cordance with the Wilderness Act (16 U.S.C. 1131 et
 8 seq.), certain land in the Cleveland National Forest and
 9 certain land administered by the Bureau of Land Manage-
 10 ment in Riverside County, California, together comprising
 11 approximately 1,950 acres, as generally depicted on the
 12 map entitled “Agua Tibia Proposed Wilderness, Bureau
 13 of Land Management and Cleveland National Forest”, is
 14 designated as wilderness and is incorporated in, and shall
 15 be deemed to be a part of, the Agua Tibia Wilderness des-
 16 ignated by section 2(a) of Public Law 93–632 (88 Stat.
 17 2154; 16 U.S.C. 1132 note).

18 (b) CAHUILLA MOUNTAIN WILDERNESS.—In accord-
 19 ance with the Wilderness Act (16 U.S.C. 1131 et seq.),
 20 certain land in the San Bernardino National Forest, Cali-
 21 fornia, comprising approximately 7,131 acres, as generally
 22 depicted on the map entitled “Cahuilla Mountain Pro-
 23 posed Wilderness, San Bernardino National Forest”, is
 24 designated as wilderness and, therefore, as a component
 25 of the National Wilderness Preservation System, which
 26 shall be known as the “Cahuilla Mountain Wilderness”.

1 (c) SOUTH FORK SAN JACINTO WILDERNESS.—In
 2 accordance with the Wilderness Act (16 U.S.C. 1131 et
 3 seq.), certain land in the San Bernardino National Forest,
 4 California, comprising approximately 21,540 acres, as
 5 generally depicted on the map entitled “South Fork San
 6 Jacinto Proposed Wilderness, San Bernardino National
 7 Forest”, is designated as wilderness and, therefore, as a
 8 component of the National Wilderness Preservation Sys-
 9 tem, which shall be known as the “South Fork San
 10 Jacinto Wilderness”.

11 (d) SANTA ROSA WILDERNESS ADDITION.—In ac-
 12 cordance with the Wilderness Act (16 U.S.C. 1131 et
 13 seq.), certain land in the San Bernardino National Forest,
 14 California, and certain land administered by the Bureau
 15 of Land Management in Riverside County, California,
 16 comprising approximately 3,300 acres, as generally de-
 17 picted on the map entitled “Santa Rosa Proposed Wilder-
 18 ness Additions”, is designated as wilderness and is incor-
 19 porated in, and shall be deemed to be a part of, the Santa
 20 Rosa Wilderness designated by section 1019(a)(28) of
 21 Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note)
 22 and expanded by paragraph (59) of section 102 of Public
 23 Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

24 (e) BEAUTY MOUNTAIN WILDERNESS.—In accord-
 25 ance with the Wilderness Act (16 U.S.C. 1131 et seq.),

1 certain land administered by the Bureau of Land Manage-
2 ment in Riverside County, California, comprising approxi-
3 mately 16,700 acres, as generally depicted on the map en-
4 titled “Beauty Mountain Proposed Wilderness”, is des-
5 ignated as wilderness and, therefore, as a component of
6 the National Wilderness Preservation System, which shall
7 be known as the “Beauty Mountain Wilderness”.

8 (f) JOSHUA TREE NATIONAL PARK WILDERNESS
9 ADDITION.—In accordance with the Wilderness Act (16
10 U.S.C. 1131 et seq.), certain land in Joshua Tree National
11 Park, comprising approximately 40,078 acres, as generally
12 depicted on the map entitled “Joshua Tree National Park
13 Proposed Wilderness Additions”, is designated as wilder-
14 ness and is incorporated in, and shall be deemed to be
15 a part of, the Joshua Tree Wilderness designated by sec-
16 tion 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C.
17 1132 note).

18 (g) OROCOPIA MOUNTAINS WILDERNESS ADDI-
19 TION.—In accordance with the Wilderness Act (16 U.S.C.
20 1131 et seq.), certain land administered by the Bureau
21 of Land Management in Riverside County, California,
22 comprising approximately 3,760 acres, as generally de-
23 picted on the map entitled “Orocopia Mountains Proposed
24 Wilderness Additions”, is designated as wilderness and is
25 incorporated in, and shall be deemed to be a part of, the

1 Orocopia Mountains Wilderness as designated by para-
2 graph (44) of section 102 of Public Law 103–433 (108
3 Stat. 4472; 16 U.S.C. 1132 note).

4 (h) PALEN/McCOY WILDERNESS ADDITIONS.—In
5 accordance with the Wilderness Act (16 U.S.C. 1131 et
6 seq.), certain land administered by the Bureau of Land
7 Management in Riverside County, California, comprising
8 approximately 20,320 acres, as generally depicted on the
9 map entitled “Palen/McCoy Proposed Wilderness Addi-
10 tions”, is designated as wilderness and is incorporated in,
11 and shall be deemed to be a part of, the Palen/McCoy Wil-
12 derness as designated by paragraph (47) of section 102
13 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132
14 note).

15 (i) PINTO MOUNTAINS WILDERNESS.—In accordance
16 with the Wilderness Act (16 U.S.C. 1131 et seq.), certain
17 land administered by the Bureau of Land Management
18 in Riverside County, California, comprising approximately
19 24,080 acres, as generally depicted on the map entitled
20 “Pinto Mountains Proposed Wilderness”, is designated as
21 wilderness and, therefore, as a component of the National
22 Wilderness Preservation System, which shall be known as
23 the “Pinto Mountains Wilderness”.

24 (j) CHUCKWALLA MOUNTAINS WILDERNESS ADDI-
25 TIONS.—In accordance with the Wilderness Act (16

1 U.S.C. 1131 et seq.), certain land administered by the Bu-
 2 reau of Land Management in Riverside County, Cali-
 3 fornia, comprising approximately 14,480 acres, as gen-
 4 erally depicted on the map entitled “Chuckwalla Moun-
 5 tains Proposed Wilderness Additions”, is designated as
 6 wilderness and is incorporated in, and shall be deemed to
 7 be a part of the Chuckwalla Mountains Wilderness as des-
 8 ignated by paragraph (12) of section 102 of Public Law
 9 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

10 (k) MAPS AND DESCRIPTIONS.—

11 (1) IN GENERAL.—As soon as practicable after
 12 the date of the enactment of this Act, the Secretary
 13 shall file a map and legal description of each wilder-
 14 ness area and wilderness addition designated by this
 15 section with the Committee on Natural Resources of
 16 the House of Representatives and the Committee on
 17 Energy and Natural Resources of the Senate.

18 (2) FORCE OF LAW.—A map and legal descrip-
 19 tion filed under paragraph (1) shall have the same
 20 force and effect as if included in this Act, except
 21 that the Secretary may correct errors in the map
 22 and legal description.

23 (3) PUBLIC AVAILABILITY.—Each map and
 24 legal description filed under paragraph (1) shall be

1 filed and made available for public inspection in the
 2 appropriate office of the Secretary.

3 (l) UTILITY FACILITIES AND CORRIDORS.—The wil-
 4 derness areas and wilderness additions designated by this
 5 section are intended to exclude rights of way for existing
 6 utility facilities, such as power, gas, and telecommuni-
 7 cations lines, and associated structures and access roads,
 8 and existing designated utility corridors. Nothing in this
 9 section or the Wilderness Act shall be construed to pro-
 10 hibit construction, operation, and maintenance, using
 11 standard industry practices, of existing utility facilities lo-
 12 cated outside of the wilderness areas and wilderness addi-
 13 tions designated by this section.

14 **SEC. 103. JOSHUA TREE NATIONAL PARK POTENTIAL WIL-**
 15 **DERNESS.**

16 (a) DESIGNATION OF POTENTIAL WILDERNESS.—
 17 Certain land in the Joshua Tree National Park, com-
 18 prising approximately 41,100 acres, as generally depicted
 19 on the map entitled “Joshua Tree National Park Potential
 20 Wilderness Addition”, is designated potential wilderness
 21 and shall be managed by the Secretary of the Interior in-
 22 sofar as practicable as wilderness until such time as the
 23 land is designated as wilderness pursuant to subsection
 24 (b).

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

9 (1) all uses of the land within the potential wil-
10 derness prohibited by the Wilderness Act (16 U.S.C.
11 1131 et seq.) have ceased; or

12 (2) sufficient inholdings within the boundaries
13 of the potential wilderness have been acquired to es-
14 tablish a manageable wilderness unit.

15 (c) MAP AND DESCRIPTION.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date on which the notice required by subsection
18 (b) is published in the Federal Register, the Sec-
19 retary shall file a map and legal description of the
20 land designated as wilderness and potential wilder-
21 ness by this section with the Committee on Natural
22 Resources of the House of Representatives and the
23 Committee on Energy and Natural Resources of the
24 Senate.

1 (2) FORCE OF LAW.—The map and legal de-
2 scription filed under paragraph (1) shall have the
3 same force and effect as if included in this Act, ex-
4 cept that the Secretary may correct errors in the
5 map and legal description.

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

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

11 (a) MANAGEMENT.—Subject to valid existing rights,
12 the land designated as wilderness or as a wilderness addi-
13 tion by this title shall be administered by the Secretary
14 in accordance with the Wilderness Act (16 U.S.C. 1131
15 et seq.), except that—

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

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

20 or

21 (B) in the case of the wilderness addition
22 designated by subsection (b) of section 103, the
23 date on which the notice required by such sub-
24 section is published in the Federal Register;
25 and

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

4 (b) INCORPORATION OF ACQUIRED LAND AND IN-
5 TERESTS.—Any land within the boundaries of a wilderness
6 area or wilderness addition designated by this title that
7 is acquired by the United States shall—

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

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

13 (c) WITHDRAWAL.—Subject to valid rights in exist-
14 ence on the date of enactment of this Act, the land des-
15 ignated as wilderness by this title is withdrawn from all
16 forms of—

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

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

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

23 (d) FIRE MANAGEMENT AND RELATED ACTIVI-
24 TIES.—

1 (1) IN GENERAL.—The Secretary may take
2 such measures in a wilderness area or wilderness ad-
3 dition designated by this title as are necessary for
4 the control and prevention of fire, insects, and dis-
5 eases, including the use of prescribed burning, pri-
6 ority treatments, or fuels reduction, in accordance
7 with section 4(d)(1) of the Wilderness Act (16
8 U.S.C. 1133(d)(1)) and House Report 98–40 of the
9 98th Congress. The designation of wilderness areas
10 and wilderness additions by this title is not intended
11 to alter the priorities afforded the land so designated
12 in allocating funds for fire and related fuels manage-
13 ment.

14 (2) REVISION AND DEVELOPMENT OF MANAGE-
15 MENT PLANS.—Not later than six months after the
16 date of the enactment of this Act, the Secretary
17 shall amend the management plans that apply to the
18 Santa Rosa Mountain Wilderness and Agua Tibia
19 Wilderness, and prepare management plans for the
20 Beauty Mountain Wilderness, Cahuilla Mountain
21 Wilderness, and South Fork San Jacinto Wilderness
22 Area, to authorize the Forest Supervisors of the San
23 Bernardino and Cleveland National Forests and the
24 Field Office Manager of the Palm Springs-South
25 Coast Field Office to take whatever appropriate ac-

1 tions in such wilderness areas under their jurisdic-
2 tion as are necessary for fire prevention and water-
3 shed protection consistent with wilderness values, in-
4 cluding best management practices for fire pre-sup-
5 pression and fire suppression measures and tech-
6 niques.

7 (3) INCORPORATION INTO LAND MANAGEMENT
8 PLANNING.—Any special provisions contained in the
9 management plans for the wilderness areas referred
10 to in paragraph (2) pursuant to such paragraph
11 shall be incorporated into the applicable manage-
12 ment plans for the San Bernardino National Forest,
13 Cleveland National Forest, or Palm Springs-South
14 Coast Field Office, as the case may be.

15 (4) STATE OR LOCAL AGENCIES.—The Sec-
16 retary may review, and if appropriate, delegate by
17 written agreement primary fire fighting authority
18 and related public safety activities to an appropriate
19 State or local agency.

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

1 (f) NATIVE AMERICAN USES AND INTERESTS.—

2 (1) EFFECT OF DESIGNATION.—Nothing in the
3 designation of the Cahuilla Mountain Wilderness by
4 this title affects the unique cultural artifacts and sa-
5 cred sites of the Indian tribes that are contained
6 within that wilderness area, as identified by Indian
7 tribes and the Forest Service.

8 (2) ACCESS AND USE.—The Secretary shall en-
9 sure access to the Cahuilla Mountain Wilderness by
10 members of an Indian tribe for traditional cultural
11 and religious purposes. In implementing this require-
12 ment, the Secretary, upon the request of an Indian
13 tribe, shall temporarily close to the general public
14 use of one or more specific portions of the wilderness
15 area in order to protect the privacy of traditional
16 cultural and religious activities in such areas by
17 members of the Indian tribe. Any such closure shall
18 be made to affect the smallest practicable area for
19 the minimum period necessary for such purposes.
20 Such access shall be consistent with the purpose and
21 intent of Public Law 95–341 (42 U.S.C. 1996),
22 commonly referred to as the American Indian Reli-
23 gious Freedom Act, and the Wilderness Act (11
24 U.S.C. 1131 et seq.).

1 (3) INDIAN TRIBE DEFINED.—In this sub-
 2 section, the term “Indian tribe” means any Indian
 3 tribe, band, nation, or other organized group or com-
 4 munity of Indians which—

5 (A) is recognized as eligible by the Sec-
 6 retary of the Interior for the special programs
 7 and services provided by the United States to
 8 Indians because of their status as Indians; and

9 (B) is recognized as possessing powers of
 10 self-government.

11 **TITLE II—WILD AND SCENIC** 12 **RIVER DESIGNATIONS**

13 **SEC. 201. WILD AND SCENIC RIVER DESIGNATIONS, RIVER-** 14 **SIDE COUNTY, CALIFORNIA.**

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

18 “() NORTH FORK SAN JACINTO RIVER, CALI-
 19 FORNIA.—The following segments of the North Fork San
 20 Jacinto River in the State of California, to be adminis-
 21 tered by the Secretary of Agriculture:

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

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

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

8 “(D) The 2.15-mile segment from its confluence
9 with Fuller Mill Creek to .25 miles upstream of the
10 5S09 road crossing, as a wild river.

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

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

18 “() FULLER MILL CREEK, CALIFORNIA.—The fol-
19 lowing segments of Fuller Mill Creek in the State of Cali-
20 fornia, to be administered by the Secretary of Agriculture:

21 “(A) The 1.2-mile segment from the source of
22 Fuller Mill Creek in the San Jacinto Wilderness to
23 the Pinewood property boundary in section 13, town-
24 ship 4 south, range 2 east, San Bernardino merid-
25 ian, as a scenic river.

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

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

8 “() PALM CANYON CREEK, CALIFORNIA.—The
9 8.1-mile segment of Palm Canyon Creek in the State of
10 California from the southern boundary of section 6, town-
11 ship 7 south, range 5 east, San Bernardino meridian, to
12 the San Bernardino National Forest boundary in section
13 1, township 6 south, range 4 east, San Bernardino merid-
14 ian, to be administered by the Secretary of Agriculture
15 as a wild river, through a cooperative management agree-
16 ment between the Secretary of Agriculture and the Agua
17 Caliente Band of Cahuilla Indians.

18 “() BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile
19 segment of Bautista Creek in the State of California from
20 the San Bernardino National Forest boundary in section
21 36, township 6 south, range 2 east, San Bernardino me-
22 ridian, to the San Bernardino National Forest boundary
23 in section 2, township 6 south, range 1 east, San
24 Bernardino meridian, to be administered by the Secretary
25 of Agriculture as a recreational river.”.

1 **TITLE III—ADDITIONS TO SANTA**
 2 **ROSA AND SAN JACINTO**
 3 **MOUNTAINS NATIONAL**
 4 **MONUMENT**

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

7 Section 2 of the Santa Rosa and San Jacinto Moun-
 8 tains National Monument Act of 2000 (Public Law 106–
 9 351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended
 10 by adding at the end the following new subsection:

11 “(e) EXPANSION OF BOUNDARIES.—In addition to
 12 the land described in subsection (c), the boundaries of the
 13 National Monument shall include the lands identified as
 14 additions to the National Monument on the following
 15 maps:

16 “(1) The map entitled ‘Santa Rosa and San
 17 Jacinto Mountains Addition, Santa Rosa Peak
 18 Area’.

19 “(2) The map entitled ‘Santa Rosa and San
 20 Jacinto Mountains Addition, Snow Creek Area’.

21 “(3) The map entitled ‘Santa Rosa and San
 22 Jacinto Mountains Addition, Tahquitz Peak Area’.

1 “(4) The map entitled ‘Santa Rosa and San
2 Jacinto Mountains Addition, Southeast Boundary
3 Area’.”.

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