

111TH CONGRESS
1ST SESSION

H. R. 369

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 HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mrs. BONO MACK introduced the following bill; which was referred to the
Committee on 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 title may be cited as the
5 “California Desert and Mountain Heritage Act of 2009”.

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 AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT

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

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

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 ADDITIONS.—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 2,053 acres, as generally depicted on the
12 map titled “Proposed Addition to Agua Tibia Wilderness”,
13 and dated May 9, 2008, is designated as wilderness and
14 is incorporated in, and shall be deemed to be a part of,
15 the Agua Tibia Wilderness designated by section 2(a) of
16 Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

17 (b) CAHUILLA MOUNTAIN WILDERNESS.—In accord-
18 ance with the Wilderness Act (16 U.S.C. 1131 et seq.),
19 certain land in the San Bernardino National Forest, Cali-
20 fornia, comprising approximately 5,585 acres, as generally
21 depicted on the map titled “Cahuilla Mountain Proposed
22 Wilderness”, and dated May 1, 2008, is designated as wil-
23 derness and, therefore, as a component of the National
24 Wilderness Preservation System, which shall be known as
25 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 20,217 acres, as
5 generally depicted on the map titled “South Fork San
6 Jacinto Proposed Wilderness”, and dated May 1, 2008,
7 is designated as wilderness and, therefore, as a component
8 of the National Wilderness Preservation System, which
9 shall be known as the “South Fork San Jacinto Wilder-
10 ness”.

11 (d) SANTA ROSA WILDERNESS ADDITIONS.—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 2,149 acres, as generally de-
17 picted on the map titled “Santa Rosa-San Jacinto Na-
18 tional Monument Expansion and Santa Rosa Wilderness
19 Addition”, and dated March 12, 2008, is designated as
20 wilderness and is incorporated in, and shall be deemed to
21 be a part of, the Santa Rosa Wilderness designated by
22 section 101(a)(28) of Public Law 98–425 (98 Stat. 1623;
23 16 U.S.C. 1132 note) and expanded by paragraph (59)
24 of section 102 of Public Law 103–433 (108 Stat. 4472;
25 16 U.S.C. 1132 note).

1 (e) BEAUTY MOUNTAIN WILDERNESS.—In accord-
2 ance with the Wilderness Act (16 U.S.C. 1131 et seq.),
3 certain land administered by the Bureau of Land Manage-
4 ment in Riverside County, California, comprising approxi-
5 mately 15,621 acres, as generally depicted on the map ti-
6 tled “Beauty Mountain Proposed Wilderness”, and dated
7 April 3, 2007, is designated as wilderness and, therefore,
8 as a component of the National Wilderness Preservation
9 System, which shall be known as the “Beauty Mountain
10 Wilderness”.

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

22 (g) OROCOPIA MOUNTAINS WILDERNESS ADDI-
23 TIONS.—In accordance with the Wilderness Act (16
24 U.S.C. 1131 et seq.), certain land administered by the Bu-
25 reau of Land Management in Riverside County, Cali-

1 fornia, comprising approximately 4,635 acres, as generally
2 depicted on the map titled “Orocopia Mountains Proposed
3 Wilderness Addition”, and dated May 8, 2008, is des-
4 ignated as wilderness and is incorporated in, and shall be
5 deemed to be a part of, the Orocopia Mountains Wilder-
6 ness as designated by paragraph (44) of section 102 of
7 Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132
8 note), except that the wilderness boundaries established
9 by this subsection in Township 7 South are intended to
10 exclude—

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

13 (2) a corridor 250 feet from both sides of the
14 centerline of the vehicle route in the unnamed wash
15 that flows between the Eagle Mountain Railroad on
16 the south and the existing Orocopia Mountains Wil-
17 derness boundary; and

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

23 (h) PALEN/McCOY WILDERNESS ADDITIONS.—In
24 accordance with the Wilderness Act (16 U.S.C. 1131 et
25 seq.), certain land administered by the Bureau of Land

1 Management in Riverside County, California, comprising
2 approximately 22,645 acres, as generally depicted on the
3 map titled “Palen-McCoy Proposed Wilderness Addi-
4 tions”, and dated May 8, 2008, is designated as wilderness
5 and is incorporated in, and shall be deemed to be a part
6 of, the Palen/McCoy Wilderness as designated by para-
7 graph (47) of section 102 of Public Law 103–433 (108
8 Stat. 4472; 16 U.S.C. 1132 note).

9 (i) PINTO MOUNTAINS WILDERNESS.—In accordance
10 with the Wilderness Act (16 U.S.C. 1131 et seq.), certain
11 land administered by the Bureau of Land Management
12 in Riverside County, California, comprising approximately
13 24,404 acres, as generally depicted on the map titled
14 “Pinto Mountains Proposed Wilderness”, and dated Feb-
15 ruary 21, 2008, is designated as wilderness and, therefore,
16 as a component of the National Wilderness Preservation
17 System, which shall be known as the “Pinto Mountains
18 Wilderness”.

19 (j) CHUCKWALLA MOUNTAINS WILDERNESS ADDI-
20 TIONS.—In accordance with the Wilderness Act (16
21 U.S.C. 1131 et seq.), certain land administered by the Bu-
22 reau of Land Management in Riverside County, Cali-
23 fornia, comprising approximately 12,815 acres, as gen-
24 erally depicted on the map titled “Chuckwalla Mountains
25 Proposed Wilderness Addition”, and dated May 8, 2008,

1 is designated as wilderness and is incorporated in, and
2 shall be deemed to be a part of the Chuckwalla Mountains
3 Wilderness as designated by paragraph (12) of section 102
4 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132
5 note).

6 (k) MAPS AND DESCRIPTIONS.—

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

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

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

23 (l) UTILITY FACILITIES AND CORRIDORS.—The wil-
24 derness areas and wilderness additions designated by this
25 section are intended to exclude rights of way for existing

1 utility facilities, such as power, gas, and telecommuni-
2 cations lines, and associated structures and access roads,
3 and existing designated utility corridors. Nothing in this
4 section or the Wilderness Act shall be construed to pro-
5 hibit construction, operation, and maintenance, using
6 standard industry practices, of existing utility facilities lo-
7 cated outside of the wilderness areas and wilderness addi-
8 tions designated by this section.

9 **SEC. 103. JOSHUA TREE NATIONAL PARK POTENTIAL WIL-**
10 **DERNESS.**

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

20 (b) DESIGNATION AS WILDERNESS.—The land des-
21 ignated potential wilderness by subsection (a) shall be des-
22 ignated as wilderness and incorporated in, and be deemed
23 to be a part of, the Joshua Tree Wilderness designated
24 by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16
25 U.S.C. 1132 note), effective upon publication by the Sec-

1 retary of the Interior in the Federal Register of a notice
2 that—

3 (1) all uses of the land within the potential wil-
4 derness prohibited by the Wilderness Act (16 U.S.C.
5 1131 et seq.) have ceased; and

6 (2) sufficient inholdings within the boundaries
7 of the potential wilderness have been acquired to es-
8 tablish a manageable wilderness unit.

9 (c) MAP AND DESCRIPTION.—

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

19 (2) FORCE OF LAW.—The map and legal de-
20 scription filed under paragraph (1) shall have the
21 same force and effect as if included in this title, ex-
22 cept that the Secretary may correct errors in the
23 map and legal description.

24 (3) PUBLIC AVAILABILITY.—Each map and
25 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 **SEC. 104. ADMINISTRATION OF WILDERNESS.**

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

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

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

13 or

14 (B) in the case of the wilderness addition
15 designated by subsection (b) of section 103, the
16 date on which the notice required by such sub-
17 section is published in the Federal Register;
18 and

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

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

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

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

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

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

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

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

16 (d) FIRE MANAGEMENT AND RELATED ACTIVI-
17 TIES.—

18 (1) IN GENERAL.—The Secretary may take
19 such measures in a wilderness area or wilderness ad-
20 dition designated by this Act as are necessary for
21 the control and prevention of fire, insects, and dis-
22 eases (including the use of prescribed burning, pri-
23 ority treatments, or fuels reduction) in accordance
24 with section 4(d)(1) of the Wilderness Act (16

1 U.S.C. 1133(d)(1)) and House Report 98–40 of the
2 98th Congress.

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

8 (3) REVISION AND DEVELOPMENT OF LOCAL
9 FIRE MANAGEMENT PLANS.—As soon as practicable
10 after the date of the enactment of this Act, the Sec-
11 retary shall amend the local fire management plans
12 that apply to the Santa Rosa Wilderness and Agua
13 Tibia Wilderness, and prepare local fire management
14 plans for the Beauty Mountain Wilderness, Cahuilla
15 Mountain Wilderness, and South Fork San Jacinto
16 Wilderness Area, to identify appropriate local offi-
17 cials to take such actions in the wilderness areas as
18 are necessary for fire prevention and watershed pro-
19 tection consistent with paragraph (1), including best
20 management practices for fire pre-suppression and
21 fire suppression measures and techniques.

22 (4) STATE OR LOCAL AGENCIES.—Consistent
23 with paragraph (1) and other applicable Federal
24 law, the Secretary may delegate by written agree-
25 ment primary fire fighting authority and related

1 public safety activities to an appropriate State or
2 local agency.

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

9 (f) NATIVE AMERICAN USES AND INTERESTS.—

10 (1) EFFECT OF DESIGNATION.—Nothing in the
11 designation of the Cahuilla Mountain Wilderness by
12 this title affects the unique cultural artifacts and sa-
13 cred sites of the Indian tribes that are contained
14 within that wilderness area, as identified by Indian
15 tribes and the Forest Service.

16 (2) ACCESS AND USE.—To the extent prac-
17 ticable, the Secretary shall ensure access to the
18 Cahuilla Mountain Wilderness by members of an In-
19 dian tribe for traditional cultural purposes. In imple-
20 menting this subsection, the Secretary, upon the re-
21 quest of an Indian tribe, may temporarily close to
22 the general public use of one or more specific por-
23 tions of the wilderness area in order to protect the
24 privacy of traditional cultural activities in such areas
25 by members of the Indian tribe. Any such closure

1 shall be made to affect the smallest practicable area
 2 for the minimum period necessary for such purposes.
 3 Such access shall be consistent with the purpose and
 4 intent of Public Law 95–341 (42 U.S.C. 1996),
 5 commonly referred to as the American Indian Reli-
 6 gious Freedom Act, and the Wilderness Act (11
 7 U.S.C. 1131 et seq.).

8 (3) INDIAN TRIBE DEFINED.—In this sub-
 9 section, the term “Indian tribe” means any Indian
 10 tribe, band, nation, or other organized group or com-
 11 munity of Indians which is recognized as eligible by
 12 the Secretary of the Interior for the special pro-
 13 grams and services provided by the United States to
 14 Indians because of their status as Indians.

15 **TITLE II—WILD AND SCENIC** 16 **RIVER DESIGNATIONS**

17 **SEC. 201. WILD AND SCENIC RIVER DESIGNATIONS, RIVER-** 18 **SIDE COUNTY, CALIFORNIA.**

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

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

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

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

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

12 “(D) The 2.15-mile segment from its confluence
13 with Fuller Mill Creek to .25 miles upstream of the
14 5S09 road crossing, as a wild river.

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

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

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

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

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

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

13 “() PALM CANYON CREEK, CALIFORNIA.—The
14 8.1-mile segment of Palm Canyon Creek in the State of
15 California from the southern boundary of section 6, town-
16 ship 7 south, range 5 east, San Bernardino meridian, to
17 the San Bernardino National Forest boundary in section
18 1, township 6 south, range 4 east, San Bernardino merid-
19 ian, to be administered by the Secretary of Agriculture
20 as a wild river, and the Secretary shall enter into a cooper-
21 ative management agreement with the Agua Caliente
22 Band of Cahuilla Indians to protect and enhance river val-
23 ues.

24 “() BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile
25 segment of Bautista Creek in the State of California from

1 the San Bernardino National Forest boundary in section
 2 36, township 6 south, range 2 east, San Bernardino me-
 3 ridian, to the San Bernardino National Forest boundary
 4 in section 2, township 6 south, range 1 east, San
 5 Bernardino meridian, to be administered by the Secretary
 6 of Agriculture as a recreational river.”.

7 **TITLE III—ADDITIONS AND**
 8 **TECHNICAL CORRECTIONS**
 9 **TO SANTA ROSA AND SAN**
 10 **JACINTO MOUNTAINS NA-**
 11 **TIONAL MONUMENT**

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

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

18 “(e) EXPANSION OF BOUNDARIES.—In addition to
 19 the land described in subsection (c), the boundaries of the
 20 National Monument shall include the following lands iden-
 21 tified as additions to the National Monument on the map
 22 titled ‘Santa Rosa-San Jacinto National Monument Ex-
 23 pansion and Santa Rosa Wilderness Addition’, and dated
 24 March 12, 2008:

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

3 “(2) The ‘Snow Creek Area Monument Expan-
4 sion’.

5 “(3) The ‘Tahquitz Peak Area Monument Ex-
6 pansion’.

7 “(4) The ‘Southeast Area Monument Expan-
8 sion’, which is designated as wilderness in section
9 512(d), and is thus incorporated into, and shall be
10 deemed part of, the Santa Rosa Wilderness.”.

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

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

○