111TH CONGRESS 1ST SESSION H.R.4040

To redesignate the Monterey Ranger District of Los Padres National Forest in the State of California as the Big Sur Management Unit, to transfer certain Bureau of Land Management land for inclusion in the management unit, to adjust the boundaries of the Ventana and Silver Peak Wilderness Areas, to designate segments of Arroyo Seco River, Big Creek, Carmel River, San Antonio River, San Carpoforo Creek, and their tributaries as components of the National Wild and Scenic Rivers System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2009

Mr. FARR introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To redesignate the Monterey Ranger District of Los Padres National Forest in the State of California as the Big Sur Management Unit, to transfer certain Bureau of Land Management land for inclusion in the management unit, to adjust the boundaries of the Ventana and Silver Peak Wilderness Areas, to designate segments of Arroyo Seco River, Big Creek, Carmel River, San Antonio River, San Carpoforo Creek, and their tributaries as components of the National Wild and Scenic Rivers System, 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 "Big Sur Forest Service Management Unit Act of 2009".
- 6 (b) TABLE OF CONTENTS.—The table of contents for

7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BIG SUR MANAGEMENT UNIT

- Sec. 101. Establishment of Big Sur Management Unit, Los Padres National Forest.
- Sec. 102. Boundary delineation.
- Sec. 103. Use of Brazil Ranch.
- Sec. 104. Fire management and related activities in Big Sur Management Unit.

TITLE II—WILDERNESS AREA ADJUSTMENTS

- Sec. 201. Findings and maps.
- Sec. 202. Adjustments to boundaries of Ventana Wilderness Area, California.
- Sec. 203. Adjustments to boundaries of Silver Peak Wilderness Area, California.
- Sec. 204. Wilderness fire management and related activities.
- Sec. 205. Repeal of Ventana land exchange authority.

TITLE III—WILD AND SCENIC RIVER AND NATIONAL RECREATIONAL TRAIL DESIGNATIONS

- Sec. 301. Wild and scenic river designations, Big Sur, California.
- Sec. 302. Designation of Arroyo Seco-Indians Road as national recreational trail.

TITLE IV—BOTANICAL AREA

Sec. 401. Jeff Norman Botanical Area.

8 TITLE I—BIG SUR MANAGEMENT 9 UNIT

10 SEC. 101. ESTABLISHMENT OF BIG SUR MANAGEMENT

- 11 UNIT, LOS PADRES NATIONAL FOREST.
- 12 (a) ESTABLISHMENT.—There is hereby established
- 13 the Big Sur Management Unit of Los Padres National •HR 4040 IH

Forest in the State of California, which shall replace the
 Monterey Ranger District of such National Forest.

3 (b) Administration.—The Big Sur Management 4 Unit shall be administered as part of Los Padres National 5 Forest, except that the Secretary of Agriculture shall provide a separate line in the budget of Los Padres National 6 7 Forest for the Management Unit to allow the Management 8 Unit to receive funding to conduct activities and projects 9 to meet its primary management emphasis. The establish-10 ment of the Management Unit does not require amendment of the land and resource management plan for Los 11 12 Padres National Forest until the next regularly scheduled 13 revision of the plan.

(c) MANAGEMENT EMPHASIS.—The Big Sur Management Unit shall be managed in a manner consistent
with the land and resource management plan for Los Padres National Forest, with primary management emphasis
given to—

(1) the protection of the scenic and natural values of the Big Sur coast and the Northern Santa
Lucia Mountains;

(2) fish, wildlife, and native plant conservation;and

24 (3) public recreation.

1 SEC. 102. BOUNDARY DELINEATION.

2 (a) BOUNDARIES.—The boundaries of the Big Sur
3 Management Unit are as depicted on the map entitled
4 "Big Sur Management Unit, Los Padres National Forest
5 December 2009", which map shall be on file and available
6 for public inspection in the Office of the Chief of the For7 est Service.

8 (b) TRANSFER OF BUREAU OF LAND MANAGEMENT 9 LAND.—The Secretary of the Interior shall transfer to the 10 administrative jurisdiction of the Secretary of the Agri-11 culture, for inclusion in the Big Sur Management Unit, 12 all public lands administered by the Bureau of Land Man-13 agement within the boundaries of the Big Sur Management Unit, as delineated on the map referred to in sub-14 15 section (a).

16 (c) EFFECT OF TRANSFER ON EXISTING PERMITS.— In the case of any permit or other land use authorization 17 in effect, as of the transfer date under subsection (b), for 18 19 any of the land transferred pursuant to such subsection, the Secretary of Agriculture shall administer the permit 20 21 or other land use authorization according to the terms of 22 the permit or other land use authorization. Upon expira-23 tion of such a permit or authorization, the Secretary of Agriculture may reauthorize the use covered by the permit 24 or authorization under authorities available to the Sec-25

retary on such terms and conditions as the Secretary con siders in the public interest.

3 (d) RELATION TO LAND AND WATER CONSERVATION
4 FUND ACT.—For purposes of section 7 of the Land and
5 Water Conservation Fund Act of 1965 (16 U.S.C. 4601–
6 9), the boundaries of Los Padres National Forest, as
7 modified by this section, shall be considered to be bound8 aries of Los Padres National Forest, as of January 1,
9 1965.

10 SEC. 103. USE OF BRAZIL RANCH.

(a) COOPERATIVE AUTHORITIES.—The Secretary of
Agriculture may lease or issue permits for the use of all
or a part of the Big Sur coastal property known as the
Brazil Ranch, which was acquired by the Secretary in
2000, to any person on such terms and conditions as the
Secretary considers to be in the public interest.

17 (b) CONSIDERATION.—The Secretary of Agriculture
18 may accept consideration for a lease or permit under sub19 section (a) in the form of either of the following, or a com20 bination thereof:

- 21 (1) Construction, maintenance, and repair of
 22 structures of, roads on, or improvements to, the
 23 Brazil Ranch.
- 24 (2) Cash.

(c) DISPOSITION OF RECEIPTS.—Any amounts re ceived as consideration for a lease or permit under sub section (a) shall be deposited into the fund established
 under Public Law 90–171 (commonly known as the Sisk
 Act; 16 U.S.C. 484a).

6 (d) USE OF RECEIPTS.—The amounts deposited 7 under subsection (c) shall be available to the Secretary 8 of Agriculture, until expended and without further appro-9 priation, for expenditure for the preservation, restoration, 10 operation, maintenance, interpretation, and similar activities related to the Brazil Ranch, which may include estab-11 lishment of an environmental center, and the management 12 13 of the Big Sur Management Unit. Such amounts shall not be subject to transfer or reprogramming for wildland fire 14 15 management or any other emergency purposes.

16 SEC. 104. FIRE MANAGEMENT AND RELATED ACTIVITIES IN

BIG SUR MANAGEMENT UNIT.

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(a) FIRE MANAGEMENT AREA IN THE WILDLAND
URBAN INTERFACE.—The Big Sur Management Unit is
hereby designated a Wildland Urban Interface Special
Study Area. The Secretary of Agriculture shall make use
of existing authority and resources to pioneer and demonstrate innovative fire pre-suppression methods that are
consistent with public safety and wilderness values.

(b) DEVELOPMENT OF LOCAL FIRE MANAGEMENT 1 2 PLAN.—Not later than one year after the date of enact-3 ment of this Act, the Secretary of Agriculture shall create 4 a fire management plan that applies to the lands des-5 ignated as the Big Sur Management Unit, and update that plan annually. This fire management plan shall be created 6 7 in compliance with the National Environmental Policy Act 8 of 1969.

9 (c) ADMINISTRATION.—Consistent with subsection 10 (a) and other applicable Federal law, to ensure a timely 11 and efficient response to fire emergencies in the Big Sur 12 Management Unit, the Secretary of Agriculture shall—

(1) not later than one year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority
to the Forest Supervisor, District Ranger, or other
agency officials) for responding to fire emergencies;
and

19 (2) enter into agreements with appropriate20 State or local firefighting agencies.

21 TITLE II—WILDERNESS AREA 22 ADJUSTMENTS

23 SEC. 201. FINDINGS AND MAPS.

(a) FINDINGS.—Congress finds that certain minoradjustments to the boundaries of the additions to the

Ventana and Silver Peak Wilderness Areas made by sec tion 2 of the Big Sur Wilderness and Conservation Act
 of 2002 (Public Law 107–370) will promote more effective
 management of wilderness and National Forest resources.
 (b) REVISED MAPS.—Not later than one year after

6 the date of the enactment of this Act, the Secretary of
7 Agriculture shall prepare and make available for public in8 spection in the Office of the Chief of the Forest Service
9 amended maps effecting the changes to wilderness bound10 aries of the Ventana and Silver Peak Wilderness Areas
11 made by this title.

12 SEC. 202. ADJUSTMENTS TO BOUNDARIES OF VENTANA 13 WILDERNESS AREA, CALIFORNIA.

(a) EXCLUSIONS.—The additions made to the
Ventana Wilderness Area by section 2(a) of the Big Sur
Wilderness and Conservation Act of 2002 (Public Law
107–370; 16 U.S.C. 1132 note; 116 Stat. 3071) are modified as follows:

(1) The San Antonio Addition is modified to exclude portions of the Merle Ranch in sections 26 and
35 of township 21 south, range 5 east, which consists of approximately 145 acres as generally depicted on the map entitled "Merle Ranch Exclusion"
and dated May 29, 2008.

1 (2) The Bear Canyon Addition is modified to 2 exclude the Santa Lucia Memorial Park Camp-3 ground in section 7 of township 21 south, range 5 east, and to allow for a 300-foot buffer around the 4 5 perimeter of the campground, which consists of ap-6 proximately 23.917 acres as generally depicted on 7 the map entitled "Bear Canyon PWA" and dated 8 March 14, 2007.

9 (3) The Bear Canyon Addition is modified to 10 exclude the Santa Lucia Trailhead in section 7 of 11 township 21 south, 5 east, and to allow for a 300-12 foot buffer around the perimeter of the trailhead 13 parking area, which consists of approximately 6.458 14 acres as generally depicted on the map referred to 15 in paragraph (2).

16 (4) The Chalk Peak Addition is modified to im17 pose a non-wilderness buffer for roads of 100 feet
18 from the edge of the road.

(5) The Little Sur Addition is modified to exclude a portion of section 12 of township 19 south,
range 1 east, which consists of approximately 14
acres as generally depicted on a map entitled "Little
Sur Additions Boundary Adjustment" and dated
February 1, 2009.

25 (b) Additions.—

1	(1) IN GENERAL.—The lands described in para-
2	graph (2) are hereby designated as wilderness and,
3	therefore, as components of the National Wilderness
4	Preservation System and are hereby incorporated in
5	and shall be deemed to be a part of the Ventana
6	Wilderness designated by Public Law 91–58 (16
7	U.S.C. 1132 note; 83 Stat. 101).
8	(2) COVERED LAND.—Paragraph (1) applies
9	with respect to the following:
10	(A) Certain lands comprising approxi-
11	mately 1,515 acres, as generally depicted on a
12	map entitled "Horse Canyon Proposed Wilder-
13	ness Addition to the Ventana Wilderness" and
14	dated March 17, 2008.
15	(B) Certain lands comprising approxi-
16	mately 772 acres, as generally depicted on a
17	map entitled "Horse Pasture Proposed Wilder-
18	ness Addition" and dated May 20, 2008.
19	(c) REPEATER SITE.—Within the Ventana Wilder-
20	ness, the Secretary of Agriculture may use helicopter ac-
21	cess to construct and maintain a Forest Service tele-
22	communications repeater site in the immediate vicinity of
23	Pinyon Peak, in compliance with a Forest Service ap-
24	proved communications site plan, for the sole purpose of

improving Forest Service communications for safety,
 health, and emergency services.

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3 SEC. 203. ADJUSTMENTS TO BOUNDARIES OF SILVER PEAK 4 WILDERNESS AREA, CALIFORNIA.

5 (a) EXCLUSIONS.—The additions made to the Silver
6 Peak Wilderness Area by section 2(b) of the Big Sur Wil7 derness and Conservation Act of 2002 (Public Law 107–
8 370; 16 U.S.C. 1132 note; 116 Stat. 3072) are modified
9 as follows:

(1) The San Carpoforo Addition is modified to
exclude the Lottie Potero Campsite in section 18 of
township 24 south, range 7 east, and to allow for a
300-foot non-wilderness buffer around the perimeter
of the campsite, which consists of approximately
6.458 acres as generally depicted on the map titled
"San Carpoforo PWA" and dated March 14, 2007.

17 (2) The Willow Creek Addition is modified to 18 exclude the Miguel Campsite and access road in sec-19 tion 14 of township 23 south, range 5 east, to allow 20 a 300-foot buffer of non-wilderness around the pe-21 rimeter of the campsite, and to provide the access 22 road to Miguel Campsite with a non-wilderness buff-23 er of 100 feet from the edge of the road, which con-24 sists of approximately 12.701 acres as generally depicted on the map titled "Willow Creek PWA" and
 dated March 14, 2007.

(3) The Willow Creek addition is modified to 3 4 exclude the Sycamore Campsite in section 28 of 5 township 23 south, range 5 east, to allow a 300-foot 6 buffer of non-wilderness buffer around the perimeter 7 of the campsite, and to provide Forest Road 23S10J 8 and the access road to Sycamore Campsite with a 9 non-wilderness buffer of 100 feet from the edge of 10 the road, which consists of approximately 23.580 11 acres as generally depicted on the map titled "Silver 12 Peak Wilderness Proposed Boundary Adjustment" 13 and dated October 9, 2007.

14 (b) ADDITIONS.—Certain lands comprising approxi-15 mately 42.7 acres, as generally depicted on a map entitled 16 "Alder Creek Proposed Wilderness Addition to the Silver 17 Peak Wilderness" and dated March 17, 2008, are hereby 18 designated as wilderness and, therefore, as a component 19 of the National Wilderness Preservation System and are 20 hereby incorporated in and shall be deemed to be a part 21 of the Silver Peak Wilderness Area designated by section 22 2(7) of Public Law 102–301 (16 U.S.C. 1132 note; 106 23 Stat. 243).

3 (a) IN GENERAL.—The Secretary of Agriculture may
4 take such measures in a wilderness area or wilderness ad5 dition designated by this title as are necessary for the con6 trol of fire, insects, and diseases in accordance with sec7 tion 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1))
8 and House Report 98–40 of the 98th Congress.

9 (b) FUNDING PRIORITIES.—Nothing in this Act lim-10 its funding for fire and fuels management in the Ventana 11 and Silver Peak Wilderness Areas and wilderness addi-12 tions designated by this title.

13 SEC. 205. REPEAL OF VENTANA LAND EXCHANGE AUTHOR14 ITY.

15 Section 2 of Public Law 101–539 (16 U.S.C. 1132
16 note; 104 Stat. 2377) is repealed.

17 TITLE III—WILD AND SCENIC
18 RIVER AND NATIONAL REC19 REATIONAL TRAIL DESIGNA20 TIONS

21 SEC. 301. WILD AND SCENIC RIVER DESIGNATIONS, BIG
22 SUR, CALIFORNIA.

(a) LEGAL EFFECT OF DESIGNATIONS.—For purposes of the Wild and Scenic Rivers Act (16 U.S.C. 1271
et seq.), the rivers and land adjacent thereto described in
this section in the State of California are designated as
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components of the national wild and scenic rivers system
 and shall be administered by the Secretary of Agriculture
 in accordance with such Act.

4 (b) ARROYO SECO RIVER, CALIFORNIA.—The fol5 lowing segments of the Arroyo Seco River and its tribu6 taries are designated as follows:

7 (1) The 3.68-mile segment of the Arroyo Seco
8 River from the source of the Arroyo Seco River to
9 the Ventana Wilderness boundary, as a wild river.

10 (2) The .5-mile segment of the Arroyo Seco
11 River from the Ventana Wilderness boundary to the
12 confluence with Roosevelt Creek, as a recreational
13 river.

14 (3) The 1.69-mile segment of the Arroyo Seco
15 River from the confluence with Roosevelt Creek to
16 the confluence with the unnamed tributary in section
17 1 of township 20 south, range 5 east, as a scenic
18 river.

(4) The 8.68-mile segment of the Arroyo Seco
River from the confluence with the unnamed tributary referred to in paragraph (3) to the Ventana
Wilderness boundary upstream of the confluence
with Tassajara Creek, as a wild river.

24 (5) The 2.13 mile segment of the Arroyo Seco25 River from the Ventana Wilderness boundary up-

1	stream of the confluence with Tassajara Creek to
2	the confluence with Rocky Creek, as a scenic river.
3	(6) The 2.53-mile segment of the Arroyo Seco
4	River from the confluence with Rocky Creek to the
5	Los Padres National Forest boundary, as a rec-
6	reational river.
7	(7) The 6.5-mile segment of Tassajara Creek
8	from its source to the Ventana Wilderness boundary
9	upstream of Tassajara Hot Springs, as a wild river.
10	(8) The 1-mile segment of Tassajara Creek
11	from the Ventana Wilderness boundary upstream of
12	Tassajara Hot Springs to the Ventana Wilderness
13	boundary downstream of Tassajara Hot Springs, as
14	a recreational river.
15	(9) The 3.5-mile segment of Tassajara Creek
16	from the Tassajara Hot Springs property boundary
17	to the confluence with the Arroyo Seco River, as a
18	wild river.
19	(10) The 1.2-mile segment of Church Creek
20	from its source to the confluence of the unnamed
21	tributary flowing in from the north in section 13 of
22	township 19 south, range 3 east, as a wild river.
23	(11) The 1-mile segment of Church Creek from
24	the unnamed tributary referred to in paragraph (10)
25	to the confluence with the unnamed tributary flow-

1	ing in from the east in section 24 of township 19
2	south, range 3 east, as a recreational river.
3	(12) The 2.36-mile segment of Church Creek
4	from the confluence with the unnamed tributary re-
5	ferred to in paragraph (11) to the confluence with
6	Tassajara Creek, as a wild river.
7	(c) BIG CREEK, CALIFORNIA.—The following seg-
8	ments of Big Creek and its tributaries are designated as
9	follows:
10	(1) The 4.9-mile segment of Big Creek from its
11	source to .10 miles upstream of the hot springs, as
12	a wild river.
13	(2) The .87-mile segment of Big Creek from
14	.10 miles upstream of the hot springs to the con-
15	fluence with Devils Canyon Creek, as a scenic river.
16	(3) The .71-mile segment of Big Creek from the
17	confluence with Devils Canyon Creek to the con-
18	fluence with the Pacific Ocean, as a recreational
19	river.
20	(4) The 3.89-mile segment of the North Fork
21	Big Creek from its source to the confluence with Big
22	Creek, as a wild river.
23	(5) The 2.89-mile segment of the North Fork
24	Devils Canyon Creek from its source to the Ventana

1	Wilderness boundary in section 30 of township 21
2	south, range 3 east, as a wild river.
3	(6) The 1.56-mile segment of the North Fork
4	Devils Canyon Creek from the Ventana Wilderness
5	boundary in section 30 of township 21 south, range
6	3 east, to the confluence with Big Creek, as a rec-
7	reational river.
8	(7) The 4.82-mile segment of the Middle Fork
9	Devils Canyon Creek from its source to the con-
10	fluence with the North Fork Devils Canyon Creek,
11	as a wild river.
12	(8) The 3.99-mile segment of the South Fork
13	Devils Canyon Creek from its source to the con-
14	fluence with the Middle Fork Devils Canyon Creek,
15	as a wild river.
16	(d) CARMEL RIVER, CALIFORNIA.—The 10.9-mile
17	segment of the Carmel River from its source in Pine Val-
18	ley to the Los Padres National Forest boundary is des-
19	ignated as a wild river.
20	(e) SAN ANTONIO RIVER, CALIFORNIA.—The fol-
21	lowing segments of the San Antonio River and its tribu-
22	taries are designated as follows:
23	(1) The 7.6-mile segment of the San Antonio
24	River from its source to the Ventana Wilderness
25	boundary, as a wild river.

(2) The 1-mile segment of the San Antonio
 River from the Ventana Wilderness boundary to the
 Los Padres National Forest boundary, as a scenic
 river.

5 (3) The 1.15-mile segment of the North Fork
6 San Antonio River from its source to the Ventana
7 Wilderness boundary in section 18 of township 21
8 south, range 5 east, as a wild river.

9 (4) The 1.32-mile segment of the North Fork 10 San Antonio River from the Ventana Wilderness 11 boundary to the point where the North Fork leaves 12 the Milpitas (Indians) Road in section 17 of town-13 ship 21 south, range 5 east, as a recreational river. 14 (5) The .32-mile segment of Rattlesnake Creek 15 from the Los Padres National Forest boundary to 16 the confluence with the North Fork San Antonio 17 River, as a wild river.

(6) The 1.25-mile segment of the unnamed tributary near Indians Ranch from the pond dam to the
confluence with the North Fork San Antonio River,
as a recreational river.

(7) The 3.51-mile segment of the unnamed tributary from its source west of Junipero Serra Peak
in section 33 of township 20 south, range 5 east, to

1	.25 miles upstream of the Milpitas (Indians) Road,
2	as a wild river.
3	(8) The .64-mile segment of the unnamed tribu-
4	tary from .25 miles upstream of the Milpitas (Indi-
5	ans) Road to the confluence with the North Fork
6	San Antonio River, as a scenic river.
7	(9) The 4.25-mile segment of the North Fork
8	San Antonio River from the Milpitas (Indians) road
9	to the confluence with the San Antonio River, as a
10	scenic river.
11	(f) San Carpoforo Creek, California.—The 1-
12	mile segment of San Carpoforo Creek from the Los Padres
13	National Forest boundary to the confluence with the Pa-
14	cific Ocean is designated as a recreational river.
15	SEC. 302. DESIGNATION OF ARROYO SECO-INDIANS ROAD
16	AS NATIONAL RECREATIONAL TRAIL.
17	(a) DESIGNATION.—Forest Service road 19809 in
18	the Los Padres National Forest in Monterey County, Cali-
19	fornia, from Escondido Camp to Horse Bridge is des-
20	ignated as a national recreation trail pursuant to section
21	4 of the National Trails System Act (16 U.S.C. 1243) and
22	shall be known as the "Arroyo Seco-Indians Trail".
23	(b) AUTHORIZED USE OF TRAIL.—Public use of the
24	Arroyo Seco-Indians Trail is limited to non-motorized

1 TITLE IV—BOTANICAL AREA

2 SEC. 401. JEFF NORMAN BOTANICAL AREA.

3 (a) DESIGNATION.—In order to protect and interpret to the public an area within the Los Padres National For-4 5 est, California, containing unique plant species and unique plant communities that are significant in their occurrence, 6 7 variety, and location, certain lands in the National Forest, 8 comprising approximately 65 acres, as generally depicted 9 on a map entitled "Jeff Norman Botanical Area Pro-10 posed" and dated March 3, 2008, which shall be known as the "Jeff Norman Botanical Area". 11

12 (b) MAP AND DESCRIPTION.—As soon as practicable 13 after the date of the enactment of this Act, the Secretary 14 of Agriculture shall file a map and a legal description of 15 the Jeff Norman Botanical Area with the Committee on Natural Resources and Committee on Agriculture of the 16 House of Representatives and the Committee on Agri-17 18 culture, Nutrition, and Forestry of the Senate. The map 19 and legal description shall have the same force and effect 20 as if included in this Act, except that correction of clerical 21 and typographical errors in such legal description and map 22 may be made. The map and legal description shall be on 23 file and available for public inspection in the Office of the Chief of the Forest Service. 24

(c) ADMINISTRATION.—The Secretary of Agriculture
 shall administer the Jeff Norman Botanical Area in ac cordance with the laws, rules and regulations applicable
 to the National Forest System in such manner as will best
 further the purposes of this section, as set forth in sub section (a).

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