

112TH CONGRESS
1ST SESSION

H. R. 113

To provide for additions to the Cucamonga and Sheep Mountain Wilderness Areas in the Angeles and San Bernardino National Forests and the protection of existing property rights in such additions, to require the Secretary of Agriculture to take steps to prevent and prepare for wildfires in the Cucamonga, Sheep Mountain, and San Gabriel Wilderness Areas and address the backlog of maintenance in the Angeles and San Bernardino National Forests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. DREIER (for himself and Ms. CHU) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for additions to the Cucamonga and Sheep Mountain Wilderness Areas in the Angeles and San Bernardino National Forests and the protection of existing property rights in such additions, to require the Secretary of Agriculture to take steps to prevent and prepare for wildfires in the Cucamonga, Sheep Mountain, and San Gabriel Wilderness Areas and address the backlog of maintenance in the Angeles and San Bernardino National Forests, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Angeles and San Bernardino National Forests Protection
4 Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Administration of Cucamonga, Sheep Mountain, and San Gabriel Wilderness Areas.
- Sec. 4. Expansion of Cucamonga and Sheep Mountain Wilderness Areas.
- Sec. 5. Protection of property rights and uses in additions to Cucamonga and Sheep Mountain Wilderness Areas.
- Sec. 6. Fire management in Cucamonga, Sheep Mountain, and San Gabriel Wilderness Areas.
- Sec. 7. Maintenance of Angeles and San Bernardino National Forests.
- Sec. 8. Completion of wild and scenic rivers studies.
- Sec. 9. Authorization of appropriations.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) California has experienced devastating
10 wildfires that have caused mudslides, burned public
11 and private lands, destroyed and damaged structures
12 and homes, and taken the lives of residents and first
13 responders.

14 (2) On August 30, 2009, Fire Captain
15 Tedmund “Ted” Hall, 47, and Firefighter Specialist
16 Arnaldo “Arnie” Quinones, 34, of the Los Angeles
17 County Fire Department lost their lives while bat-
18 tling the Station Fire.

19 (3) Coordination among Federal, State, and
20 local agencies is essential to effectively respond to

1 emergencies and prevent further loss of life from in-
2 cidents in and around the Angeles and San
3 Bernardino National Forests.

4 (4) The Angeles and San Bernardino National
5 Forests are among the most widely visited national
6 forests in the Nation.

7 (5) The Angeles and San Bernardino National
8 Forests provide families with a variety of rec-
9 reational opportunities, including hunting, fishing,
10 biking, hiking, boating, swimming, off-highway vehi-
11 cle use, skiing and snowboarding, horseback riding,
12 camping, and picnicking.

13 (6) The Angeles and San Bernardino National
14 Forests account for approximately 70 percent of the
15 open space and provide 35 percent of the drinking
16 water in Los Angeles County, the most populous
17 county in the Nation.

18 (7) Several private land holdings and cabin
19 communities are located within the Angeles and San
20 Bernardino National Forests.

21 (8) The Angeles and San Bernardino National
22 Forests are also home to several rare and endan-
23 gered plant and animal species.

1 (9) Public safety, preserving recreational activi-
2 ties, and the protection of our natural resources
3 must remain the top three priorities for these areas.

4 **SEC. 3. ADMINISTRATION OF CUCAMONGA, SHEEP MOUN-**
5 **TAIN, AND SAN GABRIEL WILDERNESS AREAS.**

6 (a) CUCAMONGA AND SHEEP MOUNTAIN WILDER-
7 NESS AREAS.—Except as otherwise provided in this Act,
8 the Secretary of Agriculture shall continue to administer
9 the Cucamonga and Sheep Mountain Wilderness Areas as
10 provided in section 103 of the California Wilderness Act
11 of 1984 (Public Law 98–425; 98 Stat. 1619; 16 U.S.C.
12 1131 note) and the Wilderness Act (16 U.S.C. 1131 et
13 seq.), except that, with respect to areas added to the
14 Cucamonga or Sheep Mountain Wilderness Areas by an
15 amendment made by section 4, any reference in the Wil-
16 derness Act to the effective date of the Wilderness Act
17 shall be deemed to be a reference to the date of the enact-
18 ment of this Act.

19 (b) SAN GABRIEL WILDERNESS AREA.—Except as
20 otherwise provided in this Act, the Secretary of Agri-
21 culture shall continue to administer the San Gabriel Wil-
22 derness Area in accordance with section 3 of the Act enti-
23 tled “An Act to designate the San Gabriel Wilderness, An-
24 geles National Forest, in the State of California”, ap-
25 proved May 24, 1968 (Public Law 90–318; 82 Stat. 131;

1 16 U.S.C. 1132 note), and the Wilderness Act (16 U.S.C.
2 1131 et seq.).

3 **SEC. 4. EXPANSION OF CUCAMONGA AND SHEEP MOUN-**
4 **TAIN WILDERNESS AREAS.**

5 (a) EXPANSION OF CUCAMONGA WILDERNESS
6 AREA.—Section 101(a)(5) of the California Wilderness
7 Act of 1984 (Public Law 98–425; 98 Stat. 1619; 16
8 U.S.C. 1132 note) is amended by inserting after “1984,”
9 the following: “and which comprise approximately 18,983
10 acres, as generally depicted on a map entitled ‘Sheep
11 Mountain and Cucamonga Proposed Wilderness Addition’
12 and dated July 13, 2010,”.

13 (b) EXPANSION OF SHEEP MOUNTAIN WILDERNESS
14 AREA.—Section 101(a)(29) of the California Wilderness
15 Act of 1984 (Public Law 98–425; 98 Stat. 1623; 16
16 U.S.C. 1132 note) is amended by inserting after “1984,”
17 the following: “and which comprise approximately 53,889
18 acres, as generally depicted on a map entitled ‘Sheep
19 Mountain and Cucamonga Proposed Wilderness Addition’
20 and dated July 13, 2010,”.

21 (c) MAPS AND LEGAL DESCRIPTIONS.—As soon as
22 practicable after the date of the enactment of this Act,
23 the Secretary of Agriculture shall file with the Committee
24 on Energy and Natural Resources of the Senate and the
25 Committee on Resources of the House of Representatives

1 a copy of the map referred to in the amendments made
2 by subsections (a) and (b) and legal descriptions of each
3 wilderness area expanded by such amendments. The map
4 and legal descriptions shall have the same force and effect
5 as if included in this Act. The map and legal descriptions
6 shall be on file and available for public inspection in the
7 appropriate offices of the Forest Service.

8 **SEC. 5. PROTECTION OF PROPERTY RIGHTS AND USES IN**
9 **ADDITIONS TO CUCAMONGA AND SHEEP**
10 **MOUNTAIN WILDERNESS AREAS.**

11 (a) **DEFINITION OF COVERED WILDERNESS ADDI-**
12 **TION.**—For purposes of this section, the term “covered
13 wilderness addition” means an area added by the amend-
14 ments in subsections (a) and (b) in subsection (4) to—

15 (1) the Cucamonga Wilderness Area; or

16 (2) the Sheep Mountain Wilderness Area.

17 (b) **NO EFFECT ON VALID EXISTING RIGHTS.**—No
18 provision in this Act shall affect any valid existing rights,
19 including the following rights:

20 (1) The rights of owners of private property in
21 a covered wilderness addition.

22 (2) Water rights.

23 (c) **HUNTING, FISHING, AND TRAPPING.**—Consistent
24 with section 4(d)(7) of the Wilderness Act (16 U.S.C.
25 1133(d)(7)), nothing in this Act or the Wilderness Act

1 shall be construed as affecting the jurisdiction or respon-
2 sibilities of the State of California with respect to hunting,
3 fishing, and trapping in a covered wilderness addition.

4 (d) WILDLIFE AND FISH CONSERVATION ACTIVI-
5 TIES.—

6 (1) IN GENERAL.—Consistent with section
7 4(d)(7) of the Wilderness Act (16 U.S.C.
8 1133(d)(7)), nothing in this Act shall be construed
9 as affecting the authority of the State of California
10 to carry out activities for the conservation of wildlife
11 and fish, including management activities to main-
12 tain or restore wildlife and fish populations and the
13 habitats supporting such populations, in a covered
14 wilderness addition.

15 (2) USE OF AIRCRAFT AND OTHER VEHI-
16 CLES.—Consistent with the Wilderness Act (16
17 U.S.C. 1131 et seq.), the Secretary of Agriculture
18 may authorize in a covered wilderness addition, in
19 the manner in which the Secretary has previously
20 authorized such activities in the Cucamonga and
21 Sheep Mountain Wilderness Areas—

22 (A) the use of transportation and equip-
23 ment including motor vehicles, motorized equip-
24 ment or motorboats, aircraft, and other forms

1 of mechanical transport to carry out activities
2 described in paragraph (1); and

3 (B) if the Secretary determines that the
4 minimum tools necessary will be used, the infre-
5 quent and temporary landing of helicopters at
6 unmodified sites for wildlife research or for the
7 capture or translocation of species of wildlife in-
8 cluding bighorn sheep.

9 (e) DRUG INTERDICTION.—Nothing in this Act or the
10 Wilderness Act (16 U.S.C. 1131 et seq.) shall interfere
11 with drug interdiction operations in, around, or affecting
12 a covered wilderness addition (including low-level over-
13 flights of such addition), or otherwise restrict law enforce-
14 ment access to a covered wilderness addition.

15 (f) MILITARY ACTIVITIES.—Nothing in this Act or
16 the Wilderness Act (16 U.S.C. 1131 et seq.) shall interfere
17 with low-level overflights of military aircraft, the designa-
18 tion of new units of special airspace, or the use or estab-
19 lishment of military flight training routes over a covered
20 wilderness addition.

21 (g) HORSES.—Nothing in this Act precludes horse-
22 back riding in, or the entry of recreational or commercial
23 saddle or pack stock into, a covered wilderness addition
24 in accordance with section 4(d)(5) of the Wilderness Act
25 (16 U.S.C. 1133(d)(5)) and subject to any terms and con-

1 ditions determined by the Secretary of Agriculture to be
2 necessary.

3 (h) ACCESS FOR PERSONS WITH DISABILITIES.—

4 The Secretary of Agriculture, in consultation with the
5 public, shall consider options for the design and construc-
6 tion of trails in the covered wilderness additions that are
7 suitable for use by persons with disabilities.

8 (i) ACCESS TO PRIVATE PROPERTY.—In conformance
9 with subsections (a) and (b) of section 5 of the Wilderness
10 Act (16 U.S.C. 1134), the Secretary of Agriculture shall
11 provide any owner of private property within the boundary
12 of a covered wilderness addition adequate access to the
13 property to ensure the reasonable use and enjoyment of
14 the property by the owner.

15 (j) ACTIVITIES OR USES IN BUFFER ZONES.—Con-
16 gress does not intend the inclusion of a covered wilderness
17 addition in the Cucamonga or Sheep Mountain Wilderness
18 Areas to result in the creation of protective perimeters or
19 buffer zones around such addition. The fact that non-
20 wilderness activities or uses can be seen or heard from
21 within a covered wilderness addition shall not, of itself,
22 preclude such activities or uses up to the boundaries of
23 such addition.

1 **SEC. 6. FIRE MANAGEMENT IN CUCAMONGA, SHEEP MOUN-**
2 **TAIN, AND SAN GABRIEL WILDERNESS AREAS.**

3 (a) AUTHORIZED MEASURES FOR CONTROL OF FIRE,
4 INSECTS, AND DISEASES.—

5 (1) IN GENERAL.—The Secretary of Agriculture
6 may take such measures in the Cucamonga, Sheep
7 Mountain, and San Gabriel Wilderness Areas as are
8 necessary for the control of fire, insects, and dis-
9 eases (including the use of prescribed burning, pri-
10 ority treatments, or fuels reduction) in accordance
11 with section 4(d)(1) of the Wilderness Act (16
12 U.S.C. 1133(d)(1)) and House Report 98–40 of the
13 98th Congress.

14 (2) USE OF MECHANIZED EQUIPMENT AND
15 OTHER MEASURES.—The inclusion of the
16 Cucamonga, Sheep Mountain, and San Gabriel Wil-
17 derness Areas in the National Wilderness Preserva-
18 tion System shall not be construed to interfere with
19 or prevent—

20 (A) for purposes of wildfire prevention, the
21 mechanical thinning of trees or underbrush in
22 the wilderness areas; and

23 (B) for purposes of responding to a wild-
24 fire that threatens a community, the use by the
25 Secretary, the Forest Service, or a Federal Inci-
26 dent Commander of any modern method of fire

1 suppression in the wilderness areas, including
2 methods involving the use of mechanized heavy
3 equipment, installation of fire breaks (including
4 roads), and such other methods as are nec-
5 essary to address the threat.

6 (b) REVISION AND DEVELOPMENT OF LOCAL FIRE
7 MANAGEMENT PLANS.—As soon as practicable after the
8 date of the enactment of this Act, the Secretary of Agri-
9 culture shall amend the local fire management plans that
10 apply to the Cucamonga, Sheep Mountain, and San Ga-
11 briel Wilderness Areas. In the local fire management
12 plans, the Secretary shall identify the following:

13 (1) Best management practices (consistent with
14 subsection (a)) for wildfire prevention, wildfire re-
15 sponse, and watershed protection in the wilderness
16 areas.

17 (2) State and local officials to carry out the
18 management practices described in paragraph (1).

19 (c) ADMINISTRATION.—Not later than one year after
20 the date of the enactment of this Act, to ensure a timely
21 and efficient response to wildfires in the Cucamonga,
22 Sheep Mountain, and San Gabriel Wilderness Areas, the
23 Secretary shall carry out the following measures:

24 (1) The Secretary shall establish agency ap-
25 proval procedures (including delegations of author-

1 ity, as appropriate, to the Forest Supervisor, Dis-
2 trict Manager, Incident Commander, or other agency
3 officials) for responding to wildfires.

4 (2) The Secretary shall enter into agreements,
5 as appropriate, with State and local firefighting
6 agencies to carry out measures for wildfire preven-
7 tion and response.

8 (d) FUNDING PRIORITIES.—Nothing in this Act lim-
9 its funding for fire and fuels management in the
10 Cucamonga, Sheep Mountain, and San Gabriel Wilderness
11 Areas.

12 **SEC. 7. MAINTENANCE OF ANGELES AND SAN BERNARDINO**
13 **NATIONAL FORESTS.**

14 (a) ASSESSMENT OF MAINTENANCE BACKLOG.—Not
15 later than one year after the date of the enactment of this
16 Act, the Secretary of Agriculture shall assess the backlog
17 in the Angeles and San Bernardino National Forests in—

18 (1) preventive wildfire management activities,
19 including fuels reduction;

20 (2) maintenance of recreational areas, including
21 the upkeep of signage for recreational areas and
22 trails; and

23 (3) restoration of the levels of access to and
24 availability of recreational facilities and trails to at

1 least the levels that existed immediately before the
2 Station Fire in August 2009.

3 (b) **ELIMINATION OF MAINTENANCE BACKLOG.**—As
4 soon as practicable after the Secretary of Agriculture has
5 assessed the backlog under subsection (a), the Secretary
6 shall carry out measures to eliminate the backlog assessed
7 under subsection (a), focusing on the restoration described
8 in paragraph (3) of such subsection.

9 **SEC. 8. COMPLETION OF WILD AND SCENIC RIVERS STUD-**
10 **IES.**

11 Not later than two years after the date of the enact-
12 ment of this Act, the Secretary of Agriculture shall com-
13 plete and submit to Congress the studies, undertaken be-
14 fore the date of the enactment of this Act and
15 uncompleted as of such date, regarding the potential addi-
16 tion of portions of the San Gabriel River (East, West, and
17 North Forks), San Antonio Creek, and Middle Fork Lytle
18 Creek in California to the national wild and scenic rivers
19 system instituted by the Wild and Scenic Rivers Act (16
20 U.S.C. 1271 et seq.). Such studies shall include informa-
21 tion about the effect of each proposed addition on the fol-
22 lowing:

23 (1) Valid existing rights of owners of property
24 adjacent to such rivers, including owners of cabins

1 on leased property, and their access to and use of
2 such rivers, including their use of pump systems.

3 (2) Other uses of such rivers, including the op-
4 eration of dams.

5 (3) Sediment management operations for res-
6 ervoirs.

7 (4) Valid existing water rights and easements in
8 such rivers.

9 (5) Use of and access to existing roadways,
10 bridges, and trails, including the extent to which an
11 existing roadway, bridge, or trail may be maintained
12 or improved.

13 (6) Construction of new roadways, bridges, and
14 trails.

15 (7) Implementation of future projects, including
16 any delays that may be caused by environmental
17 documentation required as a result of the addition.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Sec-
20 retary of Agriculture such sums as may be necessary to
21 carry out this Act.

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