

Public Law 107-370
107th Congress

An Act

To designate certain lands in the State of California as components of the National Wilderness Preservation System, and for other purposes.

Dec. 19, 2002
[H.R. 4750]

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

Big Sur
Wilderness and
Conservation Act
of 2002.

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “Big Sur Wilderness and Conservation Act of 2002”.

(b) **DEFINITIONS.**—As used in this Act, the term “Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) **ADDITIONS TO VENTANA WILDERNESS.**—

16 USC 1132
note.

(1) **IN GENERAL.**—The areas described in paragraph (2)—

(A) are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System; and

(B) are hereby incorporated in and shall be deemed to be a part of the Ventana Wilderness designated by Public Law 91-58.

(2) **AREAS DESCRIBED.**—The areas referred to in paragraph (1) are the following lands in the State of California administered by the Bureau of Land Management or the United States Forest Service:

(A) Certain lands which comprise approximately 995 acres, as generally depicted on a map entitled “Anastasia Canyon Proposed Wilderness Additions to the Ventana Wilderness” and dated March 22, 2002.

(B) Certain lands which comprise approximately 3,530 acres, as generally depicted on a map entitled “Arroyo Seco Corridor Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(C) Certain lands which comprise approximately 14,550 acres, as generally depicted on a map entitled “Bear Canyon Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(D) Certain lands which comprise approximately 855 acres, as generally depicted on a map entitled “Black Rock Proposed Wilderness Additions to the Ventana Wilderness” and dated March 22, 2002.

(E) Certain lands which comprise approximately 6,550 acres, as generally depicted on a map entitled “Chalk Peak

Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(F) Certain lands which comprise approximately 1,345 acres, as generally depicted on a map entitled “Chews Ridge Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(G) Certain lands which comprise approximately 2,130 acres, as generally depicted on a map entitled “Coast Ridge Proposed Wilderness Additions to the Ventana Wilderness” and dated March 22, 2002.

(H) Certain lands which comprise approximately 2,270 acres, as generally depicted on a map entitled “Horse Canyon Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(I) Certain lands which comprise approximately 755 acres, as generally depicted on a map entitled “Little Sur Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(J) Certain lands which comprise approximately 4,130 acres, as generally depicted on a map entitled “San Antonio Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

16 USC 1132
note.

(b) ADDITIONS TO SILVER PEAK WILDERNESS.—

(1) IN GENERAL.—The areas described in paragraph (2)—

(A) are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System; and

(B) are hereby incorporated in and shall be deemed to be a part of the Silver Peak Wilderness designated by Public Law 102-301.

(2) AREAS DESCRIBED.—The areas referred to in paragraph (1) are the following lands in the State of California administered by the United States Forest Service:

(A) Certain lands which comprise approximately 8,235 acres, as generally depicted on a map entitled “San Carpofo Proposed Wilderness Addition to the Silver Peak Wilderness” and dated March 22, 2002.

(B) Certain lands which comprise approximately 8,820 acres, as generally depicted on a map entitled “Willow Creek Proposed Wilderness Addition to the Silver Peak Wilderness” and dated March 22, 2002.

16 USC 1132
note.

(c) ADDITIONS TO PINNACLES WILDERNESS.—

(1) IN GENERAL.—The areas described in paragraph (2)—

(A) are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System; and

(B) are hereby incorporated in and shall be deemed to be a part of the Pinnacles Wilderness designated by Public Law 94-567.

(2) AREAS DESCRIBED.—The areas referred to in paragraph (1) are the lands in the State of California administered by the National Park Service which comprise approximately 2,715 acres, as generally depicted on a map entitled “Pinnacles Proposed Wilderness Additions” and dated October 30, 2001.

(d) MAPS AND DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map

and a boundary description of each area designated as wilderness by this Act with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) **EFFECT.**—Each map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary is authorized to correct clerical and typographical errors in such boundary descriptions and maps.

(3) **AVAILABILITY.**—Such maps and boundary descriptions shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the Office of the Chief of the Forest Service, as appropriate.

(e) **STATE AND PRIVATE LANDS.**—Lands within the exterior boundaries of any area added to a wilderness area under this section that are owned by the State or by a private entity shall be included within such wilderness area if such lands are acquired by the United States. Such lands may be acquired by the United States only as provided in the Wilderness Act (16 U.S.C. 1131 and following).

SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) **IN GENERAL.**—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(b) **GRAZING.**—Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, and, the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(c) **STATE JURISDICTION.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of California with respect to wildlife and fish in California.

(d) **WATER.**—

(1) **RESERVATION OF WATER.**—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 rights shall be the date of enactment of this Act.

(2) **REQUIREMENT TO PROTECT RIGHTS.**—The appropriate Secretary and all other officers of the United States shall take steps necessary to protect the rights reserved by paragraph (1), including the filing by the Secretary 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 the McCarran Amendment (43 U.S.C. 666).

(3) **NO REDUCTION OR RELINQUISHMENT.**—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) **LIMITATION ON EFFECT.**—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 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 pursuant thereto.

SEC. 4. WILDERNESS FIRE MANAGEMENT.

Deadline.

(a) **REVISION OF MANAGEMENT PLANS.**—The Secretary of Agriculture shall, by not later than 1 year after the date of the enactment of this Act, amend the management plans that apply to each of the Ventana Wilderness and the Silver Peak Wilderness, respectively, to authorize the Forest Supervisor of the Los Padres National Forest to take whatever appropriate actions in such wilderness areas are necessary for fire prevention and watershed protection consistent with wilderness values, including best management practices for fire presuppression and fire suppression measures and techniques.

(b) **INCORPORATION INTO FOREST PLANNING.**—Any special provisions contained in the management plan for the Ventana Wilderness and Silver Peak Wilderness pursuant to subsection (a) shall be incorporated into the management plan for the Los Padres National Forest.

SEC. 5. MILITARY TRAINING AT FORT HUNTER-LIGGETT.

(a) **OVERFLIGHTS.**—Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over wilderness areas designated by this Act.

(b) **MILITARY ACCESS.**—Nonmotorized access to and use of the wilderness areas designated by this Act for military training shall be authorized to continue in wilderness areas designated by this Act in the same manner and degree as authorized prior to enactment of this Act.

SEC. 6. BIG SUR INVASIVE SPECIES ERADICATION.

(a) **IN GENERAL.**—The Secretary of Agriculture may conduct a 5-year pilot program to target the eradication of invasive plant and animal species in the Monterey District of the Los Padres National Forest.

(b) **APPLICATION TO OTHER PROPERTY.**—Activities under the program may include actions to address invasive species problems on nearby private land or other land that is not Forest Service property, if—

(1) the land owner, or the head of the governmental agency having administrative jurisdiction over the land in the case of State, local, or Federal government-owned land, seeks to participate in the program; and

(2) the invasive species concerned occurs on the land and poses a threat to national forest lands.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section there is authorized to be appropriated \$1,000,000 for each of 5 fiscal years.

SEC. 8. SILVER PEAK WILDERNESS WATER SYSTEM SPLIT.

The Secretary of Agriculture may authorize the construction and maintenance of a new water line and corresponding spring box improvements adjacent to an existing domestic water service in the Silver Peak Wilderness.

Approved December 19, 2002.

LEGISLATIVE HISTORY—H.R. 4750:

CONGRESSIONAL RECORD, Vol. 148 (2002):

Nov. 14, considered and passed House.

Nov. 19, considered and passed Senate.