

115TH CONGRESS  
1ST SESSION

# H. R. 3039

To designate certain Federal lands in the State of California as wilderness areas and as components of the National Wilderness Preservation System, to designate portions of the San Gabriel River and Little Rock Creek in that State as components of the National Wild and Scenic Rivers System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2017

Ms. JUDY CHU of California (for herself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To designate certain Federal lands in the State of California as wilderness areas and as components of the National Wilderness Preservation System, to designate portions of the San Gabriel River and Little Rock Creek in that State 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; DEFINITIONS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “San Gabriel Mountains Forever Act of 2017”.

6       (b) **DEFINITIONS.**—In this Act:

1           (1) SECRETARY.—The term “Secretary” means  
2 the Secretary of Agriculture.

3           (2) STATE.—The term “State” means the State  
4 of California.

5 **SEC. 2. DESIGNATION OF WILDERNESS, ANGELES NA-**  
6 **TIONAL FOREST, CALIFORNIA.**

7           (a) DESIGNATION.—In accordance with the Wilder-  
8 ness Act (16 U.S.C. 1131 et seq.), the following National  
9 Forest System lands in the State are designated as wilder-  
10 ness and as components of the National Wilderness Pres-  
11 ervation System:

12           (1) CONDOR PEAK WILDERNESS.—Certain Fed-  
13 eral land in the Angeles National Forest, comprising  
14 approximately 8,417 acres, as generally depicted on  
15 the map entitled “Condor Peak Wilderness—Pro-  
16 posed” and dated \_\_\_\_\_, which shall be known  
17 as the Condor Peak Wilderness.

18           (2) SAN GABRIEL WILDERNESS ADDITIONS.—  
19 Certain Federal land in the Angeles National Forest,  
20 comprising approximately 2,027 acres, as generally  
21 depicted on the map entitled “San Gabriel Wilder-  
22 ness Additions” and dated \_\_\_\_\_, which is in-  
23 corporated in, and considered to be a part of, the  
24 San Gabriel Wilderness designated by Public Law  
25 90–318 (16 U.S.C. 1132 note; 82 Stat. 131).

1           (3) SHEEP MOUNTAIN WILDERNESS ADDI-  
2           TIONS.—Certain Federal land in the Angeles Na-  
3           tional Forest, comprising approximately 13,851  
4           acres, as generally depicted on the map entitled  
5           “Sheep Mountain Wilderness Additions” and dated  
6           \_\_\_\_\_, which is incorporated in, and consid-  
7           ered to be a part of, the Sheep Mountain Wilderness  
8           designated by section 101(a)(29) of the California  
9           Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-  
10          lic Law 98–425; 98 Stat. 1623).

11          (4) YERBA BUENA WILDERNESS.—Certain Fed-  
12          eral land in the Angeles National Forest, comprising  
13          approximately 6,774 acres, as generally depicted on  
14          the map entitled “Yerba Buena Wilderness—Pro-  
15          posed” and dated \_\_\_\_\_, which shall be known  
16          as the Yerba Buena Wilderness.

17          (b) MAP AND LEGAL DESCRIPTION.—

18           (1) IN GENERAL.—As soon as practicable after  
19           the date of enactment of this Act, the Secretary  
20           shall file a map and a legal description of the wilder-  
21           ness areas and wilderness additions designated by  
22           subsection (a) with—

23           (A) the Committee on Natural Resources  
24           of the House of Representatives; and

1 (B) the Committee on Energy and Natural  
2 Resources of the Senate.

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

9 (3) PUBLIC AVAILABILITY.—The map and legal  
10 description filed under paragraph (1) shall be on file  
11 and available for public inspection in the appropriate  
12 offices of the Forest Service.

13 **SEC. 3. ADMINISTRATION OF WILDERNESS.**

14 (a) IN GENERAL.—Subject to valid existing rights,  
15 the wilderness areas and wilderness additions designated  
16 by section 2 shall be administered by the Secretary in ac-  
17 cordance with this section and the Wilderness Act (16  
18 U.S.C. 1131 et seq.), except that any reference in the Wil-  
19 derness Act to the effective date of that Act shall be con-  
20 sidered to be a reference to the date of enactment of this  
21 Act.

22 (b) FIRE MANAGEMENT AND RELATED ACTIVI-  
23 TIES.—

24 (1) IN GENERAL.—The Secretary may take  
25 such measures in a wilderness area or wilderness ad-

1 dition designated by section 2 as are necessary for  
2 the control of fire, insects, and diseases in accord-  
3 ance with section 4(d)(1) of the Wilderness Act (16  
4 U.S.C. 1133(d)(1)) and House Report 98–40 of the  
5 98th Congress.

6 (2) FUNDING PRIORITIES.—Nothing in this Act  
7 limits funding for fire and fuels management in the  
8 wilderness areas or wilderness additions designated  
9 by section 2.

10 (3) REVISION AND DEVELOPMENT OF LOCAL  
11 FIRE MANAGEMENT PLANS.—As soon as practicable  
12 after the date of enactment of this Act, the Sec-  
13 retary shall amend the local fire management plans  
14 that apply to the land designated as a wilderness  
15 area or wilderness addition by section 2.

16 (4) ADMINISTRATION.—Consistent with para-  
17 graph (1) and other applicable Federal law, to en-  
18 sure a timely and efficient response to fire emer-  
19 gencies in the wilderness areas and wilderness addi-  
20 tions designated by section 2, the Secretary shall—

21 (A) not later than 1 year after the date of  
22 enactment of this Act, establish agency ap-  
23 proval procedures (including appropriate delega-  
24 tions of authority to the Forest Supervisor, Dis-

1           trict Manager, or other agency officials) for re-  
2           sponding to fire emergencies; and

3                   (B) enter into agreements with appropriate  
4           State or local firefighting agencies.

5           (c) GRAZING.—The grazing of livestock in the wilder-  
6           ness areas or wilderness additions designated by section  
7           2, if established before the date of enactment of this Act,  
8           shall be administered in accordance with—

9                   (1) section 4(d)(4) of the Wilderness Act (16  
10           U.S.C. 1133(d)(4)); and

11                   (2) the guidelines set forth in Appendix A of  
12           the report of the Committee on Interior and Insular  
13           Affairs of the House of Representatives accom-  
14           panying H.R. 2570 of the 101st Congress (H. Rept.  
15           101–405).

16           (d) FISH AND WILDLIFE.—

17                   (1) IN GENERAL.—In accordance with section  
18           4(d)(7) of the Wilderness Act (16 U.S.C.  
19           1133(d)(7)), nothing in this Act affects the jurisdic-  
20           tion or responsibilities of the State with respect to  
21           fish and wildlife on public land in the State.

22                   (2) MANAGEMENT ACTIVITIES.—

23                   (A) IN GENERAL.—In furtherance of the  
24           purposes and principles of the Wilderness Act  
25           (16 U.S.C. 1131 et seq.), the Secretary may

1           conduct any management activities that are  
2           necessary to maintain or restore fish and wild-  
3           life populations and habitats in the wilderness  
4           areas and wilderness additions designated by  
5           section 2, if the management activities are—

6                   (i) consistent with relevant wilderness  
7                   management plans; and

8                   (ii) conducted in accordance with ap-  
9                   propriate policies, such as the policies es-  
10                  tablished in Appendix B of House Report  
11                  101–405.

12           (B) INCLUSIONS.—Management activities  
13           under subparagraph (A) may include the occa-  
14           sional and temporary use of motorized vehicles,  
15           if the use, as determined by the Secretary,  
16           would promote healthy, viable, and more natu-  
17           rally distributed wildlife populations that would  
18           enhance wilderness values while causing the  
19           minimum impact necessary to accomplish those  
20           tasks.

21           (C) EXISTING ACTIVITIES.—Consistent  
22           with section 4(d)(1) of the Wilderness Act (16  
23           U.S.C. 1133(d)(1)) and in accordance with ap-  
24           propriate policies, such as those established in  
25           Appendix B of House Report 101–405, the

1 State may use aircraft (including helicopters) in  
2 the wilderness areas and wilderness additions  
3 designated by section 2 to survey, capture,  
4 transplant, monitor, and provide water for wild-  
5 life populations, including bighorn sheep.

6 (e) BUFFER ZONES.—

7 (1) IN GENERAL.—Congress does not intend for  
8 the designation of wilderness areas or wilderness ad-  
9 ditions by section 2 to lead to the creation of protec-  
10 tive perimeters or buffer zones around each wilder-  
11 ness area or wilderness addition.

12 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

13 The fact that nonwilderness activities or uses can be  
14 seen or heard from within a wilderness area or wil-  
15 derness addition designated by section 2 shall not, of  
16 itself, preclude the activities or uses up to the  
17 boundary of the wilderness area or addition.

18 (f) MILITARY ACTIVITIES.—Nothing in this Act pre-  
19 cludes—

20 (1) low-level overflights of military aircraft over  
21 the wilderness areas or wilderness additions des-  
22 ignated by section 2;

23 (2) the designation of new units of special air-  
24 space over the wilderness areas or wilderness addi-  
25 tions designated by section 2; or

1           (3) the use or establishment of military flight  
2 training routes over wilderness areas or wilderness  
3 additions designated by section 2.

4           (g) HORSES.—Nothing in this Act precludes horse-  
5 back riding in, or the entry of recreational or commercial  
6 saddle or pack stock into, an area designated as a wilder-  
7 ness area or wilderness addition by section 2—

8           (1) in accordance with section 4(d)(5) of the  
9 Wilderness Act (16 U.S.C. 1133(d)(5)); and

10           (2) subject to any terms and conditions deter-  
11 mined to be necessary by the Secretary.

12           (h) LAW ENFORCEMENT.—Nothing in this Act pre-  
13 cludes law enforcement and drug interdiction efforts with-  
14 in the wilderness areas and wilderness additions des-  
15 igned by section 2 in accordance with the Wilderness  
16 Act (16 U.S.C. 1131 et seq.).

17           (i) WITHDRAWAL.—Subject to valid existing rights,  
18 the wilderness areas and wilderness additions designated  
19 by section 2 are withdrawn from—

20           (1) all forms of entry, appropriation, and dis-  
21 posal under the public land laws;

22           (2) location, entry, and patent under the mining  
23 laws; and

24           (3) operation of the mineral materials and geo-  
25 thermal leasing laws.

1 (j) INCORPORATION OF ACQUIRED LAND AND INTER-  
2 ESTS.—Any land within the boundary of a wilderness area  
3 or wilderness addition designated by section 2 that is ac-  
4 quired by the United States shall—

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

7 (2) be managed in accordance with this section,  
8 the Wilderness Act (16 U.S.C. 1131 et seq.), and  
9 any other applicable law.

10 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-  
11 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)  
12 and subject to such terms and conditions as the Secretary  
13 may prescribe, the Secretary may authorize the installa-  
14 tion and maintenance of hydrologic, meteorologic, or cli-  
15 matological collection devices in the wilderness areas or  
16 wilderness additions designated by section 2 if the Sec-  
17 retary determines that the facilities and access to the fa-  
18 cilities are essential to flood warning, flood control, or  
19 water reservoir operation activities.

20 **SEC. 4. DESIGNATION OF WILD AND SCENIC RIVERS.**

21 (a) DESIGNATION.—Section 3(a) of the Wild and  
22 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-  
23 ing at the end the following:

24 “(213) EAST FORK SAN GABRIEL RIVER, CALI-  
25 FORNIA.—The following segments of the East Fork

1 San Gabriel River, to be administered by the Sec-  
2 retary of Agriculture in the following classes:

3 “(A) The 10-mile segment from the con-  
4 fluence of the Prairie Fork and Vincent Gulch  
5 to 100 yards upstream of the Heaton Flats  
6 trailhead and day use area, as a wild river.

7 “(B) The 2.7-mile segment from 100 yards  
8 upstream of the Heaton Flats trailhead and day  
9 use area to 100 yards upstream of the con-  
10 fluence with Williams Canyon, as a recreational  
11 river.

12 “(214) NORTH FORK SAN GABRIEL RIVER,  
13 CALIFORNIA.—The 4.3-mile segment of the North  
14 Fork San Gabriel River from the confluence with  
15 Cloudburst Canyon to .25 miles upstream of the  
16 confluence with the West Fork San Gabriel River, to  
17 be administered by the Secretary of Agriculture as  
18 a recreational river.

19 “(215) WEST FORK SAN GABRIEL RIVER, CALI-  
20 FORNIA.—The following segments of the West Fork  
21 San Gabriel River, to be administered by the Sec-  
22 retary of Agriculture in the following classes:

23 “(A) The 6.7-mile segment from 0.25  
24 miles downstream of its source near Red Box  
25 Gap in section 14, T2N, R12W, to the con-

1           fluence with the unnamed tributary .25 miles  
2           downstream of the power lines in section 22,  
3           T2N, R11W, as a recreational river.

4           “(B) The 1.6-mile segment of the West  
5           Fork from 0.25 miles downstream of the  
6           powerlines in section 22, T2N, R11W, to the  
7           confluence with Bobcat Canyon, as a wild river.

8           “(216) LITTLE ROCK CREEK, CALIFORNIA.—  
9           The following segments of Little Rock Creek and  
10          tributaries, to be administered by the Secretary of  
11          Agriculture in the following classes:

12          “(A) The 10.3-mile segment from its  
13          source on Mt. Williamson in section 6, T3N,  
14          R9W, to 100 yards upstream of the confluence  
15          with the South Fork Little Rock Creek, as a  
16          wild river.

17          “(B) The 6.6-mile segment from 100 yards  
18          upstream of the confluence with the South Fork  
19          Little Rock Creek to the confluence with  
20          Santiago Canyon, as a recreational river.

21          “(C) The 1-mile segment of Cooper Can-  
22          yon Creek from .25 miles downstream of High-  
23          way 2 to 100 yards downstream of Cooper Can-  
24          yon Campground, as a scenic river.

1           “(D) The 1.3-mile segment of Cooper Can-  
2           yon Creek from 100 yards downstream of Coo-  
3           per Canyon Campground to the confluence with  
4           Little Rock Creek, as a wild river.

5           “(E) The 1-mile segment of Buckhorn  
6           Creek from 100 yards downstream of the  
7           Buckhorn Campground to its confluence with  
8           Cooper Canyon Creek, as a wild river.”.

9           (b) WATER RESOURCE FACILITIES AND WATER  
10          USE.—

11           (1) WATER RESOURCE FACILITIES.—

12           (A) DEFINITION.—In this section, the  
13           term “water resource facility” means—

14           (i) irrigation and pumping facilities,  
15           dams and reservoirs, flood control facili-  
16           ties, water conservation works, including  
17           debris protection facilities, sediment place-  
18           ment sites, rain gauges and stream gauges,  
19           water quality facilities, recycled water  
20           pumping, conveyance distribution systems,  
21           and treatment facilities, aqueducts, canals,  
22           ditches, pipelines, wells, hydropower  
23           projects, and transmission and other ancil-  
24           lary facilities; and

1 (ii) other water diversion, storage, and  
2 carriage structures.

3 (B) NO EFFECT ON EXISTING WATER RE-  
4 SOURCE FACILITIES.—Nothing in this section  
5 shall alter, modify, or affect—

6 (i) the use, operation, maintenance,  
7 repair, construction, reconfiguration, ex-  
8 pansion, or replacement of a water re-  
9 source facility downstream of a wild and  
10 scenic river segment designated by this  
11 section, provided that the physical struc-  
12 tures of such facilities or reservoirs shall  
13 not be located within the river areas des-  
14 ignated in this section; or

15 (ii) access to a water resource facility  
16 downstream of a wild and scenic river seg-  
17 ment designated by this section.

18 (C) NO EFFECT ON NEW WATER RE-  
19 SOURCE FACILITIES.—Nothing in this section  
20 shall preclude the establishment of new water  
21 resource facilities (including instream sites,  
22 routes, and areas) downstream of a wild and  
23 scenic river segment designated by this section.

24 (2) LIMITATION.—Any new reservation of water  
25 or new use of water pursuant to existing water

1 rights held by the United States to fulfill the pur-  
2 poses of the National Wild and Scenic Rivers Act  
3 (16 U.S.C. 1271 et seq.) shall be for non-consump-  
4 tive instream use only within the segments des-  
5 ignated by this section.

6 (3) EXISTING LAW.—Nothing in this section af-  
7 fects the implementation of the Endangered Species  
8 Act (16 U.S.C. 1531 et seq.).

9 **SEC. 5. WATER RIGHTS.**

10 (a) STATUTORY CONSTRUCTION.—Nothing in this  
11 Act and no action to implement this Act—

12 (1) shall constitute or be construed to con-  
13 stitute either an express or implied reservation of  
14 any water or water rights or authorizing an expan-  
15 sion of water use pursuant to existing water rights  
16 held by the United States with respect to the land  
17 designated as a wilderness area or wilderness addi-  
18 tion by section 2 or land adjacent to the wild and  
19 scenic river segments designated by the amendment  
20 made by section 4;

21 (2) shall affect, alter, modify or condition any  
22 water rights in the State existing on the date of en-  
23 actment of this Act, including any water rights held  
24 by the United States;

1           (3) shall be construed as establishing a prece-  
2           dent with regard to any future wilderness or wild  
3           and scenic river designations;

4           (4) shall affect, alter, or modify the interpreta-  
5           tion of, or any designation, decision or action made  
6           pursuant to, any other Act; or

7           (5) shall be construed as limiting, altering,  
8           modifying, or amending any of the interstate com-  
9           pacts or equitable apportionment decrees that appor-  
10          tion water among and between the State and other  
11          States.

12          (b) STATE WATER LAW.—The Secretary shall com-  
13          ply with and follow the procedural and substantive re-  
14          quirements of the law of the State in order to obtain and  
15          hold any water rights not in existence on the date of enact-  
16          ment of this Act with respect to the wilderness areas and  
17          wilderness additions designated by section 2, and the wild  
18          and scenic rivers designated by the amendment made by  
19          section 4.

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