



## **Big Sur Forest Service Management Unit Bill**

Office of Congressman Sam Farr

Section by Section Analysis of draft bill

June 2011

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### **GENERAL**

This legislation makes a series of structural changes designed to improve the management of Los Padres National Forest's (LPNF) Monterey Ranger District. These changes include:

- 1) Reorganize the Monterey Ranger District into a Management Unit to be known as the Big Sur Management Unit.
- 2) Direct the Forest Service to develop a wildfire management strategy tailored to the new Big Sur Management Unit. The ongoing "Firescape" Process would fulfill this requirement.
- 3) Revise the Forest Service boundaries of the new Big Sur Management Unit to more closely match the boundary with actual federal ownership and remove the Big Sur Valley and other private lands from the current boundary.
- 4) Designate several river segments within the federal lands of the LPNF as wild and scenic under the Wild and Scenic Rivers Act.
- 5) Make several minor boundary changes to wilderness designations enacted by Congress in 2002.

Additional background information, including maps and links to a Google Earth file depicting the proposed National Forest boundary change are available on Rep. Farr's Congressional website: <http://www.farr.house.gov/>

### **Note about H.R. 4040**

An earlier version of this legislation was introduced in November 2009 during the 111<sup>th</sup> Congress. The House parliamentarian designated that bill as H.R. 4040. When the 11<sup>th</sup> Congress adjourned without taking action on H.R. 4040, it expired. Following its introduction in November 2009, various organizations and individuals recommended changes to H.R. 4040. Many of those recommendations have been incorporated into an updated version of the original legislation. Since the bill has not yet been introduced in the current 112<sup>th</sup> Congress, it does not have a bill number and is simply referred to as the Big Sur Management Unit Bill. This Section by Section refers to a draft version of the Big Sur Management Unit Act Bill dated **March 11, 2011**.

### **SECTION BY SECTION SUMMARY OF THE BILL**

#### **Findings**

The substitute adds a findings section that outlines the rationale for the creation of the re-designation of the Monterey Ranger District as the Big Sur Management Unit and states the view of Congress that the involvement of the National Park Service in the management of the Big Sur region is unwarranted.

### **Title I – Big Sur Management Unit**

**Sec. 101 – Establishment of the Big Sur Management Unit:** The bill would convert the 325,000 acres of the Monterey Ranger District into the Big Sur Management Unit (BSMU). The new management unit would retain the same administrative boundaries and jurisdiction (except as modified by this bill) as the existing Monterey Ranger District. Like the Monterey Ranger District, the new management unit would function as a sub unit of the Los Padres National Forest (LPNF) under the supervision of the LPNF Forest Supervisor.

A quick look at the map shows the geographic isolation of the Monterey Ranger District is from the remainder of the LPNF. The LPNF is a sprawling National Forest that extends from the upper reaches of Carmel Valley south to the I-5 grapevine pass through the Tehachapi Mountains. The inland mountains of Santa Barbara, Los Angeles, and Ventura Counties make up the majority of the nearly two million acres of public land managed by the LPNF. The LPNF's Goleta based headquarters oversees the King City based Monterey Ranger District and four other ranger districts: **Santa Lucia** Ranger District (Santa Maria), **Santa Barbara** Ranger District (Los Prietos area), **Ojai** Ranger District (Ojai) and **Mount Pinos** Ranger District (Frazier Park).

This reorganization would give the new Big Sur Management Unit a higher profile within the internal USFS budget setting process that would ideally help steer additional resources for operational and maintenance activities. The bill would also create separate budget authority for the new management unit. Currently, ranger district budgets are allocated centrally at the Forest Supervisor level. This reorganization would shift much of that budgetary decision making to the local management unit.

- ***Language in Development:*** *To require the USFS to consider community concerns before acquiring any property beyond the designated BSMU boundary. Also, the USFS would be required to rely first on its conservation easement authority to achieve any extra boundary acquisition goals before seeking fee simple purchase.*

**Sec. 102 – Boundary Delineation:** The bill adjusts the Big Sur Management Unit's western boundary to more closely conform to the current extent of USFS land ownership. The existing boundary, commonly called the "black line" after the thick black line used to delineate it on most maps, dates back to the designation of the Monterey Forest Reserve in 1907. It includes many areas of private land, such as the majority of the Big Sur Valley, but excludes significant parcels in federal ownership, such as the Bixby and Calera properties. In addition, the bill transfers to the USFS several Bureau of Land management parcels that adjoin the current LPNF boundary and incorporates them in the revised BSMU boundary.

**Sec. 103 – Use of Brazil Ranch:** The bill gives the USFS the authority to retain any fees or other income generated by activities on the Brazil Ranch for use in operating, restoring, or otherwise maintaining the property. It also allows payment to be made through in-kind services. This section includes language that expressly makes the management of the ranch subject to the federal Coastal Zone Management Act.

- **Language in Development:** *Language is being worked out to authorize the USFS to sell the approx 160 acre parcel located on the northern end of the Brazil Ranch containing the houses and various out buildings.*

**Sec. 104 – Fire Management:** The bill designates the BSMU a wildland urban interface special study area. This designation is designed to help the USFS find more active and innovative strategies to manage wildland fire risk in areas where wildlands and settled areas exist in close proximity. The bill also directs the USFS to develop and update as necessary a “Local Wildfire Management Strategy” expressly for the BSMU. The legislative language is crafted to bolster the ongoing Monterey Ranger District Firescape plan is would fulfill the bill’s requirements. The revised bill makes several changes to the originally introduced HR 4040 to ensure that the legislation strengthens and enables the recently initiated USFS “firescape” process to fulfill this requirement while at the same time avoiding any potential requirement that the Forest Service duplicate the “firescape” with an overlapping fire plan or other fire related planning activity.

- **Language in Development:** *Language is being worked out to allow the Big Sur Management Unit administrator (equivalent to the current District Ranger) greater leeway to authorize the use of heavy equipment such as dozers in the wilderness during fire emergencies.*

**Sec. 105 – San Clemente Dam:** The revised bill adds a section authorizing the USFS to acquire by donation the CalAm property surrounding the San Clemente Dam. A public/private partnership has formed between CalAm and several state and federal agencies to remove the Dam, which now poses serious safety risks, and restor the natural flow of that portion of the Carmel River. Federal ownership of the surrounding CalAm property has been identified as a key element in the eventual success of the project. This section allows the USFS to move forward as such a partner at any point in the future should it decide to do so. It is permissive authority and contains no requirement that the USFS actually accept the property.

## **Title II – Wilderness Area Adjustments**

**Summary:** In 2002, Congress enacted the inclusion of over 50,000 acres of additional federal land into the Ventana and Silver Peak Wilderness Areas (P.L. 107-370). In the following years, it became clear that several minor boundary adjustments should be made to help facilitate USFS management. This title makes sever boundary adjustments worked out with USFS input as well as several other minor changes of a technical nature.

**Sec. 201 – Findings and Maps:** Congressional statement of need for wilderness boundary modification and a requirement that the Forest Service finalize and make available the revised wilderness boundary maps within a year of the Act’s passage.

**Sec. 202 – Adjustments to Boundaries of Ventana Wilderness Area**

**Subsection (a)(1)-(5) – Exclusions:** these sections make five minor wilderness exclusions on both the western and eastern edges of the Ventana Wilderness.

- (1) **San Antonio** – Redefines the wilderness boundary to exclude three reservoirs and the back pasture of the Merle Ranch. The Merle Ranch is an USFS administrative site used to support wilderness packing operations. Two of the reservoirs are used as helicopter bucket dipping sites during fires.
- (2) **Bear Canyon** – Provides a 300 foot setback for Memorial Park Campground and a 300 foot setback for the trailhead parking area at the beginning of the Santa Lucia Trail.
- (3) **Chalk Peak** - Provides a uniform wilderness setback of 100 foot from all roads throughout this 2002 addition.
- (4) **Little Sur** – Provides a 200 foot wilderness setback east of the ridge between Post Summit and the USFS boundary with Andrew Molera S.P. This approximates the setback of the adjacent original Ventana Wilderness as designated in 1969.
- (5) **Coast Ridge** – Provides an additional 200 feet to the existing 100 foot setback along portions of the North Coast Ridge Road.
- (6) **Horse Canyon** – Excludes a portion of the wilderness adjacent to Horse Canyon and above the Los Vaqueros Creek.

**Subsection (b)(1-2) – Additions: :**

(2)(A) **Horse Canyon** – 1,515 acres. The bill designates as wilderness two parcels of Bureau of Land Management property collectively known as Horse Canyon adjacent to the USFS boundary along the southern rim of the Arroyo Seco Canyon. Sec. 102 of the bill transfers the parcels to USFS ownership

(2)(B) **Horse Pasture** – 772 acres. This parcel is located above the Tassajara Road and was donated to the USFS in 2007 for the purposes of being added to the Ventana Wilderness. It is otherwise surrounded by designated wilderness.

(2)(C) **Santa Lucia Creek** – 776 acres. This parcel is located near the northern border of Fort Hunter Liggett above the Indians Road.

**(2)(D) Merle Ranch** – 37 acres. This addition is part of an adjustment of the boundary surrounding the USFS Merle Ranch property adjacent to Fort Hunter Liggett.

**Sec. 203 – Authorization of Certain Activities in the Ventana Wilderness Area:**

**Subsection (a) – Repeater Site:** The bill authorizes the USFS to construct and maintain a communications repeater site at the top of Pinyon Peak in existing wilderness for the purposes of emergency and other public safety communications.

**Sec. 204 – Adjustments to Boundaries of Silver Peak Wilderness Area:**

**Subsection (a)(1)-(3) – Exclusions:** these sections make five minor wilderness exclusions on both the western and eastern edges of the Silver Peak Wilderness.

**(1) San Carporo** – Provides a 300 foot wilderness setback for Lottie Potero Camp.

**(2) Willow Creek** – Provides a 300 foot setback for Sycamore Camp and increases the access road setback to 100 foot. The current 30 foot is insufficient to exclude popular dispersed camping sites placed in the Silver Peak Wilderness by the 2002 legislation.

**(3) Willow Creek** – Excludes Miguel Camp and its access road from the Silver Peak Wilderness.

**Subsection (b)(1-2) – Additions:** The acreage removed from the Silver Peak wilderness by these corrections has been mitigated by the addition of forty two acres to the Silver Peak Wilderness for no net loss in wilderness acreage.

**Sec. 205 – Wilderness Fire Management and Related Activities:** Standard language including in all wilderness legislation authorizing routine fire control, and other management actions.

**Sec. 206 – Repeal of Ventana Land Exchange Authority:** In 1990, Congress enacted special legislation to facilitate the expansion of the Los Padres dam and reservoir on the Carmel River. The reservoir's expansion would have necessitated the flooding USFS land within the Ventana Wilderness Area. The legislation authorized the exchange of this land with nearby land owned by the California American Water Company in the event that the dam expansion project moved forward. In the wake of the 1995 local electoral defeat of the dam project, this section is no longer necessary.

**Title III – Wild and Scenic River and National Recreational Trail Designations**

**Summary:** The bill adds several river segments to the National Wild and Scenic River System. The substitute amendment makes several minor formatting changes to these sections of the bill. *See* the accompanying map for an overview of these designations and their location. Congress adds river segments to this system to preserve certain rivers

with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. Wild and Scenic status prevents any dam or other major development in the designated waterway. Since the segments designated in the bill all flow through USFS wilderness lands such development is already prohibited by federal law. However, wild and scenic river status would also require the USFS to manage the adjacent riparian corridor to enhance the designated stream's outstanding scenic, recreational, historic/cultural, wildlife, and other similar values. California state law would continue to govern any downstream water rights. Designation comes in three varieties:

**Wild:** These segments are wild, unroaded and undeveloped. Logging, road building, new mining claims, developed campgrounds, and motorized access are generally prohibited on Wild segments. All other activities associated with public lands such as grazing, mining of valid existing claims, hunting and other forms of non-motorized recreation are permitted subject to the protection of outstanding values.

**Scenic:** These segments are generally undeveloped, but may have occasional road crossings and riverside structures which are visually screened from the river. Motorized use on trails may or may not be permitted. All other activities normally associated with public lands are permitted, as long as visual quality and outstanding values are protected.

**Recreational:** These segments are generally developed, with parallel roads, bridges and structures. All activities normally associated with public lands are permitted subject to the protection of outstanding values.

**Sec. 301 – Wild and Scenic River Designations, Big Sur, California:** Subsection (a) designates the river segments described in the following subsections as wild and scenic under the terms of the Wild and Scenic Rivers Act.

**Subsection (b)(1-12) Arroyo Seco River:** The bill designates 34.77 miles of the Arroyo Seco river and its Tassajara and Church Creek tributaries as wild, scenic, or recreational, depending upon the segment.

**Subsection (c)(1-8) Big Creek:** The bill designates 23.63 miles of Big Creek and its tributaries as wild, scenic, or recreational, depending upon the segment.

**Subsection (d) Carmel River:** The bill designates as wild the 10.9 miles of the Carmel River located within the boundary of the LPNF.

**Subsection (e)(1-9) San Antonio River:** The bill designates 21.04 miles of the San Antonio River and its tributaries as wild, scenic, or recreational, depending upon the segment.

**Subsection (f) San Carpoforo Creek:** The bill designates 1 mile of San Carpoforo Creek as recreational.

**Sec. 302. Designation of Arroyo Seco-Indians Road as a National Recreational Trail:** An 11 mile long middle segment of the Arroyo Seco-Indians Road linking Arroyo Seco and Fort Hunter-Liggett has been closed to vehicle traffic for many years as a result of land slide damage. In that time, the closed portion of the road has developed into a widely used recreational trail for mountain bikers, hikers, and equestrian riders. This designation would ensure this closed portion of the roadway continues to serve this newly popular recreation capacity.

#### **Title IV – Botanical Area**

**Sec. 401 – Jeff Norman Botanical Area.** This section designates the USFS owned bluff above the southern end of Pfeiffer Beach as the Jeff Norman Botanical Area in honor of the long time Big Sur botanist and community activist, Jeff Norman (1951-2008). The botanical area designation is used to identify USFS land of special botanical significance. It adds no additional management standards or requirements. The area so designated by this bill is home a community of coastal chaparral first identified by Jeff Norman that is unique to the Pfeiffer Beach site.