

AMENDED IN SENATE JULY 1, 2008
AMENDED IN SENATE JUNE 18, 2008
AMENDED IN ASSEMBLY MAY 6, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2945

**Introduced by Assembly Member Laird
(Coauthor: Assembly Member Evans)**

February 22, 2008

An act to amend Sections 5093.32 and 5093.36 of the Public Resources Code, relating to state wilderness areas.

LEGISLATIVE COUNSEL'S DIGEST

AB 2945, as amended, Laird. State wilderness areas.

Existing law, the California Wilderness Act, establishes a California wilderness preservation system composed of state-owned areas designated by the Legislature as wilderness areas and units of the state park system classified as state wildernesses by the State Park and Recreation Commission. The act designates specified state wilderness areas and requires a state agency with jurisdiction over an area designated as a wilderness area to be responsible for preserving the wilderness character of that area. The act prohibits the presence of a commercial enterprise or permanent road within a wilderness area, except as necessary in specified emergencies. The act generally prohibits, among other things, the presence of temporary roads, the use of motorized vehicles, motorized equipment, and motorized transport within a wilderness area and authorizes the state agency with jurisdiction over the area to take measures necessary for the control of fire, insects, and diseases. The act also defines various terms for purposes of the act.

This bill would define “minimum *management* requirements” and “minimum tool” for purposes of the act. The bill would repeal the above exception to the presence of commercial enterprises or permanent roads within a wilderness area, and would, instead, authorize the presence of temporary roads, the use of motorized vehicles, motorized equipment, and motorized transport within a wilderness area when necessary in specified emergencies or when necessary to meet minimum requirements for the administration of the area *it is the minimum tool necessary to meet the minimum management requirements*. The bill would authorize a state agency having jurisdiction over a wilderness area to *authorize measures to address environmental damage or degradation affecting wilderness character and resources with a minimum tool if the agency determines the measure is necessary to meet the minimum requirements for the administration of the area if those measures are consistent with the minimum management requirements and only the minimum tools are used*.

The bill also would make technical, nonsubstantive changes in those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5093.32 of the Public Resources Code
- 2 is amended to read:
- 3 5093.32. As used in this chapter:
- 4 (a) ~~“Minimum requirements” means all wilderness management~~
- 5 ~~actions minimally necessary to administer a wilderness area for~~
- 6 ~~the purpose of this chapter.~~
- 7 (b) ~~“Minimum tool” means a use or activity, determined to be~~
- 8 ~~the minimum necessary for wilderness management, which makes~~
- 9 ~~use of the least intrusive tool, equipment, device, force, regulation,~~
- 10 ~~action, or practice that will achieve the wilderness management~~
- 11 ~~objective of the protection of wilderness character, resources, and~~
- 12 ~~values by the managing state agency.~~
- 13 (a) *“Minimum management requirements” means the minimum*
- 14 *wilderness management actions that are necessary to administer*
- 15 *a wilderness area for the purpose of this chapter.*

1 (b) “Minimum tool” means the least intrusive tool, equipment,
2 device, regulation, action, or practice that will achieve the
3 minimum management requirements.

4 (c) “Roadless area” means a reasonably compact area of
5 undeveloped land ~~which~~ that possesses the general characteristics
6 of a wilderness, as described in subdivision (c) of Section 5093.33,
7 and within which there is no improved road that is suitable for
8 public travel by motorized vehicles intended primarily for highway
9 use.

10 (d) “Secretary” means the Secretary of the Resources Agency.

11 (e) “System” means the California wilderness preservation
12 system.

13 (f) “Wilderness areas” means component areas of the system
14 as described in Section 5093.33.

15 SEC. 2. Section 5093.36 of the Public Resources Code is
16 amended to read:

17 5093.36. (a) Except as otherwise provided in this chapter, a
18 state agency with jurisdiction over an area designated as a
19 wilderness area shall be responsible for preserving the wilderness
20 character of the wilderness area and shall administer the area for
21 the purposes for which it has been established and to preserve its
22 wilderness character. Except as otherwise provided in this chapter,
23 wilderness areas shall be devoted to the public purposes of
24 recreational, scenic, scientific, educational, conservation, and
25 historical use.

26 (b) Except as specifically provided in this chapter, and subject
27 to private rights existing as of January 1, 1975, there shall be no
28 commercial enterprise and no permanent road within any
29 wilderness area. There shall be no temporary road, no use of motor
30 vehicles, motorized equipment, or motorboats, no landing or
31 hovering of aircraft, no flying of aircraft lower than 2,000 feet
32 above the ground, no other form of mechanical transport, and no
33 structure or installation within any wilderness area, ~~except as~~
34 ~~necessary in emergencies involving the health and safety of persons~~
35 ~~within the wilderness area and, except as necessary, to meet~~
36 ~~minimum requirements for the administration of the area for the~~
37 ~~purpose of this chapter.~~ *under either of the following*
38 *circumstances:*

39 (1) *It is necessary in an emergency involving the health and*
40 *safety of persons within the wilderness area.*

1 (2) *It is the minimum tool necessary to meet the minimum*
2 *management requirements.*

3 (c) The following special provisions are hereby made:

4 (1) Within a wilderness area, measures may be taken as may be
5 necessary for the control of fire, insects, and diseases, subject to
6 conditions that the state agency with jurisdiction over the
7 wilderness area may deem desirable.

8 (2) Nothing in this chapter shall prevent any activity by any
9 public agency within a wilderness area, including prospecting, for
10 the purpose of gathering information about mineral or other
11 resources that the state agency with jurisdiction over the wilderness
12 area has determined will be carried on in a manner compatible
13 with the preservation of the wilderness environment.

14 (3) A state agency with jurisdiction over a wilderness area may
15 authorize the collection of hydrometeorological data and the
16 conduct of weather modification activities, including both
17 atmospheric and surface activities and environmental research,
18 which are within, over, or may affect wilderness areas and for
19 those purposes may permit access, installation, and use of
20 equipment which is specifically justified and unobtrusively located.
21 Maximum practical application of miniaturization, telemetry, and
22 camouflage shall be employed in conducting weather modification
23 activities. In granting permission for the conduct of data collection
24 and weather modification activities, the appropriate state agency
25 may prescribe operating and monitoring conditions that it deems
26 necessary to minimize or avoid long-term and intensive local
27 impact on the wilderness character of the wilderness areas affected.

28 (4) Within a wilderness area, the grazing of livestock, where
29 established prior to January 1, 1975, may be permitted to be
30 continued by the present lessee or permittee subject to limitation
31 by the terms and regulations that are deemed necessary by the state
32 agency with jurisdiction over the wilderness areas.

33 (5) This chapter does not apply to the aerial stocking of fish or
34 to the conduct of aerial surveys of wildlife species.

35 (6) A state agency having jurisdiction over a wilderness area
36 may authorize measures that address environmental damage or
37 degradation affecting wilderness character and resources ~~with a~~
38 ~~minimum tool only if the agency has determined that the measure~~
39 ~~is necessary to meet the minimum requirements for the~~
40 ~~administration of the area for the purposes of this chapter.~~

- 1 ~~(7) Guidelines for the determination of the minimum~~
- 2 ~~requirements and the minimum tool shall be adopted by regulation.~~
- 3 *if those measures are consistent with the minimum management*
- 4 *requirements and only the minimum tools are used.*

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