

AMENDED IN ASSEMBLY JUNE 26, 2007

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 404

Introduced by Senator Kehoe
(Coauthor: Assembly Member Saldana)

February 21, 2007

An act to ~~add Section 5093.41 to~~ *amend Section 5093.33 of the Public Resources Code, relating to public resources.*

LEGISLATIVE COUNSEL'S DIGEST

SB 404, as amended, Kehoe. California Wilderness Act.

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.

~~This bill would require the administering state agency to hold a public hearing prior to an action by the State Park and Recreation Commission to remove wilderness designation from a state wilderness area. Before the commission approves a modification, adjustment, or dedesignation of a state wilderness area, an administering state agency would be required to make a written finding that the modification, adjustment, or dedesignation is the only feasible alternative~~ *prohibit the boundaries of a wilderness area from being modified or adjusted in a manner that results in a dedesignation of a previously designated wilderness area, unless the commission makes a recommendation for that modification or adjustment to the Legislature, and the Legislature approves the recommendation in a statute.*

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 5093.33 of the Public Resources Code is
2 amended to read:
3 5093.33. (a) There is hereby established a California
4 wilderness preservation system to be composed of state-owned
5 areas designated by the Legislature as “wilderness areas” and units
6 of the state park system classified as “state wildernesses” by the
7 State Park and Recreation Commission pursuant to Article 1.7
8 (commencing with Section 5019.50) of Chapter 1, ~~and these. These~~
9 ~~areas~~ shall be administered for the use and enjoyment of the people
10 ~~in such a manner as that~~ will leave them unimpaired for future use
11 and enjoyment as wilderness, provide for the protection of ~~such~~
12 ~~those~~ areas, preserve their wilderness character, and provide for
13 the gathering and dissemination of information regarding their use
14 and enjoyment as wilderness. ~~No state-owned~~ State-owned areas
15 shall *not* be designated as “wilderness areas” except as provided
16 for in this chapter or by subsequent legislative enactment.
17 (b) Notwithstanding the inclusion of an area within the system,
18 a wilderness area shall continue to be subject to the jurisdiction of
19 the state agency or agencies having jurisdiction ~~thereover~~ *over the*
20 ~~area~~ immediately prior to its inclusion in the system. The secretary
21 shall adopt guidelines for the management of wilderness areas.
22 Each state agency or agencies having jurisdiction over a wilderness
23 area shall adopt regulations for the management of ~~such the~~ areas
24 consistent with the guidelines adopted by the secretary and the
25 objectives of this chapter. ~~Such~~ The regulations shall include
26 provisions to protect endangered or rare native plant and animal
27 species.
28 (c) A wilderness area, in contrast to those areas where man and
29 his own works dominate the landscape, is hereby recognized as
30 an area where the earth and its community of life are untrammelled
31 by man, where man himself is a visitor who does not remain. A
32 wilderness area is further defined to mean an area of relatively
33 undeveloped state-owned land ~~which that~~ has retained its primeval
34 character and influence or has been substantially restored to a near
35 natural appearance, without permanent improvements or human

1 habitation, other than semi-improved campgrounds and primitive
2 latrines, ~~and which~~ *that* is protected and managed so as to preserve
3 its natural conditions, ~~and which~~ *that*:

4 (1) Appears generally to have been affected primarily by the
5 forces of nature, with the imprint of man’s work substantially
6 unnoticeable.

7 (2) Has outstanding opportunities for solitude or a primitive and
8 unconfined type of recreation.

9 (3) Has at least 5,000 acres of land, either by itself or in
10 combination with contiguous areas possessing wilderness
11 characteristics, or is of sufficient size as to make practicable its
12 preservation and use in an unimpaired condition.

13 (4) May also contain ecological, geological, or other features
14 of scientific, educational, scenic, or historical value.

15 *(d) The boundaries of a wilderness area shall not be modified*
16 *or adjusted in a manner that results in a dedesignation of a*
17 *previously designated wilderness area, unless the State Park and*
18 *Recreation Commission makes a recommendation for that*
19 *modification or adjustment to the Legislature, and the Legislature*
20 *approves the recommendation in a statute.*

21 ~~SECTION 1. Section 5093.41 is added to the Public Resources~~
22 ~~Code, to read:~~

23 ~~5093.41. (a) The administering state agency shall conduct a~~
24 ~~public hearing prior to an action by the State Park and Recreation~~
25 ~~Commission to remove wilderness designation from a state~~
26 ~~wilderness area.~~

27 ~~(b) The State Park and Recreation Commission shall not approve~~
28 ~~a modification, adjustment, or dedesignation of a state wilderness~~
29 ~~area, unless the administering state agency makes a written finding~~
30 ~~that the modification, adjustment, or dedesignation is the only~~
31 ~~feasible alternative.~~

32 ~~(c) For the purpose of this section, “feasible” means the same~~
33 ~~as that set forth in Section 21061.1.~~