

118TH CONGRESS
1ST SESSION

H. R. 3681

To modify the boundaries of the San Gabriel Mountains National Monument in the State of California to include additional National Forest System land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Ms. CHU (for herself, Mrs. NAPOLITANO, Ms. BARRAGÁN, Mr. BERA, Ms. BROWNLEY, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. DESAULNIER, Ms. ESHOO, Mr. GARAMENDI, Mr. ROBERT GARCIA of California, Mr. GOMEZ, Mr. HUFFMAN, Ms. KAMLAGER-DOVE, Mr. KHANNA, Ms. LEE of California, Ms. LOFGREN, Mr. MULLIN, Ms. PORTER, Mr. SCHIFF, Mr. SHERMAN, Mr. SWALWELL, Ms. SÁNCHEZ, Mr. TAKANO, Ms. WATERS, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To modify the boundaries of the San Gabriel Mountains National Monument in the State of California to include additional National Forest System land, 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; TABLE OF CONTENTS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. National monument boundary modification.
- Sec. 4. Designation of wilderness areas and additions.
- Sec. 5. Administration of wilderness areas and additions.
- Sec. 6. Designation of wild and scenic rivers.
- Sec. 7. Water rights.
- Sec. 8. Reauthorization of existing water facilities in Pleasant View Ridge Wilderness.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

7 (2) WILDERNESS AREA OR ADDITION.—The
8 term “wilderness area or addition” means any wil-
9 derness area or wilderness addition designated by
10 section 4(a).

11 **SEC. 3. NATIONAL MONUMENT BOUNDARY MODIFICATION.**

12 (a) IN GENERAL.—The San Gabriel Mountains Na-
13 tional Monument established by Presidential Proclamation
14 9194 (54 U.S.C. 320301 note) (referred to in this section
15 as the “Monument”) is modified to include the approxi-
16 mately 109,167 acres of additional National Forest Sys-
17 tem land depicted as the “Proposed San Gabriel Moun-
18 tains National Monument Expansion” on the map entitled
19 “Proposed San Gabriel Mountains National Monument
20 Expansion” and dated June 26, 2019.

1 (b) ADMINISTRATION.—The Secretary shall admin-
2 ister the Monument (including the land added to the
3 Monument by subsection (a)), in accordance with—

4 (1) Presidential Proclamation Number 9194
5 (79 Fed. Reg. 62303);

6 (2) the laws generally applicable to the Monu-
7 ment; and

8 (3) this Act.

9 (c) MANAGEMENT PLAN.—Not later than 3 years
10 after the date of enactment of this Act, the Secretary shall
11 consult with the State, local governments, and interested
12 members of the public to update the San Gabriel Moun-
13 tains National Monument Plan to provide management di-
14 rection and protection for the land added to the Monu-
15 ment by subsection (a).

16 **SEC. 4. DESIGNATION OF WILDERNESS AREAS AND ADDI-**
17 **TIONS.**

18 (a) DESIGNATION.—In accordance with the Wilder-
19 ness Act (16 U.S.C. 1131 et seq.), the following parcels
20 of National Forest System land in the State are des-
21 ignated as wilderness and as components of the National
22 Wilderness Preservation System:

23 (1) CONDOR PEAK WILDERNESS.—Certain Fed-
24 eral land in the Angeles National Forest, comprising
25 approximately 8,207 acres, as generally depicted on

1 the map entitled “Condor Peak Wilderness—Pro-
2 posed” and dated June 6, 2019, which shall be
3 known as the “Condor Peak Wilderness”.

4 (2) SAN GABRIEL WILDERNESS ADDITIONS.—
5 Certain Federal land in the Angeles National Forest,
6 comprising approximately 2,032 acres, as generally
7 depicted on the map entitled “San Gabriel Wilder-
8 ness Additions” and dated June 6, 2019, which is
9 incorporated in, and considered to be a part of, the
10 San Gabriel Wilderness designated by Public Law
11 90–318 (16 U.S.C. 1132 note; 82 Stat. 131).

12 (3) SHEEP MOUNTAIN WILDERNESS ADDI-
13 TIONS.—Certain Federal land in the Angeles Na-
14 tional Forest, comprising approximately 13,726
15 acres, as generally depicted on the map entitled
16 “Sheep Mountain Wilderness Additions” and dated
17 June 6, 2019, which is incorporated in, and consid-
18 ered to be a part of, the Sheep Mountain Wilderness
19 designated by section 101(a)(29) of the California
20 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
21 lic Law 98–425; 98 Stat. 1623).

22 (4) YERBA BUENA WILDERNESS.—Certain Fed-
23 eral land in the Angeles National Forest, comprising
24 approximately 6,694 acres, as generally depicted on
25 the map entitled “Yerba Buena Wilderness—Pro-

1 posed” and dated June 6, 2019, which shall be
2 known as the “Yerba Buena Wilderness”.

3 (b) MAP AND LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary
6 shall file a map and a legal description of the wilder-
7 ness areas and additions with—

8 (A) the Committee on Energy and Natural
9 Resources of the Senate; and

10 (B) the Committee on Natural Resources
11 of the House of Representatives.

12 (2) FORCE OF LAW.—The map and legal de-
13 scription filed under paragraph (1) shall have the
14 same force and effect as if included in this Act, ex-
15 cept that the Secretary may correct any clerical or
16 typographical error in the map or legal description.

17 (3) PUBLIC AVAILABILITY.—The map and legal
18 description filed under paragraph (1) shall be on file
19 and available for public inspection in the appropriate
20 offices of the Forest Service.

21 **SEC. 5. ADMINISTRATION OF WILDERNESS AREAS AND AD-**
22 **DITIONS.**

23 (a) IN GENERAL.—Subject to valid existing rights,
24 the wilderness areas and additions shall be administered
25 by the Secretary in accordance with this section and the

1 Wilderness Act (16 U.S.C. 1131 et seq.), except that any
2 reference in that Act to the effective date of that Act shall
3 be considered to be a reference to the date of enactment
4 of this Act.

5 (b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—
6 TIES.—

7 (1) IN GENERAL.—The Secretary may carry out
8 such activities in a wilderness area or addition as
9 are necessary for the control of fire, insects, or dis-
10 eases in accordance with—

11 (A) section 4(d)(1) of the Wilderness Act
12 (16 U.S.C. 1133(d)(1)); and

13 (B) House Report 98–40 of the 98th Con-
14 gress.

15 (2) FUNDING PRIORITIES.—Nothing in this Act
16 limits funding for fire or fuels management in a wil-
17 derness area or addition.

18 (3) REVISION AND DEVELOPMENT OF LOCAL
19 FIRE MANAGEMENT PLANS.—As soon as practicable
20 after the date of enactment of this Act, the Sec-
21 retary shall amend, as applicable, any local fire man-
22 agement plan that applies to a wilderness area or
23 addition.

24 (4) ADMINISTRATION.—In accordance with
25 paragraph (1) and any other applicable Federal law,

1 to ensure a timely and efficient response to a fire
2 emergency in a wilderness area or addition, the Sec-
3 retary shall—

4 (A) not later than 1 year after the date of
5 enactment of this Act, establish agency ap-
6 proval procedures (including appropriate delega-
7 tions of authority to the Forest Supervisor, Dis-
8 trict Manager, or other agency officials) for re-
9 sponding to fire emergencies; and

10 (B) enter into agreements with appropriate
11 State or local firefighting agencies.

12 (c) GRAZING.—The grazing of livestock in a wilder-
13 ness area or addition, if established before the date of en-
14 actment of this Act, shall be administered in accordance
15 with—

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

18 (2) the guidelines contained in Appendix A of
19 the report of the Committee on Interior and Insular
20 Affairs of the House of Representatives accom-
21 panying H.R. 2570 of the 101st Congress (H. Rept.
22 101–405).

23 (d) FISH AND WILDLIFE.—

24 (1) IN GENERAL.—In accordance with section
25 4(d)(7) of the Wilderness Act (16 U.S.C.

1 1133(d)(7)), nothing in this Act affects the jurisdic-
2 tion or responsibility of the State with respect to
3 fish or wildlife on public land in the State.

4 (2) MANAGEMENT ACTIVITIES.—

5 (A) IN GENERAL.—In support of the pur-
6 poses and principles of the Wilderness Act (16
7 U.S.C. 1131 et seq.), the Secretary may con-
8 duct any management activity that the Sec-
9 retary determines to be necessary to maintain
10 or restore a fish or wildlife population or habi-
11 tat in a wilderness area or addition, if the activ-
12 ity is conducted in accordance with—

13 (i) applicable wilderness management
14 plans; and

15 (ii) appropriate policies, such as the
16 policies established in Appendix B of the
17 report of the Committee on Interior and
18 Insular Affairs of the House of Represent-
19 atives accompanying H.R. 2570 of the
20 101st Congress (H. Rept. 101–405).

21 (B) INCLUSIONS.—A management activity
22 under subparagraph (A) may include the occa-
23 sional and temporary use of motorized vehicles,
24 if the use, as determined by the Secretary,
25 would maintain or improve wilderness char-

1 acter, is impossible to accomplish by non-
2 motorized methods, and is in accordance with
3 memoranda of understanding between the Fed-
4 eral agencies and the California State Depart-
5 ment of Fish and Wildlife.

6 (C) EXISTING ACTIVITIES.—In accordance
7 with section 4(d)(1) of the Wilderness Act (16
8 U.S.C. 1133(d)(1)) and other appropriate poli-
9 cies (such as the policies established in Appen-
10 dix B of the report of the Committee on Inte-
11 rior and Insular Affairs of the House of Rep-
12 resentatives accompanying H.R. 2570 of the
13 101st Congress (H. Rept. 101–405)), the State
14 may use aircraft (including helicopters) in a
15 wilderness area or addition to survey, capture,
16 transplant, monitor, or provide water for a wild-
17 life population, including bighorn sheep, if the
18 activity, as determined by the Secretary is im-
19 possible to accomplish without use of aircraft,
20 and is in accordance with memoranda of under-
21 standing between the Federal agencies and the
22 California State Department of Fish and Wild-
23 life.

24 (e) BUFFER ZONES.—

1 (1) IN GENERAL.—Nothing in this Act estab-
2 lishes any protective perimeter or buffer zone around
3 a wilderness area or addition.

4 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—
5 The fact that a nonwilderness activity or use can be
6 seen or heard from within a wilderness area or addi-
7 tion shall not preclude the activity or use up to the
8 boundary of the wilderness area or addition.

9 (f) MILITARY ACTIVITIES.—Nothing in this Act pre-
10 cludes—

11 (1) low-level overflights of military aircraft over
12 a wilderness area or addition;

13 (2) the designation of a new unit of special air-
14 space over a wilderness area or addition; or

15 (3) the use or establishment of a military flight
16 training route over a wilderness area or addition.

17 (g) HORSES.—Nothing in this Act precludes horse-
18 back riding in, or the entry of recreational or commercial
19 saddle or pack stock into, a wilderness area or addition—

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

22 (2) subject to such terms and conditions as the
23 Secretary determines to be necessary.

24 (h) LAW ENFORCEMENT.—Nothing in this Act pre-
25 cludes any law enforcement or drug interdiction effort

1 within a wilderness area or addition, in accordance with
2 the Wilderness Act (16 U.S.C. 1131 et seq.).

3 (i) WITHDRAWAL.—Subject to valid existing rights,
4 the wilderness areas and additions are withdrawn from—

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

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) operation of the mineral materials and geo-
10 thermal leasing laws.

11 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
12 ESTS.—Any land within the boundary of a wilderness area

13 or addition that is acquired by the United States shall—

14 (1) become part of the wilderness area or addi-
15 tion in which the land is located; and

16 (2) be managed in accordance with this section,
17 the Wilderness Act (16 U.S.C. 1131 et seq.), and
18 any other applicable law (including regulations).

19 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-
20 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)

21 and subject to such terms and conditions as the Secretary
22 may prescribe, the Secretary may authorize the installa-

23 tion and maintenance of hydrologic, meteorologic, or cli-
24 matological collection devices in a wilderness area or addi-

25 tion if the Secretary determines that the device and access

1 to the device is essential to a flood warning, flood control,
2 or water reservoir operation activity.

3 (l) **AUTHORIZED EVENT.**—The Secretary may au-
4 thorize the Angeles Crest 100 competitive running event
5 to continue in substantially the same manner in which the
6 event was operated and permitted in 2015 within the land
7 added to the Sheep Mountain Wilderness by section
8 4(a)(3) and the Pleasant View Ridge Wilderness Area des-
9 ignated by section 1802(8) of the Omnibus Public Land
10 Management Act of 2009 (16 U.S.C. 1132 note; Public
11 Law 111–11; 123 Stat. 1054), if the event is authorized
12 and conducted in a manner compatible with the preserva-
13 tion of the areas as wilderness.

14 **SEC. 6. DESIGNATION OF WILD AND SCENIC RIVERS.**

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

18 “(231) **EAST FORK SAN GABRIEL RIVER, CALI-**
19 **FORNIA.**—The following segments of the East Fork
20 San Gabriel River, to be administered by the Sec-
21 retary of Agriculture in the following classes:

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

1 “(B) The 2.7-mile segment from 100 yards
2 upstream of the Heaton Flats trailhead and day
3 use area to 100 yards upstream of the con-
4 fluence with Williams Canyon, as a recreational
5 river.

6 “(232) NORTH FORK SAN GABRIEL RIVER,
7 CALIFORNIA.—The 4.3-mile segment of the North
8 Fork San Gabriel River from the confluence with
9 Cloudburst Canyon to 0.25 miles upstream of the
10 confluence with the West Fork San Gabriel River, to
11 be administered by the Secretary of Agriculture as
12 a recreational river.

13 “(233) WEST FORK SAN GABRIEL RIVER, CALI-
14 FORNIA.—The following segments of the West Fork
15 San Gabriel River, to be administered by the Sec-
16 retary of Agriculture in the following classes:

17 “(A) The 6.7-mile segment from 0.25
18 miles downstream of its source near Red Box
19 Gap in sec. 14, T. 2 N., R. 12 W., to the con-
20 fluence with the unnamed tributary 0.25 miles
21 downstream of the power lines in sec. 22, T. 2
22 N., R. 11 W., as a recreational river.

23 “(B) The 1.6-mile segment of the West
24 Fork from 0.25 miles downstream of the

1 powerlines in sec. 22, T. 2 N., R. 11 W., to the
2 confluence with Bobcat Canyon, as a wild river.

3 “(234) LITTLE ROCK CREEK, CALIFORNIA.—

4 The following segments of Little Rock Creek and
5 tributaries, to be administered by the Secretary of
6 Agriculture in the following classes:

7 “(A) The 10.3-mile segment from its
8 source on Mt. Williamson in sec. 6, T. 3 N., R.
9 9 W., to 100 yards upstream of the confluence
10 with the South Fork Little Rock Creek, as a
11 wild river.

12 “(B) The 6.6-mile segment from 100 yards
13 upstream of the confluence with the South Fork
14 Little Rock Creek to the confluence with
15 Santiago Canyon, as a recreational river.

16 “(C) The 1-mile segment of Cooper Can-
17 yon Creek from 0.25 miles downstream of
18 Highway 2 to 100 yards downstream of Cooper
19 Canyon Campground, as a scenic river.

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

24 “(E) The 1-mile segment of Buckhorn
25 Creek from 100 yards downstream of the

1 Buckhorn Campground to its confluence with
2 Cooper Canyon Creek, as a wild river.”.

3 (b) WATER RESOURCE FACILITIES; WATER USE.—

4 (1) WATER RESOURCE FACILITIES.—

5 (A) DEFINITIONS.—In this paragraph:

6 (i) WATER RESOURCE FACILITY.—The
7 term “water resource facility” means—

8 (I) an irrigation or pumping fa-
9 cility;

10 (II) a dam or reservoir;

11 (III) a flood control facility;

12 (IV) a water conservation works
13 (including a debris protection facility);

14 (V) a sediment placement site;

15 (VI) a rain gauge or stream
16 gauge;

17 (VII) a water quality facility;

18 (VIII) a recycled water facility or
19 water pumping, conveyance, or dis-
20 tribution system;

21 (IX) a water storage tank or res-
22 ervoir;

23 (X) a water treatment facility;

24 (XI) an aqueduct, canal, ditch,
25 pipeline, well, hydropower project, or

1 transmission or other ancillary facil-
2 ity;

3 (XII) a groundwater recharge fa-
4 cility;

5 (XIII) a water filtration plant;
6 and

7 (XIV) any other water diversion,
8 conservation, storage, or carriage
9 structure.

10 (ii) WILD AND SCENIC RIVER SEG-
11 MENT.—The term “wild and scenic river
12 segment” means a component of the na-
13 tional wild and scenic rivers system des-
14 ignated by paragraph (231), (232), (233),
15 or (234) of section 3(a) of the Wild and
16 Scenic Rivers Act (16 U.S.C. 1274(a)) (as
17 added by subsection (a)).

18 (B) NO EFFECT ON EXISTING WATER RE-
19 SOURCE FACILITIES.—Nothing in this section
20 alters, modifies, or affects—

21 (i) the use, operation, maintenance,
22 repair, construction, destruction, reconfig-
23 uration, expansion, relocation, or replace-
24 ment of a water resource facility down-
25 stream of a wild and scenic river segment,

1 subject to the condition that the physical
2 structures of such a facility or reservoir
3 shall not be located within the wild and
4 scenic river segment; or

5 (ii) access to a water resource facility
6 downstream of a wild and scenic river seg-
7 ment.

8 (C) NO EFFECT ON NEW WATER RE-
9 SOURCE FACILITIES.—Nothing in this section
10 precludes the establishment of a new water re-
11 source facility (including instream sites, routes,
12 and areas) downstream of a wild and scenic
13 river segment.

14 (2) LIMITATION.—Any new reservation of water
15 or new use of water pursuant to existing water
16 rights held by the United States to advance the pur-
17 poses of the National Wild and Scenic Rivers Act
18 (16 U.S.C. 1271 et seq.) shall be for nonconsump-
19 tive instream use only within the wild and scenic
20 river segments (as defined in paragraph (1)(A)).

21 (3) EXISTING LAW.—Nothing in this section af-
22 fects the implementation of the Endangered Species
23 Act of 1973 (16 U.S.C. 1531 et seq.).

1 **SEC. 7. WATER RIGHTS.**

2 (a) STATUTORY CONSTRUCTION.—Nothing in this
3 Act, and no action carried out pursuant to this Act—

4 (1) constitutes an express or implied reservation
5 of any water or water right, or authorizes an expan-
6 sion of water use pursuant to existing water rights
7 held by the United States, with respect to—

8 (A) the San Gabriel Mountains National
9 Monument;

10 (B) the wilderness areas and additions des-
11 ignated by section 4; and

12 (C) the components of the national wild
13 and scenic rivers system designated by para-
14 graphs (231), (232), (233), or (234) of section
15 3(a) of the Wild and Scenic Rivers Act (16
16 U.S.C. 1274(a)) (as added by section 6(a)) and
17 land adjacent to the components;

18 (2) affects, alters, modifies, or conditions any
19 water right in the State in existence on the date of
20 enactment of this Act, including any water rights
21 held by the United States;

22 (3) establishes a precedent with respect to any
23 designation of wilderness or wild and scenic rivers
24 after the date of enactment of this Act;

1 (4) affects, alters, or modifies the interpretation
2 of, or any designation, decision, adjudication, or ac-
3 tion carried out pursuant to, any other Act; or

4 (5) limits, alters, modifies, or amends any inter-
5 state compact or equitable apportionment decree
6 that apportions water among or between the State
7 and any other State.

8 (b) STATE WATER LAW.—The Secretary shall com-
9 ply with applicable procedural and substantive require-
10 ments under State law to obtain and hold any water rights
11 not in existence on the date of enactment of this Act with
12 respect to—

13 (1) the San Gabriel Mountains National Monu-
14 ment;

15 (2) the wilderness areas and additions des-
16 ignated by section 4; and

17 (3) the components of the national wild and
18 scenic rivers system designated by paragraphs (231),
19 (232), (233), or (234) of section 3(a) of the Wild
20 and Scenic Rivers Act (16 U.S.C. 1274(a)) (as
21 added by section 6(a)).

22 **SEC. 8. REAUTHORIZATION OF EXISTING WATER FACILI-**
23 **TIES IN PLEASANT VIEW RIDGE WILDERNESS.**

24 (a) AUTHORIZATION FOR CONTINUED USE.—The
25 Secretary of Agriculture may issue a special use authoriza-

1 tion to the owners of a water transport or diversion facility
2 (in this section referred to as a “facility”) located on Na-
3 tional Forest System land in the Pleasant View Ridge Wil-
4 derness for the continued operation, maintenance, and re-
5 construction of the facility if the Secretary determines
6 that—

7 (1) the facility was in existence on the date on
8 which the land upon which the facility is located was
9 designated as part of the National Wilderness Pres-
10 ervation System (in this section referred to as “the
11 date of designation”);

12 (2) the facility has been in substantially contin-
13 uous use to deliver water for the beneficial use on
14 the owner’s non-Federal land since the date of des-
15 ignation;

16 (3) the owner of the facility holds a valid water
17 right for use of the water on the owner’s non-Fed-
18 eral land under California State law, with a priority
19 date that predates the date of designation; and

20 (4) it is not practicable or feasible to relocate
21 the facility to land outside of the wilderness and
22 continue the beneficial use of water on the non-Fed-
23 eral land recognized under State law.

24 (b) TERMS AND CONDITIONS.—

1 (1) REQUIRED TERMS AND CONDITIONS.—In a
2 special use authorization issued under subsection
3 (a), the Secretary may—

4 (A) allow use of motorized equipment and
5 mechanized transport for operation, mainte-
6 nance, or reconstruction of a facility, if the Sec-
7 retary determines that—

8 (i) the use is the minimum necessary
9 to allow the facility to continue delivery of
10 water to the non-Federal land for the ben-
11 efitial uses recognized by the water right
12 held under California State law; and

13 (ii) the use of non-motorized equip-
14 ment and non-mechanized transport is im-
15 practicable or infeasible; and

16 (B) prohibit use of the facility for the di-
17 version or transport of water in excess of the
18 water right recognized by the State of Cali-
19 fornia on the date of designation.

20 (2) DISCRETIONARY TERMS AND CONDI-
21 TIONS.—In a special use authorization issued under
22 subsection (a), the Secretary may require or allow
23 modification or relocation of the facility in the wil-
24 derness, as the Secretary determines necessary, to
25 reduce impacts to wilderness values set forth in sec-

1 tion 2 of the Wilderness Act (16 U.S.C. 1131) if the
2 beneficial use of water on the non-Federal land is
3 not diminished.

○