

Union Calendar No. 455

114TH CONGRESS
2^D SESSION

H. R. 1838

[Report No. 114–585]

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the National Wild and Scenic Rivers System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2015

Mr. FARR (for himself, Mr. VALADAO, and Mr. DENHAM) introduced the following bill; which was referred to the Committee on Natural Resources

MAY 23, 2016

Additional sponsor: Mr. COOK

MAY 23, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 16, 2015]

A BILL

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, to designate additional 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.**

4 *This Act may be cited as the “Clear Creek National*
5 *Recreation Area and Conservation Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *MANAGEMENT PLAN.*—*The term “manage-*
9 *ment plan” means the Plan for the Recreation Area*
10 *prepared under section 4(c).*

11 (2) *RECREATION AREA.*—*The term “Recreation*
12 *Area” means the Clear Creek National Recreation*
13 *Area.*

14 (3) *SECRETARY.*—*The term “Secretary” means*
15 *the Secretary of the Interior.*

16 (4) *STATE.*—*The term “State” means the State*
17 *of California.*

18 (5) *OFF HIGHWAY VEHICLE.*—*The term “off*
19 *highway vehicle” means any motorized vehicle de-*
20 *signed for or capable of cross-country travel on or im-*
21 *mediately over land, water, snow, or other natural*
22 *terrain and not intended for use on public roads.*

1 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**
2 **RECREATION AREA.**

3 (a) *IN GENERAL.*—*To promote environmentally re-*
4 *sponsible off highway vehicle recreation, the area generally*
5 *depicted as “Proposed Clear Creek National Recreation*
6 *Area” on the map titled “Proposed Clear Creek National*
7 *Recreation Area” and dated December 15, 2015, is estab-*
8 *lished as the “Clear Creek National Recreation Area”, to*
9 *be managed by the Secretary.*

10 (b) *OTHER PURPOSES.*—*The Recreation Area shall*
11 *also support other public recreational uses, such as hunting,*
12 *hiking, and rock and gem collecting.*

13 (c) *MAP ON FILE.*—*Copies of the map referred to in*
14 *subsection (a) shall be on file and available for public in-*
15 *spection in—*

16 (1) *the Office of the Director of the Bureau of*
17 *Land Management; and*

18 (2) *the appropriate office of the Bureau of Land*
19 *Management in California.*

20 **SEC. 4. MANAGEMENT.**

21 (a) *IN GENERAL.*—*The Secretary shall manage the*
22 *Recreation Area to further the purposes described in section*
23 *3(a), in accordance with—*

24 (1) *this Act;*

25 (2) *the Federal Land Policy and Management*
26 *Act of 1976 (43 U.S.C. 1701 et seq.); and*

1 (3) *any other applicable law.*

2 (b) *USES.—The Secretary shall—*

3 (1) *prioritize environmentally responsible off*
4 *highway vehicle recreation and also facilitate hunt-*
5 *ing, hiking, gem collecting, and the use of motorized*
6 *vehicles, mountain bikes, and horses in accordance*
7 *with the management plan described in subsection (c);*

8 (2) *issue special recreation permits for motorized*
9 *and non-motorized events; and*

10 (3) *reopen the Clear Creek Management Area to*
11 *the uses described in this subsection as soon as prac-*
12 *ticable following the enactment of this Act and in ac-*
13 *cordance with the management guidelines outlined in*
14 *this Act and other applicable law.*

15 (c) *INTERIM MANAGEMENT PLAN.—The Secretary*
16 *shall use the 2006 Clear Creek Management Area Resource*
17 *Management Plan Amendment and Route Designation*
18 *Record of Decision as modified by this Act or the Secretary*
19 *to incorporate natural resource protection information not*
20 *available in 2006, as the basis of an interim management*
21 *plan to govern off highway vehicle recreation within the*
22 *Recreation Area pending the completion of the long-term*
23 *management plan required in subsection (d).*

24 (d) *PERMANENT MANAGEMENT PLAN.—Not later than*
25 *2 years after the date of the enactment of this Act, the Sec-*

1 *retary shall create a comprehensive management plan for*
2 *the Clear Creek Recreation Area that—*

3 *(1) shall describe the appropriate uses and man-*
4 *agement of the Recreation Area in accordance with*
5 *this Act;*

6 *(2) shall be prepared in consultation with—*

7 *(A) appropriate Federal, State, and local*
8 *agencies (including San Benito, Monterey, and*
9 *Fresno Counties);*

10 *(B) adjacent land owners;*

11 *(C) other stakeholders (including conserva-*
12 *tion and recreational organizations); and*

13 *(D) holders of any easements, rights-of-way,*
14 *and other valid rights in the Recreation Area;*

15 *(3) shall include a hazards education program to*
16 *inform people entering the Recreation Area of the as-*
17 *bestos related risks associated with various activities*
18 *within the Recreation Area, including off-highway ve-*
19 *hicle recreation;*

20 *(4) shall include a user fee program for motor-*
21 *ized vehicle use within the Recreational Area and*
22 *guidelines for the use of the funds collected for the*
23 *management and improvement of the Recreation*
24 *Area;*

1 (5) shall designate as many previously used
2 trails, roads, and other areas for off highway vehicle
3 recreation as feasible in accordance with this in order
4 to provide a substantially similar recreational experi-
5 ence, except that nothing in this paragraph shall be
6 construed as precluding the Secretary from closing
7 any area, trail, or route from use for the purposes of
8 public safety or resource protection;

9 (6) may incorporate any appropriate decisions,
10 as determined by the Secretary, in accordance with
11 this Act, that are contained in any management or
12 activity plan for the area completed before the date of
13 the enactment of this Act;

14 (7) may incorporate appropriate wildlife habitat
15 management plans or other plans prepared for the
16 land within or adjacent to the Recreation Area before
17 the date of the enactment of this Act, in accordance
18 with this Act;

19 (8) may use information developed under any
20 studies of land within or adjacent to the Recreation
21 Area carried out before the date of enactment of this
22 Act; and

23 (9) may include cooperative agreements with
24 State or local government agencies to manage all or
25 a portion of the recreational activities within the

1 *Recreation Area in accordance with an approved*
2 *management plan and the requirements of this Act.*

3 *(e) ACQUISITION OF PROPERTY.—*

4 *(1) IN GENERAL.—The Secretary may acquire*
5 *land adjacent to the National Recreation Area by*
6 *purchase from willing sellers, donation, or exchange.*

7 *(2) MANAGEMENT.—Any land acquired under*
8 *paragraph (1) shall be managed in accordance*
9 *with—*

10 *(A) the Federal Land Policy and Manage-*
11 *ment Act of 1976 (43 U.S.C. 1701 et seq.);*

12 *(B) this Act; and*

13 *(C) any other applicable law (including*
14 *regulations).*

15 *(3) IMPROVED ACCESS.—The Secretary may ac-*
16 *quire by purchase from willing sellers, donation, ex-*
17 *change, or easement, land, or interest in land to im-*
18 *prove public safety in providing access to the Recre-*
19 *ation Area.*

20 *(f) PRIVATE PROPERTY.—*

21 *(1) ACCESS TO PRIVATE PROPERTY.—*

22 *(A) IN GENERAL.—The Secretary shall pro-*
23 *vide landowners adequate access to inholdings*
24 *within the Recreation Area.*

1 (B) *INHOLDINGS.*—*For access purposes, pri-*
2 *vate land adjacent to the Recreation Area to*
3 *which there is no other practicable access except*
4 *through the Recreation Area shall be managed as*
5 *an inholding.*

6 (2) *USE OF PRIVATE PROPERTY.*—*Nothing in*
7 *this Act affects the ownership, management, or other*
8 *rights relating to any non-Federal land (including*
9 *any interest in any non-Federal land).*

10 (3) *BUFFER ZONES.*—*Nothing in this Act creates*
11 *a protective perimeter or buffer zone around the*
12 *Recreation Area.*

13 (4) *VALID RIGHTS.*—*Nothing in this Act affects*
14 *any easements, rights-of-way, and other valid rights*
15 *in existence on the date of the enactment of this Act.*

16 (g) *WATER RIGHT EXCLUSION.*—*Nothing in this*
17 *Act—*

18 (1) *shall constitute or be construed to constitute*
19 *either an express or implied reservation by the United*
20 *States of any water or water rights with respect to the*
21 *Recreation Area; or*

22 (2) *shall affect any water rights existing on the*
23 *date of the enactment of this Act.*

24 (h) *HUNTING AND FISHING.*—*Nothing in this Act—*

25 (1) *limits hunting or fishing; or*

1 (2) *affects the authority, jurisdiction, or respon-*
2 *sibility of the State to manage, control, or regulate*
3 *fish and resident wildlife under State law (including*
4 *regulations), including the regulation of hunting or*
5 *fishing on public land managed by the Bureau of*
6 *Land Management.*

7 (i) *MOTORIZED VEHICLES.—Except in cases in which*
8 *motorized vehicles are needed for administrative purposes*
9 *or to respond to an emergency, the use of motorized vehicles*
10 *on public land in the Recreation Area shall be permitted*
11 *only on roads, trails, and areas designated by the manage-*
12 *ment plan for the use by motorized vehicles.*

13 (j) *GRAZING.—In the Recreation Area, the grazing of*
14 *livestock in areas in which grazing is allowed as of the date*
15 *of the enactment of this Act shall be allowed to continue,*
16 *consistent with—*

17 (1) *this Act;*

18 (2) *the Federal Land Policy and Management*
19 *Act of 1976 (43 U.S.C. 1701 et seq.); and*

20 (3) *any regulations promulgated by the Sec-*
21 *retary, acting through the Director of the Bureau of*
22 *Land Management.*

23 (k) *WITHDRAWAL.—Subject to valid existing rights, all*
24 *Federal land within the Recreation Area is withdrawn*
25 *from—*

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

3 (2) *location, entry, and patenting under the*
4 *mining laws; and*

5 (3) *operation of the mineral leasing, mineral*
6 *materials, and geothermal leasing laws.*

7 (l) *FEES.*—*Amounts received by the Secretary under*
8 *the fee structure required by subsection (c)(3)(G) shall be—*

9 (1) *deposited in a special account in the Treas-*
10 *ury of the United States; and*

11 (2) *made available until expended, without fur-*
12 *ther appropriation, to the Secretary for use in the*
13 *Recreation Area.*

14 (m) *RISK STANDARD.*—*The National Oil and Haz-*
15 *ardous Substances Pollution Contingency Plan (section 300*
16 *of title 40, Code of Federal Regulations), published pursu-*
17 *ant to section 105 of the Comprehensive Environmental Re-*
18 *sponse, Compensation, and Liability Act of 1980 (42 U.S.C.*
19 *9605), shall not apply to the Secretary’s management of*
20 *asbestos exposure risks faced by the public when recreating*
21 *within the Clear Creek Recreation Area described in section*
22 *3(b).*

23 **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

24 *In accordance with the Wilderness Act (16 U.S.C. 1131*
25 *et seq.), the approximately 21,000 acres of Federal lands*

1 *located in Fresno County and San Benito County, Cali-*
2 *fornia, and generally depicted on a map entitled “Proposed*
3 *Joaquin Rocks Wilderness” and dated January 14, 2015,*
4 *is designated as wilderness and as a component of the Na-*
5 *tional Wilderness Preservation System and shall be known*
6 *as the “Joaquin Rocks Wilderness”.*

7 **SEC. 6. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS**

8 **STUDY AREA.**

9 (a) *FINDING.*—Congress finds that, for the purposes of
10 *section 603 of the Federal Land Policy and Management*
11 *Act of 1976 (43 U.S.C. 1782), the San Benito Mountain*
12 *wilderness study area has been adequately studied for wil-*
13 *derness designation.*

14 (b) *RELEASE.*—The San Benito Mountain wilderness
15 *study area is no longer subject to section 603(c) of the Fed-*
16 *eral Land Policy and Management Act of 1976 (43 U.S.C.*
17 *1782(c)).*

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