

CLEAR CREEK NATIONAL RECREATION AREA AND
CONSERVATION ACT

JULY 11, 2017.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1913]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1913) to establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1913 is to establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, and to designate the Joaquin Rocks Wilderness in such counties.

BACKGROUND AND NEED FOR LEGISLATION

In 2008, the U.S. Environmental Protection Agency found that naturally occurring asbestos (NOA) in the Clear Creek Management Area's (CCMA) serpentine soils posed a significant public health risk, particularly to off-highway vehicle (OHV) users.¹ Later that year, the Bureau of Land Management (BLM) temporarily closed the CCMA and initiated a process to develop a long-term Resource Management Plan (RMP) governing recreational uses in the

¹United States Environmental Protection Agency, "U.S. EPA Risk Assessment: Clear Creek Management Area Asbestos Increases Long-Term Cancer Risk", 04/30/2008, https://yosemite.epa.gov/opa/admpress.nsf/1ef7cd36224b565785257359003f533f/8fa475ab3f99c22a852574360_07d88d1!OpenDocument.

area. In 2010, the State of California's Off Highway Motor Vehicle Recreation Division commissioned an independent risk assessment of NOA exposure within the Serpentine Area of Critical Environmental Concern (ACEC) of the CCMA. This report, completed by the International Environmental Research Foundation, found a minimal health risk to OHV users from exposure to NOA in the CCMA.² Citing this report, local communities and OHV groups urged BLM to re-open the area to recreational use and develop a management strategy to properly mitigate the exposure of higher than acceptable levels of NOA and resultant risks to human health. Despite these findings, the BLM issued a Record of Decision for an RMP in 2014 that closed the 30,000-acre Serpentine ACEC, once considered a premiere OHV recreational site within the CCMA, to all OHV use.³

H.R. 1913 requires BLM to re-open and re-designate the CCMA as the Clear Creek National Recreation Area (CCNRA). The bill also mandates the development of a permanent RMP, in consultation with appropriate stakeholders, that specifically includes a hazards education program to inform visitors about NOA exposure and its associated health risks; creates a user fee program for motorized vehicle use and guidelines for the use of funds collected for the management and improvement of the CCNRA; designates trails, roads, and other areas for OHV use to provide a substantially-similar recreational experience prior to the closure of the CCMA; incorporates appropriate decisions from prior applicable management, activity, or wildlife habitat management plans; uses information gathered under studies of land within the CCNRA; and allows the Secretary of the Interior to enter into cooperative agreements with State or local government agencies to manage all or a portion of the recreational activities within the CCNRA. In addition, the bill also designates approximately 21,000 acres of adjacent land as the "Joaquin Rocks Wilderness Area" and releases approximately 1,500 acres known as the San Benito Wilderness Study Area back into multiple-use.

COMMITTEE ACTION

H.R. 1913 was introduced on April 5, 2017, by Congressman Jimmy Panetta (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On June 22, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent on June 27, 2017.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on

²International Environmental Research Foundation, "Preliminary Analysis of the Asbestos Exposures Associated with Motorcycle Riding and Hiking in the Clear Creek Management Area (CCMA) San Benito County, California", March 8, 2011, http://ohv.parks.ca.gov/pages/1140/files/ierf_ccma_final_3_8_11-web.pdf.

³Bureau of Land Management, "Clear Creek Management Area Proposed RMP/Final EIS", 02/12/2014, <https://eplanning.blm.gov/epl-front-office/eplanning/legacyProjectSite.do?methodName=renderLegacyProjectSite&projectId=68803>.

Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 10, 2017.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1913, the Clear Creek National Recreation Area and Conservation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL, *Director.*

Enclosure.

*H.R. 1913—Clear Creek National Recreation Area and Conservation
Act*

H.R. 1913 would designate about 75,000 acres of land in California as the Clear Creek National Recreation Area and 21,000 area of adjacent land as part of the National Wilderness Preservation System. Under the bill, the Bureau of Land Management (BLM) would be required to complete a new land use plan for the recreation area within two years of enactment. Based on information from BLM regarding the costs of carrying out similar activities, CBO estimates that completing the land use plan would cost less than \$500,000 over the 2018–2019 period.

CBO expects that, under the bill, the new recreation area would see a significant increase in use by the public and that BLM would need to hire additional personnel to manage the area. Based on an analysis of information provided by the agency, CBO estimates that operating the recreation area would require 10 to 15 new employees to carry out administrative and law enforcement functions and that the cost of employing those individuals would total roughly \$1 million a year; such spending would be subject to the availability of appropriated funds. Because the lands being designated as wilderness are already being managed for conservation purposes, CBO estimates that so designating those lands would have no effect on the federal budget.

In addition, the bill would require BLM to establish a user fee program for operators of motorized vehicles to offset certain costs of administering the recreation area; we expect that those funds would be used primarily to construct trails and facilities for off-highway vehicles. Based on information regarding the amount of

user fees collected at similar recreation areas, CBO estimates that fee collections and the associated spending would total less than \$500,000 a year.

Because enacting H.R. 1913 would increase user fees, which are treated as reductions in direct spending, and the associated spending of those fees, pay-as-you-go procedures apply. However, CBO estimates that any net effects on direct spending would be negligible. Enacting the bill would not affect revenues.

CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1913 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, and to designate the Joaquin Rocks Wilderness in such counties.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.