

RIM OF THE VALLEY CORRIDOR PRESERVATION ACT

FEBRUARY 4, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1708]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1708) to adjust the boundary of the Santa Monica Mountains National Recreation Area to include the Rim of the Valley Corridor, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rim of the Valley Corridor Preservation Act”.

SEC. 2. BOUNDARY ADJUSTMENT; LAND ACQUISITION; ADMINISTRATION.

(a) BOUNDARY ADJUSTMENT.—Section 507(c)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk(c)(1)) is amended in the first sentence by striking “, which shall” and inserting “and generally depicted as ‘Rim of the Valley Unit Proposed Addition’ on the map entitled ‘Rim of the Valley Unit—Santa Monica Mountains National Recreation Area’, numbered 638/147,723, and dated September 2018. Both maps shall”.

(b) RIM OF THE VALLEY UNIT.—Section 507 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk) is amended by adding at the end the following:

“(u) RIM OF THE VALLEY UNIT.—(1) Not later than 3 years after the date of the enactment of this subsection, the Secretary shall update the general management plan for the recreation area to reflect the boundaries designated on the map referred to in subsection (c)(1) as the ‘Rim of the Valley Unit’ (hereafter in the subsection referred to as the ‘Rim of the Valley Unit’). Subject to valid existing rights, the Secretary shall administer the Rim of the Valley Unit and any land or interest in land

acquired by the United States and located within the boundaries of the Rim of the Valley Unit, as part of the recreation area in accordance with the provisions of this section and applicable laws and regulations.

“(2) The Secretary may acquire non-Federal land within the boundaries of the Rim of the Valley Unit only through exchange, donation, or purchase from a willing seller. Nothing in this subsection authorizes the use of eminent domain to acquire land or interests in land.

“(3) Nothing in this subsection or the application of the management plan for the Rim of the Valley Unit shall be construed to—

“(A) modify any provision of Federal, State, or local law with respect to public access to or use of non-Federal land;

“(B) create any liability, or affect any liability under any other law, of any private property owner or other owner of non-Federal land with respect to any person injured on private property or other non-Federal land;

“(C) affect the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land);

“(D) require any local government to participate in any program administered by the Secretary;

“(E) alter, modify, or diminish any right, responsibility, power, authority, jurisdiction, or entitlement of the State, any political subdivision of the State, or any State or local agency under existing Federal, State, and local law (including regulations);

“(F) require the creation of protective perimeters or buffer zones and the fact that certain activities or land can be seen or heard from within the Rim of the Valley Unit shall not, of itself, preclude the activities or land uses up to the boundary of the Rim of the Valley Unit;

“(G) require or promote use of, or encourage trespass on, lands, facilities, and rights-of-way owned by non-Federal entities, including water resource facilities and public utilities, without the written consent of the owner;

“(H) affect the operation, maintenance, modification, construction, or expansion of any water resource facility or utility facility located within or adjacent to the Rim of the Valley Unit;

“(I) terminate the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to public agencies that are authorized pursuant to Federal or State statute;

“(J) interfere with, obstruct, hinder, or delay the exercise of any right to, or access to any water resource facility or other facility or property necessary or useful to access any water right to operate any public water or utility system;

“(K) require initiation or reinitiation of consultation with the United States Fish and Wildlife Service under, or the application of provisions of, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or division A of subtitle III of title 54, United States Code, concerning any action or activity affecting water, water rights or water management or water resource facilities within the Rim of the Valley Unit; or

“(L) limit the Secretary’s ability to update applicable fire management plan, which may consider fuels management strategies including managed natural fire, prescribed fires, non-fire mechanical hazardous fuel reduction activities, or post-fire remediation of damage to natural and cultural resources.

“(4) The activities of a utility facility or water resource facility shall take into consideration ways to reasonably avoid or reduce the impact on the resources of the Rim of the Valley Unit.

“(5) For the purpose of paragraph (4)—

“(A) the term ‘utility facility’ means electric substations, communication facilities, towers, poles, and lines, ground wires, communications circuits, and other structures, and related infrastructure; and

“(B) the term ‘water resource facility’ means irrigation and pumping facilities; dams and reservoirs; flood control facilities; water conservation works, including debris protection facilities, sediment placement sites, rain gages, and stream gauges; water quality, recycled water, and pumping facilities; conveyance distribution systems; water treatment facilities; aqueducts; canals; ditches; pipelines; wells; hydropower projects; transmission facilities; and other ancillary facilities, groundwater recharge facilities, water conservation, water filtration plants, and other water diversion, conservation, groundwater recharge, storage, and carriage structures.”.

PURPOSE OF THE BILL

The purpose of H.R. 1708 is to adjust the boundary of the Santa Monica Mountains National Recreation Area to include the Rim of the Valley Corridor, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Santa Monica Mountains National Recreation Area (SMMNRA) is the world's largest urban national park,¹ comprising nearly 154,000 acres between downtown Los Angeles and the Pacific Ocean. Currently, California State Parks owns roughly 42,000 acres of the SMMNRA, the National Park Service (NPS) manages approximately 23,600 acres,² and the remainder of the SMMNRA lands include local agency parks, university study reserves, and private conservation easements.

In 2008, Congress passed the Consolidated Natural Resources Act of 2008,³ directing the NPS to conduct a special resource study of the Rim of the Valley Corridor, which generally includes the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys.⁴ The study sought to determine the suitability and feasibility of designating all or a portion of the Rim of the Valley Corridor as a unit of the existing SMMNRA. The special resource study found nationally significant resources within the Corridor, including outstanding examples of geologic history, a diversity of marine and terrestrial paleontological resources, high biodiversity, abundant archaeological resources, and unparalleled recreational opportunities.⁵ In order to protect these resources, the study recommended expanding the boundaries of the SMMNRA by approximately 170,000 acres to include portions of the Los Angeles River and Arroyo Seco corridors, the Verdugo Mountains-San Rafael Hills, the San Gabriel Mountains foothills, the Simi Hills, the Santa Susana Mountains, and the Conejo Mountain area.⁶

H.R. 1708 enacts and expands upon the recommendations of this special resource study, extending the existing SMMNRA boundary by approximately 191,000 acres, to enhance NPS's management of the unique resources in the Rim of the Valley Corridor. The addition of 21,000 acres beyond NPS's study recommendations are driven at the request of the City of Santa Clarita and by years of conversations and town hall meetings between Representative Adam Schiff (D-CA) and community members in areas that were not considered within the scope of the original NPS study. Representative Schiff has long championed these protections and has carried similar legislation every Congress since the 114th.

Resources and history currently interpreted and protected at the SMMNRA—such as Native American history and prehistory, endangered habitat areas such as the Mediterranean chaparral ecosystem, and unique cultural resources related to the Cold War and

¹ *Frequently Asked Questions Santa Monica Mountains National Recreation Area*, NAT'L PARK SERV., <https://www.nps.gov/samo/faqs.htm> (last updated Feb. 3, 2017).

² *Park Statistics—Santa Monica Mountains National Recreation Area*, NAT'L PARK SERV., <https://www.nps.gov/samo/learn/management/statistics.htm> (last updated Sept. 25, 2018).

³ Pub. L. No. 110-229, 122 Stat. 754 (2008), <https://uscode.house.gov/statutes/pl/110/229.pdf>.

⁴ *Id.* § 327, 122 Stat. at 780.

⁵ NAT'L PARK SERV., RIM OF THE VALLEY CORRIDOR SPECIAL RESOURCE STUDY FINAL SUMMARY (2016), <https://parkplanning.nps.gov/document.cfm?parkID=422&projectID=31945&documentID=70887>.

⁶ *Id.* at 6.

space exploration—are expanded by including this additional acreage. The bill also provides local communities in Los Angeles County, one of the most park-poor urban areas in the nation, with improved access to open spaces for recreational and educational purposes.

H.R. 1708 has received significant local support from the councils of surrounding cities and counties,⁷ numerous local homeowners' organizations,⁸ and local and national conservation, historical preservation, and environmental organizations.⁹

COMMITTEE ACTION

H.R. 1708 was introduced on March 13, 2019, by Representative Adam B. Schiff (D–CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On April 2, 2019, the Subcommittee held a hearing on the bill. On November 20, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Ral M. Grijalva (D–AZ) offered an amendment in the nature of a substitute. Representative Russ Fulcher (R–ID) offered an amendment designated Fulcher #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 13 yeas and 20 nays, as follows:

⁷City of Los Angeles, Ventura County, City of Agoura Hills, City of Santa Clarita, City of Thousand Oaks, City of Calabasas, and City of Moorpark.

⁸Las Virgenes Homeowners Federation, Inc.; Westhills Homeowners Association, Inc.; Oak Forest Homeowners Association; and Monte Nido Valley Community Association.

⁹Santa Monica Mountains Conservancy, National Park Conservation Association, California Wilderness Coalition (CalWild), Natural Resources Defense Council, The City Project, and Santa Clarita Valley Historical Society.

Date: November 20, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 1708

Amendment: Rep. Fulcher #1 amendment

Disposition: Not agreed to by a roll call vote of 13 yeas and 20 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD		X	
2	Mr. Cartwright, PA		X	
3	Mr. Case, HI		X	
4	Mr. Clay, MO		X	
5	Mr. Costa, CA		X	
6	Mr. Cox, CA		X	
7	Mr. Cunningham, SC		X	
8	Ms. DeGette, CO		X	
9	Mrs. Dingell, MI		X	
10	Mr. Gallego, AZ		X	
11	Mr. Grijalva, AZ (<i>Chair</i>)		X	
12	Ms. Haaland, NM		X	
13	Mr. Horsford, NV			
14	Mr. Huffman, CA		X	
15	Mr. Levin, CA		X	
16	Mr. Lowenthal, CA		X	
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA		X	
19	Mr. Neguse, CO			
20	Mr. Sablan, CNMI		X	
21	Mr. San Nicolas, GU			
22	Mr. Soto, FL		X	
23	Mr. Tonko, NY			
24	Mr. Van Drew, NJ		X	
25	Ms. Velázquez, NY		X	
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (<i>Ranking</i>)	X		
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ	X		
9	Mr. Graves, LA			
10	Mr. Hern, OK	X		
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Webster, FL			
17	Mr. Westerman, AR	X		
18	Mr. Wittman, VA			
19	Mr. Young, AK			
	TOTALS	13	20	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

Representative Fulcher offered an amendment designated Fulcher #2 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 16 yeas and 17 nays, as follows:

Date: November 20, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 1708

Amendment: Rep. Fulcher #2 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 17 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD		X	
2	Mr. Cartwright, PA		X	
3	Mr. Case, HI		X	
4	Mr. Clay, MO		X	
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO		X	
9	Mrs. Dingell, MI		X	
10	Mr. Gallego, AZ		X	
11	Mr. Grijalva, AZ (Chair)		X	
12	Ms. Haaland, NM		X	
13	Mr. Horsford, NV			
14	Mr. Huffman, CA		X	
15	Mr. Levin, CA		X	
16	Mr. Lowenthal, CA		X	
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA		X	
19	Mr. Neguse, CO			
20	Mr. Sablan, CNMI		X	
21	Mr. San Nicolas, GU			
22	Mr. Soto, FL		X	
23	Mr. Tonko, NY			
24	Mr. Van Drew, NJ		X	
25	Ms. Velázquez, NY		X	
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (Ranking)	X		
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ	X		
9	Mr. Graves, LA			
10	Mr. Hern, OK	X		
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Webster, FL			
17	Mr. Westerman, AR	X		
18	Mr. Wittman, VA			
19	Mr. Young, AK			
	TOTALS	16	17	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

The amendment in the nature of a substitute offered by Chair Grijalva was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 20 yeas and 13 nays, as follows:

Date: November 20, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 1708

Amendment:

Disposition: Final Passage: H.R. 1708, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 20 yeas and 13 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD	X		
2	Mr. Cartwright, PA	X		
3	Mr. Case, HI	X		
4	Mr. Clay, MO	X		
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO	X		
9	Mrs. Dingell, MI	X		
10	Mr. Gallego, AZ	X		
11	Mr. Grijalva, AZ (<i>Chair</i>)	X		
12	Ms. Haaland, NM	X		
13	Mr. Horsford, NV			
14	Mr. Huffman, CA	X		
15	Mr. Levin, CA	X		
16	Mr. Lowenthal, CA	X		
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA	X		
19	Mr. Neguse, CO			
20	Mr. Sablan, CNMI	X		
21	Mr. San Nicolas, GU			
22	Mr. Soto, FL	X		
23	Mr. Van Drew, NJ	X		
24	Mr. Tonko, NY			
25	Ms. Velázquez, NY	X		
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (<i>Ranking</i>)		X	
2	Ms. Cheney, WY		X	
3	Mr. Cook, CA		X	
4	Mr. Curtis, UT		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX			
7	Ms. González-Colón, PR		X	
8	Mr. Gosar, AZ		X	
9	Mr. Graves, LA			
10	Mr. Herr, OK		X	
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS		X	
16	Mr. Webster, FL			
17	Mr. Westerman, AR		X	
18	Mr. Wittman, VA			
19	Mr. Young, AK			
	TOTALS	20	13	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

HEARINGS

For the purposes of section 103(i) of H.Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 1708: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on April 2, 2019.

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 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, January 23, 2020.

Hon. RAÚL M. GRIJALVA,
*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. 1708, the Rim of the Valley Corridor Preservation Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 1708, Rim of the Valley Corridor Preservation Act			
As ordered reported by the House Committee on Natural Resources on November 20, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 1708 would require the National Park Service (NPS) to expand the boundaries of the Santa Monica Mountains National Recreation Area to include the area known as the Rim of the Valley Corridor Unit, as defined in the bill. The bill also would require the NPS to update the general management plan and administer the expanded areas, and it would authorize the NPS to acquire non-federal land within the new boundaries.

According to the NPS, acquiring land within the expanded boundary area probably would not occur over the next five years because land acquisition typically occurs over a long period of time. In addition, the NPS expects that existing plans for updating the park management plan would satisfy the requirements under the bill. On that basis, CBO estimates that implementing H.R. 1708 would have no significant costs over the 2020–2024 period.

On January 23, 2020, CBO transmitted a cost estimate for S. 774, the Rim of the Valley Corridor Preservation Act, as reported by the Senate Committee on Energy and Natural Resources on December 18, 2019. H.R. 1708 and S. 774 are similar and CBO's estimated costs are the same.

The CBO staff contact for this estimate is Sofia Guo. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to adjust the boundary of the Santa Monica Mountains National Recreation Area to include the Rim of the Valley Corridor.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

NATIONAL PARKS AND RECREATION ACT OF 1978

* * * * *

SANTA MONICA MOUNTAINS NATIONAL RECREATIONAL AREA

SEC. 507.(a) The Congress finds that—

(1) there are significant scenic, recreational, educational, scientific, natural, archeological, and public health benefits provided by the Santa Monica Mountains and adjacent coastline area;

(2) there is a national interest in protecting and preserving these benefits for the residents of and visitors to the area; and

(3) the State of California and its local units of government have authority to prevent or minimize adverse uses of the Santa Monica Mountains and adjacent coastline area and can, to a great extent, protect the health, safety, and general welfare by the use of such authority.

(b) There is hereby established the Santa Monica Mountains National Recreation Area (hereinafter referred to as the "recreation area"). The Secretary shall manage the recreation area in a manner which will preserve and enhance its scenic, natural, and historical setting and its public health value as an airshed for the Southern California metropolitan area while providing for the recreational and educational need of the visiting public.

(c)(1) The recreation area shall consist of the lands and waters and interests generally depicted as the recreation area on the map entitled "Santa Monica Mountains National Recreation Area and Santa Monica Mountains Zone, California, Boundary Map", num-

bered 80,047-C and dated August 2001, which shall and generally depicted as "Rim of the Valley Unit Proposed Addition" on the map entitled "Rim of the Valley Unit—Santa Monica Mountains National Recreation Area", numbered 638/147,723, and dated September 2018. Both maps shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the offices of the General Services Administration in the Federal Office Building in West Los Angeles, California, and in the main public library in Ventura, California. After advising the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(2)(A) Not later than ninety days after November 10, 1978, the Secretary, after consultation with the Governor of the State of California, the California Coastal Commission, and the Santa Monica Mountains Comprehensive Planning Commission, shall commence acquisition of lands, improvements, waters, or interests therein within the recreation area. Such acquisition may be by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Except as provided in subparagraph (B), any lands or interests therein owned by the State of California or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation, except that such lands acquired after November 10, 1978, by the State of California or its political subdivisions may be acquired by purchase or exchange if the Secretary determines that the lands were acquired for purposes which further the national interest in protecting the area and that the purchase price or value on exchange does not exceed fair market value on the date that the State acquired the land or interest: Provided, however, That the value of any lands acquired by the Secretary under the exception in this sentence shall be deducted from the amount of moneys available for grants to the State under subsection (n) of this section. Lands within the "Wildlife Corridor Expansion Zone" identified on the boundary map referred to in paragraph (1) may be acquired only by donation or with donated funds. Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area shall, with the concurrence of the head of the agency having custody thereof, be transferred without cost, to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

(B) The Secretary shall negotiate, and carry out, and exchange with the city of Los Angeles (acting through its department of water and power) certain federally owned lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands owned by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the National Park Service for inclusion within the recreation area. The Secretary shall include in such exchange a provision for an easement to be granted to the city of Los

Angeles for the existing water pipeline associated with the Upper Franklin Reservoir and for the city of Los Angeles to provide for replacement water to maintain the water elevations of the Franklin Reservoir to the current levels. The values of lands exchanged under this provision shall be equal, or shall be equalized, in the same manner as provided in section 1716 of title 43.

(C) The city shall assume full responsibility for the protection of cultural resources and shall develop a cultural resource management program for the public lands to be transferred to the city in the vicinity of the Haiwee Reservoir. The program shall be developed in consultation with the Secretary of the Interior, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation.

(3) The Administrator of the General Services Administration is hereby authorized and directed to transfer the site generally known as Nike Site 78 to the Secretary for inclusion in the recreation area: Provided, That the county of Los Angeles shall be permitted to continue to use without charge the facilities together with sufficient land as in the determination of the Secretary shall be necessary to continue to maintain and operate a fire suppression and training facility and shall be excused from payment for any use of the land and facilities on the site prior to November 10, 1978. At such time as the county of Los Angeles, California, relinquishes control of such facilities and adjacent land or ceases the operation of the fire suppression and training facility, the land and facilities shall be managed by the Secretary as a part of the recreation area.

(d)(1) Within six months after November 10, 1978, the Secretary shall identify the lands, waters, and interests within the recreation area which must be acquired and held in public ownership for the following critical purposes: preservation of beaches and coastal uplands; protection of undeveloped inland stream drainage basins; connection of existing State and local government parks and other publicly owned lands to enhance their potential for public recreation use; protection of existing park roads and scenic corridors, including such right-of-way as is necessary for the protection of the Mulholland Scenic Parkway Corridor; protection of the public health and welfare; and development and interpretation of historic sites and recreation areas in connection therewith, to include, but not be limited to, parks, picnic areas, scenic overlooks, hiking trails, bicycle trails, and equestrian trails. The Secretary may from time to time revise the identification of such areas, and any such revisions shall become effective in the same manner as herein provided for revisions in the boundaries of the recreation area.

(2) By January 1, 1980, the Secretary shall submit, in writing, to the committees referred to in subsection (c) and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate—

(A) the lands and areas identified in paragraph (1),

(B) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this recreation area,

(C) he annual acquisition program (including the level of funding) recommended for the ensuing five fiscal years, and

(D) the final boundary map for the recreation area.

(e) With respect to improved properties, as defined in this section, fee title shall not be acquired unless the Secretary finds that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the recreation area, or unless each acquisition is necessary to fulfill the purposes of this section. The Secretary may acquire scenic easements to such improved property or such other interests as, in his judgment are necessary for the purposes of the recreation area.

(f) For the purposes of this section, the term “improved property” means—

(1) a detached single-family dwelling, the construction of which was begun before January 1, 1978 (hereafter referred to as “dwelling”), together with so much of the land on which the dwelling is situated as is in the same ownership as the dwelling and as the Secretary designates to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, and

(2) property developed for agricultural uses, together with any structures accessory thereto as were used for agricultural purposes on or before January 1, 1978.

In determining when and to what extent a property is to be treated as “improved property” for purposes of this section, the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1978, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date.

(g) The owner of an improved property, as defined in this section, on the date of its acquisition, as a condition of such acquisition, may retain for herself or himself, her or his heirs and assigns, a right of use and occupancy of the improved property for non-commercial residential or agriculture purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of her or his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this section, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(h) In exercising the authority to acquire property under this section, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the recreation area to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(i) The Secretary shall administer the recreation area in accordance with this Act and provisions of laws generally applicable to

units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.). In the administration of the recreation area, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural resources as appropriate to carry out the purpose of this section. The fragile resource areas of the recreation area shall be administered on a low-intensity basis, as determined by the Secretary.

(j) The Secretary may enter into cooperative agreements with the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(k) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of land acquisition and providing services and facilities which the Secretary deems consistent with the purposes of this section.

(l) By January 1, 1981, the Santa Monica Mountains National Recreation Area Advisory Commission, established by this section, shall submit a report to the Secretary which shall—

(1) assess the capability and willingness of the State of California and the local units of government to manage and operate the recreation area,

(2) recommend any changes in ownership, management, and operation which would better accomplish the purposes of this section, and

(3) recommend any conditions, joint management agreements, or other land use mechanisms to be contingent on any transfer of land.

(m) The Secretary, after giving careful consideration to the recommendations set forth by the Advisory Commission, shall, by January 1, 1982, submit a report to the committees referred to in subsection (c) which shall incorporate the recommendations of the Advisory Commission as well as set forth the Secretary's recommendations. Such report shall—

(1) assess the benefits and costs of continued management as a unit of the National Park System,

(2) assess the capability and willingness of the State of California and the local units of government to manage and operate the recreation area, and

(3) recommend any changes in ownership, management, and operation which would better accomplish the purposes of this section.

(n)(1) The Secretary shall request the Santa Monica Mountains Comprehensive Planning Commission to submit a comprehensive plan, prepared in accord with this section and title 7.75 of the California Government Code (commencing with section 67450), for the Santa Monica Mountains Zone generally depicted on the map referred to in subsection (c) of this section for approval.

(2) The comprehensive plan shall include, in addition to the requirements of California State law—

(A) an identification and designation of public and private uses which are compatible with and which would not significantly impair the significant scenic, recreational, educational,

scientific, natural, archeological, and public health benefits present in the zone and which would not have an adverse impact on the recreation area or on the air quality of the south coast air basin;

(B) a specific minimum land acquisition program which shall include, but not be limited to, fee and less than fee acquisition of strategic and critical sites not to be acquired by the Federal Government for public recreational and other related uses; and a program for the complementary use of State and local authority to regulate the use of lands and waters within the Santa Monica Mountains Zone to the fullest extent practicable consistent with the purposes of this section; and

(C) a recreation transportation system which may include but need not be limited to existing public transit.

(3) No plan submitted to the Secretary under this section shall be approved unless the Secretary finds the plan consistent with paragraph (2) and finds that—

(A) the planning commission has afforded adequate opportunity, including public hearings, for public involvement in the preparation and review of the plan, and public comments were received and considered in the plan or revision as presented to him;

(B) the State and local units of government identified in the plan as responsible for implementing its provisions have the necessary authority to implement the plan and such State and local units of government have indicated their intention to use such authority to implement the plan;

(C) the plan, if implemented, would preserve significant natural, historical, and archeological benefits and, consistent with such benefits, provide increased recreational opportunities for persons residing in the greater Los Angeles-southern California metropolitan area; and

(D) implementation of the plan would not have a serious adverse impact on the air quality or public health of the greater Los Angeles region.

Before making his findings on the air quality and public health impacts of the plan, the Secretary shall consult with the Administrator of the Environmental Protection Agency.

(4) Following approval of the plan with respect to the Santa Monica Mountains Zone, upon receipt of adequate assurances that all aspects of that jurisdiction's implementation responsibilities will be adopted and put into effect, the Secretary shall—

(A) provide grants to the State and through the State to local governmental bodies for acquisition of lands, waters, and interests therein identified in paragraph (2)(B), and for development of essential public facilities, except that such grants shall be made only for the acquisition of lands, waters, and interests therein, and related essential public facilities, for park, recreation, and conservation purposes; and

(B) provide, subject to agreements that in the opinion of the Secretary will assure additional preservation of the lands and waters of the zone, such funds as may be necessary to retire bonded indebtedness for water and sewer and other utilities already incurred by property owners which in the opinion of the Secretary would if left outstanding contribute to further devel-

opment of the zone in a manner inconsistent with the approved plan developed by the planning commission.

No grant for acquisition of land may be made under subparagraph (A) unless the Secretary receives satisfactory assurances that such lands acquired under subparagraph (A) shall not be converted to other than park, recreation, and conservation purposes without the approval of the Secretary and without provision for suitable replacement land.

(5) Grants under this section shall be made only upon application of the recipient State and shall be in addition to any other Federal financial assistance for any other program, and shall be subject to such terms and conditions as the Secretary deems necessary to carry out the purposes of this section. Any jurisdiction that implements changes to the approved plan which are inconsistent with the purposes of this section, or adopts or acquiesces in changes to laws, regulations or policies necessary to implement or protect the approved plan, without approval of the Secretary, may be liable for reimbursement of all funds previously granted or available to it under the terms of this section without regard to such additional terms and conditions or other requirements of law that may be applicable to such grants. During the life of the planning commission, changes to the plan must be submitted by the planning commission to the Secretary for approval. No such application for a grant may be made after the date five years from the date of the Secretary's approval of the plan.

(o) The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in the lands and waters within the Santa Monica Mountains Zone, generally depicted on the map referred to in subsection (c), and the head of any Federal agency having authority to license or permit any undertaking in such lands and waters shall, prior to the approval of the expenditure of any Federal funds on such undertaking or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment with regard to such undertaking and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the "findings" and purposes of this section.

(p) The Secretary shall give full consideration to the recommendations of the California Department of Parks and Recreation, the Santa Monica Mountains Comprehensive Planning Commission, and the California Coastal Commission.

(q)(1) There is hereby established the Santa Monica Mountains National Recreation Area Advisory Commission (hereinafter referred to as the "Advisory Commission"). The Advisory Commission shall terminate ten years after the date of establishment of the recreation area.

(2) The Advisory Commission shall be composed of the following members to serve for terms of five years as follows:

(A) one member appointed by the Governor of the State of California;

(B) one member appointed by the mayor of the city of Los Angeles;

(C) one member appointed by the Board of Supervisors of Los Angeles County;

(D) one member appointed by the Board of Supervisors of Ventura County; and

(E) nine members appointed by the Secretary, one of whom shall serve as the Commission Chairperson.

(3) The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement. Such locations shall be in the region of the Santa Monica Mountains and no more than twenty-five miles from it.

(4) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

(5) The Secretary, or his or her designee, shall from time to time but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development of this recreation area and with respect to carrying out the provisions of this section.

(r) There are authorized to be appropriated such sums as may be necessary for acquisition of lands and interests in land within the boundaries of the recreation area established under this section, but not more than \$15,000,000 for fiscal year 1979, \$40,000,000 for fiscal year 1980, \$45,000,000 for fiscal year 1981, \$10,000,000 for fiscal year 1982, and \$15,000,000 for fiscal year 1983, such sums to remain available until expended. For grants to the State pursuant to subsection (n) there are authorized to be appropriated not more than \$10,000,000 for fiscal year 1979, \$10,000,000 for fiscal year 1980, \$5,000,000 for fiscal year 1981, and \$5,000,000 for fiscal year 1982, such sums to remain available until expended. For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

(s) For the development of essential public facilities in the recreation area there are authorized to be appropriated not more than \$500,000. The Congress expects that, at least until assessment of the report required by subsection (t), any further development of the area shall be accomplished by the State of California or local units of government, subject to the approval of the Director, National Park Service.

(t) Within two years from the date of establishment of the recreation area pursuant to this section, the Secretary shall, after consulting with the Advisory Commission, develop and transmit to the Committees referred to in subsection (c) a general management plan for the recreation area consistent with the objectives of this section. Such plan shall indicate—

(1) a plan for visitor use including the facilities needed to accommodate the health, safety, education and recreation needs of the public;

(2) the location and estimated costs of all facilities;

(3) the projected need for any additional facilities within the area;

(4) any additions or alterations to the boundaries of the recreation area which are necessary or desirable to the better carrying out of the purposes of this section; and

(5) a plan for preservation of scenic, archeological and natural values and of fragile ecological areas.

(u) RIM OF THE VALLEY UNIT.—(1) Not later than 3 years after the date of the enactment of this subsection, the Secretary shall update the general management plan for the recreation area to reflect the boundaries designated on the map referred to in subsection (c)(1) as the “Rim of the Valley Unit” (hereafter in the subsection referred to as the “Rim of the Valley Unit”). Subject to valid existing rights, the Secretary shall administer the Rim of the Valley Unit and any land or interest in land acquired by the United States and located within the boundaries of the Rim of the Valley Unit, as part of the recreation area in accordance with the provisions of this section and applicable laws and regulations.

(2) The Secretary may acquire non-Federal land within the boundaries of the Rim of the Valley Unit only through exchange, donation, or purchase from a willing seller. Nothing in this subsection authorizes the use of eminent domain to acquire land or interests in land.

(3) Nothing in this subsection or the application of the management plan for the Rim of the Valley Unit shall be construed to—

(A) modify any provision of Federal, State, or local law with respect to public access to or use of non-Federal land;

(B) create any liability, or affect any liability under any other law, of any private property owner or other owner of non-Federal land with respect to any person injured on private property or other non-Federal land;

(C) affect the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land);

(D) require any local government to participate in any program administered by the Secretary;

(E) alter, modify, or diminish any right, responsibility, power, authority, jurisdiction, or entitlement of the State, any political subdivision of the State, or any State or local agency under existing Federal, State, and local law (including regulations);

(F) require the creation of protective perimeters or buffer zones and the fact that certain activities or land can be seen or heard from within the Rim of the Valley Unit shall not, of itself, preclude the activities or land uses up to the boundary of the Rim of the Valley Unit;

(G) require or promote use of, or encourage trespass on, lands, facilities, and rights-of-way owned by non-Federal entities, including water resource facilities and public utilities, without the written consent of the owner;

(H) affect the operation, maintenance, modification, construction, or expansion of any water resource facility or utility facility located within or adjacent to the Rim of the Valley Unit;

(I) terminate the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to public agencies that are authorized pursuant to Federal or State statute;

(J) interfere with, obstruct, hinder, or delay the exercise of any right to, or access to any water resource facility or other facility or property necessary or useful to access any water right to operate any public water or utility system;

(K) require initiation or reinitiation of consultation with the United States Fish and Wildlife Service under, or the application of provisions of, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or division A of subtitle III of title 54, United States Code, concerning any action or activity affecting water, water rights or water management or water resource facilities within the Rim of the Valley Unit; or

(L) limit the Secretary's ability to update applicable fire management plan, which may consider fuels management strategies including managed natural fire, prescribed fires, non-fire mechanical hazardous fuel reduction activities, or post-fire remediation of damage to natural and cultural resources.

(4) The activities of a utility facility or water resource facility shall take into consideration ways to reasonably avoid or reduce the impact on the resources of the Rim of the Valley Unit.

(5) For the purpose of paragraph (4)—

(A) the term "utility facility" means electric substations, communication facilities, towers, poles, and lines, ground wires, communications circuits, and other structures, and related infrastructure; and

(B) the term "water resource facility" means irrigation and pumping facilities; dams and reservoirs; flood control facilities; water conservation works, including debris protection facilities, sediment placement sites, rain gages, and stream gauges; water quality, recycled water, and pumping facilities; conveyance distribution systems; water treatment facilities; aqueducts; canals; ditches; pipelines; wells; hydropower projects; transmission facilities; and other ancillary facilities, groundwater recharge facilities, water conservation, water filtration plants, and other water diversion, conservation, groundwater recharge, storage, and carriage structures.

* * * * *

DISSENTING VIEWS

H.R. 1708 would adjust the boundary of the Santa Monica Mountains National Recreation Area (SMMNRA) in California to include the Rim of the Valley Unit and authorizes the Secretary of the Interior to acquire by donation, exchange, or purchase from a willing seller any nonfederal land within the boundaries of the Unit. The bill would add approximately 191,000 acres to the existing 156,000 acres that currently comprise the SMMNRA. This acreage to be added is roughly 18,000 acres more than was recommended by the National Park Service (NPS) in a feasibility study for the SMMNRA.

At the markup, Republicans expressed concern about the threats to private property rights posed by H.R. 1708. The vast majority of land proposed to be added to the SMMNRA through H.R. 1708 is nonfederal. In fact, only about 1,800 acres of the proposed 191,000-acre expansion are federally owned, and that land is primarily managed by the Bureau of Land Management and U.S. Forest Service. While H.R. 1708 does not empower NPS to directly manage, zone, or take private property included within the SMMNRA expansion, the inclusion of nonfederal property encourages local governments to adopt land use practices consistent with the NPS management plan. Frequently, the exercise of restrictive zoning by local governments follows on the heels of designations such as this. This can already be seen in Los Angeles County's efforts to update the Santa Monica Mountains North Area Plan. The proposed plan contains significant restrictions on commercial properties including reception venues, vineyards, guest ranches, and rural inns within and adjacent to the SMMNRA above Los Angeles.

Additionally, Republicans offered an amendment at the markup that would have limited the authority of the Secretary of the Interior to acquire property in the proposed SMMNRA expansion to donation or exchange. Unfortunately, this amendment was rejected and the bill, as reported, authorizes the Secretary of the Interior to purchase any land from willing sellers within the 191,000-acre expansion that is not currently under federal ownership. As the NPS's deferred maintenance backlog hovers near \$12 billion, it is irresponsible for Natural Resources Committee Democrats to continue prioritizing federal land acquisition over maintaining our current holdings.

Another concern raised by Committee Republicans at the markup relates to wildfire risk within the SMMNRA. The current fire management plan for the SMMNRA, last updated in 2012, states: "Fire management actions in the SMMNRA need to deal primarily with fire hazards created by development at the urban wildland interface and not to correct 'unnatural' fuel buildup on the landscape." Unfortunately, in 2018, the massive Woolsey Fire caused significant damage to the SMMNRA. The fire burned almost 100,000

acres, including 21,000 of the 23,595 acres (88%) owned and directly managed by NPS within the existing SMMNRA boundary. The Woolsey Fire destroyed most of the Western Town at Paramount Ranch, as well as the 1927 Peter Strauss Ranch house, the Rocky Oaks ranger residence and museum building, and a part of the UCLA La Kretz Field Station. To address this concern, Republicans offered an amendment that would have required the Secretary of the Interior to address unnatural fuel buildup on the landscape. Disappointingly, this amendment was rejected by the Committee Democrats.

For these reasons, we oppose this bill.

ROB BISHOP (UT).
LOUIE GOHMERT.
JODY B. HICE (GA).
RUSS FULCHER.

○