

112TH CONGRESS
2D SESSION

H. R. 4109

To designate additional National Forest System land in the Los Padres National Forest in the State of California as wilderness, to make certain wild and scenic river designations in that National Forest, to designate the Condor Ridge Scenic Area, to address off highway vehicle use in that National Forest, to facilitate a land exchange with the United Water Conservation District of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 2012

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To designate additional National Forest System land in the Los Padres National Forest in the State of California as wilderness, to make certain wild and scenic river designations in that National Forest, to designate the Condor Ridge Scenic Area, to address off highway vehicle use in that National Forest, to facilitate a land exchange with the United Water Conservation District of California, 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,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Los Padres Conservation and Recreation Act of 2012”.

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

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

Sec. 3. Findings, purpose, recreational opportunities and access, and effect on
existing uses.

Sec. 4. False surveys within the National Forest.

TITLE I—ADDITIONS TO NATIONAL WILDERNESS PRESERVATION
SYSTEM

Sec. 101. Designation of wilderness, Los Padres National Forest.

Sec. 102. Administration.

TITLE II—ADDITIONS TO NATIONAL WILD AND SCENIC RIVER
SYSTEM

Sec. 201. Designation of wild and scenic rivers.

TITLE III—CONDOR RIDGE SCENIC AREA

Sec. 301. Condor Ridge Scenic Area, Los Padres National Forest.

Sec. 302. Administration.

TITLE IV—OFF HIGHWAY VEHICLE USE

Sec. 401. Designation of roads and trails for off highway vehicle use.

Sec. 402. Designation of off highway vehicle areas.

Sec. 403. Construction of new trails.

TITLE V—LAND EXCHANGE

Sec. 501. Short title.

Sec. 502. Land exchange, Los Padres National Forest.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) NATIONAL FOREST.—The term “National
9 Forest” means the Los Padres National Forest in
10 the State of California.

11 (2) OVERVIEW MAP.—The term “overview
12 map” means the map entitled “Wilderness, Scenic

1 Area, OHV Area and Route Proposal-Los Padres
2 Conservation and Recreation Act, 2012”, which was
3 created February 27, 2012, by Forest Service, Re-
4 gion 5 Geospatial Services and is available for in-
5 spection at the Pacific Southwest Regional Office in
6 Vallejo, California.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture.

9 **SEC. 3. FINDINGS, PURPOSE, RECREATIONAL OPPORTUNI-**
10 **TIES AND ACCESS, AND EFFECT ON EXISTING**
11 **USES.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The Los Padres National Forest contains
15 important recreational, ecological, and scenic values,
16 and provides opportunities for a wide array of rec-
17 reational activities, including fishing, hiking, hunt-
18 ing, the use of motorized vehicles, camping, rock
19 hounding, mountain biking, sport shooting, and na-
20 ture observation.

21 (2) The wilderness and wild and scenic river
22 designations made by this Act have been carefully
23 reviewed to ensure that the designations will not ad-
24 versely affect motorized vehicle access to the Na-
25 tional Forest.

1 (3) This Act will protect important recreational
2 opportunities within the National Forest through the
3 establishment of recreation areas, wilderness areas,
4 and other measures.

5 (4) The wilderness areas, scenic area, and wild
6 and scenic rivers established by this Act have out-
7 standing ecological, recreational, and scenic values
8 and will provide important benefits to communities
9 surrounding the National Forest.

10 (5) This Act will not affect use of motorized ve-
11 hicles on current legal routes, as established by the
12 Los Padres National Forest Motor Vehicle Use
13 Maps.

14 (6) This Act will not affect current, legal ac-
15 cess, as established by the Los Padres National For-
16 est, for rockhounding within the National Forest.

17 (b) PURPOSE.—The purpose of this Act is to con-
18 serve, protect, and enhance the outstanding recreational,
19 ecological, scenic, archaeological, cultural, historic, and
20 other resources of the Los Padres National Forest in the
21 State of California.

22 (c) RECREATIONAL OPPORTUNITIES AND VALUES.—

23 (1) RECREATIONAL OPPORTUNITIES.—It is the
24 intent of Congress that the Secretary of Agriculture

1 should maintain diverse recreational opportunities
2 within the National Forest.

3 (2) RECREATIONAL VALUES.—It is the intent of
4 Congress that there should be no net loss of rec-
5 reational values, including (but not limited to) mo-
6 torized recreation, in the National Forest.

7 (d) ACCESS FOR PERSONS WITH DISABILITY.—The
8 Secretary shall endeavor to expand access to the National
9 Forest to all people, including people with disabilities.

10 (e) TRAIL CONSTRUCTION, MAINTENANCE, AND RE-
11 PAIR.—It is the sense of Congress that, with respect to
12 the National Forest, the Secretary should fully utilize ex-
13 isting partnership authorities—

14 (1) to construct the trails required by section
15 403; and

16 (2) to maintain and repair roads and trails (in-
17 cluding maintenance and repair to prevent the need
18 to close a road or trail for disrepair) for off highway
19 vehicles.

20 **SEC. 4. FALSE SURVEYS WITHIN THE NATIONAL FOREST.**

21 The Secretary of Agriculture shall endeavor to cor-
22 rect all incorrect land surveys involving lands located in
23 the Los Padres National Forest.

1 **TITLE I—ADDITIONS TO NA-**
2 **TIONAL WILDERNESS PRES-**
3 **ERVATION SYSTEM**

4 **SEC. 101. DESIGNATION OF WILDERNESS, LOS PADRES NA-**
5 **TIONAL FOREST.**

6 (a) DESIGNATION.—In furtherance of the purposes of
7 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
8 National Forest System lands in the State of California
9 administered as part of the Los Padres National Forest
10 are designated as wilderness and as additions to existing
11 components of the National Wilderness Preservation Sys-
12 tem:

13 (1) Certain National Forest System lands com-
14 prising approximately 1,878 acres, as generally de-
15 picted as the “Proposed Additions to Dick Smith
16 Wilderness—East” on the overview map and ap-
17 proximately 32,676 acres, as generally depicted as
18 the “Proposed Additions to Dick Smith Wilderness
19 Additions—South & West” on the overview map,
20 which are added to and shall be administered as
21 part of the Dick Smith Wilderness designated by
22 section 101(a)(6) of the California Wilderness Act of
23 1984 (Public Law 98–425; 98 Stat. 1620).

24 (2) Certain National Forest System lands com-
25 prising approximately 15,382 acres, as generally de-

1 depicted as the “Proposed Additions to Matilija Wil-
2 derness Additions—North & East” on the overview
3 map, which are added to and shall be administered
4 as part of the Matilija Wilderness designated by sec-
5 tion 2(2) of Public Law 102–301 (106 Stat. 242).

6 (3) Certain National Forest System lands com-
7 prising approximately 4,926 acres, as generally de-
8 picted as the “Proposed Additions to Sespe Wilder-
9 ness Additions—North” on the overview map and
10 approximately 8,714 acres, as generally depicted as
11 the “Proposed Additions to Sespe Wilderness Addi-
12 tions—West” on the overview map, which are added
13 to and shall be administered as part of the Sespe
14 Wilderness designated by section 2(1) of Public Law
15 102–301 (106 Stat. 242).

16 (b) MAPS AND LEGAL DESCRIPTIONS.—

17 (1) FILING.—The Secretary of Agriculture shall
18 file the overview map and a map and a legal descrip-
19 tion of each wilderness area expanded by this section
20 with—

21 (A) the Committee on Energy and Natural
22 Resources of the Senate; and

23 (B) the Committee on Natural Resources
24 of the House of Representatives.

1 (2) FORCE OF LAW; CORRECTIONS.—The over-
2 view map and the maps and legal descriptions filed
3 under paragraph (1) shall have the same force and
4 effect as if included in this section, except that the
5 Secretary may correct any technical errors in the
6 maps and legal descriptions.

7 (3) PUBLIC AVAILABILITY.—The overview map
8 and the maps and legal descriptions filed under
9 paragraph (1) shall be on file and available for pub-
10 lic inspection in the appropriate offices of the Forest
11 Service.

12 (c) ROADWAY SETBACK.—In preparing the maps and
13 legal descriptions required by subsection (b), the Secretary
14 shall ensure that there is a setback of at least 1,000 feet
15 from the center-line of California State Route 33 to the
16 boundary of the land designated as wilderness by this sec-
17 tion.

18 **SEC. 102. ADMINISTRATION.**

19 (a) IN GENERAL.—Subject to valid existing rights,
20 the land designated as wilderness by this title shall be ad-
21 ministered by the Secretary of Agriculture in accordance
22 with the Wilderness Act (16 U.S.C. 1131 et seq.), except
23 that, with respect to such land, any reference in the Wil-
24 derness Act to the effective date of the Wilderness Act

1 shall be considered to be a reference to the date of the
2 enactment of this Act.

3 (b) INCORPORATION OF ACQUIRED LAND AND IN-
4 TERESTS.—Any land within the boundary of a wilderness
5 area expanded by this title that is acquired by the United
6 States shall—

7 (1) become part of the wilderness area in which
8 the land is located;

9 (2) be managed in accordance with this Act and
10 any other applicable law; and

11 (3) not allow for new power to regulate wilder-
12 ness laws on adjoining private land.

13 (c) BUFFER ZONES.—

14 (1) IN GENERAL.—Congress does not intend for
15 the designation of land as wilderness by this title to
16 lead to the creation of protective perimeters or buff-
17 er zones beyond the border of each wilderness area
18 expanded by this title.

19 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—
20 The fact that non-wilderness activities or uses can
21 be seen or heard from land designated as wilderness
22 by this title shall not preclude or provide the basis
23 to regulate the activities or uses up to the boundary
24 of each wilderness area expanded by this title.

1 (d) FISH AND WILDLIFE.—Nothing in this section
2 affects the jurisdiction or responsibilities of the State of
3 California with respect to fish and wildlife.

4 (e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—
5

6 (1) IN GENERAL.—The Secretary may take
7 such measures with respect to land designated as
8 wilderness by this title, as are necessary for the pre-
9 vention and control of fire, insects, and diseases in
10 accordance with section 4(d)(1) of the Wilderness
11 Act (16 U.S.C. 1133(d)(1)) and House Report 98–
12 40 of the 98th Congress.

13 (2) AUTHORIZED MEASURES FOR FIRE SUP-
14 PPRESSION AND PRESUPPRESSION.—For purposes of
15 responding to a wildfire that threatens a community,
16 the designation of land as wilderness by this title
17 shall not be construed as interfering with, or pre-
18 venting, the use by the Secretary, the Forest Super-
19 visor, or a Federal Incident Commander of any mod-
20 ern method of fire suppression and prevention on
21 the designated land, including methods involving the
22 use of mechanized heavy equipment.

23 (3) FIRE PRE-SUPPRESSION POLICY.—The Sec-
24 retary shall use existing authority and available re-
25 sources to implement fire pre-suppression activities

1 to reduce the risk posed to neighboring communities
2 by wildfire and by post-wildfire hazards on the land
3 designated as wilderness by this title.

4 (4) PRE-SUPPRESSION ACTIVITIES.—

5 (A) IN GENERAL.—In carrying out pre-
6 suppression activities on the land designated as
7 wilderness by this title, the Secretary may use
8 motorized equipment and mechanized transport,
9 including chainsaws, helicopters, portable water
10 pumps, heavy equipment, and motorized vehi-
11 cles.

12 (B) IMPLEMENTATION.—Implementation
13 of pre-suppression activities under subpara-
14 graph (A) shall be consistent with wilderness
15 values and shall consider the impact of the pre-
16 suppression activities on wildfire management
17 of adjacent non-Federal lands.

18 (f) COORDINATION WITH CALIFORNIA DEPARTMENT
19 OF TRANSPORTATION.—In managing the land designated
20 as wilderness by this title located along California State
21 Route 33, the Secretary shall coordinate with the Cali-
22 fornia Department of Transportation in order to identify,
23 and mutually agree upon, mechanisms by which the Cali-
24 fornia Department of Transportation can continue to
25 maintain and operate State Route 33 without interrup-

1 tion, especially during expedited emergency lifeline repair
2 projects, while concurrently working to address and
3 achieve the management goals of these wilderness designa-
4 tions.

5 (g) OVERFLIGHTS.—Nothing in this Act shall pre-
6 clude low-level overflights of military aircraft, the designa-
7 tion of new units of special airspace, or the use or estab-
8 lishment of military flight training routes over the land
9 designated as wilderness by this title.

10 (h) GRAZING.—With respect to the land designated
11 as wilderness by this title, the grazing of livestock and the
12 maintenance of existing structures that are used for graz-
13 ing, in areas in which grazing is established as of the date
14 of enactment of this Act shall be allowed to continue con-
15 sistent with section 4(d)(4) of the Wilderness Act (16
16 U.S.C. 133(d)(4)) and the guidelines described in Appen-
17 dix A of House Report 101–405.

18 (i) APPLICABILITY TO ENTIRE WILDERNESS
19 AREA.—The provisions of this section shall apply to the
20 entirety of each wilderness area expanded by this title, not
21 just to land designated as wilderness by this title.

22 (j) PRIVATE LAND ISOLATED INSIDE NEW WILDER-
23 NESS ADDITIONS.—If private lands are in any way made
24 inaccessible by motorized vehicles due to the designation
25 of land as wilderness by this title, the lawful owner of such

1 property shall be allowed right of way to their property
 2 with motor vehicles in a manner to which they were accus-
 3 tomed before the date of the enactment of this Act.

4 **TITLE II—ADDITIONS TO NA-** 5 **TIONAL WILD AND SCENIC** 6 **RIVER SYSTEM**

7 **SEC. 201. DESIGNATION OF WILD AND SCENIC RIVERS.**

8 Section 3(a) of the Wild and Scenic Rivers Act (16
 9 U.S.C. 1274(a)) is amended by adding at the end of the
 10 following:

11 “(_____) UPPER PIRU CREEK, CALIFORNIA.—

12 “(A) DESIGNATION.—Approximately 38.5
 13 miles of Upper Piru Creek from its headwaters
 14 within the Sespe Wilderness in the southwest
 15 corner of Sec 3,T6N, R22W, SBBM, to the
 16 confluence with Buck Creek, to be administered
 17 by the Secretary of Agriculture in the following
 18 classes:

19 “(i) The approximately 5.8-mile seg-
 20 ment from its headwaters within the Sespe
 21 Wilderness in the southwest corner of Sec-
 22 tion 3, T6N, R22W, SBBM, to the eastern
 23 edge of Section 31, T7N, R21W, SBBM,
 24 as a wild river.

“(ii) The approximately 20.4-mile segment from the Sespe Wilderness boundary along the eastern edge of Sec 31, T7N, R21W, SBBM, to one-quarter mile below Gold Hill crossing in Sec 18, T7N, R19W, SBBM), as a scenic river.

“(iii) The approximately 4.7-mile segment from one-quarter mile below Gold Hill crossing Sec 18, T7N, R19W, SBBM to the Castaic Mine located on private land in Sec 22, T7N, R19W, SBBM, as a wild river.

“(iv) The approximately 7.25-mile segment from Castaic Mine located on private land in Sec 22, T7N, R19W, SBBM, to the confluence with Buck Creek, as a scenic river.

“(B) EFFECT OF DESIGNATION.—Nothing in subparagraph (A) shall affect the designated use, including motorized and mechanized vehicles, of all trails adjacent to and crossing Upper Piru Creek.

“(____) UPPER SESPE CREEK, CALIFORNIA.—

“(A) DESIGNATION.—Approximately 11.5 miles of Upper Sespe Creek from the confluence

1 of Chorro Grande Canyon to the confluence of
2 Rock Creek in the northwest $\frac{1}{4}$ of Sec 5. T5N,
3 R22W, SBBM, to be administered by the Sec-
4 retary of Agriculture in the following classes:

5 “(i) The approximately 9.5-mile seg-
6 ment from the confluence of Chorro
7 Grande Canyon to the section line dividing
8 Sec 1, T5N, R23W, and Sec 6, T5N,
9 R22W, SBBM, as a recreational river.

10 “(ii) The approximately 2.0-mile seg-
11 ment from the section line dividing Sec 1,
12 T5N, R23W and Sec 6, T5N, R22W,
13 SBBM to the confluence of Rock Creek in
14 the northwest $\frac{1}{4}$ of Sec 5, T5N, R22W,
15 SBBM, as a scenic river.

16 “(B) EFFECT OF DESIGNATION.—Nothing
17 in subparagraph (A) shall effect the mainte-
18 nance, repair, or improvements of California
19 Highway 33 by the California Department of
20 Transportation.

21 “(____) MONO CREEK, CALIFORNIA.—Approxi-
22 mately 24.2 miles of Mono Creek from the source to
23 the upper extent of the Mono Debris Basin in the
24 northeast corner of Township 5 N., Range 26 W.,

1 Section 5, SBBM, to be administered by the Sec-
 2 retary of Agriculture in the following classes:

3 “(A) The approximately 4.5-mile segment
 4 from the source of Mono Creek to the boundary
 5 of the Dick Smith Wilderness in Sec 28, T 7N,
 6 R25W, SBBM, as a wild river.

7 “(B) The approximately 19.7-mile segment
 8 from the boundary of the Dick Smith Wilder-
 9 ness to the upper extent of the Mono Debris
 10 Basin in the northeast corner of Sec 5, T5N,
 11 R26W, SBBM, as a scenic river.

12 “(____) INDIAN CREEK, CALIFORNIA.—Ap-
 13 proximately 14.7 miles of Indian Creek from a point
 14 in the Dick Smith Wilderness near Bluff Camp in
 15 Sec 19, T7N, R26W, SBBM to the upstream extent
 16 of the Mono Debris Basin in the northeast corner of
 17 Sec 6, T5N, R26W, SBBM, to be administered by
 18 the Secretary of Agriculture as a wild river.”.

19 **TITLE III—CONDOR RIDGE** 20 **SCENIC AREA**

21 **SEC. 301. CONDOR RIDGE SCENIC AREA, LOS PADRES NA-** 22 **TIONAL FOREST.**

23 (a) ESTABLISHMENT AND PURPOSES.—

24 (1) ESTABLISHMENT.—Subject to valid existing
 25 rights, there is established within the Los Padres

1 National Forest the Condor Ridge Scenic Area (in
2 this title referred to as the “scenic area”).

3 (2) AREA INCLUDED.—The scenic area shall
4 consist of approximately 18,520 acres of National
5 Forest System land in the Los Padres National For-
6 est, as generally depicted on the overview map.

7 (3) PURPOSES.—The purposes of the scenic
8 area are to conserve, protect, and enhance the out-
9 standing ecological, geological, scenic, recreational,
10 archaeological, cultural, historic, and other resources
11 of the scenic area.

12 (b) MAP AND DESCRIPTION.—

13 (1) PREPARATION AND SUBMISSION.—The Sec-
14 retary of Agriculture shall file a map and legal de-
15 scription of the scenic area with—

16 (A) the Committee on Natural Resources
17 of the House of Representatives; and

18 (B) the Committee on Energy and Natural
19 Resources of the Senate.

20 (2) FORCE OF LAW; CORRECTIONS.—The map
21 and legal descriptions filed under paragraph (1)
22 shall have the same force and effect as if included
23 in this section, except that the Secretary may correct
24 any technical errors in the map and legal descrip-
25 tions.

1 (3) PUBLIC AVAILABILITY.—The map and legal
2 descriptions filed under paragraph (1) shall be on
3 file and available for public inspection in the appro-
4 priate offices of the Forest Service.

5 (c) EXISTING USES.—Nothing in this title shall af-
6 fect recreational uses, including roads, water developments
7 and associated facilities, grazing, mountain bikes, hunting,
8 rock hounding, sport shooting, camping and uses under
9 special use authorizations in the scenic area in existence
10 on the date of enactment of this Act.

11 **SEC. 302. ADMINISTRATION.**

12 (a) IN GENERAL.—The Secretary of Agriculture
13 shall—

14 (1) administer the scenic area—

15 (A) in furtherance of the purposes of the
16 scenic area described in section 301; and

17 (B) in accordance with this section and
18 any laws (including regulations) relating to the
19 National Forest System; and

20 (2) only allow such uses in the scenic area as
21 are consistent with the purposes of the scenic area.

22 (b) MOTORIZED VEHICLES.—

23 (1) IN GENERAL.—Except in cases in which
24 motorized vehicles are needed for administrative pur-
25 poses, or to respond to an emergency, and as pro-

1 vided in subsection (c), the use of motorized vehicles
2 in the scenic area shall be permitted only on roads
3 and trails designated for use by such vehicles as of
4 the date of enactment of this Act.

5 (2) LIMITATION.—Nothing in this section shall
6 be construed as precluding the Secretary from clos-
7 ing any road, trail, or area from use for purposes of
8 resource protection or public safety.

9 (c) WILDFIRE OPERATIONS.—Nothing in this section
10 prohibits the Secretary, in cooperation with other Federal,
11 State, and local agencies, as appropriate, from conducting
12 wildland fire operations in the scenic area, consistent with
13 the purposes of the scenic area.

14 (d) TRAIL MAINTENANCE.—Nothing in this section
15 shall limit the use of motorized or mechanized equipment
16 for the maintenance of trails within the scenic area, con-
17 sistent with the purposes of the scenic area.

18 (e) MANAGEMENT PLAN.—

19 (1) IN GENERAL.—Within three years after the
20 date of enactment of this Act, the Secretary shall
21 develop a comprehensive management plan for the
22 long-term management of the scenic area.

23 (2) ADDITIONAL REQUIREMENT.—The manage-
24 ment plan shall describe measures necessary to pre-

1 vent the unauthorized use of motorized vehicles
2 within the scenic area.

3 (f) GRAZING.—The grazing of livestock in the scenic
4 area, where established before the date of enactment of
5 this Act, shall be permitted to continue—

6 (1) subject to applicable law; and

7 (2) in a manner consistent with the purposes of
8 the scenic area.

9 (g) WITHDRAWAL.—Subject to valid existing rights,
10 any Federal land within the scenic area is withdrawn from
11 all forms of—

12 (1) entry, appropriation, or disposal under the
13 public land laws; and

14 (2) location, entry, and patent under the mining
15 laws.

16 **TITLE IV—OFF HIGHWAY** 17 **VEHICLE USE**

18 **SEC. 401. DESIGNATION OF ROADS AND TRAILS FOR OFF** 19 **HIGHWAY VEHICLE USE.**

20 (a) DESIGNATION.—Except as provided in subsection
21 (e), the following roads and trails in the Los Padres Na-
22 tional Forest, as generally depicted as the “Wilderness,
23 Special Management Area, OHV Area and Route Pro-
24 posal” on the overview map are hereby added to the Motor

1 Vehicle Use Map for the Los Padres National Forest and
2 are designated for the following use:

3 (1) Forest Road 8N08 from junction with For-
4 est Road 8N09 south including McKinley fire trail
5 and until junction of Forest Road 6N14 and Forest
6 Road 9N11 shall be open to all vehicles 50 inches
7 or less.

8 (2) Forest Road 6N17 from junction with
9 5N15 to junction with 6N03 Potrero Seco Road
10 shall be open to high clearance vehicles.

11 (3) Forest Road 5N20 connection 5N12 and
12 5N18 shall be open to highway legal vehicles.

13 (4) Forest Road 5N01 from junction with For-
14 est Roads 5N16 and 5N15 to junction with Potrero
15 Seco Road (6N03) shall be open to high clearance
16 vehicles.

17 (5) Potrero Seco Road (6N03) from junction
18 with Forest Road 5N13 to junction with Forest
19 Road 6N17 shall be open to high clearance vehicles.

20 (6) Ortega Trail shall be open for following
21 uses:

22 (A) Forest Road 6N01.1 shall be open to
23 highway legal vehicles.

1 (B) Northern segment of Forest Road
2 23W08 shall be open to vehicles 50 inches or
3 less.

4 (C) Southern segment of Forest Road
5 23W08 shall be open to motorcycles only.

6 (b) ESTABLISHMENT OF SEASONS OF USE.—The
7 Secretary may establish such seasons of use for the protec-
8 tion of forest resources on the roads and trails designated
9 by subsection (a) as the Secretary considers to be nec-
10 essary.

11 (c) ENFORCEMENT.—Upon opening a road or trail
12 designated under subsection (a), the Secretary shall de-
13 velop an enforcement plan to minimize resource damage
14 and prevent intrusions into wilderness areas.

15 (d) COMPLIANCE.—In carrying out this section, the
16 Secretary shall comply with all laws (including regula-
17 tions) that apply to the National Forest System. Nothing
18 in this section affects authority, otherwise available to the
19 Secretary, to close or reroute trails or roads in accordance
20 with existing law (including regulations).

21 (e) EXCEPTION.—Nothing in this section requires the
22 Secretary to open any road or trail that is closed to pre-
23 vent adverse impacts to any threatened or endangered spe-
24 cies that is protected under the Endangered Species Act
25 of 1973 (16 U.S.C. 1531 et seq.).

1 **SEC. 402. DESIGNATION OF OFF HIGHWAY VEHICLE AREAS.**

2 (a) DESIGNATION.—The following areas in the Na-
3 tional Forest are hereby designated as off highway vehicle
4 areas:

5 (1) Ballinger Canyon OHV Area, as generally
6 depicted on the map entitled “Proposed Ballinger
7 Canyon OHV Area-Los Padres Conservation and
8 Recreation Act, 2012”, which was created on Feb-
9 ruary 27, 2012, by Forest Service, Region 5
10 Geospatial Services, and is available for inspection at
11 the Pacific Southwest Regional Office in Vallejo,
12 California.

13 (2) Mt. Pinos OHV Area, as generally depicted
14 on the map entitled “Proposed Mt Pinos OHV Area-
15 Los Padres Conservation and Recreation Act,
16 2012”, which was created on February 27, 2012, by
17 Forest Service, Region 5 Geospatial Services, and is
18 available for inspection at the Pacific Southwest Re-
19 gional Office in Vallejo, California.

20 (b) PURPOSE.—The purpose of the off-highway vehi-
21 cle recreation areas designated under subsection (a) is to
22 preserve and enhance the recreational opportunities (in-
23 cluding opportunities for off-highway vehicle recreation),
24 while conserving the wildlife and other natural resource
25 values of the areas.

26 (c) MANAGEMENT.—

1 (1) ENFORCEMENT.—Nothing in this section
2 affects authority, otherwise available to the Sec-
3 retary, to close or reroute trails or roads in accord-
4 ance with existing law (including regulations).

5 (2) CONDOR PROTECTION.—If it can be dem-
6 onstrated to the Secretary that off highway vehicle
7 activity has caused a decline in the local California
8 Condor population, the Secretary may close trails
9 within an off highway vehicle area designated by
10 subsection (b) as the Secretary considers necessary.

11 (3) MOTORIZED VEHICLES.—Except in cases in
12 which motorized vehicles are needed for administra-
13 tive purposes, or to respond to an emergency, the
14 use of motorized vehicles in the off highway vehicle
15 areas designated by subsection (a) shall be permitted
16 only on roads and trails designated for the use of
17 motorized vehicles.

18 (d) RECREATIONAL VALUES.—There shall be no net
19 loss of recreational values, including off-highway vehicle
20 recreational values, within the off-highway vehicle recre-
21 ation areas designated under subsection (a).

22 **SEC. 403. CONSTRUCTION OF NEW TRAILS.**

23 (a) STUDY OF FEASIBILITY AND INTEREST IN NEW
24 TRAILS.—Not later than 18 months after the date of en-
25 actment of this Act, but subject to the availability of funds

1 for this purpose, the Secretary shall conduct a study and
2 prepare a report on the feasibility and public interest of
3 constructing the following new trails:

4 (1) A new trail to be known as the “Divide
5 Peak Trail” from junction with Forest Road 5N12
6 to intersection with Forest Roads 6N03 and 5N13.
7 The trail shall be open to all motor vehicles 50
8 inches or less in width.

9 (2) A new trail connecting Forest Service High-
10 way 95 to the existing trail system in the Ballinger
11 Canyon OHV area. The trail shall be open to all ve-
12 hicles 50 inches or less in width.

13 (3) A new trail through Lockwood Valley con-
14 necting the Ballinger Canyon OHV area and the Mt.
15 Pinos OHV area, from junction with Lockwood Val-
16 ley road through junction with Forest Road 8N40,
17 continuing through junction with Forest Road
18 8N06, and ending at junction with Forest Road
19 9N09A. The trail shall be open to all vehicles 50
20 inches or less in width.

21 (b) CONSTRUCTION OF TRAILS.—

22 (1) CONSTRUCTION AUTHORIZED.—Subject to
23 paragraph (2), if the Secretary determines under
24 subsection (a) that the construction of a trail de-
25 scribed in such subsection is feasible and in the pub-

1 lic interest, the Secretary may provide for the con-
2 struction the trail.

3 (2) USE OF VOLUNTEER SERVICES AND CON-
4 TRIBUTIONS.—A trail may be constructed under this
5 subsection only through the acceptance of volunteer
6 services and contributions from non-Federal sources
7 to eliminate the need for Federal expenditures to
8 construct the trail.

9 (3) ESTABLISHMENT OF SEASONS FOR USE.—
10 The Secretary may establish such seasons of use for
11 the protection of forest resources on the trails con-
12 structed under this subsection as the Secretary con-
13 siders to be necessary.

14 (c) EFFECT.—Upon final construction and incorpora-
15 tion of the trail required by subsection (a)(3) into the
16 Motor Vehicle Use Map for the Los Padres National For-
17 est, the Toad Springs road corridor, as generally depicted
18 on the overview map, shall be automatically incorporated
19 in and managed as part of the Chumash Wilderness in
20 accordance with section 2(a)(5) of Public Law 102–301
21 (106 Stat. 243).

22 (d) COMPLIANCE.—In carrying out this section, the
23 Secretary shall comply with all laws (including regula-
24 tions) that apply to the National Forest System.

1 **TITLE V—LAND EXCHANGE**

2 **SEC. 501. SHORT TITLE.**

3 This title may be cited as the “Los Padres National
4 Forest Land Exchange Act”.

5 **SEC. 502. LAND EXCHANGE, LOS PADRES NATIONAL FOR-**
6 **EST.**

7 (a) **LAND EXCHANGE.**—In exchange for all right,
8 title, and interest of the United Water Conservation Dis-
9 trict of California (in this section referred to as the “Dis-
10 trict”) in and to the lands described in subsection (b), the
11 Secretary of Agriculture shall convey to the District all
12 right, title, and interest of the United States in and to
13 the National Forest System lands described in subsection
14 (c). The conveyance of National Forest System lands
15 under this section shall be subject to subsection (g), to
16 valid existing rights, and to such terms, conditions, and
17 reservations as may be required by this section or consid-
18 ered necessary by the Secretary.

19 (b) **LANDS TO BE CONVEYED BY DISTRICT.**—The
20 lands to be conveyed by the District under subsection (a)
21 consist of approximately 340 acres located within Town-
22 ship 5 North, Range 18 West, San Bernardino Base and
23 Meridian and are more fully described as follows:

24 (1) **TRACT A.**—SE¹/₄NE¹/₄ of section 16 (ap-
25 proximately 40 acres).

1 (2) TRACT B.—NE¹/₄SE¹/₄ of section 16 (ap-
2 proximately 40 acres).

3 (3) TRACT C.—S¹/₂SE¹/₄ of section 16 (approxi-
4 mately 80 acres).

5 (4) TRACT D.—NE¹/₄ of section 21 (approxi-
6 mately 160 acres).

7 (5) TRACT E.—N¹/₂SW¹/₄SW¹/₄ of section 15
8 (approximately 20 acres).

9 (c) LANDS TO BE CONVEYED BY SECRETARY.—The
10 National Forest System lands to be conveyed by the Sec-
11 retary under subsection (a) consist of approximately 440
12 acres located within Township 5 North, Range 18 West,
13 San Bernardino Base and Meridian and are more fully
14 described as follows:

15 (1) TRACT 1.—E¹/₂SW¹/₄ of section 10 (ap-
16 proximately 80 acres).

17 (2) TRACT 2.—NE¹/₄NW¹/₄ of section 15 (ap-
18 proximately 40 acres).

19 (3) TRACT 3.—S¹/₂SW¹/₄SW¹/₄SE¹/₄ of section
20 15 (approximately 5 acres).

21 (4) TRACT 4.—N¹/₂S¹/₂S¹/₂SE¹/₄ of section 15
22 (approximately 20 acres).

23 (5) TRACT 5.—S¹/₂N¹/₂SW¹/₄SE¹/₄ of section 15
24 (approximately 10 acres).

1 (6) TRACT 6.— $N^{1/2}NW^{1/4}SW^{1/4}SE^{1/4}$ of section
2 15 (approximately 5 acres).

3 (7) TRACT 7.— $NW^{1/4}NE^{1/4}SW^{1/4}SE^{1/4}$ of sec-
4 tion 15 (approximately 2.5 acres).

5 (8) TRACT 8.— $S^{1/2}NW^{1/4}SE^{1/4}SE^{1/4}$ of section
6 15 (approximately 5 acres).

7 (9) TRACT 9.— $SW^{1/4}NE^{1/4}SE^{1/4}SE^{1/4}$ of section
8 15 (approximately 2.5 acres).

9 (10) TRACT 10.— $W^{1/2}W^{1/2}NW^{1/4}SE^{1/4}$ of sec-
10 tion 15 (approximately 10 acres).

11 (11) TRACT 11.— $SE^{1/4}SW^{1/4}NW^{1/4}SE^{1/4}$ of sec-
12 tion 15 (approximately 2.5 acres).

13 (12) TRACT 12.— $SW^{1/4}SE^{1/4}NW^{1/4}SE^{1/4}$ of sec-
14 tion 15 (approximately 2.5 acres).

15 (13) TRACT 13.— $W^{1/2}W^{1/2}SW^{1/4}NE^{1/4}$ of sec-
16 tion 15 (approximately 10 acres).

17 (14) TRACT 14.— $SW^{1/4}SW^{1/4}NE^{1/4}$ of section
18 22 (approximately 10 acres).

19 (15) TRACT 15.— $NW^{1/4}NW^{1/4}NW^{1/4}NE^{1/4}$ of
20 section 22 (approximately 2.5 acres).

21 (16) TRACT 16.— $SW^{1/4}NW^{1/4}SW^{1/4}NE^{1/4}$ of
22 section 22 (approximately 2.5 acres).

23 (17) TRACT 17.— $W^{1/2}NW^{1/4}SE^{1/4}$ of section 22
24 (approximately 20 acres).

1 (18) TRACT 18.—SW¹/₄SE¹/₄ of section 22 (ap-
2 proximately 40 acres).

3 (19) TRACT 19.—E¹/₂SW¹/₄ of section 22 (ap-
4 proximately 80 acres).

5 (20) TRACT 20.—N¹/₂NW¹/₄SW¹/₄ of section 22
6 (approximately 20 acres).

7 (21) TRACT 21.—W¹/₂NE¹/₄ of section 27 (ap-
8 proximately 60 acres).

9 (22) TRACT 22.—NE¹/₄SW¹/₄NW¹/₄ of section
10 27 (approximately 10 acres).

11 (d) IMPLEMENTATION OF LAND EXCHANGE.—

12 (1) MAPS; PUBLIC AVAILABILITY.—The lands to
13 be exchanged under this section are depicted as the
14 “Los Padres National Forest Land Exchange” on
15 the overview map. The map shall be on file and
16 available for public inspection in appropriate offices
17 of the Forest Service until completion of the land ex-
18 change. The Secretary may also correct errors in the
19 map or the accompanying legal descriptions.

20 (2) MODIFICATION OF STATUTORY TERMS OF
21 EXCHANGE.—By mutual agreement to facilitate the
22 land exchange under this section, the Secretary and
23 the District may make de minimis changes to tracts
24 of land involved in the land exchange or adjust the
25 legal descriptions specified in subsections (b) and (c)

1 and the boundaries depicted on the overview map
2 based upon the environmental analysis conducted
3 and public input obtained in complying with the Na-
4 tional Environmental Policy Act of 1969 (42 U.S.C.
5 4331 et seq.).

6 (3) PRIORITY FOR COMPLETION.—The Sec-
7 retary shall make the land exchange under this sec-
8 tion a priority by endeavoring to complete the land
9 exchange within two years after the date of the en-
10 actment of this Act.

11 (4) ADMINISTRATIVE COSTS.—The District
12 shall pay the costs of conducting the land exchange
13 under this section, including the costs incurred for
14 environmental analysis, survey, mapping, appraisals,
15 closing costs, recording fees, and similar expendi-
16 tures, but not including the costs of staff salaries,
17 administrative overhead, attorney fees, the cost of
18 construction required by subsection (e)(2), or the
19 costs to cure any title defects.

20 (5) TITLE STANDARDS.—The Secretary shall
21 require that title to the District lands to be acquired
22 by the Secretary under this section is in conformity
23 with the title standards of the Attorney General.

24 (e) EASEMENTS AND ACCESS.—

1 (1) RESERVATION.—In the conveyance of the
2 National Forest System lands under this section, the
3 Secretary shall reserve easements for all roads and
4 trails that the Secretary considers to be necessary or
5 desirable to provide for administrative purposes and
6 to ensure public access to National Forest System
7 lands and shall reserve perpetual unrestricted rights
8 of pedestrian and equestrian access over all existing
9 roads and trails.

10 (2) CONSTRUCTION OF PARKING LOT.—As a
11 condition on the receipt of National Forest System
12 lands under this section, the District shall agree to
13 construct a gravel parking area upon District lands
14 to provide access to the Potholes trail of the Los Pa-
15 dres National Forest. The site design for the park-
16 ing area shall be subject to the approval by the Sec-
17 retary. The District may reasonably regulate vehic-
18 ular access to the parking area in accordance with
19 rules and regulations promulgated in accordance
20 with applicable law.

21 (f) PARTIAL REVOCATION OF WITHDRAWALS.—The
22 public lands withdrawals provided by the Act of May 29,
23 1928 (Chapter 868; 45 Stat. 956), Power Site Classifica-
24 tion No. 414—USGS, June 22, 1951, FERC Power
25 Project No. 2153, January 15, 1957, and Forest Service

1 Land Order No. 3338, February 28, 1964, are hereby re-
2 voked insofar as they effect the National Forest System
3 lands conveyed under this section.

4 (g) WATER RIGHTS.—The land exchange under this
5 section does not include any water rights owned by the
6 District or the United States.

7 (h) EQUAL VALUE EXCHANGE.—

8 (1) APPRAISAL.—Subject to paragraph (2), the
9 land exchange under this section shall be conducted
10 on an equal value basis, as determined by the ap-
11 praisal done in conformity with the Uniform Ap-
12 praisal Standards for Federal Lands Standards for
13 Acquisition and Forest Service appraisal instruc-
14 tions.

15 (2) CASH EQUALIZATION.—If the value of the
16 lands to be conveyed by the District under sub-
17 section (a) is less than the value of the lands to be
18 conveyed by the Secretary, the values of the lands
19 may be equalized through the payment by the Dis-
20 trict of a cash equalization payment. The amount of
21 the cash equalization payment paid by the District
22 may exceed the statutory limit specified in section
23 206 of the Federal Land Policy and Management
24 Act of 1976 (43 U.S.C. 1716). The Secretary may
25 not make a cash equalization payment.

1 (3) DEPOSIT OF PROCEEDS.—Any cash equali-
2 zation payment or other proceeds received by the
3 Secretary as a result of the land exchange under this
4 section shall be deposited in the general fund of the
5 Treasury.

6 (i) MANAGEMENT OF ACQUIRED LANDS.—For pur-
7 poses of section 7 of the Land and Water Conservation
8 Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of
9 the Los Padres National Forest, as adjusted as a result
10 of the land exchange under this section, shall be consid-
11 ered to be the boundaries of that national forest as of Jan-
12 uary 1, 1965. The District lands acquired by the Secretary
13 under this section shall be added to and administered as
14 part of the Los Padres National Forest in accordance with
15 the laws and regulations applicable to that national forest.

16 (j) EFFECT OF EXCHANGE.—The District shall com-
17 ply with all applicable requirements of the Endangered
18 Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to
19 the land conveyed to it under this section.

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