

114TH CONGRESS
2D SESSION

H. R. 496

IN THE SENATE OF THE UNITED STATES

MAY 24, 2016

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To establish the Alabama Hills National Scenic Area in
the State 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Alabama Hills National Scenic Area Establishment Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Alabama Hills National Scenic Area, California.
- Sec. 4. Management plan.
- Sec. 5. Land taken into trust for Lone Pine Paiute-Shoshone Reservation.
- Sec. 6. Transfer of administrative jurisdiction.
- Sec. 7. Protection of services and recreational opportunities.
- Sec. 8. Clarification regarding funding.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) MANAGEMENT PLAN.—The term “manage-
9 ment plan” means the management plan for the Na-
10 tional Scenic Area developed under section 4(a).

11 (2) MAP.—The term “Map” means the map ti-
12 tled “Proposed Alabama Hills National Scenic
13 Area”, dated September 8, 2014.

14 (3) MOTORIZED VEHICLES.—The term “motor-
15 ized vehicles” means motorized or mechanized vehi-
16 cles and includes, when used by utilities, mechanized
17 equipment, helicopters, and other aerial devices nec-
18 essary to maintain electrical or communications in-
19 frastructure.

20 (4) NATIONAL SCENIC AREA.—The term “Na-
21 tional Scenic Area” means the Alabama Hills Na-
22 tional Scenic Area established by section 3(a).

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (6) STATE.—The term “State” means the State
4 of California.

5 (7) TRIBE.—The term “Tribe” means the Lone
6 Pine Paiute-Shoshone.

7 (8) UTILITY FACILITY.—The term “utility facil-
8 ity” means any and all existing and future water
9 system facilities including aqueducts, streams,
10 ditches, and canals; water facilities including, but
11 not limited to, flow measuring stations, gauges,
12 gates, valves, piping, conduits, fencing, and electrical
13 power and communications devices and systems; and
14 any and all existing and future electric generation
15 facilities, electric storage facilities, overhead and/or
16 underground electrical supply systems and commu-
17 nication systems consisting of electric substations,
18 electric lines, poles and towers made of various ma-
19 terials, “H” frame structures, guy wires and an-
20 chors, crossarms, wires, underground conduits, ca-
21 bles, vaults, manholes, handholes, above-ground en-
22 closures, markers and concrete pads and other fix-
23 tures, appliances and communication circuits, and
24 other fixtures, appliances and appurtenances con-
25 nected therewith necessary or convenient for the

1 construction, operation, regulation, control, ground-
2 ing and maintenance of electric generation, storage,
3 lines and communication circuits, for the purpose of
4 transmitting intelligence and generating, storing,
5 distributing, regulating and controlling electric en-
6 ergy to be used for light, heat, power, communica-
7 tion, and other purposes.

8 **SEC. 3. ALABAMA HILLS NATIONAL SCENIC AREA, CALI-**
9 **FORNIA.**

10 (a) ESTABLISHMENT.—Subject to valid, existing
11 rights, there is established in Inyo County, California, the
12 Alabama Hills National Scenic Area. The National Scenic
13 Area shall be comprised of the approximately 18,610 acres
14 generally depicted on the Map as “National Scenic Area”.

15 (b) PURPOSE.—The purpose of the National Scenic
16 Area is to conserve, protect, and enhance for the benefit,
17 use, and enjoyment of present and future generations the
18 nationally significant scenic, cultural, geological, edu-
19 cational, biological, historical, recreational, cinemato-
20 graphic, and scientific resources of the National Scenic
21 Area managed consistent with section 302(a) of the Fed-
22 eral Land Policy and Management Act of 1976 (43 U.S.C.
23 1732(a)).

24 (c) MAP; LEGAL DESCRIPTIONS.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Secretary
3 shall file a map and a legal description of the Na-
4 tional Scenic Area with—

5 (A) the Committee on Energy and Natural
6 Resources of the Senate; and

7 (B) the Committee on Natural Resources
8 of the House of Representatives.

9 (2) FORCE OF LAW.—The map and legal de-
10 scriptions filed under paragraph (1) shall have the
11 same force and effect as if included in this Act, ex-
12 cept that the Secretary may correct any clerical and
13 typographical errors in the map and legal descrip-
14 tions.

15 (3) PUBLIC AVAILABILITY.—Each map and
16 legal description filed under paragraph (1) shall be
17 on file and available for public inspection in the ap-
18 propriate offices of the Forest Service and Bureau
19 of Land Management.

20 (d) ADMINISTRATION.—The Secretary shall manage
21 the National Scenic Area—

22 (1) as a component of the National Landscape
23 Conservation System;

24 (2) so as not to impact the future continuing
25 operations and maintenance of any activities associ-

1 ated with valid, existing rights, including water
2 rights;

3 (3) in a manner that conserves, protects, and
4 enhances the resources and values of the National
5 Scenic Area described in subsection (b); and

6 (4) in accordance with—

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

9 (B) this Act; and

10 (C) any other applicable laws.

11 (e) MANAGEMENT.—

12 (1) IN GENERAL.—The Secretary shall allow
13 only such uses of the National Scenic Area as the
14 Secretary determines would support the purposes of
15 the National Scenic Area as described in subsection
16 (b).

17 (2) RECREATIONAL ACTIVITIES.—Except as
18 otherwise provided in this Act or other applicable
19 law, or as the Secretary determines to be necessary
20 for public health and safety, the Secretary shall
21 allow existing recreational uses of the National Sce-
22 nic Area to continue, including hiking, mountain
23 biking, rock climbing, sightseeing, horseback riding,
24 hunting, fishing, and appropriate authorized motor-
25 ized vehicle use.

1 (3) MOTORIZED VEHICLES.—Except as speci-
2 fied within this Act and/or in cases in which motor-
3 ized vehicles are needed for administrative purposes,
4 or to respond to an emergency, the use of motorized
5 vehicles in the National Scenic Area shall be per-
6 mitted only on—

7 (A) roads and trails designated by the Di-
8 rector of the Bureau of Land Management for
9 use of motorized vehicles as part of a manage-
10 ment plan sustaining a semi-primitive motorized
11 experience; or

12 (B) on county-maintained roads in accord-
13 ance with applicable State and county laws.

14 (f) NO BUFFER ZONES.—

15 (1) IN GENERAL.—Nothing in this Act creates
16 a protective perimeter or buffer zone around the Na-
17 tional Scenic Area.

18 (2) ACTIVITIES OUTSIDE NATIONAL SCENIC
19 AREA.—The fact that an activity or use on land out-
20 side the National Scenic Area can be seen or heard
21 within the National Scenic Area shall not preclude
22 the activity or use outside the boundaries of the Na-
23 tional Scenic Area.

1 (g) ACCESS.—The Secretary shall continue to provide
2 private landowners adequate access to inholdings in the
3 National Scenic Area.

4 (h) FILMING.—Nothing in this Act prohibits filming
5 (including commercial film production, student filming,
6 and still photography) within the National Scenic Area—

7 (1) subject to—

8 (A) such reasonable regulations, policies,
9 and practices as the Secretary considers to be
10 necessary; and

11 (B) applicable law; and

12 (2) in a manner consistent with the purposes
13 described in subsection (b).

14 (i) FISH AND WILDLIFE.—Nothing in this Act affects
15 the jurisdiction or responsibilities of the State with respect
16 to fish and wildlife.

17 (j) LIVESTOCK.—The grazing of livestock in the Na-
18 tional Scenic Area, including grazing under the Alabama
19 Hills allotment and the George Creek allotment, as estab-
20 lished before the date of enactment of this Act, shall be
21 permitted to continue—

22 (1) subject to—

23 (A) such reasonable regulations, policies,
24 and practices as the Secretary considers to be
25 necessary; and

1 (B) applicable law; and

2 (2) in a manner consistent with the purposes
3 described in subsection (b).

4 (k) OVERFLIGHTS.—Nothing in this Act restricts or
5 precludes flights over the National Scenic Area or over-
6 flights that can be seen or heard within the National Sce-
7 nic Area, including—

8 (1) transportation, sightseeing and filming
9 flights, general aviation planes, helicopters, hang-
10 gliders, and balloonists, for commercial or rec-
11 reational purposes;

12 (2) low-level overflights of military aircraft;

13 (3) flight testing and evaluation; or

14 (4) the designation or creation of new units of
15 special use airspace, or the establishment of military
16 flight training routes, over the National Scenic Area.

17 (l) WITHDRAWAL.—Subject to this Act’s provisions
18 and valid rights in existence on the date of enactment of
19 this Act, including rights established by prior withdrawals,
20 the Federal land within the National Scenic Area is with-
21 drawn from all forms of—

22 (1) entry, appropriation, or disposal under the
23 public land laws;

24 (2) location, entry, and patent under the mining
25 laws; and

1 (3) disposition under all laws pertaining to min-
2 eral and geothermal leasing or mineral materials.

3 (m) WILDLAND FIRE OPERATIONS.—Nothing in this
4 Act prohibits the Secretary, in cooperation with other Fed-
5 eral, State, and local agencies, as appropriate, from con-
6 ducting wildland fire operations in the National Scenic
7 Area, consistent with the purposes described in subsection
8 (b).

9 (n) GRANTS; COOPERATIVE AGREEMENTS.—The
10 Secretary may make grants to, or enter into cooperative
11 agreements with, State, tribal, and local governmental en-
12 tities and private entities to conduct research, interpreta-
13 tion, or public education or to carry out any other initia-
14 tive relating to the restoration, conservation, or manage-
15 ment of the National Scenic Area.

16 (o) AIR AND WATER QUALITY.—Nothing in this Act
17 modifies any standard governing air or water quality out-
18 side of the boundaries of the National Scenic Area.

19 (p) UTILITY FACILITIES AND RIGHTS OF WAY.—

20 (1) Nothing in this Act shall—

21 (A) affect the existence, use, operation,
22 maintenance (including but not limited to vege-
23 tation control), repair, construction, reconfig-
24 uration, expansion, inspection, renewal, recon-
25 struction, alteration, addition, relocation, im-

1 provement, funding, removal, or replacement of
2 utility facilities or appurtenant rights of way
3 within or adjacent to the National Scenic Area;

4 (B) affect necessary or efficient access to
5 utility facilities or rights of way within or adja-
6 cent to the National Scenic Area subject to sub-
7 section (e);

8 (C) preclude the Secretary from author-
9 izing the establishment of new utility facility
10 rights of way (including instream sites, routes,
11 and areas) within the National Scenic Area in
12 a manner that minimizes harm to the purpose
13 of the National Scenic Area as described in sub-
14 section (b)—

15 (i) with the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321 et
17 seq.) and any other applicable law; and

18 (ii) subject to such terms and condi-
19 tions as the Secretary determines to be ap-
20 propriate.

21 (2) MANAGEMENT PLAN.—Consistent with this
22 Act, the Management Plan shall establish plans for
23 maintenance of public utility and other rights of way
24 within the National Scenic Area.

1 **SEC. 4. MANAGEMENT PLAN.**

2 (a) IN GENERAL.—Not later than 3 years after the
3 date of enactment of this Act, in accordance with sub-
4 section (b), the Secretary shall develop a comprehensive
5 plan for the long-term management of the National Scenic
6 Area.

7 (b) CONSULTATION.—In developing the management
8 plan, the Secretary shall—

9 (1) consult with appropriate State, tribal, and
10 local governmental entities, including Inyo County
11 and the Tribe; and

12 (2) seek input from—

13 (A) investor-owned utilities, including
14 Southern California Edison Company;

15 (B) the Alabama Hills Stewardship Group;

16 (C) members of the public; and

17 (D) the Los Angeles Department of Water
18 and Power.

19 (c) INCORPORATION OF MANAGEMENT PLAN.—In de-
20 veloping the management plan, in accordance with this
21 section, the Secretary shall allow, in perpetuity, casual-
22 use mining limited to the use of hand tools, metal detec-
23 tors, hand-fed dry washers, vacuum cleaners, gold pans,
24 small sluices, and similar items.

1 (d) INTERIM MANAGEMENT.—Pending completion of
2 the management plan, the Secretary shall manage the Na-
3 tional Scenic Area in accordance with section 3.

4 **SEC. 5. LAND TAKEN INTO TRUST FOR LONE PINE PAIUTE-**
5 **SHOSHONE RESERVATION.**

6 (a) TRUST LAND.—As soon as practicable after the
7 date of the enactment of this Act, the Secretary shall take
8 the approximately 132 acres of Federal land depicted on
9 the Map as “Lone Pine Paiute-Shoshone Reservation Ad-
10 dition” into trust for the benefit of the Tribe, subject to
11 the following:

12 (1) CONDITIONS.—The land shall be subject to
13 all easements, covenants, conditions, restrictions,
14 withdrawals, and other matters of record on the date
15 of the enactment of this Act.

16 (2) EXCLUSION.—The Federal lands over which
17 the right-of-way for the Los Angeles Aqueduct is lo-
18 cated, generally described as the 250-foot-wide right-
19 of-way granted to the City of Los Angeles pursuant
20 to the Act of June 30, 1906 (Chap. 3926), shall not
21 be taken into trust for the Tribe.

22 (b) RESERVATION LAND.—The land taken into trust
23 pursuant to subsection (a) shall be considered part of the
24 reservation of the Tribe.

1 (c) GAMING PROHIBITION.—Gaming under the In-
2 dian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)
3 shall not be allowed on the land taken into trust pursuant
4 to subsection (a).

5 **SEC. 6. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

6 Administrative jurisdiction of the approximately 56
7 acres of Federal land depicted on the Map as “USFS
8 Transfer to BLM” is hereby transferred from the Forest
9 Service under the Secretary of Agriculture to the Bureau
10 of Land Management under the Secretary.

11 **SEC. 7. PROTECTION OF SERVICES AND RECREATIONAL**
12 **OPPORTUNITIES.**

13 Nothing in this Act shall be construed to limit com-
14 mercial services for existing and historic recreation uses
15 as authorized by the Bureau of Land Management’s per-
16 mit process. Valid, existing, commercial permits to exer-
17 cise guided recreational opportunities for the public may
18 continue as authorized on the day before the date of the
19 enactment of this Act.

20 **SEC. 8. CLARIFICATION REGARDING FUNDING.**

21 No additional funds are authorized to carry out the
22 requirements of this Act and the amendments made by

1 this Act. Such requirements shall be carried out using
2 amounts otherwise authorized.

Passed the House of Representatives May 23, 2016.

Attest:

KAREN L. HAAS,
Clerk.