

116TH CONGRESS
1ST SESSION

H. R. 403

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4 (2) RECREATION AREA.—The term “Recreation
5 Area” means the Clear Creek National Recreation
6 Area.

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

9 (4) STATE.—The term “State” means the State
10 of California.

11 (5) OFF HIGHWAY VEHICLE.—The term “off
12 highway vehicle” means any motorized vehicle de-
13 signed for or capable of cross-country travel on or
14 immediately over land, water, snow, or other natural
15 terrain and not intended for use on public roads.

16 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**
17 **RECREATION AREA.**

18 (a) IN GENERAL.—To promote environmentally re-
19 sponsible off highway vehicle recreation, the area generally
20 depicted as “Proposed Clear Creek National Recreation
21 Area” on the map titled “Proposed Clear Creek National
22 Recreation Area” and dated February 14, 2017, is estab-
23 lished as the “Clear Creek National Recreation Area”, to
24 be managed by the Secretary.

1 (b) OTHER PURPOSES.—The Recreation Area shall
2 also support other public recreational uses, such as hunt-
3 ing, hiking, and rock and gem collecting.

4 (c) MAP ON FILE.—Copies of the map referred to in
5 subsection (a) shall be on file and available for public in-
6 spection in—

7 (1) the Office of the Director of the Bureau of
8 Land Management; and

9 (2) the appropriate office of the Bureau of
10 Land Management in California.

11 **SEC. 4. MANAGEMENT.**

12 (a) IN GENERAL.—The Secretary shall manage the
13 Recreation Area to further the purposes described in sec-
14 tion 3(a), in accordance with—

15 (1) this Act;

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

18 (3) any other applicable law.

19 (b) USES.—The Secretary shall—

20 (1) prioritize environmentally responsible off
21 highway vehicle recreation and also facilitate hunt-
22 ing, hiking, gem collecting, and the use of motorized
23 vehicles, mountain bikes, and horses in accordance
24 with the management plan described in subsection
25 (c);

1 (2) issue special recreation permits for motor-
2 ized and non-motorized events; and

3 (3) reopen the Clear Creek Management Area
4 to the uses described in this subsection as soon as
5 practicable following the enactment of this Act and
6 in accordance with the management guidelines out-
7 lined in this Act and other applicable law.

8 (c) INTERIM MANAGEMENT PLAN.—The Secretary
9 shall use the 2006 Clear Creek Management Area Re-
10 source Management Plan Amendment and Route Designa-
11 tion Record of Decision as modified by this Act or the
12 Secretary to incorporate natural resource protection infor-
13 mation not available in 2006, as the basis of an interim
14 management plan to govern off highway vehicle recreation
15 within the Recreation Area pending the completion of the
16 long-term management plan required in subsection (d).

17 (d) PERMANENT MANAGEMENT PLAN.—Not later
18 than 2 years after the date of the enactment of this Act,
19 the Secretary shall create a comprehensive management
20 plan for the Clear Creek Recreation Area that—

21 (1) shall describe the appropriate uses and
22 management of the Recreation Area in accordance
23 with this Act;

24 (2) shall be prepared in consultation with—

1 (A) appropriate Federal, State, and local
2 agencies (including San Benito, Monterey, and
3 Fresno Counties);

4 (B) adjacent land owners;

5 (C) other stakeholders (including conserva-
6 tion and recreational organizations); and

7 (D) holders of any easements, rights-of-
8 way, and other valid rights in the Recreation
9 Area;

10 (3) shall include a hazards education program
11 to inform people entering the Recreation Area of the
12 asbestos related risks associated with various activi-
13 ties within the Recreation Area, including off-high-
14 way vehicle recreation;

15 (4) shall include a user fee program for motor-
16 ized vehicle use within the Recreational Area and
17 guidelines for the use of the funds collected for the
18 management and improvement of the Recreation
19 Area;

20 (5) shall designate as many previously used
21 trails, roads, and other areas for off highway vehicle
22 recreation as feasible in accordance with this in
23 order to provide a substantially similar recreational
24 experience, except that nothing in this paragraph
25 shall be construed as precluding the Secretary from

1 closing any area, trail, or route from use for the
2 purposes of public safety or resource protection;

3 (6) may incorporate any appropriate decisions,
4 as determined by the Secretary, in accordance with
5 this Act, that are contained in any management or
6 activity plan for the area completed before the date
7 of the enactment of this Act;

8 (7) may incorporate appropriate wildlife habitat
9 management plans or other plans prepared for the
10 land within or adjacent to the Recreation Area be-
11 fore the date of the enactment of this Act, in accord-
12 ance with this Act;

13 (8) may use information developed under any
14 studies of land within or adjacent to the Recreation
15 Area carried out before the date of enactment of this
16 Act; and

17 (9) may include cooperative agreements with
18 State or local government agencies to manage all or
19 a portion of the recreational activities within the
20 Recreation Area in accordance with an approved
21 management plan and the requirements of this Act.

22 (e) ACQUISITION OF PROPERTY.—

23 (1) IN GENERAL.—The Secretary may acquire
24 land adjacent to the National Recreation Area by
25 purchase from willing sellers, donation, or exchange.

1 (2) MANAGEMENT.—Any land acquired under
2 paragraph (1) shall be managed in accordance
3 with—

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

6 (B) this Act; and

7 (C) any other applicable law (including
8 regulations).

9 (3) IMPROVED ACCESS.—The Secretary may ac-
10 quire by purchase from willing sellers, donation, ex-
11 change, or easement, land, or interest in land to im-
12 prove public safety in providing access to the Recre-
13 ation Area.

14 (f) PRIVATE PROPERTY.—

15 (1) ACCESS TO PRIVATE PROPERTY.—

16 (A) IN GENERAL.—The Secretary shall
17 provide landowners adequate access to in-
18 holdings within the Recreation Area.

19 (B) INHOLDINGS.—For access purposes,
20 private land adjacent to the Recreation Area to
21 which there is no other practicable access ex-
22 cept through the Recreation Area shall be man-
23 aged as an inholding.

24 (2) USE OF PRIVATE PROPERTY.—Nothing in
25 this Act affects the ownership, management, or

1 other rights relating to any non-Federal land (in-
2 cluding any interest in any non-Federal land).

3 (3) BUFFER ZONES.—Nothing in this Act cre-
4 ates a protective perimeter or buffer zone around the
5 Recreation Area.

6 (4) VALID RIGHTS.—Nothing in this Act affects
7 any easements, rights-of-way, and other valid rights
8 in existence on the date of the enactment of this
9 Act.

10 (g) WATER RIGHT EXCLUSION.—Nothing in this
11 Act—

12 (1) shall constitute or be construed to con-
13 stitute either an express or implied reservation by
14 the United States of any water or water rights with
15 respect to the Recreation Area; or

16 (2) shall affect any water rights existing on the
17 date of the enactment of this Act.

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

19 (1) limits hunting or fishing; or

20 (2) affects the authority, jurisdiction, or respon-
21 sibility of the State to manage, control, or regulate
22 fish and resident wildlife under State law (including
23 regulations), including the regulation of hunting or
24 fishing on public land managed by the Bureau of
25 Land Management.

1 (i) **MOTORIZED VEHICLES.**—Except in cases in which
2 motorized vehicles are needed for administrative purposes
3 or to respond to an emergency, the use of motorized vehi-
4 cles on public land in the Recreation Area shall be per-
5 mitted only on roads, trails, and areas designated by the
6 management plan for the use by motorized vehicles.

7 (j) **GRAZING.**—In the Recreation Area, the grazing
8 of livestock in areas in which grazing is allowed as of the
9 date of the enactment of this Act shall be allowed to con-
10 tinue, consistent with—

11 (1) this Act;

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

14 (3) any regulations promulgated by the Sec-
15 retary, acting through the Director of the Bureau of
16 Land Management.

17 (k) **WITHDRAWAL.**—Subject to valid existing rights,
18 all Federal land within the Recreation Area is withdrawn
19 from—

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

22 (2) location, entry, and patenting under the
23 mining laws; and

24 (3) operation of the mineral leasing, mineral
25 materials, and geothermal leasing laws.

1 (l) FEES.—Amounts received by the Secretary under
2 the fee structure required by subsection (d)(4) shall be—

3 (1) deposited in a special account in the Treas-
4 ury of the United States; and

5 (2) made available until expended to the Sec-
6 retary for use in the Recreation Area.

7 (m) RISK STANDARD.—The National Oil and Haz-
8 ardous Substances Pollution Contingency Plan (section
9 300 of title 40, Code of Federal Regulations), published
10 pursuant to section 105 of the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act of
12 1980 (42 U.S.C. 9605), shall not apply to the Secretary’s
13 management of asbestos exposure risks faced by the public
14 when recreating within the Clear Creek Recreation Area
15 described in section 3(b).

16 **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

17 In accordance with the Wilderness Act (16 U.S.C.
18 1131 et seq.), the approximately 21,000 acres of Federal
19 lands located in Fresno County and San Benito County,
20 California, and generally depicted on a map entitled “Pro-
21 posed Joaquin Rocks Wilderness” and dated February 14,
22 2017, is designated as wilderness and as a component of
23 the National Wilderness Preservation System and shall be
24 known as the “Joaquin Rocks Wilderness”.

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

2 **STUDY AREA.**

3 (a) FINDING.—Congress finds that, for the purposes
4 of section 603 of the Federal Land Policy and Manage-
5 ment Act of 1976 (43 U.S.C. 1782), the San Benito
6 Mountain wilderness study area has been adequately stud-
7 ied for wilderness designation.

8 (b) RELEASE.—The San Benito Mountain wilderness
9 study area is no longer subject to section 603(c) of the
10 Federal Land Policy and Management Act of 1976 (43
11 U.S.C. 1782(c)).

12 **SEC. 7. CLARIFICATION REGARDING FUNDING.**

13 No additional funds are authorized to carry out the
14 requirements of this Act. Such requirements shall be car-
15 ried out using amounts otherwise authorized.

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