

Union Calendar No. 146

115TH CONGRESS
1ST SESSION

H. R. 1913

[Report No. 115–209]

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

APRIL 5, 2017

Mr. PANETTA (for himself, Mr. VALADAO, Mr. DENHAM, and Mr. COOK) introduced the following bill; which was referred to the Committee on Natural Resources

JULY 11, 2017

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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:

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

11 (2) **RECREATION AREA.**—The term “Recreation
12 Area” means the Clear Creek National Recreation
13 Area.

14 (3) **SECRETARY.**—The term “Secretary” means
15 the Secretary of the Interior.

16 (4) **STATE.**—The term “State” means the State
17 of California.

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

1 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**
2 **RECREATION AREA.**

3 (a) IN GENERAL.—To promote environmentally re-
4 sponsible off highway vehicle recreation, the area generally
5 depicted as “Proposed Clear Creek National Recreation
6 Area” on the map titled “Proposed Clear Creek National
7 Recreation Area” and dated February 14, 2017, is estab-
8 lished as the “Clear Creek National Recreation Area”, to
9 be managed by the Secretary.

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

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

16 (1) the Office of the Director of the Bureau of
17 Land Management; and

18 (2) the appropriate office of the Bureau of
19 Land Management in California.

20 **SEC. 4. MANAGEMENT.**

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

24 (1) this Act;

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

1 (3) any other applicable law.

2 (b) USES.—The Secretary shall—

3 (1) prioritize environmentally responsible off
4 highway vehicle recreation and also facilitate hunt-
5 ing, hiking, gem collecting, and the use of motorized
6 vehicles, mountain bikes, and horses in accordance
7 with the management plan described in subsection
8 (c);

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

11 (3) reopen the Clear Creek Management Area
12 to the uses described in this subsection as soon as
13 practicable following the enactment of this Act and
14 in accordance with the management guidelines out-
15 lined in this Act and other applicable law.

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

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

5 (1) shall describe the appropriate uses and
6 management of the Recreation Area in accordance
7 with this Act;

8 (2) shall be prepared in consultation with—

9 (A) appropriate Federal, State, and local
10 agencies (including San Benito, Monterey, and
11 Fresno Counties);

12 (B) adjacent land owners;

13 (C) other stakeholders (including conserva-
14 tion and recreational organizations); and

15 (D) holders of any easements, rights-of-
16 way, and other valid rights in the Recreation
17 Area;

18 (3) shall include a hazards education program
19 to inform people entering the Recreation Area of the
20 asbestos related risks associated with various activi-
21 ties within the Recreation Area, including off-high-
22 way vehicle recreation;

23 (4) shall include a user fee program for motor-
24 ized vehicle use within the Recreational Area and
25 guidelines for the use of the funds collected for the

1 management and improvement of the Recreation
2 Area;

3 (5) shall designate as many previously used
4 trails, roads, and other areas for off highway vehicle
5 recreation as feasible in accordance with this in
6 order to provide a substantially similar recreational
7 experience, except that nothing in this paragraph
8 shall be construed as precluding the Secretary from
9 closing any area, trail, or route from use for the
10 purposes of public safety or resource protection;

11 (6) may incorporate any appropriate decisions,
12 as determined by the Secretary, in accordance with
13 this Act, that are contained in any management or
14 activity plan for the area completed before the date
15 of the enactment of this Act;

16 (7) may incorporate appropriate wildlife habitat
17 management plans or other plans prepared for the
18 land within or adjacent to the Recreation Area be-
19 fore the date of the enactment of this Act, in accord-
20 ance with this Act;

21 (8) may use information developed under any
22 studies of land within or adjacent to the Recreation
23 Area carried out before the date of enactment of this
24 Act; and

1 (9) may include cooperative agreements with
2 State or local government agencies to manage all or
3 a portion of the recreational activities within the
4 Recreation Area in accordance with an approved
5 management plan and the requirements of this Act.

6 (e) ACQUISITION OF PROPERTY.—

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

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

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

15 (B) this Act; and

16 (C) any other applicable law (including
17 regulations).

18 (3) IMPROVED ACCESS.—The Secretary may ac-
19 quire by purchase from willing sellers, donation, ex-
20 change, or easement, land, or interest in land to im-
21 prove public safety in providing access to the Recre-
22 ation Area.

23 (f) PRIVATE PROPERTY.—

24 (1) ACCESS TO PRIVATE PROPERTY.—

1 (A) IN GENERAL.—The Secretary shall
2 provide landowners adequate access to in-
3 holdings within the Recreation Area.

4 (B) INHOLDINGS.—For access purposes,
5 private land adjacent to the Recreation Area to
6 which there is no other practicable access ex-
7 cept through the Recreation Area shall be man-
8 aged as an inholding.

9 (2) USE OF PRIVATE PROPERTY.—Nothing in
10 this Act affects the ownership, management, or
11 other rights relating to any non-Federal land (in-
12 cluding any interest in any non-Federal land).

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

16 (4) VALID RIGHTS.—Nothing in this Act affects
17 any easements, rights-of-way, and other valid rights
18 in existence on the date of the enactment of this
19 Act.

20 (g) WATER RIGHT EXCLUSION.—Nothing in this
21 Act—

22 (1) shall constitute or be construed to con-
23 stitute either an express or implied reservation by
24 the United States of any water or water rights with
25 respect to the Recreation Area; or

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

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

4 (1) limits hunting or fishing; or

5 (2) affects the authority, jurisdiction, or respon-
6 sibility of the State to manage, control, or regulate
7 fish and resident wildlife under State law (including
8 regulations), including the regulation of hunting or
9 fishing on public land managed by the Bureau of
10 Land Management.

11 (i) MOTORIZED VEHICLES.—Except in cases in which
12 motorized vehicles are needed for administrative purposes
13 or to respond to an emergency, the use of motorized vehi-
14 cles on public land in the Recreation Area shall be per-
15 mitted only on roads, trails, and areas designated by the
16 management plan for the use by motorized vehicles.

17 (j) GRAZING.—In the Recreation Area, the grazing
18 of livestock in areas in which grazing is allowed as of the
19 date of the enactment of this Act shall be allowed to con-
20 tinue, consistent with—

21 (1) this Act;

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

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

4 (k) WITHDRAWAL.—Subject to valid existing rights,
5 all Federal land within the Recreation Area is withdrawn
6 from—

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

9 (2) location, entry, and patenting under the
10 mining laws; and

11 (3) operation of the mineral leasing, mineral
12 materials, and geothermal leasing laws.

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

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

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

19 (m) RISK STANDARD.—The National Oil and Haz-
20 ardous Substances Pollution Contingency Plan (section
21 300 of title 40, Code of Federal Regulations), published
22 pursuant to section 105 of the Comprehensive Environ-
23 mental Response, Compensation, and Liability Act of
24 1980 (42 U.S.C. 9605), shall not apply to the Secretary's
25 management of asbestos exposure risks faced by the public

1 when recreating within the Clear Creek Recreation Area
2 described in section 3(b).

3 **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

4 In accordance with the Wilderness Act (16 U.S.C.
5 1131 et seq.), the approximately 21,000 acres of Federal
6 lands located in Fresno County and San Benito County,
7 California, and generally depicted on a map entitled “Pro-
8 posed Joaquin Rocks Wilderness” and dated February 14,
9 2017, is designated as wilderness and as a component of
10 the National Wilderness Preservation System and shall be
11 known as the “Joaquin Rocks Wilderness”.

12 **SEC. 6. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS**
13 **STUDY AREA.**

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

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

1 **SEC. 7. CLARIFICATION REGARDING FUNDING.**

2 No additional funds are authorized to carry out the
3 requirements of this Act. Such requirements shall be car-
4 ried out using amounts otherwise authorized.

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