OHMVR COMMISSION MEETING
Graeagle, CA 96103-1466

June 3, 2016

STAFF REPORT: Legislative Update

STAFF: Tina Williams, OHMVR State Park Superintendent

SUBJECT: June 2016 California and Federal Legislation Summary Report

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Summary

This report provides summary excerpts and status of bills that may affect the Off-Highway Motor Vehicle Recreation (OHMVR) Program. Information contained in this report is accurate as of May 13, 2016.

2015 - 2016 CALIFORNIA LEGISLATION UPDATE

SB 1345 (Berryhill): Combined Motorized Use Pilot Project

Summary: Existing law authorizes Inyo County to establish a pilot project to designate combined-use highways in order to link together existing roads in unincorporated areas of the county to other existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified linkage of trail systems for off-highway motor vehicles. This pilot project sunsets in January 1, 2017.

This legislation would extend the Inyo County combined-use pilot project until January 1, 2020. The bill would prohibit a combined-use highway road segment or combination of adjacent combined-use highway road segments from exceeding 10 miles. Additionally, this bill would require the Department, CHP and Caltrans to collaborate with Inyo County to develop and submit an evaluation report of the pilot project to the Legislature by January 1, 2019.

Latest Major Action: 5/10/16 – Senate Floor

AB 2175 (Jones): Fuel Taxes Off-Highway Vehicle Trust Fund

Summary: This bill would eliminate the State Controller requirement of withholding $833,000 from the Off-Highway Vehicle (OHV) Trust Fund to transfer to the General fund and would instead allow the funding to remain in the OHV Trust Fund.

Latest Major Action: 5/04/16 – Assembly Appropriations – Suspense File.

2015 - 2016 114th US CONGRESS FEDERAL LEGISLATION UPDATE

S. 414 (Feinstein): California Desert Conservation and Recreation Act of 2015

Summary: This bill is an attempt to achieve consensus on the various uses of desert land. It is the result of years of engagement with a range of stakeholders including environmental groups, local and state government officials, off-highway recreation enthusiasts, cattle ranchers, mining interests, the Department of Defense, wind and solar energy companies, California's public utility companies and many others. The legislation also directs the Secretary of the Interior to complete several studies, which would include stakeholders, state and local government's input. For a complete listing of this legislation, please see the attached bill.

The bill's key off-highway vehicle provisions:

Designate five existing BLM Off-Highway Vehicle areas (covering approximately 143,000 acres of California desert) as permanent Off-Highway Vehicle (OHV) recreation areas, providing off-highway enthusiasts certainty that these uses of the desert will be protected in a manner similar to conservation areas. (Details contained in Title XVIII, Off-Highway Highway Recreation Areas located on pages 86-100 of the Act.)

Latest Major Action: 10/08/15 – Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. Hearings held.

S. 1040 (Heller) Off-Highway Consumer Product Safety Commission and the National Academy of Sciences Study

Summary: This bill would direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

Latest Major Action: 5/20/15 – Committee on Commerce, Science, and Transportation. Bill amended and passed out of Committee.

HR 792 (Griffith): No Net Increase in Lands. "Acre In, Acre Out Act."

Summary: This bill would provide for no net increase in the total acreage of certain federal land under the jurisdiction of the BLM, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

Latest Major Action: 3/16/15 – Referred to the House Natural Resources Subcommittee on Federal Lands.

HR 999 (Pompeo): The ROV In-Depth Examination Act

Summary: The Consumer Product Safety Commission shall have no authority to: (1) establish recreational off-highway vehicle (ROV) performance or configuration standards until the study required by this Act is completed, or (2) require ROV manufacturers to provide performance and technical data to prospective purchasers and to the first purchaser of an ROV for purposes other than resale.

The Commission shall contract with the National Academy of Sciences to determine:

- the technical validity of the lateral stability and vehicle handling requirements proposed by the Commission for purposes of reducing the risk of ROV off-road rollovers,
- the number of ROV rollovers that would be prevented if the proposed requirements were adopted,
- whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a vehicle's rollover resistance on a progressive scale, and
- the effect on the utility of ROVs used by the Armed Forces if the proposed requirements were adopted

Latest Major Action: 2/20/15 – Referred to the Subcommittee on Commerce, Manufacturing, and Trade.

HR 1838 (Farr): Clear Creek National Recreation Area and Conservation Act

Summary: This bill would establish the Clear Creek National Recreation Area (CCNRA) in Fresno and San Benito Counties and designate a new Joaquin Rocks Wilderness to be managed by the Bureau of Land Management (BLM). This legislation would direct the BLM to develop a map and legal description of the CCNRA and manage the CCNRA to prioritize environmentally responsible off-highway vehicle (OHV) recreation and also facilitate access to hunting, hiking, and rock hounding. This bill would serve to reopen the Clear Creek Management Area (CCMA) which has been closed to OHV recreation since 2008. This legislation also designates several creek segments as Wild and Scenic Rivers, totaling approximately 30 miles of creek segments in the vicinity of the CCMA.

Latest Major Action: 03/16/16 – House Natural Resources Subcommittee on Federal Lands. Status: Ordered to be Reported (Amended) by Unanimous Consent.

HR 3668 (Cook) California Minerals, Off-Road Recreation, and Conservation Act

Summary: This bill would expand certain off-highway vehicle recreation areas in the State of California and designate as wilderness certain public lands in the State of California, administered by the Bureau of Land Management; would expand the Death Valley National Park Wilderness and the San Gorgonio Wilderness in San Bernardino National Forest; and would also ensure the conservation and necessary management of wildlife in these wilderness areas, and to establish the Mojave Trails Special Management Area in the State, and for other purposes.

The bill's key off-highway vehicle provisions:

Designate six National Off-Highway Vehicle Recreation Areas including Spangler Hills, El Mirage, Stoddard Valley, Rasor, Dumont Dunes, and Johnson Valley. Three of these areas would be expanded to include El Mirage (680 acres), Spangler Hills (41,000 acres) and Johnson Valley (19,393 acres).

Latest Major Action: 12/09/15 – Hearing: House Natural Resources Subcommittee on Federal Lands.

HR 4060 (Vargas): Imperial Valley Desert Conservation and Recreation Act

Summary: This bill directs the Department of the Interior to convey to the State of California approximately 934 acres of specified public lands administered by the Bureau of Land Management (BLM) in San Diego County in order to allow California to include it as part of the Anza-Borrego Desert State Park.

The Department of Transportation shall seek a conveyance from Interior of approximately 3,500 acres of BLM-administered land adjacent to the Imperial County Holtville Airport in Imperial County, California, to allow the county to expand the airport.

The bill establishes the Vinagre Wash Special Management Area in California, which shall consist of approximately 81,880 acres of certain public lands in Imperial County. Interior shall manage specified lands in the Management Area to preserve their character for eventual inclusion in the National Wilderness Preservation System.

Latest Major Action: 11/30/15 – Referred to the Subcommittee on Federal Lands.

HR 5129 (LaMalfa): Guides and Outfitters Act

Summary: This bill would allow the Secretary of the Interior and the Secretary of Agriculture to streamline the process of issuing special recreation permits to local OHV clubs, outfitters and guides. The measure also caps permit fees, and provides categorical exclusions for previously studied uses to eliminate duplicative studies that delay permits.

Latest Major Action: 4/29/2016 – Double referred to the Committee on Natural Resources and the Committee on Agriculture, for a period to be determined by the Speaker.

Commission Action

For information only

Attachments

SB 1345 (Amended)
AB 2175 (Amended)
S 414 – pages 86-100
S 1040
HR 792
HR 999
HR 1838
HR 3668
HR 4060
HR 5129

AMENDED IN SENATE APRIL 25, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL No. 1345

Introduced by Senator Berryhill
(Coauthor: Senator Gaines)
(Coauthors: Assembly Members Dahle and Mathis)

February 19, 2016

An act to amend Section 38026.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1345, as amended, Berryhill. Vehicles: off-highway vehicle recreation: County of ~~Sierra.~~ *Inyo.*

Existing law authorizes an off-highway motor vehicle that has been issued a plate or device to be operated or driven upon a highway under certain circumstances. Existing law authorizes various public entities, and the Director of the Department of Parks and Recreation, to designate a highway, or portion thereof, for the combined use of regular vehicular traffic and off-highway motor vehicles if certain requirements are met. Existing law prohibits a highway from being designated for this combined use for a distance of more than 3 miles.

Existing law, until January 1, 2017, authorizes the County of Inyo to establish a pilot project that would exempt specified combined-use highways in the unincorporated area in the County of Inyo from this prohibition to link together existing roads in the unincorporated portion of the county to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified linkage of trail systems for off-highway motor vehicles, as prescribed. Existing law requires the County of Inyo, in consultation

with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project by January 1, 2016, as specified.

This bill would ~~expand these provisions to additionally authorize the County of Sierra to establish a pilot project as described above. The bill would require the county to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project by January 1, 2019. The bill would also extend the operation of these provisions until January 1, 2020.~~ *extend the operation of these provisions until January 1, 2020, and would extend the reporting deadline until January 1, 2019. For purposes of the pilot project described above, the bill would prohibit a combined-use highway road segment or combination of adjacent combined-use highway road segments from exceeding 10 miles.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act ~~and designating combined-use highways on unincorporated county roads in the County of Sierra for more than three miles to link existing roads in the unincorporated portion of the county to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified system of trails for off-highway motor vehicles. It is the intent of the Legislature~~ to develop additional data to better evaluate whether a combined-use highways system is workable in other counties beyond the County of Inyo. It is further the intent of the Legislature that no General Fund moneys be expended for the pilot project established by this act, and the project will be revenue neutral to the state.

SEC. 2. Section 38026.1 of the Vehicle Code is amended to read:

38026.1. (a) Except as provided in subdivision (e), the ~~Counties~~ *County* of Inyo ~~and Sierra~~ may ~~each~~ establish a pilot project to designate combined-use highways on unincorporated county roads in the county for no more than 10 miles so that the combined-use highways can be used to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land

Management or United States Forest Service lands, and to link off-highway motor vehicle recreational-use areas with necessary service and lodging facilities, in order to provide a unified system of trails for off-highway motor vehicles, preserve traffic safety, improve natural resource protection, reduce off-highway vehicle trespass on private land, and minimize impacts on county residents.

(b) A pilot project established pursuant to this section shall do all of the following:

(1) Prescribe a procedure for highway, road, or route selection and designation. The procedure shall be approved by a vote of a majority of ~~each~~ *the* county's ~~respective~~ board of supervisors.

(2) Prescribe a procedure for the county to remove a combined-use designation, including a designation that is removed as a result of the conclusion of the pilot program.

(3) In cooperation with the Department of Transportation, establish uniform specifications and symbols for signs, markers, and traffic control devices to control off-highway motor vehicles, including, but not limited to, the following:

(A) Devices to warn of dangerous conditions, obstacles, or hazards.

(B) Designations of the right-of-way for regular vehicular traffic and off-highway motor vehicles.

(C) A description of the nature and destination of the off-highway motor vehicle trail.

(D) Warning signs for pedestrians and motorists of the presence of off-highway motor vehicle traffic.

(4) Require that off-highway motor vehicles subject to the pilot project meet the safety requirements of federal and state law regarding proper drivers' licensing, helmet usage, and the requirements pursuant to Section 38026.5.

(5) Prohibit off-highway motor vehicles from traveling faster than 35 miles per hour on highways designated under this section.

(6) Prohibit a combined-use highway road segment or combination of adjacent combined-use highway road segments designated under this section from exceeding 10 miles.

~~(6)~~

(7) Include an opportunity for public comment at a public hearing held by ~~each~~ *the* county in order to evaluate the pilot project.

(c) A pilot project established pursuant to this section may include use of a state highway, subject to the approval of the Department of Transportation, or any crossing of a highway designated pursuant to Section 38025.

(d) (1) By selecting and designating a highway for combined use pursuant to this section, ~~each~~ *the* county agrees to defend and indemnify the state against any and all claims, including legal defense and liability arising from a claim, for any safety-related losses or injuries arising or resulting from use by off-highway motor vehicles of a highway designated as a combined-use highway by ~~each~~ *the* county's ~~respective~~ board of supervisors pursuant to this section.

(2) This subdivision does not alter the requirements of subdivision (e).

(e) ~~A~~ *The* county shall not designate a highway for combined use pursuant to this section unless the Commissioner of the Department of the California Highway Patrol finds that designating the highway for combined use would not create a potential traffic safety hazard.

(f) Not later than January 1, ~~2016,~~ *2019*, the County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, shall prepare and submit to the Legislature a report evaluating the pilot project, and containing all of the following:

(1) A description of the road segments designated to allow combined use for over three miles, as approved or adopted by a majority vote of the members of the Inyo County Board of Supervisors.

(2) An evaluation of the overall safety and effectiveness of the pilot project, including its impact on traffic flows, safety, off-highway vehicle usage on existing trails, incursions into areas not designated for off-highway vehicle usage, and nonmotorized recreation.

(3) A description of the public comments received at a public hearing held by the county in regards to an evaluation of the pilot project.

~~(g) Not later than January 1, 2019, the County of Sierra, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks~~

~~and Recreation, shall prepare and submit to the Legislature a report evaluating the pilot project, and containing all of the following:~~

~~(1) A description of the road segments designated to allow combined use for over three miles, as approved or adopted by a majority vote of the members of the Sierra County Board of Supervisors.~~

~~(2) An evaluation of the overall safety and effectiveness of the pilot project, including its impact on traffic flows, safety, off-highway vehicle usage on existing trails, incursions into areas not designated for off-highway vehicle usage, and nonmotorized recreation.~~

~~(3) A description of the public comments received at a public hearing held by the county in regards to an evaluation of the pilot project.~~

~~(h)~~

(g) (1) A report submitted pursuant to subdivision (f) ~~or (g)~~ shall be submitted in compliance with Section 9795 of the Government Code.

(2) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

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AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL No. 2175

Introduced by Assembly Member Jones

February 18, 2016

An act to amend Section ~~17010~~ *8352.6* of the Revenue and Taxation Code, relating to ~~taxation.~~ *fuel taxes.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2175, as amended, Jones. ~~Personal income taxes.~~ *Fuel taxes: Off-Highway Vehicle Trust Fund.*

Existing law imposes an excise tax on motor vehicle fuel (gasoline). Existing law, as a result of the elimination of the sales tax on gasoline effective July 1, 2010, provides for a commensurate increase in the excise tax on gasoline. These taxes are deposited to the Motor Vehicle Fuel Account in the Transportation Tax Fund. Existing law requires certain moneys attributable to taxes imposed upon distribution of gasoline related to specified off-highway motor vehicles and off-highway vehicle activities to be transferred monthly from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund. Existing law, however, transfers, with respect to the increase in gasoline excise taxes as a result of the elimination of the sales tax on gasoline, to the General Fund the revenues attributable to off-highway vehicles that would otherwise be deposited in the Off-Highway Vehicle Trust Fund. Existing law also requires the Controller to withhold $833,000 from the monthly transfer, and transfer that amount to the General Fund. The moneys in the Off-Highway Vehicle Trust Fund are required to be used, upon appropriation, for specified purposes related to off-highway motor vehicle recreation.

This bill would eliminate the requirement that the Controller withhold $833,000 from the monthly transfer and transfer it to the General Fund and would thereby transfer this amount monthly to the Off-Highway Vehicle Trust Fund.

~~The Personal Income Tax Law imposes taxes on taxable income and provides definitions of specified terms for purposes of that law, including a definition for "taxable year."~~

~~This bill would make a nonsubstantive change to that definition provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 8352.6 of the Revenue and Taxation Code is amended to read:

8352.6. (a) (1) Subject to Section 8352.1, and except as otherwise provided in ~~paragraphs (2) and (3),~~ *paragraph (2),* on the first day of every month, there shall be transferred from moneys deposited to the credit of the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund created by Section 38225 of the Vehicle Code an amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. Transfers made pursuant to this section shall be made prior to transfers pursuant to Section 8352.2.

(2) Commencing July 1, 2012, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) shall instead be transferred to the General Fund. The revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 that were deposited in the Off-Highway Vehicle Trust Fund in the 2010–11 and 2011–12 fiscal years shall be transferred to the General Fund.

~~(3) The Controller shall withhold eight hundred thirty-three thousand dollars ($833,000) from the monthly transfer to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and transfer that amount to the General Fund.~~

(b) The amount transferred to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) of subdivision (a), as a percentage of the Motor Vehicle Fuel Account, shall be equal to the percentage transferred in the 2006–07 fiscal year. Every five years, starting in the 2013–14 fiscal year, the percentage transferred may be adjusted by the Department of Transportation in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles. Adjustments shall be based on, but not limited to, the changes in the following factors since the 2006–07 fiscal year or the last adjustment, whichever is more recent:

(1) The number of vehicles registered as off-highway motor vehicles as required by Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(2) The number of registered street-legal vehicles that are anticipated to be used off highway, including four-wheel drive vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

(3) Attendance at the state vehicular recreation areas.

(4) Off-highway recreation use on federal lands as indicated by the United States Forest Service's National Visitor Use Monitoring and the United States Bureau of Land Management's Recreation Management Information System.

(c) It is the intent of the Legislature that transfers from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund should reflect the full range of motorized vehicle use off highway for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use

of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

(e) In the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, shall undertake a study to determine the appropriate adjustment to the amount transferred pursuant to subdivision (b) and to update the estimate of the amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. The department shall provide a copy of this study to the Legislature no later than January 1, 2016.

~~SECTION 1. Section 17010 of the Revenue and Taxation Code is amended to read:~~

~~17010. "Taxable year" means either the calendar year or the fiscal year upon the basis of which the taxable income is computed under this part. If no fiscal year has been established, "taxable year" means the calendar year.~~

~~"Taxable year" means, in the case of a return made for a fractional part of a year under this part or under regulations prescribed by the Franchise Tax Board, the period for which the return is made.~~

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1 **"SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.**

2 "There are authorized to be appropriated such sums
3 as are necessary to carry out this title.

4 "TITLE XVIII—OFF-HIGHWAY 5 VEHICLE RECREATION AREAS

6 **"SEC. 1801. DESIGNATION OF OFF-HIGHWAY VEHICLE**
7 **RECREATION AREAS.**

8 "(a) DESIGNATION.—In accordance with the Federal
9 Land Policy and Management Act of 1976 (43 U.S.C.
10 1701 et seq.) and resource management plans developed
11 under this title and subject to valid rights, the following
12 land within the Conservation Area in San Bernardino
13 County, California, is designated as Off-Highway Vehicle
14 Recreation Areas:

15 "(1) DUMONT DUNES OFF-HIGHWAY VEHICLE
16 RECREATION AREA.—Certain Bureau of Land Man-
17 agement land in the Conservation Area, comprising
18 approximately 7,630 acres, as generally depicted on
19 the map entitled 'Dumont Dunes Proposed National
20 OHV Recreation Area' and dated January 5, 2015,
21 which shall be known as the 'Dumont Dunes Off-
22 Highway Vehicle Recreation Area'.

23 "(2) EL MIRAGE OFF-HIGHWAY VEHICLE
24 RECREATION AREA.—Certain Bureau of Land Man-
25 agement land in the Conservation Area, comprising
26 approximately 14,930 acres, as generally depicted on

1 the map entitled 'El Mirage Proposed National OHV
2 Recreation Area' and dated July 15, 2009, which
3 shall be known as the 'El Mirage Off-Highway Vehi-
4 cle Recreation Area'.

5 "(3) RASOR OFF-HIGHWAY VEHICLE RECRE-
6 ATION AREA.—Certain Bureau of Land Management
7 land in the Conservation Area, comprising approxi-
8 mately 23,910 acres, as generally depicted on the
9 map entitled 'Rasor Proposed National OHV Recre-
10 ation Area' and dated July 15, 2009, which shall be
11 known as the 'Rasor Off-Highway Vehicle Recre-
12 ation Area'.

13 "(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE
14 RECREATION AREA.—Certain Bureau of Land Man-
15 agement land in the Conservation Area, comprising
16 approximately 56,140 acres, as generally depicted on
17 the map entitled 'Spangler Hills Proposed National
18 OHV Recreation Area' and dated July 16, 2009,
19 which shall be known as the 'Spangler Off-Highway
20 Vehicle Recreation Area'.

21 "(5) STODDARD VALLEY OFF-HIGHWAY VEHI-
22 CLE RECREATION AREA.—Certain Bureau of Land
23 Management land in the Conservation Area, com-
24 prising approximately 40,110 acres, as generally de-
25 picted on the map entitled 'Stoddard Valley Pro-

1 posed National OHV Recreation Area' and dated
2 July 16, 2009, which shall be known as the 'Stod-
3 dard Valley Off-Highway Vehicle Recreation Area'.
4 "(b) PURPOSE.—The purpose of the off-highway ve-
5 hicle recreation areas designated under subsection (a) is
6 to preserve and enhance the recreational opportunities
7 within the Conservation Area (including opportunities for
8 off-highway vehicle recreation), while conserving the wild-
9 life and other natural resource values of the Conservation
10 Area.
11 "(c) MAPS AND DESCRIPTIONS.—
12 "(1) PREPARATION AND SUBMISSION.—As soon
13 as practicable after the date of enactment of this
14 title, the Secretary shall file a map and legal de-
15 scription of each off-highway vehicle recreation area
16 designated by subsection (a) with—
17 "(A) the Committee on Natural Resources
18 of the House of Representatives; and
19 "(B) the Committee on Energy and Nat-
20 ural Resources of the Senate.
21 "(2) LEGAL EFFECT.—The map and legal de-
22 scriptions of the off-highway vehicle recreation areas
23 filed under paragraph (1) shall have the same force
24 and effect as if included in this title, except that the

1 Secretary may correct errors in the map and legal
2 descriptions.
3 "(3) PUBLIC AVAILABILITY.—Each map and
4 legal description filed under paragraph (1) shall be
5 filed and made available for public inspection in the
6 appropriate offices of the Bureau of Land Manage-
7 ment.
8 "(d) USE OF THE LAND.—
9 "(1) RECREATIONAL ACTIVITIES.—
10 "(A) IN GENERAL.—The Secretary shall
11 continue to authorize, maintain, and enhance
12 the recreational uses of the off-highway vehicle
13 recreation areas designated by subsection (a),
14 including off-highway recreation, hiking, camp-
15 ing, hunting, mountain biking, sightseeing,
16 rockhounding, and horseback riding, as long as
17 the recreational use is consistent with this sec-
18 tion and any other applicable law.
19 "(B) OFF-HIGHWAY VEHICLE AND OFF-
20 HIGHWAY RECREATION.—To the extent con-
21 sistent with applicable Federal law (including
22 regulations) and this section, any authorized
23 recreation activities and use designations in ef-
24 fect on the date of enactment of this title and
25 applicable to the off-highway vehicle recreation

areas designated by subsection (a) shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

"(2) WILDLIFE GUZZLERS.—Wildlife guzzlers shall be allowed in the off-highway vehicle recreation areas designated by subsection (a) in accordance with—

"(A) applicable Bureau of Land Management guidelines; and

"(B) State law.

"(3) PROHIBITED USES.—Commercial development (including development of mining and energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the off-highway vehicle recreation areas designated by subsection (a) if the Secretary determines that the development is incompatible with the purpose described in subsection (b).

"(e) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary shall administer the off-highway vehicle recreation areas designated by subsection (a) in accordance with—

"(A) this title;

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

"(C) any other applicable laws (including regulations).

"(2) MANAGEMENT PLAN.—

"(A) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this title, the Secretary shall—

"(i) amend existing resource management plans applicable to the land designated as off-highway vehicle recreation areas under subsection (a); or

"(ii) develop new management plans for each off-highway vehicle recreation area designated under that subsection.

"(B) REQUIREMENTS.—All new or amended plans under subparagraph (A) shall be designed to preserve and enhance safe off-highway vehicle and other recreational opportunities within the applicable recreation area consistent with—

"(i) the purpose described in subsection (b); and

"(ii) any applicable laws (including regulations).

"(C) INTERIM PLANS.—Pending completion of a new management plan under subparagraph (A), the existing resource management plans shall govern the use of the applicable off-highway vehicle recreation area.

"(f) STUDY.—

"(1) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this title, the Secretary shall complete a study to identify Bureau of Land Management land within the Conservation Area that is suitable for addition to—

"(A) the national off-highway vehicle recreation areas designated by subsection (a); or

"(B) the Johnson Valley Off-Highway Vehicle Recreation Area designated by section 2945 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1038).

"(2) STUDY AREAS.—The study required under paragraph (1) shall include—

"(A) certain Bureau of Land Management land in the Conservation Area, comprising ap-

1 proximately 41,000 acres, as generally depicted
2 on the map entitled 'Spangler Hills Proposed
3 Expansion Study Area' and dated January 23,
4 2015; and
5 "(B) certain Bureau of Land Management
6 land in the Conservation Area, comprising ap-
7 proximately 680 acres, as generally depicted on
8 the map entitled 'El Mirage Proposed Expan-
9 sion Study Area' and dated January 21, 2015.
10 "(3) REQUIREMENTS.—In preparing the study
11 under paragraph (1), the Secretary shall—
12 "(A) seek input from stakeholders, includ-
13 ing—
14 "(i) the State, including—
15 "(I) the California Public Utili-
16 ties Commission; and
17 "(II) the California Energy Com-
18 mission;
19 "(ii) San Bernardino County, Cali-
20 fornia;
21 "(iii) the public;
22 "(iv) recreational user groups;
23 "(v) conservation organizations;
24 "(vi) the Southern California Edison
25 Company; and

"(vii) the Pacific Gas and Electric Company;

"(B) explore the feasibility of expanding the southern boundary of the off-highway vehicle recreation area described in subsection (a)(3) to include previously disturbed land;

"(C) identify and exclude from consideration any land that—

"(i) is managed for conservation purposes;

"(ii) may be suitable for renewable energy development; or

"(iii) may be necessary for energy transmission; and

"(D) not recommend or approve expansion of national off-highway recreation areas within the Conservation Area that collectively would exceed the total acres administratively designated for off-highway recreation within the Conservation Area as of the day before the date of enactment of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 672).

"(4) APPLICABLE LAW.—The Secretary shall consider the information and recommendations of

1 the study completed under paragraph (1) to deter-
2 mine the impacts of expanding off-highway vehicle
3 recreation areas designated by subsection (a) on the
4 Conservation Area, in accordance with—
5 "(A) the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.);
7 "(B) the Endangered Species Act of 1973
8 (16 U.S.C. 1531 et seq.); and
9 "(C) any other applicable law.
10 "(5) SUBMISSION TO CONGRESS.—On comple-
11 tion of the study under paragraph (1), the Secretary
12 shall submit the study to—
13 "(A) the Committee on Natural Resources
14 of the House of Representatives; and
15 "(B) the Committee on Energy and Nat-
16 ural Resources of the Senate.
17 "(6) AUTHORIZATION FOR EXPANSION.—
18 "(A) IN GENERAL.—On completion of the
19 study under paragraph (1) and in accordance
20 with all applicable laws (including regulations),
21 the Secretary shall authorize the expansion of
22 the off-highway vehicle recreation areas rec-
23 ommended under the study.

1 "(B) MANAGEMENT.—Any land within the
2 expanded areas under subparagraph (A) shall
3 be managed in accordance with this section.
4 "(g) SOUTHERN CALIFORNIA EDISON COMPANY
5 UTILITY FACILITIES AND RIGHTS-OF-WAY.—
6 "(1) EFFECT OF TITLE.—Nothing in this
7 title—
8 "(A) terminates any validly issued right-of-
9 way for the customary operation, maintenance,
10 upgrade, repair, relocation within an existing
11 right-of-way, replacement, or other authorized
12 energy transport facility activities (including the
13 use of any mechanized vehicle, helicopter, and
14 other aerial device) in a right-of-way issued,
15 granted, or permitted to Southern California
16 Edison Company (including any predecessor or
17 successor in interest or assign) that is located
18 on land included in—
19 "(i) the El Mirage Off-Highway Vehi-
20 cle Recreation Area;
21 "(ii) the Spangler Hills National Off-
22 Highway Vehicle Recreation Area; or
23 "(iii) the Stoddard Valley National
24 Off Highway Vehicle Recreation Area;

"(B) affects the application, siting, route selection, right-of-way acquisition, or construction of the Coolwater-Lugo transmission project, as may be approved by the California Public Utilities Commission and the Bureau of Land Management; or

"(C) prohibits the upgrading or replacement of any Southern California Edison Company—

"(i) utility facility, including such a utility facility known on the date of enactment of this title as—

"(I) 'Gale-PS 512 transmission lines or rights-of-way'; or

"(II) 'Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way'; or

"(ii) energy transport facility in a right-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in clause (i).

"(2) PLANS FOR ACCESS.—The Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison

1 Company to the rights-of-way of the Company by
2 the date that is 1 year after the later of—
3 "(A) the date of enactment of this title;
4 and
5 "(B) the date of issuance of a new energy
6 transport facility right-of-way within—
7 "(i) the El Mirage Off-Highway Vehi-
8 cle Recreation Area;
9 "(ii) the Spangler Hills National Off-
10 Highway Vehicle Recreation Area; or
11 "(iii) the Stoddard Valley National
12 Off Highway Vehicle Recreation Area.
13 "(h) PACIFIC GAS AND ELECTRIC COMPANY UTILITY
14 FACILITIES AND RIGHTS-OF-WAY.—
15 "(1) EFFECT OF TITLE.—Nothing in this
16 title—
17 "(A) terminates any validly issued right-of-
18 way for the customary operation, maintenance,
19 upgrade, repair, relocation within an existing
20 right-of-way, replacement, or other authorized
21 activity (including the use of any mechanized
22 vehicle, helicopter, and other aerial device) in a
23 right-of-way issued, granted, or permitted to
24 Pacific Gas and Electric Company (including
25 any predecessor or successor in interest or as-

sign) that is located on land included in the Spangler Hills National Off-Highway Vehicle Recreation Area; or

"(B) prohibits the upgrading or replacement of any—

"(i) utility facilities of the Pacific Gas and Electric Company, including those utility facilities known on the date of enactment of this title as—

"(I) 'Gas Transmission Line 311 or rights-of-way'; or

"(II) 'Gas Transmission Line 372 or rights-of-way'; or

"(ii) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in clause (i).

"(2) PLANS FOR ACCESS.—Not later than 1 year after the date of enactment of this title or the issuance of a new utility facility right-of-way within the Spangler Hills National Off-Highway Vehicle Recreation Area, whichever is later, the Secretary, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency

access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

"TITLE XIX—ALABAMA HILLS NATIONAL SCENIC AREA

"SEC. 1901. DEFINITIONS.

"In this title:

"(1) ENERGY TRANSPORT FACILITY.—

"(A) IN GENERAL.—The term 'energy transport facility' means any facility used for the operation and maintenance, transmission, distribution, or transportation of electricity or natural gas.

"(B) INCLUSIONS.—The term 'energy transport facility' includes—

"(i) an electric or gas transmission or distribution facility;

"(ii) a telecommunications facility; and

"(iii) any appurtenant equipment owned or used by a public or municipal utility company or water district.

"(2) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the National Scenic Area developed under section 1903(a).

114TH CONGRESS
1ST SESSION

S. 1040

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. HELLER (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ROV In-Depth Examination Act of 2015''.

SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STANDARDS STUDY.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) RECREATIONAL OFF-HIGHWAY VEHICLE AND ROV.—

(A) IN GENERAL.—The term ''recreational off-highway vehicle'' or ''ROV'' means a motorized off-highway vehicle designed to travel on four or more tires, intended by the manufacturer for recreational use by one or more persons and having the following characteristics:

(i) A steering wheel for steering control.

(ii) Foot controls for throttle and service brake.

(iii) Non-straddle seating.

(iv) Maximum speed capability greater than 30 miles per hour.

(v) Gross vehicle weight rating no greater than 3,750 pounds.

(vi) Less than 80 inches in overall width, exclusive of accessories.

(vii) Engine displacement equal to or less than 61 cubic inches for gasoline fueled engines.

(viii) Identification by means of a 17-character personal or vehicle information number.

(B) EXCLUSION.—Such term does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

(b) NO MANDATORY STANDARDS REGARDING PERFORMANCE OR CONFIGURATION OF ROVS.—

(1) IN GENERAL.—The Consumer Product Safety Commission shall have no authority to establish any standards concerning the performance or configuration of recreational off-highway vehicles until after the completion of the study required by subsection (c). This prohibition includes a prohibition on the exercise of any authority pursuant to section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076(e)) to require ROV manufacturers to provide performance and technical data to pro-

spective purchasers and to the first purchaser of an ROV for purposes other than resale.

(2) VOLUNTARY STANDARDS.—Nothing in this section shall be construed as suggesting that ROVs shall not be manufactured in compliance with applicable voluntary standards.

(c) STUDY ON PROPOSED LATERAL STABILITY AND VEHICLE HANDLING REQUIREMENTS.—

(1) AGREEMENT.—

(A) IN GENERAL.—The Commission shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this subsection.

(B) TIMING.—The Commission shall seek to enter into the agreement described in subparagraph (A) not later than the latest date by which the Commission considers reasonable for the National Academy of Sciences to begin performing the services covered by this subsection and complete them before the date described in paragraph (2)(D).

(2) STUDY.—

(A) IN GENERAL.—Under an agreement between the Commission and the National Academy of Sciences under this subsection, the

National Academy of Sciences shall conduct a study on matters concerning the lateral stability and vehicle handling requirements proposed by the Commission in a notice of proposed rulemaking published in the Federal Register November 19, 2014 (79 Fed. Reg. 68964).

(B) ELEMENTS.—The study carried under subparagraph (A) shall determine—

(i) the technical validity of the lateral stability and vehicle handling requirements described in subparagraph (A), for purposes of reducing the risk of ROV rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(ii) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(iii) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a vehicle's rollover resistance on a progressive scale; and

(iv) the effect on the utility of ROVs used by the Armed Forces if the proposed requirements were adopted.

(C) CONSULTATION.—In carrying out the study pursuant to subparagraph (A), the National Academy of Sciences shall consult with the Administrator of the National Highway Traffic Safety Administration and the Secretary of Defense.

(D) DEADLINE AND REPORT.—In carrying out the study pursuant to subparagraph (A), the National Academy of Sciences shall complete and transmit to the Commission a report containing the findings of the study not later than 2 years after the date of the enactment of this Act.

(3) REPORT TO CONGRESS.—Not later than 5 days after receiving the report described in paragraph (2)(D) from the National Academy of Sciences, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives such report, along with such comments as the Commission may have concerning the report.

(4) CONSIDERATION.—The Commission shall consider the results of the study conducted under this subsection in any subsequent rulemaking regarding the performance or configuration of ROVs, or the provision of point-of-sale information regarding ROV performance.

(5) ALTERNATE CONTRACT ORGANIZATION.—

(A) IN GENERAL.—If the Commission is unable within the period prescribed in paragraph (1)(B) to enter into an agreement described in paragraph (1)(A) with the National Academy of Sciences on terms acceptable to the Commission, the Commission shall seek to enter into such an agreement with another appropriate organization that—

(i) is not part of the Government;

(ii) operates as a not-for-profit entity; and

(iii) has expertise and objectivity comparable to that of the National Academy of Sciences.

(B) TREATMENT.—If the Commission enters into an agreement with another organization as described in subparagraph (A), any reference in this section to the National Academy

of Sciences shall be treated as a reference to the other organization.

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114TH CONGRESS
1ST SESSION

H. R. 792

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Acre In, Acre Out Act''.

SEC. 2. NO NET INCREASE IN CERTAIN FEDERAL LANDS.

(a) IN GENERAL.—For acquisition of land by the Secretary of the Interior or the Secretary of Agriculture that would result in a net increase of total land acreage under the jurisdiction of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, or the Forest Service, the Secretary concerned shall offer for sale an equal number of acres of Federal land that is under the same jurisdictional status.

(b) EXEMPTIONS.—Subsection (a) shall not apply to easements acquired—

(1) by the Secretary of the Interior to facilitate management of Federal lands; or

(2) by the Secretary of Agriculture to facilitate management of Federal lands.

(c) CONSIDERATION.—

(1) IN GENERAL.—Land sold pursuant to subsection (a) shall be offered for sale—

(A) at fair market value (based on local comparable sales); and

(B) at a price that is reduced by 10 percent each month if the land is not sold or under contract to be sold by the date that is 6 months after the land was first offered for sale.

(2) EXCEPTION.—Time periods during which land is under contract for sale or withdrawn from the market shall not be counted for the purposes of price reduction under paragraph (1)(B).

(d) EXISTING RIGHTS.—The sale of Federal lands pursuant to this section shall be subject to valid existing rights.

(e) PROCEEDS OF SALE OF LANDS.—All net proceeds from the sale of Federal lands pursuant to this section shall be deposited directly into the Treasury for reduction of the public debt.

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114TH CONGRESS
1ST SESSION

H. R. 999

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2015

Mr. POMPEO (for himself, Mr. PETERSON, Mr. PAULSEN, Mr. HARPER, Mr. DUFFY, Mr. STEWART, Mr. KING of Iowa, Mr. SIMPSON, Mr. BENISHEK, Mr. KLINE, Mr. ZINKE, Mr. OLSON, Mrs. NOEM, Mr. AMODEI, and Mr. STIVERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ROV In-Depth Examination Act''.

SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STANDARDS STUDY.

(a) NO MANDATORY STANDARDS REGARDING PERFORMANCE OR CONFIGURATION OF ROVS.—

(1) IN GENERAL.—The Consumer Product Safety Commission shall have no authority to establish any standards concerning the performance or configuration of recreational off-highway vehicles until after the completion of the study required by subsection (b). This prohibition includes a prohibition on the exercise of any authority pursuant to section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076(e)) to require ROV manufacturers to provide performance and technical data to prospective purchasers and to the first purchaser of an ROV for purposes other than resale.

(2) VOLUNTARY STANDARDS.—Nothing in this section shall be construed as suggesting that ROVs shall not be manufactured in compliance with applicable voluntary standards.

(b) STUDY.—

(1) IN GENERAL.—The Commission shall contract with the National Academy of Sciences to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements pro-

posed by the Commission in a notice of proposed rulemaking published in the Federal Register November 19, 2014 (79 Fed. Reg. 68964), for purposes of reducing the risk of ROV rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a vehicle's rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the Armed Forces if the proposed requirements were adopted.

(2) CONSULTATION AND DEADLINE FOR REPORT.—The National Academy of Sciences shall consult with the National Highway Traffic Safety Administration and the Department of Defense in carrying out the study required by this subsection. The National Academy of Sciences shall complete and transmit to the Commission a report containing

the findings of the study not later than two years after the date of enactment of this Act.

(3) REPORT TO CONGRESS.—Within five days of receiving the report described in paragraph (2) from the National Academy of Sciences, the Commission shall transmit the report, along with any comments of the Commission, to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Commerce, Science and Transportation of the Senate.

(4) CONSIDERATION.—The Commission shall consider the results of the study in any subsequent rulemaking regarding the performance or configuration of ROVs, or the provision of point-of-sale information regarding ROV performance.

(c) DEFINITIONS.—As used in this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) RECREATIONAL OFF-HIGHWAY VEHICLE.—The term ''recreational off-highway vehicle'' or ''ROV'' means a motorized off-highway vehicle designed to travel on four or more tires, intended by the manufacturer for recreational use by one or more persons and having the following characteristics:

(A) A steering wheel for steering control.

(B) Foot controls for throttle and service brake.

(C) Non-straddle seating.

(D) Maximum speed capability greater than 30 miles per hour.

(E) Gross vehicle weight rating no greater than 3,750 pounds.

(F) Less than 80 inches in overall width, exclusive of accessories.

(G) Engine displacement equal to or less than 61 cubic inches for gasoline fueled engines.

(H) Identification by means of a 17-character personal or vehicle information number.

(3) EXCLUSION.—Such term does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

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114th CONGRESS
1st Session

H. R. 1838

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the National Wild and Scenic Rivers System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 16, 2015

Mr. Farr (for himself, Mr. Valadao, and Mr. Denham) introduced the following bill; which was referred to the Committee on Natural Resources

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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, to designate additional components of the National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clear Creek National Recreation Area and Conservation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the Plan for the Recreation Area prepared under section 4(c).

(2) RECREATION AREA.—The term ''Recreation Area'' means the Clear Creek National Recreation Area.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of California.

(5) OFF HIGHWAY VEHICLE.—The term ''off highway vehicle'' means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads.

SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL RECREATION AREA.

(a) IN GENERAL.—To promote environmentally responsible off highway vehicle recreation, there is established the ''Clear Creek National Recreation Area'', to be managed by the Secretary.

(b) OTHER PURPOSES.—The Recreation Area shall also support other public recreational uses, such as hunting, hiking, and rock and gem collecting.

(c) MAP.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a map and legal description of the Recreation Area to—

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

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

(2) AVAILABILITY.—Copies of the map submitted under paragraph (1) shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of Land Management in California.

SEC. 4. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage the Recreation Area to further the purposes described in section 3(a), in accordance with—

(1) this Act;

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

(3) any other applicable law.

(b) USES.—The Secretary shall—

(1) prioritize environmentally responsible off highway vehicle recreation and also facilitate hunting, hiking, gem collecting, and the use of motorized vehicles, mountain bikes, and horses in accordance with the management plan described in subsection (c);

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

(3) reopen the Clear Creek Management Area to the uses described in this subsection as soon as practicable following the enactment of this Act and in accordance with the management guidelines outlined in this Act and other applicable law.

(c) INTERIM MANAGEMENT PLAN.—The Secretary shall use the 2005 Clear Creek Management Area Travel Management Plan as modified by this Act or the Secretary to incorporate natural resource protection information not available in 2005, as the basis of an interim management plan to govern off highway vehicle recreation within the Recreation Area pending the completion of the long-term management plan required in subsection (d).

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

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

(2) shall be prepared in consultation with—

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

(B) adjacent land owners; and

(C) other stakeholders (including conservation and recreational organizations);

(3) shall include a hazards education program to inform people entering the Recreation Area of the asbestos related risks associated with various activities within the Recreation Area, including off-highway vehicle recreation;

(4) shall include a user fee program for motorized vehicle use within the Recreational Area and guidelines for the use of the funds collected for the management and improvement of the Recreation Area;

(5) shall designate as many previously used trails, roads, and other areas for off highway vehicle recreation as feasible in accordance with this in order to provide a substantially similar recreational experience, except that nothing in this paragraph

shall be construed as precluding the Secretary from closing any area, trail, or route from use for the purposes of public safety or resource protection;

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

(7) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Recreation Area before the date of the enactment of this Act, in accordance with this Act;

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

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

(e) ACQUISITION OF PROPERTY.—

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

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

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

(B) this Act; and

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

(3) IMPROVED ACCESS.—The Secretary may acquire by purchase from willing sellers, donation, exchange, or easement, land, or interest in land to improve public safety in providing access to the Recreation Area.

(f) PRIVATE PROPERTY.—

(1) ACCESS TO PRIVATE PROPERTY.—

(A) IN GENERAL.—The Secretary shall provide landowners adequate access to inholdings within the Recreation Area.

(B) INHOLDINGS.—For access purposes, private land adjacent to the Recreation Area to which there is no other practicable access ex-

cept through the Recreation Area shall be managed as an inholding.

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

(3) BUFFER ZONES.—Nothing in this Act creates a protective perimeter or buffer zone around the Recreation Area.

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

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

(1) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the Recreation Area; or

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

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

(1) limits hunting or fishing; or

(2) affects the authority, jurisdiction, or responsibility of the State to manage, control, or regulate

fish and resident wildlife under State law (including regulations), including the regulation of hunting or fishing on public land managed by the Bureau of Land Management.

(i) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles on public land in the Recreation Area shall be permitted only on roads, trails, and areas designated by the management plan for the use by motorized vehicles.

(j) GRAZING.—In the Recreation Area, the grazing of livestock in areas in which grazing is allowed as of the date of the enactment of this Act shall be allowed to continue, consistent with—

(1) this Act;

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

(3) any regulations promulgated by the Secretary, acting through the Director of the Bureau of Land Management.

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

(1) all forms of entry, appropriation, and disposal under the public land laws;

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

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

(l) FEES.—Amounts received by the Secretary under the fee structure required by subsection (c)(3)(G) shall be—

(1) deposited in a special account in the Treasury of the United States; and

(2) made available until expended, without further appropriation, to the Secretary for use in the Recreation Area.

(m) RISK STANDARD.—The National Oil and Hazardous Substances Pollution Contingency Plan (section 300 of title 40, Code of Federal Regulations), published pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605), shall not apply to the Secretary's management of asbestos exposure risks faced by the public when recreating within the Clear Creek Recreation Area described in section 3(b).

SEC. 5. JOAQUIN ROCKS WILDERNESS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 21,000 acres of Federal lands located in Fresno County and San Benito County,

California, and generally depicted on a map entitled ''Proposed Joaquin Rocks Wilderness'' and dated January 14, 2015, is designated as wilderness and as a component of the National Wilderness Preservation System and shall be known as the ''Joaquin Rocks Wilderness''.

SEC. 6. CLEAR CREEK MANAGEMENT AREA WILD AND SCENIC RIVERS.

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

''(____) LARIOUS CANYON.—The approximately 5.25 miles of Larious Canyon Creek from its source near Idria Peak in Section 6, R12E, T18S, to the boundary of the Clear Creek Special Recreation Management Area in Section 23, R11E, T17S.

''(____) SAN CARLOS CREEK.—The approximately 5.51 miles of the East Fork San Carlos Creek from its source near San Benito Mountain in Section 10, R12E, T18S, to the boundary of the Clear Creek Special Recreation Management Area in Section 22, R12E, T17S.

''(____) CANTUA CREEK.—The approximately 7.68 miles of Cantua Creek from its source north of Santa Rita Peak in Section 24, R12E, T18S, to the public land boundary in Section 3, R13E, T18S.

"(____) PICACHO CREEK.—The approximately 2.65 miles of Picacho Creek, from its source spring in Section 20, R12E, T18S, to its confluence with the San Benito River.

"(____) WHITE CREEK AND TRIBUTARIES.—

"(A) The approximately 5.37 miles of White Creek, from its source in Section 36, R12E, T18S, to the boundary of the Clear Creek Special Recreation Management Area in Section 17, R13E, T19S.

"(B) The approximately 2.29 miles of the unnamed tributary of White Creek from its source just south of Spanish Lake in Section 29, R13E, T18S, to its confluence with White Creek.

"(C) The approximately 2.45 miles of the unnamed tributary of White Creek from its source in Section 33, R13E, T18S, to its confluence with White Creek.".

SEC. 7. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS STUDY AREA.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the San Benito

1 Mountain wilderness study area has been adequately stud-
2 ied for wilderness designation.
3 (b) RELEASE.—The San Benito Mountain wilderness
4 study area is no longer subject to section 603(c) of the
5 Federal Land Policy and Management Act of 1976 (43
6 U.S.C. 1782(c)).

○

114TH CONGRESS
1ST SESSION

H. R. 3668

To codify in law and expand certain off-highway vehicle recreation areas in the State of California, to designate as wilderness certain public lands in the State of California administered by the Bureau of Land Management, to expand the Death Valley National Park Wilderness and the San Gorgonio Wilderness in San Bernardino National Forest, to ensure the conservation and necessary management of wildlife in these wilderness areas, to establish the Mojave Trails Special Management Area in the State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2015

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

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A BILL

To codify in law and expand certain off-highway vehicle recreation areas in the State of California, to designate as wilderness certain public lands in the State of California administered by the Bureau of Land Management, to expand the Death Valley National Park Wilderness and the San Gorgonio Wilderness in San Bernardino National Forest, to ensure the conservation and necessary management of wildlife in these wilderness areas, to establish the Mojave Trails Special Management Area in the State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''California Minerals, Off-Road Recreation, and Conservation Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—OFF-HIGHWAY VEHICLE RECREATION AREAS

Sec. 101. Purpose.
Sec. 102. Statutory designation and expansion of off-highway vehicle recreation areas, San Bernardino County, California.
Sec. 103. Administration.
Sec. 104. Southern California Edison Company energy transport facilities and rights-of-way.
Sec. 105. Pacific Gas and Electric Company utility facilities and rights-of-way.

TITLE II—WILDERNESS

Sec. 201. Purpose.
Sec. 202. Designation or expansion of wilderness areas in the State of California.
Sec. 203. Management.
Sec. 204. Release of wilderness study areas.
Sec. 205. Treatment of cherry-stemmed roads.

TITLE III—NATIONAL PARK SYSTEM ADDITIONS

Sec. 301. Death Valley National Park boundary revision.
Sec. 302. Joshua Tree National Park boundary revision, visitor center, and sale of Federal land.
Sec. 303. Mojave National Preserve boundary revision and related provisions.

TITLE IV—DESIGNATION OF WILD, SCENIC, AND RECREATIONAL RIVERS

Sec. 401. Designation of wild, scenic, and recreational rivers.

TITLE V—BLACK LAVA BUTTE AND FLAT TOP MESA

Sec. 501. Black Lava Butte and Flat Top Mesa Area of Critical Environmental Concern.

TITLE VI—MOJAVE TRAILS SPECIAL MANAGEMENT AREA

Sec. 601. Definitions.

Sec. 602. Mojave trails special management area.
Sec. 603. Management.
Sec. 604. Acquisition of land.
Sec. 605. Renewable energy right-of-way applications.
Sec. 606. Expedited environmental review process to facilitate route 66 bridge repair and replacement within management area.

TITLE VII—SAND TO SNOW NATIONAL MONUMENT

Sec. 701. Definitions.
Sec. 702. Sand to Snow National Monument.
Sec. 703. Management of Monument.
Sec. 704. Uses of Monument.
Sec. 705. Acquisition of land.
Sec. 706. Advisory committee.
Sec. 707. Wireless communications facilities.

TITLE VIII—LAND CONVEYANCES, WITHDRAWALS, AND RELATED PROVISIONS

Sec. 801. Release of Federal reversionary land interests.
Sec. 802. California State School land.
Sec. 803. Juniper Flats.
Sec. 804. Land exchange, San Gorgonio Wilderness, California Desert Conservation Area, Bureau of Land Management, and San Bernardino National Forest, California.
Sec. 805. Conveyance for Apple Valley Off-Highway Vehicle Recreation Area.
Sec. 806. Conveyance to City of Twentynine Palms, California.
Sec. 807. Conversion of valid, existing rights.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Tribal uses and interests.
Sec. 902. Military activities.
Sec. 903. Deed restrictions on donated land within the California Desert Conservation Area.
Sec. 904. Wildlife management.
Sec. 905. Limitation on extension or establishment of national monuments.
Sec. 906. Categorical exclusion for eastern Inyo County broadband corridor.

TITLE I—OFF-HIGHWAY VEHICLE RECREATION AREAS

SEC. 101. PURPOSE.

The purpose of this title is to designate in law certain off-highway vehicle recreation areas currently designated administratively by the Secretary of the Interior as National Off-Highway Vehicle Recreation Areas in order to preserve and enhance the recreational opportunities within

the California Desert Conservation Area, including opportunities for off-highway vehicle recreation, while conserving the wildlife and other natural resources of the Conservation Area.

SEC. 102. STATUTORY DESIGNATION AND EXPANSION OF OFF-HIGHWAY VEHICLE RECREATION AREAS, SAN BERNARDINO COUNTY, CALIFORNIA.

(a) STATUTORY DESIGNATION.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and resource management plans developed under this title, and subject to valid rights, the following public lands within the California Desert Conservation Area in San Bernardino County, California, are designated as National Off-Highway Vehicle Recreation Areas:

(1) DUMONT DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 7,630 acres, as generally depicted on the map entitled ''Dumont Dunes Proposed National OHV Recreation Area'' and dated June 29, 2015, which corresponds to the boundaries of an administratively designated off-highway vehicle recreation area and shall be known as the Dumont Dunes National Off-Highway Vehicle Recreation Area.

(2) EL MIRAGE OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 15,610 acres, as generally depicted on the map entitled ''El Mirage Proposed National OHV Recreation Area'' and dated January 8, 2015, which expands the boundaries of an administratively designated off-highway vehicle recreation area and shall be known as the El Mirage National Off-Highway Vehicle Recreation Area.

(3) RASOR OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 23,910 acres, as generally depicted on the map entitled ''Rasor Proposed National OHV Recreation Area'' and dated February 15, 2015, which corresponds to the boundaries of an administratively designated off-highway vehicle recreation area and shall be known as the Rasor National Off-Highway Vehicle Recreation Area.

(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 93,610 acres, as generally depicted on the map entitled ''Spangler Hills Proposed National OHV Recreation Area'' and dated May 27, 2015, which expands the boundaries of an administratively designated off-highway vehicle recreation

area and shall be known as the Spangler Hills National Off-Highway Vehicle Recreation Area.

(5) STODDARD VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 40,110 acres, as generally depicted on the map entitled ''Stoddard Valley Proposed National OHV Recreation Area'' and dated February 18, 2015, which corresponds to the boundaries of an administratively designated off-highway vehicle recreation area and shall be known as the Stoddard Valley National Off-Highway Vehicle Recreation Area.

(b) REDESIGNATION AND EXPANSION OF JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

(1) IN GENERAL.—The Johnson Valley Off-Highway Vehicle Recreation Area designated by section 2945 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1038)—

(A) is hereby redesignated as the Johnson Valley National Off-Highway Vehicle Recreation Area; and

(B) is expanded to include all of the land depicted as the ''Proposed National Off Highway Vehicle Recreation Area Additions'' on the

map entitled ''Johnson Valley Proposed National OHV Recreation Area'' and dated April 23, 2015.

(2) CONFORMING AMENDMENTS.—

(A) DESIGNATION.—Section 2945 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1038) is amended—

(i) in the section heading, by inserting ''**NATIONAL**'' after ''**VALLEY**'';

(ii) in subsection (a), by inserting ''National'' after ''Valley'' in the matter preceding paragraph (1); and

(iii) in subsections (b), (c), and (d), by inserting ''National'' after ''Valley'' each place it appears.

(B) CROSS REFERENCE.—Section 2942(c)(3) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1037) is amended by inserting ''National'' after ''Valley''.

(3) RELATION TO AUTHORIZED NAVY USE.—The redesignation of the Johnson Valley Off-Highway Vehicle Recreation Area as the Johnson Valley National Off-Highway Vehicle Recreation Area does

not alter or interfere with the rights and obligations of the Navy regarding the use of portions of the Recreation Area as provided in subtitle C of title XXIX of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1034).

(4) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Johnson Valley Off-Highway Vehicle Recreation Area is deemed to be a reference to the Johnson Valley National Off-Highway Vehicle Recreation Area.

(c) MAPS AND DESCRIPTIONS.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the National Off-Highway Vehicle Recreation Areas designated by subsection (a) and (b) with—

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

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

(2) LEGAL EFFECT.—The map and legal descriptions of the National Off-Highway Vehicle

Recreation Areas filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 103. ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary of the Interior shall administer the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 in accordance with—

(1) this title;

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

(3) any other applicable laws (including regulations).

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—As soon as practicable, but not later than three years after the date of enactment of this Act, the Secretary of the Interior shall—

(A) amend existing resource management plans applicable to the land designated as a National Off-Highway Vehicle Recreation Areas under subsection (a) or (b) of section 102; or

(B) develop new management plans for such National Off-Highway Vehicle Recreation Areas.

(2) REQUIREMENTS.—All new or amended plans under paragraph (1) shall be designed to preserve and enhance safe off-highway vehicle and other recreational opportunities within the applicable National Off-Highway Vehicle Recreation Area consistent with—

(A) the purpose of this title; and

(B) any applicable laws (including regulations).

(3) INTERIM PLANS.—Pending completion of a new management plan under subsection (b)(2), the existing resource management plans shall govern the use of the applicable National Off-Highway Vehicle Recreation Area.

(c) USE OF THE LAND.—

(1) IN GENERAL.—The Secretary of the Interior shall continue to authorize, maintain, and enhance the recreational uses of the National Off-

Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102, including off-highway recreation, hiking, camping, hunting, mountain biking, sightseeing, rockhounding, and horseback riding, as long as the recreational use is consistent with this title and any other applicable law.

(2) OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY RECREATION.—To the extent consistent with applicable Federal law (including regulations) and this title, any authorized recreation activities and use designations in effect on the date of enactment of this Act and applicable to the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

(3) WILDLIFE GUZZLERS.—Wildlife guzzlers shall be allowed in the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 in accordance with—

(A) applicable Bureau of Land Management guidelines; and

(B) the laws of the State of California.

(4) PROHIBITED USES.—

(A) IN GENERAL.—Commercial development (including development of energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 if the Secretary determines that the development is incompatible with the purpose of this title.

(B) EXCEPTION FOR TEMPORARY PERMITTED VENDORS.—Subparagraph (A) does not prohibit a commercial vendor from establishing, pursuant to a temporary permit, a site in the National Off-Highway Vehicle Recreation Areas for the purpose of providing accessories and other support for off-highway vehicles and vehicles used for accessing the area.

SEC. 104. SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.

(a) EFFECT OF TITLE.—Nothing in this title—

(1) terminates—

(A) any right-of-way issued, granted, or permitted to Southern California Edison Com-

pany (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land included in the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102; or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) within such a right-of-way;

(2) affects the application, siting, route selection, right-of-way acquisition, or construction of the Coolwater-Lugo transmission project, as may be approved by the California Public Utilities Commission and the Bureau of Land Management; or

(3) prohibits the upgrading or replacement of any Southern California Edison Company—

(A) energy transport facility, including such an energy transport facility known on the date of enactment of this Act as—

(i) Gale-PS 512, Inyokern-McGen-Searles, Downs-Inyokern-McGen-Searles, Lugo-Mohave, Eldorado-Lugo, Lugo-Pis-

gah No. 1, and Lugo-Pisgah No. 2 transmission lines or rights-of-way; or

(ii) Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way; or

(B) energy transport facility in a right-of-way issued, granted, or permitted by the Secretary of the Interior adjacent to the energy transport facility referred to in subparagraph (A).

(b) PLANS FOR ACCESS.—The Secretary of the Interior, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Company by the date that is one year after the later of—

(1) the date of enactment of this Act; and

(2) the date of issuance of a new energy transport facility right-of-way within the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102.

SEC. 105. PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.

(a) EFFECT OF TITLE.—Nothing in this title—

(1) terminates—

(A) any right-of-way issued, granted, or permitted to Pacific Gas and Electric Company (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land included in the Spangler Hills National Off-Highway Vehicle Recreation Area; or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized activities (including the use of any mechanized vehicle, helicopter, and other aerial device) within such a right-of-way; or

(2) prohibits the upgrading or replacement of any—

(A) utility facilities of the Pacific Gas and Electric Company, including those utility facilities known on the date of enactment of this Act as—

(i) Gas Transmission Line 311 or rights-of-way; or

(ii) Gas Transmission Line 372 or rights-of-way; or

(B) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued,

granted, or permitted by the Secretary of the Interior adjacent to a utility facility referred to in subparagraph (A).

(b) PLANS FOR ACCESS.—Not later than one year after the date of enactment of this Act or the issuance of a new utility facility right-of-way within the Spangler Hills National Off-Highway Vehicle Recreation Area, whichever is later, the Secretary of the Interior, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

TITLE II—WILDERNESS

SEC. 201. PURPOSE.

The purpose of this title is—

(1) to designate or expand in law certain wilderness areas in the California Desert Conservation Area; and

(2) to ensure the conservation and necessary management of wildlife and other natural resources in the Conservation Area.

SEC. 202. DESIGNATION OR EXPANSION OF WILDERNESS AREAS IN THE STATE OF CALIFORNIA.

(a) DESIGNATION OR EXPANSION OF WILDERNESS IN CALIFORNIA DESERT CONSERVATION AREA.—In ac-

cordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781, 1782), the following public lands in the State of California are designated as wilderness and either included as part of an existing wilderness area or made a new component of the National Wilderness Preservation System:

(1) AVAWATZ MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 91,800 acres, as generally depicted on the map entitled ''Avawatz Mountains Wilderness Proposed Wilderness'' and dated June 30, 2015, to be known as the Avawatz Mountains Wilderness.

(2) GOLDEN VALLEY WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 1,260 acres, as generally depicted on the map entitled ''Golden Valley Proposed Wilderness Additions'' and dated March 17, 2015, which shall be incorporated in, and shall be considered to be a part of, the Golden Valley Wilderness designated by section 102(23) of the California

Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note).

(3) KINGSTON RANGE WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 53,320 acres, as generally depicted on the map entitled ''Kingston Range Proposed Wilderness Additions'' and dated February 18, 2015, which shall be incorporated in, and shall be considered to be a part of, the Kingston Range Wilderness designated by section 102(32) of the California Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note).

(4) SODA MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 79,980 acres, as generally depicted on the map entitled ''Soda Mountains Proposed Wilderness'' and dated February 18, 2015, to be known as the Soda Mountains Wilderness.

(5) MALPAIS MESA WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 14,810 acres, as generally depicted on the map entitled ''Malpais Mesa Proposed

Wilderness Additions'' and dated September 11, 2015, which shall be incorporated in, and shall be considered to be a part of, the Malpais Mesa Wilderness designated by section 102(35) of the California Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note).

(6) GREAT FALLS BASIN WILDERNESS.—

(A) DESIGNATION.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 7,920 acres, as generally depicted on the map entitled ''Great Falls Basin Proposed Wilderness'' and dated August 5, 2015, to be known as the Great Falls Basin Wilderness.

(B) LIMITATION.—Designation of the wilderness under subparagraph (A) shall not establish a Class I Airshed under the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) EXPANSION OF DEATH VALLEY NATIONAL PARK WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781, 1782), the following land in the State of California is designated as wilderness and included as part

of an existing wilderness area of the National Wilderness Preservation System:

(1) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-NORTH EUREKA VALLEY.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service, comprising approximately 11,496 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-North Eureka Valley'', numbered 143/100,082D, and dated August 2015, which shall be considered to be a part of the Death Valley National Park Wilderness.

(2) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-IBEX.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service comprising approximately 23,650 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-Ibex'', numbered 143/100,081C, and dated October 7, 2014, which shall be considered to be a part of the Death Valley National Park Wilderness.

(3) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-PANAMINT VALLEY.—Certain land in the California Desert Conservation Area adminis-

tered by the Director of the National Park Service, comprising approximately 4,807 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-Panamint Valley'', numbered 143/100,083C, and dated October 7, 2014, which shall be considered to be a part of the Death Valley National Park Wilderness.

(4) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-WARM SPRINGS.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service, comprising approximately 10,485 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-Warm Spring Canyon/Galena Canyon''. Numbered 143/100,084D, and dated August 2015, which shall be considered to be a part of the Death Valley National Park Wilderness.

(5) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-AXE HEAD.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service, comprising approximately 8,638 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-Axe Head'', num-

bered 143/100,085C, and dated October 7, 2014, which shall be considered to be a part of the Death Valley National Park Wilderness.

(6) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-BOWLING ALLEY.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service, comprising approximately 28,923 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Park Expansion and Wilderness'', numbered 143/128,606, and dated May 14, 2015, which shall be considered to be a part of the Death Valley National Park Wilderness.

(c) EXPANSION OF SAN GORGONIO WILDERNESS.—

(1) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in San Bernardino National Forest in the State of California, comprising approximately 5,570 acres, as generally depicted on the map entitled ''Proposed Sand to Snow National Monument'' and dated August 4, 2015, is designated as wilderness and included as part of the San Gorgonio Wilderness of the National Wilderness Preservation System.

(2) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary of Agriculture may carry out such activities in the wilderness designated by paragraph (1) as are necessary for the control of fire, insects, and disease, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this subsection limits the provision of any funding for fire or fuel management in the wilderness designated by paragraph (1).

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall amend the local fire management plans that apply to the wilderness designated by paragraph (1).

(D) ADMINISTRATION.—In accordance with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness designated by paragraph (1), the Secretary of Agriculture shall—

(i) not later than one year after the date of the enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor) for responding to fire emergencies in the wilderness designated by paragraph (1); and

(ii) enter into agreements with appropriate State or local firefighting agencies relating to the wilderness.

(d) MAPS; LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (and, with respect to the wilderness designated by subsection (c), the Secretary of Agriculture) (in this title referred to as the ''Secretary concerned'') shall file a map and legal description of each wilderness area and wilderness addition designated by this section with—

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

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

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same

force and effect as if included in this Act, except that the Secretary concerned may correct errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary concerned.

SEC. 203. MANAGEMENT.

(a) ADMINISTRATION.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by section 202 shall be administered by the Secretary concerned in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date shall be considered to be a reference to the date of the enactment of this Act.

(b) COOPERATIVE MANAGEMENT AGREEMENT WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall enter into a cooperative management agreement with the California Department of Fish and Wildlife for the purposes of managing wilderness areas in the California Desert Conservation Area to ensure the conservation and necessary management of wildlife and other natural resources in the

Conservation Area. Such cooperative agreement shall include and ensure necessary wildlife water development and maintenance as considered necessary by the California Department of Fish and Wildlife.

(c) CERTAIN WATER DEVELOPMENT PROJECTS AUTHORIZED.—Nothing in this title or the Wilderness Act (16 U.S.C. 1131 et seq.) shall have the effect of prohibiting the placement or maintenance of water development projects on the land designated as wilderness or as a wilderness addition by section 202 for the purpose of the conservation or management of wildlife.

(d) AGENCY APPROVAL PROCEDURES.—Not later than one year after the date of the enactment of this Act, the Secretary concerned shall establish agency approval procedures for the maintenance of water development projects and other wildlife management activities on the land designated as wilderness or as a wilderness addition by section 202.

(e) NO EFFECT ON ADJACENT LAND.—

(1) NO BUFFER ZONES OR REGULATION.—Nothing in this title—

(A) creates any protective perimeter or buffer zone around land designated as wilderness or as a wilderness addition by section 202; or

(B) requires additional regulation of activities on land outside the boundary of the land designated as wilderness or as a wilderness addition by such section.

(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity (including military activities) or use on land outside the boundary of the land designated as wilderness or as a wilderness addition by section 202 can be seen, heard, or detected within the wilderness area shall not preclude or restrict the activity or use outside the boundary of the wilderness area.

(f) NO EFFECT ON CERTAIN PERMITTING PROCEEDINGS.—

(1) IN GENERAL.—In any permitting proceeding (including a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) conducted with respect to a project described in paragraph (2) that is formally initiated through a notice in the Federal Register before December 31, 2013, the consideration of any visual, noise, or other impacts of the project on land designated as wilderness or as a wilderness addition by section 202 shall be conducted based on the status of the land before designation as wilderness.

(2) DESCRIPTION OF PROJECTS.—A project referred to in paragraph (1) is a renewable energy project or associated energy transport facility project—

(A) for which the Bureau of Land Management has received a right-of-way use application on or before the date of enactment of this Act; and

(B) that is located outside the boundary of land designated as wilderness or as a wilderness addition by section 202.

(g) NO EFFECT ON MILITARY OPERATIONS.—Nothing in this Act alters any authority of the Secretary of Defense to conduct any military operations at desert installations, facilities, and ranges of the State of California authorized under any other provision of law.

(h) NO EFFECT ON ENERGY TRANSPORT FACILITIES.—In the case of land designated as wilderness or as a wilderness addition by section 202, nothing in this title affects any land, interest in land, or customary operation, maintenance, repair, or replacement activity carried out on, over, or under land or within a right-of-way, including access to such right-of-way, granted to, owned by, or controlled by Southern California Edison Company, Pacific Gas and Electric Company, or Southern California Gas

Company pursuant to law or legal right so long as the activity is conducted in a manner that minimizes the impact on wilderness resources.

SEC. 204. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING AND DIRECTION.—Congress finds and directs that the Bureau of Land Management land within any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by section 202 or any other Act enacted before the date of enactment of this Act—

(1) has been adequately studied for wilderness character and wilderness designation pursuant to sections 201 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1782); and

(2) is no longer subject to any requirement pertaining to the management of wilderness, wilderness character, wilderness study areas, or areas of environmental concern.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are the following:

(1) Cady Mountains Wilderness Study Area.

(2) Kingston Range Wilderness Study Area.

(3) Avawatz Mountain Wilderness Study Area.

(4) Soda Mountains Wilderness Study Area.

(5) Great Falls Basin Wilderness Study Area.

(6) White Mountains Wilderness Study Area.

(7) Crater Mountain Wilderness Study Area.

(8) Symmes Creek Wilderness Study Area.

(9) Independence Creek Wilderness Study Area.

(10) Southern Inyo Wilderness Study Area.

(11) Cerro Gordo Wilderness Study Area.

(12) Death Valley 17 Wilderness Study Area.

(c) RELEASE AND SUBSEQUENT MANAGEMENT.—Any public land described in subsection (a) that is not designated as wilderness by this title—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act; and

(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 205. TREATMENT OF CHERRY-STEMMED ROADS.

(a) DEFINITION OF CHERRY-STEMMED ROAD.—In this section, the term ''cherry-stemmed road'' means a road or trail that is excluded from a wilderness area or wilderness addition designated by section 202 by a non-wilderness corridor having designated wilderness on both sides, as generally depicted on the maps described in such section.

(b) PROHIBITION ON CLOSURE OR TRAVEL RESTRICTIONS ON CHERRY-STEMMED ROADS.—The Secretary concerned shall not—

(1) close any cherry-stemmed road that is open to the public as of the date of the enactment of this Act;

(2) prohibit motorized access on a cherry-stemmed road that is open to the public for motorized access as of the date of the enactment of this Act; or

(3) prohibit mechanized access on a cherry-stemmed road that is open to the public for mechanized access as of the date of the enactment of this Act.

(c) RESOURCE PROTECTION OR PUBLIC SAFETY EXCEPTIONS.—Subsection (b) shall not apply to a cherry-stemmed road if the Secretary concerned determines that a closure or traffic restriction of the cherry-stemmed road

is necessary for purposes of significant resource protection or public safety.

TITLE III—NATIONAL PARK SYSTEM ADDITIONS

SEC. 301. DEATH VALLEY NATIONAL PARK BOUNDARY REVISION.

(a) IN GENERAL.—The boundary of Death Valley National Park is adjusted to include—

(1) the approximately 28,923 acres of Bureau of Land Management land in San Bernardino County, California, abutting the southern end of the Death Valley National Park that lies between Death Valley National Park to the north and Ft. Irwin Military Reservation to the south and which runs approximately 34 miles from west to east, as depicted on the map entitled ''Death Valley National Park Proposed Avawatz Mountains Wilderness with Proposed Park Expansion'', numbered 143/128,605, and dated May 14, 2015; and

(2) the approximately 6,369 acres of Bureau of Land Management land in Inyo County, California, located in the northeast area of Death Valley National Park that is within, and surrounded by, land under the jurisdiction of the Director of the National Park Service, as depicted on the map entitled

"Death Valley National Park Proposed Boundary Addition-Crater", numbered 143/100,079C, and dated October 7, 2014.

(b) AVAILABILITY OF MAP.—The maps described in paragraphs (1) and (2) of subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this title as the "Secretary") shall administer any land added to Death Valley National Park under subsection (a)—

(A) as part of Death Valley National Park; and

(B) in accordance with applicable laws (including regulations).

(2) MEMORANDUM OF UNDERSTANDING WITH INYO COUNTY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding with Inyo County, California, to permit operationally feasible, ongoing access and use (including, but not limited to, material storage as well as excavation) to gravel pits in existence as of that date along Saline Valley Road within Death Valley National Park for

road maintenance and repairs in accordance with applicable laws (including regulations).

(d) SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—Nothing in this section terminates—

(A) any right-of-way issued, granted, or permitted to the Southern California Edison Company (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land described in paragraphs (1) and (2) of subsection (a); or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities in such a right-of-way, including, at a minimum, the use of mechanized vehicles, helicopters, or other aerial devices.

(2) UPGRADES AND REPLACEMENTS.—Nothing in this section prohibits the upgrading or replacement of—

(A) Southern California Edison Company energy transport facilities; or

(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison's energy transport facilities within Death Valley National Park.

(3) PUBLICATION OF PLANS.—Not later than one year after the date of enactment of this Act or the date of the issuance of a new energy transport facility right-of-way within Death Valley National Park, whichever is earlier, the Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within Death Valley National Park.

SEC. 302. JOSHUA TREE NATIONAL PARK BOUNDARY REVISION, VISITOR CENTER, AND SALE OF FEDERAL LAND.

Title IV of the California Desert Protection Act of 1994 (Public Law 103–433) is amended by adding at the end the following new sections:

"SEC. 408. JOSHUA TREE NATIONAL PARK BOUNDARY REVISION.

"(a) IN GENERAL.—The boundary of the Joshua Tree National Park is adjusted to include the 2,879 acres

of land managed by Director of the Bureau of Land Management that are contiguous at several different places to the northern boundaries of Joshua Tree National Park in the northwest section of the Park, as depicted on the map entitled 'Joshua Tree National Park Proposed Boundary Addition', numbered 156/100,077, and dated August 2009.

"(b) ADDITIONAL LANDS TO BE ACQUIRED.—The Secretary may acquire the 1,639 acres of land from the Mojave Desert Land Trust that are contiguous at several different places to the northern boundaries of Joshua Tree National Park in the northwest section of the Park, as depicted on the map entitled 'Mojave Desert Land Trust National Park Service Additions', numbered 156/126,376, and dated September 2014. After such lands are acquired by the Secretary, the boundary of the Joshua Tree National Park shall be adjusted to include those lands.

"(c) AVAILABILITY OF MAPS.—The map described in subsection (a) and the map depicting the 25 acres described in subsection (d)(2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(d) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary shall administer any land added to the Joshua Tree National

Park under subsection (a) and the additional land described in paragraph (2)—

"(A) as part of Joshua Tree National Park; and

"(B) in accordance with applicable laws (including regulations).

"(2) DESCRIPTION OF ADDITIONAL LAND.—The additional land referred to in paragraph (1) is the 25 acres of land—

"(A) depicted on the map entitled 'Joshua Tree National Park Boundary Adjustment Map', numbered 156/80,049, and dated April 1, 2003;

"(B) added to Joshua Tree National Park by the notice of the Department of the Interior of August 28, 2003 (68 Fed. Reg. 51799); and

"(C) more particularly described as lots 26, 27, 28, 33, and 34 in sec. 34, T. 1 N., R. 8 E., San Bernardino Meridian.

"(e) SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Nothing in this section terminates—

"(A) any right-of-way issued, granted, or permitted to Southern California Edison Com-

pany (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land described in subsections (a) and (b); or

"(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) within such a right-of-way.

"(2) UPGRADES AND REPLACEMENTS.—Nothing in this section prohibits the upgrading or replacement of—

"(A) Southern California Edison Company energy transport facilities, including the energy transport facilities referred to as the Jellystone, Burnt Mountain, Whitehorn, Allegra, and Utah distribution circuits rights-of-way; or

"(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison's energy transport facilities within Joshua Tree National Park.

"(3) PUBLICATION OF PLANS.—Not later than the date that is one year after the date of enactment

of this section or the issuance of a new energy transport facility right-of-way within the Joshua Tree National Park, whichever is earlier, the Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within Joshua Tree National Park.

"SEC. 409. VISITOR CENTER.

"(a) IN GENERAL.—Subject to subsection (d), the Secretary may acquire not more than 5 acres of land and interests in land, and improvements on the land and interests, outside the boundaries of Joshua Tree National Park, in the unincorporated village of Joshua Tree, for the purpose of operating a visitor center. The land and facilities so acquired may include the property owned (as of the date of enactment of this section) by the Joshua Tree National Park Association and commonly referred to as the 'Joshua Tree National Park Visitor Center'.

"(b) BOUNDARY.—Upon acquisition of the land authorized for acquisition by subsection (a), the Secretary shall modify the boundary of Joshua Tree National Park to include the land acquired under this section as a noncontiguous parcel.

"(c) ADMINISTRATION.—Land and facilities acquired under this section shall be administered by the Secretary as part of Joshua Tree National Park.

"(d) AUTHORIZED ACQUISITION METHODS.—Land and facilities may be acquired under this section only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange.".

SEC. 303. MOJAVE NATIONAL PRESERVE BOUNDARY REVISION AND RELATED PROVISIONS.

(a) IMMEDIATE ADDITIONS.—The boundary of the Mojave National Preserve is adjusted to include the following:

(1) The approximately 14,750 acres of Bureau of Land Management land that is surrounded by the Mojave National Preserve to the northwest, west, southwest, south, and southeast, and by the Nevada State line on the northeast boundary, as depicted as the "Mojave National Preserve Additions" on the map entitled "Mojave National Preserve Proposed Additions", numbered 170/129,826, and dated September 2015.

(2) The 25 acres of Bureau of Land Management land in Baker, California, as depicted on the map entitled "Mojave National Preserve Proposed

Boundary Addition'', numbered 170/100,199, and dated August 2009.

(b) FUTURE MOJAVE NATIONAL PRESERVE ADDITIONS.—The boundary of the Mojave National Preserve shall be adjusted to include the approximately 13,250 acres of Bureau of Land Management land depicted as ''Future Mojave National Preserve Additions'' on the map entitled ''Mojave National Preserve Proposed Additions'', numbered 170/129,826, and dated September 2015, upon the earlier of the following:

(1) The termination of all mining and mining-related activities involving Castle Mountain Mine and the completion of all reclamation in response to such activities, as determined by the Secretary of the Interior.

(2) The end of the first period of 20 consecutive years occurring after the date of the enactment of this Act during which no legally permissible commercial mining activities have occurred pursuant to a plan of development for the Castle Mountain Mine approved by the Bureau of Land Management.

(c) AVAILABILITY OF MAPS.—The maps described in subsections (a) and (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary of the Interior shall administer any land added to Mojave National Preserve under this section—

(A) as part of the Mojave National Preserve; and

(B) in accordance with applicable laws (including regulations).

(2) MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall enter into a memorandum of understanding with the California Department of Fish and Wildlife to permit operationally feasible, ongoing access to the land added to Mojave National Preserve under this section for the placement and maintenance of water development projects as considered necessary for wildlife conservation.

(e) PROTECTION OF EXISTING RIGHTS.—

(1) EFFECT ON VALID EXISTING RIGHTS.—Nothing in this section shall affect valid existing rights or preclude, or prevent or inhibit mining or mining-related activities (including water develop-

ment) authorized under any Bureau of Land Management approved plan of development, throughout all phases of mining including completion of final reclamation, for the lands described in subsections (a)(1) and (b).

(2) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section shall affect any private property right (including a water development right) within the boundaries of the Mojave National Preserve, as adjusted by this section.

(3) EFFECT ON CASTLE MOUNTAIN MINE RIGHTS AND OPERATIONS.—

(A) IN GENERAL.—Nothing in this section shall impair existing rights relating to the Castle Mountain Mine, nor shall anything in this title create or impose any additional regulatory or administrative requirements relating to the permitting, development, and operation of all phases of the Castle Mountain Mine.

(B) PIPELINE OR WELL.—Nothing in chapter 1007 of title 54, United States Code (formerly known as the Mining in the National Parks Act of 1976), the California Desert Protection Act of 1994 (Public Law 103–433), the implementing regulations of such laws, or any

other Federal law or regulation shall constitute a bar to the lawful issuance of any right, entitlement, or approval necessary for the location and use of any pipeline or well necessary for Castle Mountain Mining Company to conduct continued mining operations.

(f) SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—Nothing in this section terminates—

(A) any right-of-way issued, granted, or permitted to the Southern California Edison Company (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land described in subsections (a) and (b); or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities in such a right-of-way, including, at a minimum, the use of mechanized vehicles, helicopters, or other aerial devices.

(2) UPGRADES AND REPLACEMENTS.—Nothing in this section prohibits the upgrading or replacement of—

(A) Southern California Edison Company energy transport facilities; or

(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison's energy transport facilities within the Mojave National Preserve.

(3) PUBLICATION OF PLANS.—Not later than one year after the date of enactment of this Act or the date of the issuance of a new energy transport facility right-of-way within the Mojave National Preserve, whichever is earlier, the Secretary of the Interior, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within the Mojave National Preserve.

(g) NEW RIGHTS-OF-WAY.—

(1) RETAINED BUREAU OF LAND MANAGEMENT AUTHORITY.—Consideration of any right-of-way application within lands described in subsection (a)(1)

for the purpose of providing water resources necessary for the operation of the Castle Mountain Mine shall remain within the jurisdiction and authority of the Bureau of Land Management, throughout the development of all phases of the Castle Mountain Mine.

(2) CONSIDERATION OF APPLICATIONS.—The Director of the Bureau of Land Management shall consider any proposed plan of development, modifications to the plan, and associated right-of-way applications for the Castle Mountain Mine in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and any other laws (including regulations) applicable to the land described in subsection (b) prior to the date of enactment of this Act.

(3) EXPIRATION OF AUTHORITY.—The authority of the Director of the Bureau of Land Management described in this subsection shall terminate at the end of the first period of 20 consecutive years occurring after the date of the enactment of this Act during which no legally permissible commercial mining activities have occurred pursuant to a plan of development for the Castle Mountain Mine approved by the Bureau of Land Management.

(4) TREATMENT OF NEW RIGHTS-OF-WAY.—Any new right-of-way approved by the Bureau of Land Management under this subsection shall be considered a valid existing right-of-way only if such right-of-way is included in an approved plan of development for Castle Mountain Mine.

(5) RIGHTS-OF-WAY FOR WATER ACCESS.—Following any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws and regulations, the National Park Service and all other Federal agencies with jurisdiction, shall consider and approve—

(A) the application for and receipt of any rights-of-way, other necessary approvals and entitlements, or both to access and traverse existing lands within the Mojave National Preserve in order to access water sources located in watersheds outside of the Preserve; and

(B) the application and establishment of underground waterways throughout the Preserve.

(h) FUTURE WATER FACILITIES.—

(1) SEARCH FOR ALTERNATIVE WATER SOURCES.—Subject to paragraphs (2) and (3), Castle Mountain Mining Company shall have the right

to conduct reconnaissance and drilling within the lands described in subsection (a)(1) to identify potential alternative sources of water for development of all phases of the Castle Mountain Mine.

(2) RESPONSE TO FINDING WATER SUPPLIES.—If adequate water supplies are identified for the Castle Mountain Mine that are in excess of existing water rights in the Mojave National Preserve, Castle Mountain Mining Company may propose the location of new pipelines, including possible underground pipelines, and well sites, as appropriate, to the Secretary of the Interior and all other Federal agencies with jurisdiction. The approval of any new pipeline or well site location proposed by Castle Mountain Mining Company under this paragraph shall be subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws and regulations.

(3) CONCLUSION.—If approval of a new pipeline or well site location is obtained under paragraph (2), Castle Mountain Mining Company obtains any necessary entitlements from the State of California for use of the water resources, and the combination of new pipelines and well sites will provide Castle Mountain Mining Company with adequate water

supplies for development of all phases of the Castle Mountain Mine, Castle Mountain will then relinquish and quitclaim to the United States any and all interests in its pipeline and well site in existence as of the date of the enactment of this Act.

TITLE IV—DESIGNATION OF WILD, SCENIC, AND RECREATIONAL RIVERS

SEC. 401. DESIGNATION OF WILD, SCENIC, AND RECREATIONAL RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) in paragraph (196), by striking subparagraph (A) and inserting the following:

"(A)(i) The approximately 1.4-mile segment of the Amargosa River in the State of California, from the private property boundary in sec. 19, T. 22 N., R. 7 E., to 100 feet downstream of Highway 178, to be administered by the Secretary of the Interior as a scenic river as an addition to the wild and scenic river segments of the Amargosa River on publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired

as scenic easements or in fee title to establish a manageable addition to those segments.

"(ii) The approximately 6.1-mile segment of the Amargosa River in the State of California, from 100 feet downstream of the State Highway 178 crossing to 100 feet upstream of the Tecopa Hot Springs Road crossing, to be administered by the Secretary of the Interior as a scenic river."; and

(2) by adding at the end the following:

"(213) SURPRISE CANYON CREEK, CALIFORNIA.—

"(A) IN GENERAL.—The following segments of Surprise Canyon Creek in the State of California, to be administered by the Secretary of the Interior:

"(i) The approximately 5.3 miles of Surprise Canyon Creek from the confluence of Frenchman's Canyon and Water Canyon to 100 feet upstream of Chris Wicht Camp, as a wild river.

"(ii) The approximately 1.8 miles of Surprise Canyon Creek from 100 feet upstream of Chris Wicht Camp to the south-

ern boundary of sec. 14, T. 21 N., R. 44 E., as a recreational river.

"(B) EFFECT ON HISTORIC MINING STRUCTURES.—Nothing in this paragraph affects the historic mining structures associated with the former Panamint Mining District.

"(C) EFFECT ON SURPRISE CANYON ROAD.—Nothing in this paragraph shall be construed—

"(i) to restrict continued access to Chris Wicht Camp along Surprise Canyon Road; or

"(ii) to prevent Inyo County, California, from maintaining and repairing Surprise Canyon Road, up to the boundary of the wild river 100 feet upstream of Chris Wicht Camp, in accordance with applicable laws and regulations.

"(214) DEEP CREEK, CALIFORNIA.—

"(A) IN GENERAL.—The following segments of Deep Creek in the State of California, to be administered by the Secretary of Agriculture:

"(i) The approximately 6.5-mile segment from 0.125 mile downstream of the

Rainbow Dam site in sec. 33, T. 2 N., R. 2 W., to 0.25 miles upstream of the Road 3N34 crossing, as a wild river.

"(ii) The 0.5-mile segment from 0.25 mile upstream of the Road 3N34 crossing to 0.25 mile downstream of the Road 3N34 crossing, as a scenic river.

"(iii) The 2.5-mile segment from 0.25 miles downstream of the Road 3 N. 34 crossing to 0.25 miles upstream of the Trail 2W01 crossing, as a wild river.

"(iv) The 0.5-mile segment from 0.25 miles upstream of the Trail 2W01 crossing to 0.25 mile downstream of the Trail 2W01 crossing, as a scenic river.

"(v) The 10-mile segment from 0.25 miles downstream of the Trail 2W01 crossing to the upper limit of the Mojave dam flood zone in sec. 17, T. 3 N., R. 3 W., as a wild river.

"(vi) The 11-mile segment of Holcomb Creek from 100 yards downstream of the Road 3N12 crossing to .25 miles downstream of Holcomb Crossing, as a recreational river.

"(vii) The 3.5-mile segment of the Holcomb Creek from 0.25 miles downstream of Holcomb Crossing to the Deep Creek confluence, as a wild river.

"(B) EFFECT ON SKI OPERATIONS.—Nothing in this paragraph affects—

"(i) the operations of the Snow Valley Ski Resort; or

"(ii) the State regulation of water rights and water quality associated with the operation of the Snow Valley Ski Resort.

"(215) WHITEWATER RIVER, CALIFORNIA.—The following segments of the Whitewater River in the State of California, to be administered by the Secretary of Agriculture and the Secretary of the Interior, acting jointly:

"(A) The 5.8-mile segment of the North Fork Whitewater River from the source of the River near Mt. San Gorgonio to the confluence with the Middle Fork, as a wild river.

"(B) The 6.4-mile segment of the Middle Fork Whitewater River from the source of the River to the confluence with the South Fork, as a wild river.

"(C) The 1-mile segment of the South Fork Whitewater River from the confluence of the River with the East Fork to the section line between sections 32 and 33, T. 1 S., R. 2 E., as a wild river.

"(D) The 1-mile segment of the South Fork Whitewater River from the section line between sections 32 and 33, T. 1 S., R. 2 E., to the section line between sections 33 and 34, T. 1 S., R. 2 E., as a recreational river.

"(E) The 4.9-mile segment of the South Fork Whitewater River from the section line between sections 33 and 34, T. 1 S., R. 2 E., to the confluence with the Middle Fork, as a wild river.

"(F) The 5.4-mile segment of the main stem of the Whitewater River from the confluence of the South and Middle Forks to the San Gorgonio Wilderness boundary, as a wild river.

"(G) The 3.6-mile segment of the main stem of the Whitewater River from the San Gorgonio Wilderness boundary to .25 miles upstream of the southern boundary of section 35, T. 2 S., R. 3 E., as a recreational river.".

TITLE V—BLACK LAVA BUTTE AND FLAT TOP MESA

SEC. 501. BLACK LAVA BUTTE AND FLAT TOP MESA AREA OF CRITICAL ENVIRONMENTAL CONCERN.

(a) DESIGNATION.—There is established the Black Lava Butte and Flat Top Mesa Area of Critical Environmental Concern (referred to in this section as the ''covered area'') within the California Desert Conservation Area under the Bureau of Land Management comprising approximately 6,350 acres as generally depicted on the map entitled ''Proposed Black Lava Butte and Flat Top Mesa ACEC'' and dated March 2, 2015.

(b) ADMINISTRATION.—The Secretary of the Interior shall administer the covered area to preserve the geological, biological, cultural, and archeological resources within the covered area.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal land and interests in Federal land included within the covered area are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the United States mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing and mineral materials.

(d) PROHIBITION ON RENEWABLE ENERGY GENERATION FACILITIES.—Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited within the covered area.

TITLE VI—MOJAVE TRAILS SPECIAL MANAGEMENT AREA

SEC. 601. DEFINITIONS.

In this title:

(1) MANAGEMENT AREA.—The term ''Management Area'' means the Mojave Trails Special Management Area.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Mojave Trails Special Management Area'' and dated September 30, 2015.

(3) ENERGY TRANSPORT FACILITY.—

(A) IN GENERAL.—The term ''energy transport facility'' means any facility used for the operation, maintenance, transmission, distribution, or transportation of electricity or natural gas.

(B) INCLUSIONS.—The term ''energy transport facility'' includes—

(i) electric and gas transmission and distribution facilities;

(ii) telecommunications facilities; and

(iii) appurtenant equipment owned or used by a public or municipal utility company or water district.

(4) MECHANIZED VEHICLE.—The term ''mechanized vehicle'' means a motorized or mechanized vehicle or equipment used by a public or municipal utility company or water district to construct, operate, maintain, repair, or upgrade electricity, natural gas, telecommunications, or water infrastructure.

(5) PUBLIC-UTILITY COMPANY.—The term ''public-utility company'' has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

(6) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 602. MOJAVE TRAILS SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—There is established the Mojave Trails Special Management Area in the State of Cali-

fornia, to be managed by the Barstow Field Office and the Needles Field Office of the Bureau of Land Management.

(b) PURPOSE.—The purpose of the Management Area is—

(1) to preserve and maintain the nationally significant biological, cultural, recreational, geological, educational, historic, scenic, and scientific values—

(A) in the Central and Eastern Mojave Desert; and

(B) along historic Route 66;

(2) to secure the opportunity for present and future generations to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources of the Management Area;

(3) to provide public recreational use of the Management Area, including motorized vehicle use on designated roads and trails; and

(4) to provide access to mineral resources for mining and economic development.

(c) BOUNDARIES.—The Management Area shall consist of the public lands in San Bernardino County, California, comprising approximately 965,000 acres, as generally depicted on the map.

(d) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than three years, after the date of enactment of this Act, the Secretary shall submit a map and legal description of the Management Area to—

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

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

(2) EFFECT.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any errors in the map and legal description.

(3) AVAILABILITY.—Copies of the map submitted under paragraph (1) shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of Land Management in the State of California.

SEC. 603. MANAGEMENT.

(a) CERTAIN ACTIVITIES AUTHORIZED.—The Secretary shall allow hiking, camping, hunting, trapping, fishing, and sightseeing and the use of motorized vehicles,

mountain bikes, and horses on designated routes in the Management Area in a manner that—

(1) is consistent with the purpose of the Management Area;

(2) ensures public health and safety; and

(3) is consistent with applicable law.

(b) OFF-HIGHWAY VEHICLE USE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection and subject to all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area generally depicted on the map.

(2) CLOSURE.—Subject to paragraph (3), the Secretary may temporarily close or permanently reroute a portion of a route described in paragraph (1) or opened pursuant to paragraph (4)—

(A) to prevent, or allow for restoration of, resource damage;

(B) to protect tribal cultural resources, including the resources identified in the tribal cultural resources management survey conducted under subsection (g);

(C) to address public safety concerns; or

(D) as otherwise required by law.

(3) NO NET LOSS.—Except in the case of the temporary closure of a route due to an emergency, before any routes described in paragraph (1) are closed, the Secretary should open new routes pursuant to paragraph (4) to ensure that there is no net loss in the total mileage of open routes in the Management Area available for off-highway vehicle use.

(4) DESIGNATION OF ADDITIONAL ROUTES.—During the three-year period beginning on the date of enactment of this Act, the Secretary—

(A) shall accept petitions from the public regarding additional routes for off-highway vehicles in the Management Area; and

(B) may designate additional routes that the Secretary determines—

(i) would provide significant or unique recreational opportunities; and

(ii) are consistent with the purposes of the Management Area.

(c) MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into a memorandum of understanding with the California Department of Fish and Wildlife to permit operationally feasible, ongoing ac-

cess to the Management Area for the placement and maintenance of water development projects as considered necessary for wildlife conservation.

(d) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, trapping, and fishing within the Management Area in accordance with applicable Federal and State laws (including regulations).

(2) TRAPPING.—No amphibians or reptiles may be collected within the Management Area, except for—

(A) scientific purposes;

(B) the removal of an invasive species; or

(C) identification/medical purposes in response to a snakebite.

(3) REGULATIONS.—The Secretary, after consultation with the California Department of Fish and Wildlife, may designate zones in which, and establish periods during which, hunting, trapping, and fishing shall not be allowed in the Management Area for reasons of public safety, administration, resource protection, or public use and enjoyment.

(e) GRAZING.—

(1) IN GENERAL.—Nothing in this title terminates any valid existing grazing permit within the Management Area.

(2) EFFECT ON BLAIR PERMIT.—Nothing in this title affects the Lazy Daisy grazing permit (permittee number 9076) on land included in the Management Area including the transfer of title to the grazing permit to the Secretary or to a private party.

(3) PERMIT RETIREMENT.—The Secretary may acquire base property and associated grazing permits within the Management Area for purposes of permanently retiring the permit if—

(A) the permittee is a willing seller;

(B) the permittee and Secretary reach an agreement concerning the terms and conditions of the acquisition; and

(C) termination of the allotment would further the purposes of the Management Area described in section 602(b).

(f) NEW MINING.—

(1) OPEN TO MINING.—The Management Area will remain—

(A) open to location, entry, and patent under the public mining laws; and

(B) subject to the mineral leasing and mineral materials laws.

(2) LIMITATIONS.—New mining will not be permitted on—

(A) any land within the Management Area donated to the United States for conservation purposes since January 1, 1995; or

(B) more than 10 percent of the total acreage of the Management Area.

(g) ACCESS TO STATE AND PRIVATE LAND.—

(1) ACCESS.—The Secretary shall provide adequate access to each owner of non-Federal land or interests in non-Federal land within the boundary of the Management Area to ensure the reasonable maintenance, use, and enjoyment of the land or interest by the owner.

(2) SURVEY OF EXISTING MOTORIZED ACCESS ROUTES.—Not later than two years after enactment of this title, the Secretary shall consult with the owners of all non-Federal land within the boundary of the Monument to inventory all existing motorized access routes to private parcels existing as of the date of enactment of this title.

(3) PROHIBITION ON CLOSING MOTORIZED ACCESS ROUTES.—The Secretary shall not close or deny use of any routes inventoried in paragraph (2).

(4) PUBLIC SAFETY EXCEPTION.—Subject to paragraph (5), the Secretary may temporarily or permanently reroute a portion of a route inventoried in paragraph (2) to address public safety concerns.

(5) NO LET LOSS OF ACCESS.—Except in the case of temporary closure of a route due to an emergency, before any route inventoried in paragraph (2) is closed, the Secretary must open a new motorized access route to private parcels impacted by the closure.

(h) LIMITATIONS ON COMMERCIAL ENTERPRISES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), or as required for the customary operation, maintenance, upgrade, expansion, or development of energy transport facilities within corridors or rights-of-way described in subsection (g), no commercial enterprises shall be authorized within the boundary of the Management Area after the date of enactment of this Act.

(2) ADDITIONAL EXCEPTIONS AUTHORIZED BY SECRETARY.—The Secretary may authorize exceptions to paragraph (1) if the Secretary determines

that the commercial enterprise would further the purposes described in section 602(b).

(3) EXCEPTIONS.—This subsection does not apply to the following:

(A) Energy transport facilities that are owned or operated by a utility subject to regulation by the Federal Government or a State government or a State utility with a service obligation (as those terms may be defined in section 217 of the Federal Power Act (16 U.S.C. 824q)).

(B) Mining.

(C) Commercial vehicular touring enterprises within the Management Area that operate on designated routes.

(D) Holders of permits for commercial enterprises, such as touring, wildlife viewing, or guiding for profit, within the Management Area, regardless of whether the permit is issued before, on, or after the date of the enactment of this Act.

(E) Commercial operations that take place on non-Federal land within the boundary of the Management Area.

(i) RIGHTS-OF-WAY AND ENERGY TRANSPORT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this title precludes, prevents, or inhibits the following activities within rights-of-way or corridors in existence in the Management Area as of the date of the enactment of this Act:

(A) Use of mechanized vehicles.

(B) Customary operation.

(C) Maintenance.

(D) Construction.

(E) Incidental uses.

(F) Upgrades or expansion.

(G) Relocation within the right-of-way.

(H) Replacement.

(I) Development of energy transport facilities.

(2) LIMITATION.—The activities described in paragraph (1) shall be conducted in a manner that minimizes the impact of the activities on Management Area resources.

(3) RIGHTS-OF-WAY.—The Secretary shall, to the maximum extent practicable—

(A) permit rights-of-way and corridor alignments that best protect the values and re-

sources of the Management Area described in section 602(b); and

(B) ensure that—

(i) existing rights-of-way and utility corridors within the Management Area are fully utilized before authorizing any new or expanded utility right-of-way or corridor; and

(ii) no economically, technically, or legally feasible alternative exists outside the Management Area before authorizing a new or expanded energy transport facility right-of-way or corridor within the Management Area.

(4) EFFECT ON EXISTING FACILITIES AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Nothing in this section terminates or limits any valid right-of-way within the Management Area in existence as of the date of enactment of this Act (including the customary operation, maintenance, repair, relocation within an existing right-of-way, or replacement of energy transport facilities within an existing right-of-way), or other authorized

right-of-way, including a right-of-way described in subparagraph (B).

(B) INCLUSIONS.—A right-of-way referred to in subparagraph (A) includes, but is not limited to—

(i) a right-of-way issued, granted, or permitted to—

(I) the Southern California Edison Company or any predecessors, successors, or assigns of the Southern California Edison Company, which are referred to as of the date of enactment of this Act as Lugo-Mohave, Eldorado-Lugo, Cima-Eldorado-Pisgah 1 and 2, and Lugo-Pisgah 1 and 2 transmission line rights-of-way, Hector, Lava, Sheephole, and Danby distribution circuit rights-of-way, and any rights-of-way affiliated with the Camino Substation;

(II) the Pacific Gas and Electric Company or any predecessors, successors, or assigns of the Pacific Gas and Electric Company, which are referred

to as Gas Transmission Lines 300A, 300B, 311, and 372 rights-of-way;

(III) the Southern California Gas Company or any predecessors, successors, or assigns of the Southern California Gas Company, which are referred to as Gas Transmission Lines 235, 3000, and 6916 rights-of-way; and

(IV) the Celeron Pipeline Company and the All American Pipeline Company by Right-of-Way Grant No. CA 14013 from the Bureau of Land Management; and

(ii) a right-of-way authorization issued on the expiration of an existing right-of-way authorization described in clause (i).

(C) PUBLICATION OF PLANS.—Not later than one year after the date of enactment of this Act, the Secretary, in consultation with the Southern California Edison Company, the Pacific Gas and Electric Company, the Southern California Gas Company, and the Metropolitan Water District of Southern California, shall publish plans for regular and emergency access

by such utilities to the respective rights-of-way of those utilities within the Management Area.

(5) UPGRADING AND EXPANSION OF EXISTING RIGHTS-OF-WAY.—Nothing in this subsection prohibits the upgrading (including the construction, relocation, or replacement within an existing right-of-way) or expansion of an existing energy transport facility for the purpose of increasing the transmission capacity of the energy transport facility or for providing energy storage consistent with requirements of the California Public Utilities Commission, or the Federal or State agency with regulatory authority over those actions, in—

(A) existing rights-of-way or corridors within the Management Area; or

(B) a right-of-way issued, granted, or permitted by the Secretary that is contiguous or adjacent to existing energy transport facility rights-of-way, including existing Southern California Edison Company, Pacific Gas and Electric Company, and Southern California Gas Company energy transport facility rights-of-way.

(6) INTERSTATE 40 TRANSPORTATION CORRIDOR.—For purposes of utility rights-of-way under

this subsection, the Secretary shall consider the Interstate 40 transportation corridor to be equivalent to a utility right-of-way corridor in existence as of the date of the enactment of this Act.

(7) NEW RIGHTS-OF-WAY.—

(A) IN GENERAL.—Except as authorized in subparagraph (B), any new right-of-way within the Management Area shall—

(i) only be permitted—

(I) in an energy corridor that is designated as of the date of enactment of this Act; or

(II) as an expansion of an energy corridor described in subclause (I); and

(ii) require compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) APPROVAL.—A new right-of-way, or expansion of an existing energy corridor, authorized by subparagraph (A) shall only be approved if the Secretary, in consultation with applicable Federal and State agencies, determines that the new right-of-way or expansion of an existing corridor is consistent with—

(i) this title;

(ii) other applicable laws;

(iii) the purposes of the Management Area described in section 602(b); and

(iv) the management plan for the Management Area.

(j) OVERFLIGHTS.—Nothing in this title or the management plan restricts or precludes—

(1) overflights (including low-level overflights) of military, commercial, and general aviation aircraft that can be seen or heard within the Management Area;

(2) the designation or creation of new units of special use airspace;

(3) the establishment of military flight training routes over the Management Area; or

(4) the use (including takeoff and landing) of helicopters and other aerial devices to construct or maintain energy transport facilities.

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

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) right-of-way, leasing, or disposition under all laws relating to solar, wind, and geothermal energy.

(l) PROHIBITION ON RENEWABLE ENERGY GENERATION FACILITIES.—Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited within the Management Area.

(m) NO BUFFERS.—The establishment of the Management Area shall not—

(1) create a protective perimeter or buffer zone around the Management Area; or

(2) restrict, preclude, limit, or prevent uses or activities outside the Management Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Management Area.

(n) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the Management Area have access to adequate notice relating to the availability of designated routes in the Management Area through—

(1) the placement of appropriate signage along the designated routes;

(2) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate; and

(3) restoration of areas that are not designated as open routes, including vertical mulching.

(o) STEWARDSHIP.—In consultation with Indian tribes and other interested persons, the Secretary shall develop a program to provide opportunities for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

(1) route signage;

(2) restoration of closed routes;

(3) protection of Management Area resources; and

(4) recreation education.

(p) PROTECTION OF TRIBAL CULTURAL RESOURCES.—Not later than two years after the date of enactment of this Act, the Secretary, in accordance with chapter 2003 of title 54, United States Code, and any other applicable law, shall—

(1) prepare and complete a tribal cultural resources survey of the Management Area; and

(2) consult with the Fort Mojave Indian Tribe, the Colorado River Indian Tribes, the Chemehuevi

Indian Tribe, the San Manuel Band of Serrano Mission Indians, and other Indian tribes with historic or cultural ties to land within, or adjacent to, the Management Area regarding the management of portions of the Management Area containing sacred sites or cultural importance to the Indian tribes on the development and implementation of the tribal cultural resources survey under paragraph (1).

(q) PROTECTION OF PROPERTY RIGHTS.—

(1) NO AFFECT ON NON-FEDERAL LAND.—The establishment of the Management Area does not affect—

(A) any land or interest in land held by the State of California, political subdivision of the State, or special district;

(B) any private property right (including a water development right) within or adjacent to the boundaries of the Management Area;

(C) any land, interest in land, or customary operation, maintenance, repair, or replacement activity carried out on, over, or under land or within an existing right-of-way in the Management Area; or

(D) access to valid existing water rights and the operation and maintenance of water

conveyance structures associated with the water rights.

(2) NO NEW AUTHORITY.—Nothing in this title grants to the Secretary any authority on or over non-Federal land not already provided by law.

SEC. 604. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may acquire for inclusion in the Management Area any land or interests in land within the boundary of the Management Area owned by the State, units of local government, Indian tribes, nonprofit organizations, private individuals, or any other landowner only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(b) USE OF EASEMENTS.—To the maximum extent practicable and only with the approval of the landowner, the Secretary may use permanent conservation easements to acquire an interest in land in the Management Area rather than acquiring fee simple title to the land.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundaries of the Management Area that is acquired by the United States after the date of enactment of this Act

shall be added to and administered as part of the Management Area.

(d) DONATED AND ACQUIRED LAND.—

(1) IN GENERAL.—All land within the boundary of the Management Area donated to the United States or acquired using amounts from the land and water conservation fund established under section 200302 of title 54, United States Code, before, on, or after the date of enactment of this Act—

(A) shall be managed in accordance with section 603; and

(B) shall be managed consistent with the purposes of the Management Area described in section 602(b).

(2) EFFECT ON MANAGEMENT AREA.—Land within the boundary of the Management Area that is contiguous to land donated to the United States or acquired through purchase or exchange shall be managed in a manner consistent with conservation purposes, subject to applicable law.

SEC. 605. RENEWABLE ENERGY RIGHT-OF-WAY APPLICATIONS.

(a) IN GENERAL.—Applicants for rights-of-way for the development of solar energy facilities that have been terminated by the establishment of the Management Area

shall be granted the right of first refusal to apply for replacement sites that—

(1) have not previously been encumbered by right-of-way applications; and

(2) are located within the Solar Energy Zones designated by the Solar Energy Programmatic Environmental Impact Statement of the Department of the Interior and the Department of Energy.

(b) ELIGIBILITY.—To be eligible for a right of first refusal under subsection (a), an applicant shall have, on or before December 1, 2009—

(1) submitted an application for a right-of-way to the Bureau of Land Management;

(2) completed a plan of development to develop a solar energy facility on land within the Management Area;

(3) submitted cost recovery funds to the Bureau of Land Management to assist with the costs of processing the right-of-way application;

(4) successfully submitted an application for an interconnection agreement with an electrical grid operator that is registered with the North American Electric Reliability Corporation; and

(5)(A) secured a power purchase agreement; or

(B) a financially and technically viable solar energy facility project, as determined by the Director of the Bureau of Land Management.

(c) EQUIVALENT ENERGY PRODUCTION.—Each right-of-way for a replacement site granted under this section shall—

(1) authorize the same energy production at the replacement site as had been applied for at the site that had been the subject of the terminated application; and

(2) have—

(A) appropriate solar insolation and geotechnical attributes; and

(B) adequate access to existing transmission or feasible new transmission.

(d) EXISTING RIGHTS-OF-WAY APPLICATIONS.—Nothing in this section alters, affects, or displaces primary rights-of-way applications within the Solar Energy Study Areas unless the applications are otherwise altered, affected, or displaced as a result of the Solar Energy Programmatic Environmental Impact Statement of the Department of the Interior and the Department of Energy.

(e) DEADLINES.—A right of first refusal granted under this section shall only be exercisable by the date that is 180 days after the date of enactment of this Act.

(f) EXPEDITED APPLICATION PROCESSING.—The Secretary shall expedite the review of replacement site applications from eligible applicants, as described in subsection (b).

SEC. 606. EXPEDITED ENVIRONMENTAL REVIEW PROCESS TO FACILITATE ROUTE 66 BRIDGE REPAIR AND REPLACEMENT WITHIN MANAGEMENT AREA.

(a) PROGRAMMATIC ENVIRONMENTAL REVIEW PROCESS.—Consistent with section 139 of title 23, United States Code, the Secretary of Transportation shall authorize the use of a single programmatic environmental review process to cover all repair or replacement projects proposed for bridges of Route 66, also known as National Trails Highway, located within the Management Area.

(b) PRESERVATION OF PARKLANDS, REFUGES, AND HISTORIC SITES.—Section 138 of title 23, United States Code, and section 303 of title 49, United States Code, shall not apply to the bridge repair and replacement projects described in subsection (a).

(c) ENDANGERED SPECIES ACT.—The bridge repair and replacement projects described in subsection (a) are exempt from the biological survey and consultation requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) NATIONAL HISTORIC PRESERVATION REVIEW.—Section 306108 of title 54, United States Code, shall not apply to the bridge repair and replacement projects described in subsection (a).

(e) FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE.—Executive Order No. 12898 (59 Fed. Reg. 7629; 42 U.S.C. 4321 note), as amended by Executive Order No. 12948 (60 Fed. Reg. 6381), shall not apply to the bridge repair and replacement projects described in subsection (a).

TITLE VII—SAND TO SNOW NATIONAL MONUMENT

SEC. 701. DEFINITIONS.

In this title:

(1) ENERGY TRANSPORT FACILITY.—

(A) IN GENERAL.—The term ''energy transport facility'' means any facility used for the operation, maintenance, transmission, distribution, or transportation of electricity or natural gas.

(B) INCLUSIONS.—The term ''energy transport facility'' includes—

(i) electric and gas transmission and distribution facilities;

(ii) telecommunications facilities; and

(iii) appurtenant equipment owned or used by a public or municipal utility company or water district.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Sand to Snow National Monument'' and dated August 4, 2015.

(3) MECHANIZED VEHICLE.—The term ''mechanized vehicle'' means a motorized or mechanized vehicle or equipment used by a public or municipal utility company or water district to construct, operate, maintain, repair, or upgrade electricity, natural gas, telecommunications, or water infrastructure.

(4) MONUMENT.—The term ''Monument'' means the Sand to Snow National Monument established by section 702(a).

(5) PUBLIC-UTILITY COMPANY.—The term ''public-utility company'' has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 702. SAND TO SNOW NATIONAL MONUMENT.

(a) ESTABLISHMENT.—There is established in the State of California the Sand to Snow National Monument.

(b) PURPOSES.—The purposes of the Monument are—

(1) to preserve the nationally significant biological, cultural, educational, geological, historic, scenic, and recreational values at the convergence of the Mojave and Colorado Desert and the San Bernardino Mountains; and

(2) to secure the opportunity for present and future generations to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources of the Monument.

(c) BOUNDARIES.—

(1) IN GENERAL.—The Monument shall consist of the Federal land and Federal interests in land within the boundaries depicted on the map.

(2) DISTANCE FROM STATE HIGHWAYS.—In accordance with the policy of the Bureau of Land Management, the boundaries of the Monument shall be set back not less than 300 feet from all State highways.

(d) MAP; LEGAL DESCRIPTIONS.—

(1) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretaries shall submit to the Committee on Natural Resources of the House of Representatives and

the Committee on Energy and Natural Resources of the Senate legal descriptions of the Monument, based on the map.

(2) CORRECTIONS.—The map and legal descriptions of the Monument shall have the same force and effect as if included in this title, except that the Secretaries may correct clerical and typographical errors in the map and legal descriptions.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

SEC. 703. MANAGEMENT OF MONUMENT.

(a) IN GENERAL.—The Secretaries shall—

(1) only allow uses of the Monument that—

(A) further the purposes described in section 702(b);

(B) are included in the management plan developed under subsection (g); and

(C) do not interfere with the energy transport facility rights-of-way authorized under section 704(e); and

(2) subject to valid existing rights, manage the Monument to protect the resources of the Monument, in accordance with—

(A) this title;

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

(C) any other applicable provisions of law.

(b) COOPERATION AGREEMENTS.—

(1) GENERAL AUTHORITY.—Consistent with the management plan and authorities applicable to the Monument, the Secretaries may enter into cooperative agreements (including special use permits with any person (including educational institutions and Indian tribes)), for the purposes of interpreting, researching, and providing education on the resources of the Monument.

(2) MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not later than 180 days after the date of the enactment of this Act, the Secretaries shall enter into a memorandum of understanding with the California Department of Fish and Wildlife to permit operationally feasible, ongoing access to the Monument for the placement and maintenance of water development projects as considered necessary for wildlife conservation.

(c) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED LAND.—Any land or interest in land within the boundaries of the Monument that is acquired by the Secretaries

after the date of enactment of this Act shall be managed by the Secretary concerned in accordance with this title.

(d) LIMITATIONS.—

(1) PROPERTY RIGHTS.—

(A) IN GENERAL.—The establishment of the Monument does not—

(i) affect—

(I) any land or interest in land held by the State, political subdivision of the State, or special district;

(II) any private property right (including a water development right) within the boundaries of the Monument;

(III) any land, interest in land, or customary operation, maintenance, repair, or replacement activity carried out on, over, or under land or within a right-of-way granted to, owned by, or controlled by the Metropolitan Water District or the Southern California Edison Company pursuant to law or legal right (including the Act of June 18, 1932 (47 Stat. 324, chapter 270)) included in the Monument

and conducted in a manner that minimizes the impact on the resources of the Monument; or

(IV) access to valid existing water rights and the operation and maintenance of water conveyance structures associated with the water rights; or

(ii) grant to the Secretaries any authority on or over non-Federal land not already provided by law.

(B) PLANS.—Not later than one year after the date of enactment of this Act, the Secretaries, in consultation with the district and company referred to in subparagraph (A)(i)(III) shall publish plans for regular and emergency access to the land and rights-of-way owned or controlled by the company or district.

(2) AUTHORITY.—The authority of the Secretaries under this title extends only to Federal land and Federal interests in land included in the Monument.

(e) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this title creates any protective perimeter or buffer zone around the Monument.

(2) ACTIVITIES OUTSIDE MONUMENT.—The fact that an activity or use on land outside the Monument can be seen or heard within the Monument shall not preclude the activity or use outside the boundary of the Monument.

(3) NO ADDITIONAL REGULATION.—Nothing in this title requires additional regulation of activities on land outside the boundary of the Monument.

(f) AIR AND WATER QUALITY.—Nothing in this title affects the standards governing air or water quality outside the boundary of the Monument.

(g) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretaries shall—

(A) not later than three years after the date of enactment of this Act, complete a management plan for the conservation and protection of the Monument; and

(B) on completion of the management plan—

(i) submit the management plan to—

(I) the Committee on Natural Resources of the House of Representatives; and

(II) the Committee on Energy and Natural Resources of the Senate; and

(ii) make the management plan available to the public.

(2) INCLUSIONS.—The management plan shall include provisions that—

(A) provide for the conservation and protection of the Monument;

(B) authorize the continued recreational uses of the Monument (including hiking, camping, hunting, mountain biking, sightseeing, off-highway vehicle recreation on designated routes, rockhounding, sport shooting, and horseback riding), if the recreational uses are consistent with this title and any other applicable law;

(C) address the designation and maintenance of roads, trails, and paths in the Monument and take into consideration—

(i) connecting trails within the Monument to trails on other adjacent public land; and

(ii) establishing a trailhead at Cabot's Pueblo in the city of Desert Hot Springs, California;

(D) address regional fire management planning and coordination between the Director of the Bureau of Land Management, the Chief of the Forest Service, Riverside County, and San Bernardino County;

(E) address the establishment of a visitor center to serve the Monument and adjacent public land;

(F) provide for the maintenance of and access to energy transport facilities and rights-of-way within the Monument; and

(G) provide for the maintenance of and access to existing water conveyance systems and rights-of-way within the Monument.

(3) PREPARATION AND IMPLEMENTATION.—

(A) APPLICABLE LAW.—The Secretaries shall prepare and implement the management plan in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable laws.

(B) CONSULTATION.—In preparing and implementing the management plan, the Secretaries shall periodically consult with—

(i) the advisory committee established under section 706;

(ii) interested private property owners and holders of valid rights located within the boundaries of the Monument; and

(iii) representatives of the San Manuel Band of Serrano Mission Indians, the Morongo Band of Mission Indians, and other Indian tribes with historic or cultural ties to land within, or adjacent to, the Monument regarding the management of portions of the Monument that are of cultural importance to the Indian tribes.

(4) INTERIM MANAGEMENT.—Except as otherwise prohibited by this Act, pending completion of the management plan for the Monument, the Secretaries shall manage any Federal land and Federal interests in land within the boundary of the Monument—

(A) in accordance with section 1.6D of the Bureau of Land Management manual numbered 6220, dated July 13, 2012, and entitled

"National Monuments, National Conservation Areas, and Similar Designations"; and

(B) consistent with the purposes of the Monument described in section 702(b).

SEC. 704. USES OF MONUMENT.

(a) USE OF OFF-HIGHWAY MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as necessary for administrative purposes or to respond to an emergency, the use of off-highway motorized vehicles in the Monument (including the use of off-highway motorized vehicles for commercial touring) shall be permitted only on designated routes, subject to all applicable law and as authorized by the management plan.

(2) INVENTORY.—Not later than two years after the date of enactment of this Act, the Director of the Bureau of Land Management shall—

(A) complete an inventory of all existing routes in the Monument; and

(B) designate routes concurrently with the completion of the management plan.

(b) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretaries shall permit hunting,

trapping, and fishing within the Monument in accordance with applicable Federal and State laws (including regulations) as of the date of enactment of this Act.

(2) TRAPPING.—No amphibians or reptiles may be collected within the Monument, except for—

(A) scientific purposes;

(B) the removal of an invasive species; or

(C) identification/medical purposes in response to a snakebite.

(3) REGULATIONS.—The Secretaries, after consultation with the California Department of Fish and Wildlife, may designate zones in which, and establish periods during which, hunting, trapping, and fishing shall not be allowed in the Monument for reasons of public safety, administration, resource protection, or public use and enjoyment.

(c) ACCESS TO STATE AND PRIVATE LAND.—

(1) ACCESS.—The Secretaries shall provide access to each owner of non-Federal land or interests in non-Federal land within the boundary of the Monument to ensure the reasonable maintenance, use, and enjoyment of the land or interest by the owner.

(2) SURVEY OF EXISTING MOTORIZED ACCESS ROUTES.—Not later than two years after enactment of this Act, the Secretaries shall consult with the owners of all non-Federal land within the boundary of the Monument to inventory all existing motorized access routes to private parcels existing as of the date of enactment of this Act.

(3) PROHIBITION ON CLOSING MOTORIZED ACCESS ROUTES.—The Secretaries shall not close, restrict, or deny use of any routes inventoried in paragraph (2).

(4) PUBLIC SAFETY EXCEPTION.—Subject to paragraph (5), the Secretaries may temporarily or permanently reroute a portion of a route inventoried in paragraph (2) to address public safety concerns.

(5) NO NET LOSS OF ACCESS.—Except in the case of temporary closure of a route due to an emergency, before any route inventoried in paragraph (2) is closed, the Secretaries must open a new motorized access route to private parcels impacted by the closure.

(d) LIMITATIONS.—

(1) COMMERCIAL ENTERPRISES.—Except as provided in paragraphs (2) and (3), or as required for the customary operation, maintenance, upgrade,

expansion, or development of energy transport facilities within the rights-of-way described in subsection (e), no commercial enterprises shall be authorized within the boundary of the Monument after the date of enactment of this Act.

(2) AUTHORIZED EXCEPTIONS.—The Secretaries may authorize exceptions to paragraph (1) if the Secretaries determine that the commercial enterprises would further the purposes described in section 702(b).

(3) APPLICATION.—This subsection does not apply to the following:

(A) Energy transport facilities that are owned or operated by a utility subject to regulation by the Federal Government or a State government or a State utility with a service obligation (as those terms are defined in section 217 of the Federal Power Act (16 U.S.C. 824q)).

(B) Commercial vehicular touring enterprises within the Monument that operate on designated routes.

(C) Holders of permits for commercial enterprises, such as touring, wildlife viewing, or guiding for profit, within the Monument, regardless of whether the permit is issued before,

on, or after the date of the enactment of this Act.

(D) Commercial operations that take place on non-Federal land within the boundary of the Monument.

(e) ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act precludes, prevents, or inhibits the use of mechanized vehicles or customary operation, maintenance, upgrade, expansion, relocation within an existing right-of-way, replacement, or development of energy transport facilities within existing rights-of-way located in the Monument.

(2) LIMITATION.—The activities described in paragraph (1) shall be conducted in a manner that minimizes the impact of the activities on Monument resources.

(3) RIGHTS-OF-WAY.—The Secretaries shall, to the maximum extent practicable—

(A) permit rights-of-way that best protect the values and resources of the Monument described in section 702(b); and

(B) ensure that—

(i) existing rights-of-way within the Monument are fully utilized before authorizing any new or expanded utility right-of-way; and

(ii) no economically, technically, or legally feasible alternative exists outside the Monument before authorizing a new or expanded energy transport facility right-of-way within the Monument.

(4) EFFECT ON EXISTING FACILITIES AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Nothing in this section terminates or limits any valid right-of-way within the Monument in existence on the date of enactment of this Act (including the customary operation, maintenance, repair, relocation within an existing right-of-way, or replacement of energy transport facilities within an existing right-of-way), or other authorized right-of-way, including a right-of-way described in subparagraph (B).

(B) INCLUSIONS.—A right-of-way referred to in subparagraph (A) includes—

(i) a right-of-way issued, granted, or permitted to the Southern California Edi-

son Company or any predecessors, successors, or assigns of the Southern California Edison Company, which are referred to as the Devers-Hi Desert-Terawind-Yucca transmission line rights-of-way and Coachella, Skyborne, and Toll distribution circuit rights-of-way; and

(ii) a right-of-way authorization issued on the expiration of an existing right-of-way authorization described in clause (i).

(C) PUBLICATION OF PLANS.—Not later than one year after the date of enactment of this Act, the Secretaries, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within the Monument.

(5) UPGRADING AND EXPANSION OF EXISTING RIGHTS-OF-WAY.—Nothing in this subsection prohibits the upgrading (including the construction, relocation, or replacement within an existing right-of-way) or expansion of an existing energy transport facility for the purpose of increasing the transmission capacity of the energy transport facility or

for providing energy storage consistent with the requirements of the California Public Utilities Commission in—

(A) existing rights-of-way within the Monument; or

(B) a right-of-way issued, granted, or permitted by the Secretaries that is contiguous or adjacent to existing energy transport facility rights-of-way, including existing Southern California Edison Sand to Snow energy transport facility rights-of-way.

(6) NEW RIGHTS-OF-WAY AND NEW USES.—

(A) IN GENERAL.—Except as authorized in subparagraph (B), any new rights-of-way or new uses within existing rights-of-way shall require compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) APPROVAL.—New rights-of-way shall only be approved if the Secretaries, in consultation with applicable Federal and State agencies, determine that the new rights-of-way are consistent with—

(i) this title;

(ii) other applicable laws;

(iii) the purposes of the Monument described in section 702(b); and

(iv) the management plan for the Monument.

(f) OVERFLIGHTS.—Nothing in this title or the management plan restricts or precludes—

(1) overflights (including low-level overflights) of military, commercial, and general aviation aircraft that can be seen or heard within the Monument;

(2) the designation or creation of new units of special use airspace;

(3) the establishment of military flight training routes over the Monument; or

(4) the use (including takeoff and landing) of helicopters and other aerial devices to construct or maintain energy transport facilities.

(g) WITHDRAWALS.—

(1) IN GENERAL.—Subject to this Act and valid existing rights and except as provided in paragraph (2), the Federal land and interests in Federal land included within the Monument are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing, geothermal leasing, and mineral materials laws.

(2) EXCHANGE.—Paragraph (1) does not apply to an exchange that the Secretaries determine would further the protective purposes of the Monument.

(h) PROHIBITION ON RENEWABLE ENERGY GENERATION FACILITIES.—Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited within the Monument.

(i) ACCESS TO RENEWABLE ENERGY AND ENERGY TRANSPORT FACILITIES.—

(1) IN GENERAL.—On a determination by the Secretaries that no reasonable alternative access exists and subject to paragraph (2), the Secretaries may allow new rights-of-way within the Monument to provide reasonable vehicular access to renewable energy project sites and appurtenant energy transport facilities outside the boundaries of the Monument.

(2) RESTRICTIONS.—To the maximum extent practicable, the rights-of-way shall be designed and

sited to be consistent with the purposes of the Monument described in section 702(b).

SEC. 705. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretaries may acquire for inclusion in the Monument any land or interests in land within the boundary of the Monument owned by the State, units of local government, Indian tribes, nonprofit organizations, private individuals, or any other landowner only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(b) USE OF EASEMENTS.—To the maximum extent practicable and only with the approval of the landowner, the Secretaries may use permanent conservation easements to acquire an interest in land in the Monument rather than acquiring fee simple title to the land.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundaries of the Monument that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Monument.

(d) DONATED AND ACQUIRED LAND.—

(1) IN GENERAL.—All land within the boundary of the Monument donated to the United States or

acquired using amounts from the land and water conservation fund established under section 200302 of title 54, United States Code, before, on, or after the date of enactment of this Act—

(A) is withdrawn from mineral entry; and

(B) shall be managed in accordance with sections 703 and 704 consistent with the purposes of the Monument described in section 702(b).

(2) EFFECT ON MONUMENT.—Land within the boundary of the Monument that is contiguous to land donated to the United States or acquired through purchase or exchange shall be managed in a manner consistent with conservation purposes, subject to applicable law.

SEC. 706. ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretaries shall establish an advisory committee for the Monument, the purpose of which is to advise the Secretaries with respect to the preparation and implementation of the management plan required by section 703(g).

(b) MEMBERSHIP.—To the maximum extent practicable, the advisory committee shall include the following members, to be appointed by the Secretaries:

(1) A representative with expertise in natural science and research selected from a regional institution of higher education or research.

(2) A representative of the Department of Defense.

(3) A representative of the California Natural Resources Agency.

(4) A representative of each of San Bernardino and Riverside Counties, California.

(5) A representative of each of the cities of Banning, Desert Hot Springs and Yucca Valley, California.

(6) A representative of the San Manuel Band of Serrano Mission Indians.

(7) A representative of the Morongo Band of Mission Indians.

(8) A representative of the Friends of Big Morongo Preserve.

(9) A representative of The Wildlands Conservancy.

(10) A representative of the Coachella Valley Mountains Conservancy.

(11) A representative of the San Gorgonio Wilderness Association.

(12) A representative of the Morongo Valley Community Services District.

(13) A representative of organizations relating to each of the following recreational activities:

(A) Off-highway vehicles.

(B) Hunting.

(C) Rockhounding.

(14) A representative of the Southern California Edison Company.

(15) A representative of the Metropolitan Water District.

(16) A representative of Banning Heights Mutual Water Company.

(17) A representative of the Society for the Conservation of Bighorn Sheep.

(18) A representative of the Bighorn Sheep Preservation Group.

(c) TERMS.—

(1) IN GENERAL.—In appointing members under subsection (b), the Secretaries shall appoint 1 primary member and 1 alternate member who meets the qualifications described in each of those paragraphs.

(2) VACANCY.—

(A) PRIMARY MEMBER.—A vacancy on the advisory committee with respect to a primary member shall be filled by the applicable alternate member.

(B) ALTERNATE MEMBER.—The Secretaries shall appoint a new alternate member in the event of a vacancy with respect to an alternate member of the advisory committee.

(3) TERMINATION.—

(A) IN GENERAL.—The term of all members of the advisory committee shall terminate on the termination of the advisory committee under subsection (g).

(B) NEW ADVISORY COMMITTEE.—The Secretaries may establish a new advisory committee on the termination of the advisory committee under subsection (g) to provide ongoing recommendations on the management of the Monument.

(d) QUORUM.—A quorum of the advisory committee shall consist of a majority of the primary members.

(e) CHAIRPERSON AND PROCEDURES.—

(1) IN GENERAL.—The advisory committee shall select a chairperson and vice chairperson from

among the primary members of the advisory committee.

(2) DUTIES.—The chairperson and vice chairperson selected under paragraph (1) shall establish any rules and procedures for the advisory committee that the chairperson and vice chairperson determine to be necessary or desirable.

(f) SERVICE WITHOUT COMPENSATION.—Members of the advisory committee shall serve without pay.

(g) TERMINATION.—The advisory committee shall cease to exist on—

(1) the date on which the management plan is officially adopted by the Secretaries; or

(2) such later date as the Secretaries may specify.

SEC. 707. WIRELESS COMMUNICATIONS FACILITIES.

Nothing in this title shall be construed to affect, restrict, or prevent the installation of wireless communications facilities in the Monument within the area depicted as ''Morongo Gorge'' on the map.

TITLE VIII—LAND CONVEYANCES, WITHDRAWALS, AND RELATED PROVISIONS

SEC. 801. RELEASE OF FEDERAL REVERSIONARY LAND INTERESTS.

(a) DEFINITIONS.—In this section:

(1) 1932 ACT.—The term ''1932 Act'' means the Act of June 18, 1932 (47 Stat. 324, chapter 270).

(2) DISTRICT.—The term ''District'' means the Metropolitan Water District of Southern California.

(b) RELEASE.—Subject to valid existing claims perfected prior to the effective date of the 1932 Act and the reservation of minerals set forth in the 1932 Act, the Secretary of the Interior shall release, convey, or otherwise quitclaim to the District, in a form recordable in local county records, and subject to the approval of the District, after consultation and without monetary consideration, all right, title, and remaining interest of the United States in and to the land that was conveyed to the District pursuant to the 1932 Act or any other law authorizing conveyance subject to restrictions or reversionary interests retained by the United States, on request by the District.

(c) TERMS AND CONDITIONS.—A conveyance authorized by subsection (b) shall be subject to the following terms and conditions:

(1) The District shall cover, or reimburse the Secretary of the Interior for, the costs incurred by the Secretary to make the conveyance, including title searches, surveys, deed preparation, attorneys' fees, and similar expenses.

(2) By accepting the conveyances, the District agrees to indemnify and hold harmless the United States with regard to any boundary dispute relating to any parcel conveyed under this section.

SEC. 802. CALIFORNIA STATE SCHOOL LAND.

Section 707 of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–77) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''Upon request of the California State Lands Commission (hereinafter in this section referred to as the 'Commission'), the Secretary shall enter into negotiations for an agreement'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall negotiate in good faith to reach an agreement with the

California State Lands Commission (referred to in this section as the 'Commission')''; and

(ii) by inserting '', national monuments,'' after ''more of the wilderness areas''; and

(B) in the second sentence, by striking ''The Secretary shall negotiate in good faith to'' and inserting the following:

''(2) AGREEMENT.—To the maximum extent practicable, not later than 10 years after the date of enactment of this title, the Secretary shall'';

(2) in subsection (b)(1), by inserting '', national monuments,'' after ''wilderness areas''; and

(3) in subsection (c), by adding at the end the following:

''(5) SPECIAL DEPOSIT FUND ACCOUNT.—

''(A) IN GENERAL.—Assembled land exchanges may be used to carry out this section through the sale of surplus Federal property and subsequent acquisitions of State school land.

''(B) RECEIPTS.—Past and future receipts from the sale of property described in subsection (a), less any costs incurred related to

the sale, shall be deposited in a Special Deposit Fund Account established in the Treasury.

"(C) USE.—Funds accumulated in the Special Deposit Fund Account may be used by the Secretary, without an appropriation, to acquire State school lands or interest in the land consistent with this section.".

SEC. 803. JUNIPER FLATS.

Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited on the approximately 28,000 acres of Federal land generally depicted as "BLM Land Withdrawn from Energy Development and Power Generation" on the map entitled "Juniper Flats" and dated September 21, 2015.

SEC. 804. LAND EXCHANGE, SAN GORGONIO WILDERNESS, CALIFORNIA DESERT CONSERVATION AREA, BUREAU OF LAND MANAGEMENT, AND SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) FOREST SERVICE EXCHANGE AUTHORIZED.—The Secretary of Agriculture may convey to Stephen Mascaro (in this section referred to as the "recipient"), all right, title, and interest of the United States in and

to a parcel of National Forest System land within San Bernardino National Forest in the State of California, consisting of approximately 638 acres, as depicted on the map titled ''Proposed Sand to Snow National Monument Forest Service Land Exchange'' and dated June 10, 2015, in exchange for a parcel of private land consisting of approximately 632 acres, as also depicted on such map.

(b) BUREAU OF LAND MANAGEMENT EXCHANGE AUTHORIZED.—The Secretary of the Interior may convey to the recipient all right, title, and interest of the United States in and to a parcel of public land within the San Gorgonio Wilderness of the California Desert Conservation Area in the State of California, consisting of approximately 645 acres, as depicted on the map titled ''Proposed Sand to Snow National Monument Bureau of Land Management Land Exchange'' and dated June 23, 2015, in exchange for a parcel of private land consisting of approximately 953 acres, as also depicted on such map.

(c) EXISTING RIGHTS.—The conveyance of the Federal land under this section shall be subject to valid existing rights.

(d) EXCHANGE PROCESS.—The Secretaries shall carry out the land exchanges authorized by this section in the manner provided in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716)

and subject to the terms and conditions of such section and regulations promulgated to implement such section.

(e) MAPS AND LEGAL DESCRIPTIONS.—

(1) REQUIRED.—As soon as practicable after completion of the land exchange authorized by subsection (a), the Secretary of Agriculture shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Federal land and private land exchanged under such subsection. As soon as practicable after completion of the land exchange authorized by subsection (b), the Secretary of the Interior shall file with such committees a map and legal description of the Federal land and private land exchanged under such subsection.

(2) FORCE AND EFFECT.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary concerned may correct clerical and typographical errors in a map and description.

(3) PUBLIC INSPECTION.—The maps and legal descriptions shall be on file and available for public

inspection in the appropriate offices of the Secretary concerned.

SEC. 805. CONVEYANCE FOR APPLE VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.

(a) DEFINITIONS.—In this section:

(1) TOWN.—The term ''Town'' means the town of Apple Valley, California.

(2) MAP.—The term ''Map'' means the map entitled ''Conveyance to Town of Apple Valley'' and dated June 1, 2015.

(b) CONVEYANCE OF FEDERAL LAND TO TOWN.—

(1) CONVEYANCE REQUIRED.—Within five years after the date of the enactment of this Act, the Secretary of the Interior shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the surface estate of approximately 4,630 acres of land depicted on the Map as ''Proposed Conveyance Area''.

(2) EXISTING RIGHTS AND MINERAL ESTATE.—The conveyance under this subsection—

(A) is subject to valid existing rights; and

(B) does not include the mineral estate.

(c) USE OF CONVEYED LAND.—

(1) IN GENERAL.—The land conveyed under subsection (b) may be used by the Town for any

public purpose authorized in paragraph (2), consistent with the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(2) AUTHORIZED PURPOSES.—The purposes of the conveyance under subsection (b) are to permit the Town to use the conveyed land—

(A) to provide a suitable location for the establishment of a centralized off-road vehicle recreation park;

(B) to provide the public with opportunities for off-road vehicle recreation, including a location for races, competitive events, training and other commercial services that directly support a centralized off-road vehicle recreation area and Town park; and

(C) to provide a designated area and facilities that would discourage unauthorized use of off-highway vehicles in areas that have been identified by the Federal Government, the State of California, or the County as containing environmentally sensitive land.

(3) DISPOSAL PROHIBITED.—The land conveyed under subsection (b) may not be disposed of

by the Town without the approval of the Secretary of the Interior.

(d) TEMPORARY REVERSIONARY INTEREST.—During the five-year period beginning on the date of the conveyance of the land under subsection (b), if the Secretary of the Interior determines that the Town has disposed of the conveyed land in violation of subsection (c)(3) or has failed to establish the off-road vehicle recreation park, title to the land shall revert to the United States, at the option of the Secretary. At the end of the five-year period, the Secretary shall release the reversionary interest.

(e) DESIGNATION OF APPLE VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—The land identified on the Map as ''Proposed Conveyance Area'' and conveyed under this section shall be known and designated as the ''Apple Valley Off-Highway Vehicle Recreation Area''.

(f) MANAGEMENT PLAN.—The Secretary may develop a special management plan for the Apple Valley Off-Highway Vehicle Recreation Area to enhance the safe use of off-highway vehicles for recreational purposes.

SEC. 806. CONVEYANCE TO CITY OF TWENTYNINE PALMS, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Twentynine Palms, California.

(2) MAP.—The term ''Map'' means the map entitled ''Proposed Conveyance to Twentynine Palms'' and dated September 18, 2015.

(b) CONVEYANCE OF FEDERAL LAND TO CITY.—

(1) CONVEYANCE REQUIRED.—Within one year after the date of the enactment of this Act, the Secretary of the Interior shall convey to the City, without consideration, all right, title, and interest of the United States in and to the surface estate of the land depicted on the Map as ''Proposed Conveyance to Twentynine Palms''.

(2) EXISTING RIGHTS AND MINERAL ESTATE.—The conveyance under this subsection—

(A) is subject to valid existing rights; and

(B) does not include the mineral estate.

SEC. 807. CONVERSION OF VALID, EXISTING RIGHTS.

(a) CONTINUITY OF USE.—Any person claiming in good faith to have valid, existing rights to lands to be exchanged or conveyed in this Act, including but not limited to Southern California Edison Company, Pacific Gas and Electric Company, and Southern California Gas Company, may continue to exercise such rights to the same extent that the rights were exercised before the date of the enactment of this Act until the Secretary of the Interior or the Secretary of Agriculture, depending on jurisdiction over

the lands involved, makes a determination on applications submitted under subsection (b)(2) or the applications are deemed to be granted under subsection (c)(2).

(b) NOTICE AND APPLICATIONS.—Consistent with sections 2800 through 2880 of title 43, Code of Federal Regulations, as soon as practicable after the date of the enactment of this Act and prior to any exchange or conveyance of lands under this Act, the Secretary of the Interior or the Secretary of Agriculture, depending on jurisdiction over the lands involved, shall provide written notice to any person that claims to have valid, existing rights, such as a management agreement, easement, or other right-of-way, to lands to be exchanged or conveyed that—

(1) the lands are to be exchanged or conveyed; and

(2) the person claiming the valid, existing rights has 60 days to submit an application to the Secretary concerned requesting that the valid, existing rights be converted to a long-term easement or other right-of-way.

(c) DETERMINATION.—

(1) DETERMINATION REQUIRED; DEADLINE.—The Secretary of the Interior or the Secretary of Agriculture, depending on jurisdiction over the lands involved, shall grant or deny an application sub-

mitted under subsection (b)(2) before the end of the 180-day period beginning on the date on which the application is received. The Secretary's determination shall be considered a final action.

(2) EFFECT OF FAILURE TO MEET DEADLINE.—If the Secretary of the Interior or the Secretary of Agriculture fails to make the required determination on an application under paragraph (1) before the end of the period specified in such paragraph, that application shall be deemed to be granted. The Secretary concerned shall take such steps as may be necessary to convert the valid, existing rights to a long-term easement or other right-of-way.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. TRIBAL USES AND INTERESTS.

(a) DEFINITION.—In this section, the term ''designated area'' means any land designated as wilderness, a special management area, a wild or scenic river, an area of critical environmental concern, a national monument, or an addition to a unit of the National Park System under this Act.

(b) ACCESS.—The Secretary of the Interior shall ensure that members of Indian tribes have access to designated areas for traditional cultural and religious pur-

poses, consistent with applicable law, including Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

(c) TEMPORARY CLOSURE.—

(1) IN GENERAL.—In accordance with applicable law, including Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996), and subject to paragraph (2), the Secretary of the Interior, on request of an Indian tribe or Indian religious community, shall temporarily close to general public use any portion of a designated area to protect the privacy of traditional cultural and religious activities in the designated area by members of the Indian tribe or Indian religious community.

(2) LIMITATION.—In closing a portion of a designated area under paragraph (1), the Secretary shall limit the closure to the smallest practicable area for the minimum period necessary for the traditional cultural and religious activities.

(d) TRIBAL CULTURAL RESOURCES MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this Act, the Secretary of the Interior shall develop and implement a

tribal cultural resources management plan to identify, protect, and conserve cultural resources of Indian tribes associated with the Xam Kwatchan Trail network extending from Avikwaame (Spirit Mountain, Nevada) to Avikwlal (Pilot Knob, California).

(2) CONSULTATION.—The Secretary shall consult on the development and implementation of the tribal cultural resources management plan under paragraph (1) with—

(A) each of—

(i) the Chemehuevi Indian Tribe;

(ii) the Hualapai Tribal Nation;

(iii) the Fort Mojave Indian Tribe;

(iv) the Colorado River Indian Tribes;

(v) the Quechan Indian Tribe; and

(vi) the Cocopah Indian Tribe; and

(B) the Advisory Council on Historic Preservation.

(3) RESOURCE PROTECTION.—The tribal cultural resources management plan developed under paragraph (1) shall—

(A) be based on a completed tribal cultural resources survey; and

(B) include procedures for identifying, protecting, and preserving petroglyphs, ancient

trails, intaglios, sleeping circles, artifacts, and other resources of cultural, archaeological, or historical significance in accordance with all applicable laws and policies, including—

(i) chapter 2003 of title 54, United States Code;

(ii) Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996);

(iii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(iv) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(v) Public Law 103–141 (commonly known as the Religious Freedom Restoration Act of 1993; 42 U.S.C. 2000bb et seq.).

(e) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the area administratively withdrawn and known as the ''Indian Pass Withdrawal Area'' is permanently withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

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

(3) right-of-way leasing and disposition under all laws relating to minerals or solar, wind, or geothermal energy.

SEC. 902. MILITARY ACTIVITIES.

Nothing in this Act—

(1) restricts or precludes Department of Defense motorized access by land or air—

(A) to respond to an emergency within a wilderness area or wilderness addition designated by this Act; or

(B) to control access to the emergency site;

(2) prevents nonmechanized military training activities previously conducted on the public lands designated as a wilderness area or wilderness addition by this Act that are consistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) all applicable laws (including regulations);

(3) restricts, precludes, limits, or prevents low-level overflights of military aircraft over a wilderness area or wilderness addition designated by this Act, the Mojave Trails Special Management Area, a

Monument created by this Act, or an off-highway vehicle recreation area established by this Act, including military overflights that can be seen or heard within the designated areas;

(4) restricts, precludes, limits, or prevents flight testing and evaluation in the areas described in paragraph (3); or

(5) restricts, precludes, limits, or prevents the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the areas described in paragraph (3).

SEC. 903. DEED RESTRICTIONS ON DONATED LAND WITHIN THE CALIFORNIA DESERT CONSERVATION AREA.

Effective beginning on the date of enactment of this Act, within the California Desert Conservation Area, the Secretary of the Interior may—

(1) accept deed restrictions requested by landowners for land donated to, or otherwise acquired by, the United States; and

(2) consistent with existing rights, create deed restrictions, easements, or other third-party rights relating to any public land determined by the Secretary to be necessary—

(A) to fulfill the mitigation requirements resulting from the development of renewable resources or to otherwise support the development of renewable resources; or

(B) to satisfy the conditions of—

(i) a habitat conservation plan or general conservation plan established pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); or

(ii) a natural communities conservation plan approved by the State.

SEC. 904. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—Nothing in this Act shall affect or diminish the jurisdiction of the California Department of Fish and Wildlife with respect to fish and wildlife management or conservation, including the regulation of hunting, fishing, and trapping, with respect to any wilderness, special management area, or national monument designated by this Act.

(b) MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations shall be permitted on lands designated

as wilderness by this Act when consistent with wildlife conservation objectives of the California Department of Fish and Wildlife in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles, mechanical equipment, and aircraft when such use will enhance the existence of or promote healthy, viable, and more naturally distributed wildlife populations as determined by the California Department of Fish and Wildlife, which holds the public trust responsibility for wildlife conservation and that would enhance wilderness values and accomplish those purposes with the minimum impact necessary to reasonably accomplish the task.

(2) APPLICABILITY TO ADDITIONAL LANDS.—This subsection also shall apply to each of those wilderness areas established by the California Desert Protection Act of 1994, including wilderness areas established within the Mojave National Preserve, and any public lands that were transferred to the units of the National Park System known as Death Valley National Park and Joshua Tree National Park to increase the size of those units.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the California Department of Fish and Wildlife and its agents shall have the authority to continue to use aircraft and other motorized equipment, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary of the Interior shall authorize additional structures and facilities, as well as the continued presence of existing anthropomorphic structures and facilities, for wildlife water development projects where determined necessary to benefit wildlife by the California Department of Fish and Wildlife in the wilderness areas and the national monuments created by this Act.

(2) APPLICABILITY TO ADDITIONAL LANDS.—This subsection shall also apply to those wilderness areas established by the California Desert Protection Act of 1994, as well as in those expanded areas of Death Valley National Park and Joshua Tree National Park that formerly were administered by the

Bureau of Land Management, and to the national monuments and all special management areas established by this Act and within the Mojave National Preserve if—

(A) the structures and facilities will enhance, as determined by the California Department of Fish and Wildlife, the wilderness values or values of the national monuments or special management areas, as the case may be, by promoting healthy, viable and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the areas are minimized.

SEC. 905. LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS.

(a) DEFINITION.—In this section, the term ''designated area'' means any land designated as an off-highway vehicle recreation area under title I, a special management area under title VI or VII, or a future addition to the Mojave National Preserve under section 303.

(b) LIMITATION.—No extension or establishment of any national monument that would include any designated area may be undertaken by the President under section 320301 of title 54, United States Code (commonly known

as the Antiquities Act of 1906), except by express authorization of Congress.

SEC. 906. CATEGORICAL EXCLUSION FOR EASTERN INYO COUNTY BROADBAND CORRIDOR.

Notwithstanding any other provision of law, a project to install and operate a fiberoptic cable by Inyo County, California, along a route generally depicted on the map entitled ''Proposed Eastern Inyo Broadband Corridor'' and dated September 28, 2015, shall be eligible for a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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114th CONGRESS
1st Session

H. R. 4060

To establish certain conservation and recreation areas in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 18, 2015

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

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A BILL

To establish certain conservation and recreation areas in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Imperial Valley Desert Conservation and Recreation Act of 2015".

SEC. 2. LAND CONVEYANCE, ANZA-BORREGO DESERT STATE PARK, CALIFORNIA.

(a) Conveyance Required.—The Secretary, without consideration, to the State, all right, title, and interest of the United States in and to a parcel of public lands

administered by the Bureau of Land Management in San Diego County, California, comprising approximately 934 acres and generally depicted as ''Table Mountain Wilderness Study Area Proposed Transfer'' on the map prepared at the request of Representative Juan Vargas entitled ''Table Mountain Wilderness Study Area Proposed Transfer to the State'' and dated October 8, 2015, for the purpose of allowing the State to include that land as part of Anza-Borrego Desert State Park.

(b) TIME FOR CONVEYANCE.—The Secretary shall complete the conveyance of the parcel under subsection (a) as soon as practicable after the termination of all mining claims related to the parcel.

(c) MANAGEMENT.—The parcel conveyed under subsection (a) shall be managed by the State in accordance with the provisions of the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40).

(d) WITHDRAWAL.—Subject to valid existing rights, the parcel to be conveyed under subsection (a) is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

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

(3) disposition under all laws relating to mineral and geothermal leasing.

(e) REVERSION.—If the State ceases to manage the parcel conveyed under subsection (a) as part of the State Park System or in a manner inconsistent with the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40), the land shall revert to the Secretary, at the discretion of the Secretary, to be managed as a Wilderness Study Area.

SEC. 3. LAND CONVEYANCE, HOLTVILLE AIRPORT, IMPERIAL COUNTY, CALIFORNIA.

(a) CONVEYANCE AUTHORITY.—On the submission of an application by Imperial County, California, the Secretary of Transportation shall seek, in accordance with section 47125 of title 49, United States Code, and section 2641.1 of title 43, Code of Federal Regulations (or successor regulation), a conveyance from the Secretary of a parcel of Federal land administered by the Bureau of Land Management comprising approximately 3,500 acres adjacent to the Imperial County Holtville Airport (L04) for the purposes allowing the County to expand the airport.

(b) SEGREGATION.—With respect to the parcel described in subsection (a), the Secretary, acting through the Director of the Bureau of Land Management, shall—

(1) segregate the parcel; and

(2) prohibit the appropriation of the parcel until the earlier of the following:

(A) The date on which a notice of realty action terminates the application referred to in subsection (a).

(B) The date on which a document of conveyance with regard to the parcel is published.

SEC. 4. VINAGRE WASH SPECIAL MANAGEMENT AREA.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT AREA.—The term ''Management Area'' means the Vinagre Wash Special Management Area.

(2) MAP.—The term ''map'' means the map prepared at the request of Representative Juan Vargas entitled ''Vinagre Wash Proposed Special Management Area; Indian Pass Mountains and Palo Verde Mountains Potential Wilderness Additions, and Buzzards Peak, Milpitas Wash Potential Wilderness'' and dated October 8, 2015.

(3) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(b) VINAGRE WASH SPECIAL MANAGEMENT AREA.—

(1) ESTABLISHMENT.—There is established in the State the Vinagre Wash Special Management Area, to be managed by the El Centro Field Office and the Yuma Field Office of the Bureau of Land Management.

(2) PURPOSE.—The purpose of the Management Area is to conserve, protect, and enhance—

(A) the plants and wildlife of the Management Area; and

(B) the outstanding and nationally significant ecological, geological, scenic, archaeological, cultural, historic, recreational, and other resources of the Management Area.

(3) BOUNDARIES.—The Management Area shall consist of the public lands in Imperial County, California, comprising approximately 81,880 acres, as generally depicted as ''Proposed Special Management Area'' on the map.

(4) MAP; LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable, but not later than three years after the date of enactment of this Act, the Secretary shall submit a map and legal description of the Management Area to—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(B) EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any errors in the map and legal description.

(C) AVAILABILITY.—Copies of the map submitted under subparagraph (A) shall be on file and available for public inspection in—

(i) the Office of the Director of the Bureau of Land Management; and

(ii) the appropriate office of the Bureau of Land Management in the State.

(c) MANAGEMENT.—

(1) CERTAIN ACTIVITIES AUTHORIZED.—The Secretary shall allow hiking, camping, hunting, and sightseeing and the use of motorized vehicles, mountain bikes, and horses on designated routes in the Management Area in a manner that—

(A) is consistent with the purpose of the Management Area;

(B) ensures public health and safety; and

(C) is consistent with applicable law.

(2) OFF-HIGHWAY VEHICLE USE.—

(A) IN GENERAL.—Except as otherwise provided in this subsection and subject to all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area generally depicted on the map.

(B) CLOSURE.—Subject to subparagraph (C), the Secretary may temporarily close or permanently reroute a portion of a route described in subparagraph (A) or opened pursuant to subparagraph (D)—

(i) to prevent, or allow for restoration of, resource damage;

(ii) to protect tribal cultural resources, including the resources identified in the tribal cultural resources management survey conducted under paragraph (7);

(iii) to address public safety concerns; or

(iv) as otherwise required by law.

(C) DESIGNATION OF ADDITIONAL ROUTES.—During the 3-year period beginning

on the date of enactment of this Act, the Secretary—

(i) shall accept petitions from the public regarding additional routes for off-highway vehicles in the Management Area; and

(ii) may designate additional routes that the Secretary determines—

(I) would provide significant or unique recreational opportunities; and

(II) are consistent with the purposes of the Management Area.

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Management Area is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) right-of-way, leasing, or disposition under all laws relating to—

(i) minerals; or

(ii) solar, wind, and geothermal energy.

(4) NO BUFFERS.—The establishment of the Management Area shall not—

(A) create a protective perimeter or buffer zone around the Management Area; or

(B) restrict, preclude, limit, or prevent uses or activities outside the Management Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Management Area.

(5) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the Management Area have access to adequate notice relating to the availability of designated routes in the Management Area through—

(A) the placement of appropriate signage along the designated routes;

(B) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate; and

(C) restoration of areas that are not designated as open routes, including vertical mulching.

(6) STEWARDSHIP.—In consultation with Indian tribes and other interested persons, the Secretary shall develop a program to provide opportuni-

ties for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

(A) route signage;

(B) restoration of closed routes;

(C) protection of Management Area resources; and

(D) recreation education.

(7) PROTECTION OF TRIBAL CULTURAL RESOURCES.—Not later than 2 years after the date of enactment of this Act, the Secretary, in accordance with chapter 2003 of title 54, United States Code, and any other applicable law, shall—

(A) prepare and complete a tribal cultural resources survey of the Management Area; and

(B) consult with the Quechan Indian Nation and other Indian tribes demonstrating ancestral, cultural, or other ties to the resources within the Management Area on the development and implementation of the tribal cultural resources survey under subparagraph (A).

(d) POTENTIAL WILDERNESS.—

(1) PROTECTION OF WILDERNESS CHARACTER.—The Secretary shall manage the public

lands in the Management Area described in paragraph (2) in a manner that preserves the character of the land for the eventual inclusion of the land in the National Wilderness Preservation System.

(2) COVERED LANDS.—The public lands covered by this section are—

(A) the approximately 10,860 acres of land, as generally depicted as the ''Indian Pass Additions'' on the map;

(B) the approximately 17,250 acres of land, as generally depicted as ''Milpitas Wash Potential Wilderness'' on the map;

(C) the approximately 11,840 acres of land, as generally depicted as ''Buzzards Peak Potential Wilderness'' on the map; and

(D) the approximately 9,350 acres of land, as generally depicted as ''Palo Verde Mountains Potential Wilderness'' on the map.

(3) MILITARY USES OF LANDS.—The Secretary shall manage the public lands covered by this section in a manner that is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may authorize use of the land by the Secretary of the Navy for Naval Special Warfare Tactical Training, including long-range small unit train-

ing and navigation, vehicle concealment, and vehicle sustainment training, in accordance with applicable Federal laws.

(4) PROHIBITED USES.—The following uses are prohibited on the public lands covered by this section:

(A) Permanent roads.

(B) Commercial enterprises.

(C) Except as necessary to meet the minimum requirements for the administration of the land and to protect public health and safety—

(i) the use of mechanized vehicles; and

(ii) the establishment of temporary roads.

(5) WILDERNESS DESIGNATION.—

(A) EVENTUAL DESIGNATION.—The public lands covered by this section shall be designated as wilderness and either included as part of an existing wilderness area or made a new component of the National Wilderness Preservation System on the date on which the Secretary, in consultation with the Secretary of Defense, publishes a notice in the Federal Register that all activities on the Federal land that are in-

compatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have terminated.

(B) DESIGNATION.—On designation of the public lands as wilderness under paragraph (1)—

(i) the land described in paragraph (2)(A) shall be incorporated in, and shall be considered to be a part of, the Indian Pass Wilderness designated by section 102(27) of the California Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note);

(ii) the land described in paragraph (2)(B) shall be designated as the Milpitas Wash Wilderness;

(iii) the land described in paragraph (2)(C) shall be designated as the Buzzard Peak Wilderness; and

(iv) the land described in paragraph (2)(D) shall be incorporated in, and shall be considered to be a part of, the Palo Verde Mountains Wilderness designated by section 102(48) of the California Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note).

(6) ADMINISTRATION OF WILDERNESS.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by paragraph (5)(B) shall be administered by the Secretary in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 5. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of California.

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114TH CONGRESS
2D SESSION

H. R. 5129

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2016

Mr. LAMALFA (for himself, Mrs. LOVE, Mr. STEWART, Mr. MCCLINTOCK, and Mr. VALADAO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Guides and Outfitters Act'' or the ''GO Act''.

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

Sec. 1. Short title; Table of contents; Definitions.
Sec. 2. Special recreation permit and fee.
Sec. 3. Permit across multiple jurisdictions.
Sec. 4. Guidelines and permit fee calculation.
Sec. 5. Use of permit fees for permit administration.
Sec. 6. Adjustment to permit use reviews.
Sec. 7. Authorization of temporary permits for new uses for the Forest Service and BLM.
Sec. 8. Indemnification requirements.
Sec. 9. Streamlining of permitting process.
Sec. 10. Cost recovery reform.
Sec. 11. Extension of Forest Service recreation priority use permits.

(c) DEFINITIONS.—In this Act:

(1) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(B) the Secretary of Agriculture, with respect to the Forest Service.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

SEC. 2. SPECIAL RECREATION PERMIT AND FEE.

Subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended to read as follows:

''(h) SPECIAL RECREATION PERMIT AND FEE.—

''(1) IN GENERAL.—The Secretary may—

"(A) issue a special recreation permit for Federal recreational lands and waters; and

"(B) charge a special recreation permit fee in connection with the issuance of the permit.

"(2) SPECIAL RECREATION PERMITS.—The Secretary may issue special recreation permits in the following circumstances:

"(A) For specialized individual and group use of Federal facilities and Federal recreational lands and waters, such as, but not limited to, use of special areas or areas where use is allocated, motorized recreational vehicle use, and group activities or events.

"(B) To recreation service providers who conduct outfitting, guiding, and other recreation services on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.

"(C) To recreation service providers who conduct recreation or competitive events, which may involve incidental sales on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bu-

reau of Reclamation, or the United States Fish and Wildlife Service.

"(3) REDUCTION IN FEDERAL COSTS.—To reduce Federal costs in administering this subsection, the issuance of a new special recreation permit for activities under paragraph (2) that have been considered under previous analysis or that are similar to existing uses or are not inconsistent with approved uses shall qualify for categorical exclusions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 3. PERMIT ACROSS MULTIPLE JURISDICTIONS.

(a) IN GENERAL.—In the case of an activity requiring permits pursuant to subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) for use of lands managed by both the Forest Service and the Bureau of Land Management—

(1) the Secretaries may issue a joint permit based upon a single application to both agencies when issuance of a joint permit based upon a single application will lower processing and other administration costs for the permittee, provided that the permit applicant shall have the option to apply for separate permits rather than a joint permit; and

(2) the permit application required under clause (i) shall be—

(A) the application required by the lead agency; and

(B) submitted to the lead agency.

(b) REQUIREMENTS OF THE LEAD AGENCY.—The lead agency for a permit under subsection (a) shall—

(1) coordinate with the associated agencies, consistent with the authority of the Secretaries under section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (43 U.S.C. 1703), to develop and issue the single, joint permit that covers the entirety of the trip;

(2) in processing the joint permit application, incorporate the findings, interests, and needs of the associated agencies, provided that such coordination shall not be subject to cost recovery; and

(3) complete the permitting process within a reasonable time after receiving the permit application.

(c) EFFECT ON REGULATIONS.—Nothing in this section shall alter, expand, or limit the applicability of any Federal law (including regulations) to lands administered by the relevant Federal agencies.

(d) DEFINITIONS.—In this section:

(1) ASSOCIATED AGENCY.—The term ''associated agency'' means an agency that manages the land on which the trip of the special recreation permit applicant will enter after leaving the land managed by the lead agency.

(2) LEAD AGENCY.—The term ''lead agency'' means the agency that manages the land on which the trip of the special recreation permit applicant will begin.

SEC. 4. GUIDELINES AND PERMIT FEE CALCULATION.

(a) GUIDELINES AND EXCLUSION OF CERTAIN REVENUES.—The Secretary shall—

(1) publish guidelines in the Federal Register for establishing recreation permit fees; and

(2) provide appropriate deductions from the fee established under paragraph (1) for—

(A) revenue from goods, services, and activities provided by a recreation service provider outside Federal recreational lands and waters, such as costs for transportation, lodging, and other services before or after a trip; and

(B) fees to be paid by permit holder under applicable law to provide services on other Federal lands, if separate permits are issued to that permit holder for a single event.

(b) FEE CONDITIONS.—The fee charged by the Secretary for a permit issued under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) shall not exceed 3 percent of the recreational service provider's annual gross revenue for activities authorized by the permit on Federal lands, plus applicable revenue additions, minus applicable revenue exclusions or a similar flat per person fee.

(c) DISCLOSURE OF FEES.—A holder of a special recreation permit may inform its customers of the various fees charged by the Secretary under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)).

SEC. 5. USE OF PERMIT FEES FOR PERMIT ADMINISTRATION.

Revenues from special recreation permits issued to recreation service providers under subparagraphs (B) and (C) of section 803(h)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)(1)) shall be used—

(1) to partially offset the Secretary's direct cost of administering the permits; and

(2) to improve and streamline the permitting process.

SEC. 6. ADJUSTMENT TO PERMIT USE REVIEWS.

(a) IN GENERAL.—In reviewing and adjusting allocations of use for priority use permits for special uses of Federal recreational lands and waters managed by the Forest Service, and in renewing such permits, the Secretary of Agriculture shall allocate to a permit holder the highest amount of actual annual use over the reviewed period plus 25 percent, capped at the amount of use allocated when the permit was issued unless additional capacity is available.

(b) WAIVER.—Use reviews under subsection (a) may be waived for periods in which circumstances that prevented use of assigned capacity, such as weather, fire, natural disasters, wildlife displacement, business interruptions, and when allocations on permits include significant shoulder seasons. The authorizing office may approve non-use without reducing the number of service days assigned to the permit in such circumstances at the request of the permit holder. Approved non-use may be temporarily assigned to other qualified permit holders when conditions warrant.

SEC. 7. AUTHORIZATION OF TEMPORARY PERMITS FOR NEW USES FOR THE FOREST SERVICE AND BLM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture and the Sec-

retary of the Interior shall establish and implement a program to authorize temporary permits for new recreational uses of Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management, respectively, and to provide for the conversions of such temporary permits to long-term permits after 2 years of satisfactory operation. The issuance and conversion of such permits shall be subject to subsection (h)(3) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802).

SEC. 8. INDEMNIFICATION REQUIREMENTS.

(a) INDEMNIFICATION.—A permit holder that is prohibited by the State from providing indemnification to the Federal Government shall be considered to be in compliance with indemnification requirements of the Department of the Interior and the Department of Agriculture if the permit holder carries the required minimum amount of liability insurance coverage or is self-insured for the same minimum amount.

(b) EXCULPATORY AGREEMENTS.—The Secretary shall not implement, administer or enforce any regulation or policy prohibiting the use of exculpatory agreements between recreation service providers and their customers for services provided under a special recreation permit when

such agreements are enforceable pursuant to the law of the State in which the permitted services are provided.

SEC. 9. STREAMLINING OF PERMITTING PROCESS.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries shall revise part 251, subpart B, of title 36 Code of Federal Regulations, and subpart 2932, of title 43, Code of Federal Regulations to streamline the processes for the issuance and renewal of outfitter and guide special use permits. Such amended regulations shall—

(1) shorten application processing times and minimize application and administration costs; and

(2) provide for the use of programmatic environmental assessments and categorical exclusions for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the issuance or renewal of outfitter and guide and similar recreation special use permits, to the maximum extent allowable under applicable law, including, but not limited to, use of a categorical exclusion for the issuance of a new special recreation permit for activities under paragraph (2)(B) of subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) that have been considered under previous analysis or that

are similar to existing uses or are not inconsistent with approved uses.

(b) ONLINE APPLICATIONS.—To the maximum extent practicable, where feasible and efficient, the Secretaries shall make special recreation permit applications available to be filled out and submitted online.

SEC. 10. COST RECOVERY REFORM.

(a) REGULATORY PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall revise section 251.58 of title 36, Code of Federal Regulations, and section 2932.31(e) and (f) of title 43, Code of Federal Regulations, to reduce costs and minimize the burden of cost recovery on small businesses and adverse impacts of cost recovery on jobs in the outfitting and guiding industry and on rural economies provided, however, that nothing in the revised regulations shall further limit the Secretaries' authority to issue or renew recreation special use permits.

(b) DE MINIMIS EXEMPTION.—

(1) COST RECOVERY LIMITATION.—Any regulations issued by the Secretary of the Interior or the Secretary of Agriculture to establish fees to recover processing costs for recreation special use applications and monitoring costs for recreation special use authorizations shall include an exemption providing

that at least the first 50 hours of work necessary in any one year to process and/or monitor such an application shall not be subject to cost recovery. The application of a 50-hour credit per permit shall also apply to any monitoring fees on a per annum basis during the term of each permit.

(2) APPLICATION OF EXEMPTION.—An exemption under paragraph (1) shall apply to the processing of each recreation special use permit application and monitoring of each recreation special use authorization for which cost recovery is required, including any application or authorization requiring more than 50 hours (or such other greater number of hours specified for exemption) to process or monitor. In the event that the amount of work required to process such an application or monitor such an authorization exceeds the specified exemption, the amount of work for which cost recovery is required shall be reduced by the amount of the exemption.

(3) MULTIPLE APPLICATIONS.—In situations involving multiple recreation special use applications for similar services in the same unit or area that require more than 50 hours (or such other greater number of hours specified for exemption) in the aggregate to process, the Secretary shall, regardless of

whether the applications are solicited or unsolicited and whether there is competitive interest—

(A) determine the share of the aggregate amount to be allocated to each application, on an equal or prorated basis, as appropriate; and

(B) for each application, apply a separate exemption of up to 50 hours (or such other greater number of hours specified for exemption) to the share allocated to such application.

(4) COST REDUCTION.—The agency processing a recreation special use application shall utilize existing studies and analysis to the greatest extent practicable in order to reduce the amount of work and cost necessary to process the application.

(5) LIMITATION.—The Secretary of the Interior and the Secretary of Agriculture may not recover as processing costs for recreation special use applications and monitoring costs for recreation special use authorizations any costs for consultations conducted under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) or for biological monitoring on Federal recreational lands and waters under such Act for listed, proposed, or candidate species.

(6) WAIVER OF COST RECOVERY.—The Secretary of the Interior and the Secretary of Agri-

culture may waive the recovery of costs for processing recreation special use permit applications and renewals, on a categorical or case-by-case basis as appropriate, if the Secretary determines that—

(A) such costs would impose a significant economic burden on any small business or category of small businesses;

(B) such cost recovery could threaten the ability of an applicant or permittee to provide, in a particular area, a particular outdoor recreational activity that is consistent with the public interest and with applicable resource management plans; or

(C) prevailing economic conditions are unfavorable, such as during economic recessions, or when drought, fire, or other natural disasters have depressed economic activity in the area of operation.

SEC. 11. EXTENSION OF FOREST SERVICE RECREATION PRIORITY USE PERMITS.

Where the holder of a special use permit for outfitting and guiding that authorizes priority use has submitted a request for renewal of such permit in accordance with applicable laws and regulations, the Secretary of Agriculture shall have the authority to grant the holder one or more

extensions of the exiting permit for additional items not to exceed 5 years in the aggregate, as necessary to allow the Secretary to complete the renewal process and to avoid the interruption of services under such permit. Before granting an extension under this section, the Secretary shall take all reasonable and appropriate steps to complete the renewal process before the expiration of the special use permit.

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