



**OHMVR COMMISSION MEETING  
El Dorado County Board of Supervisors Chambers**

**September 15, 2012**

**STAFF REPORT:** Legislation Update  
**STAFF:** Dan Canfield, Planning Manager  
**SUBJECT:** California and Federal Legislation

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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 August 30, 2012. Changes in status of some bills, or introduction of new bills, may occur between the date this report was prepared and the Commission meeting date.

**Discussion**

**CALIFORNIA LEGISLATION UPDATE**

**Assembly Bill 1595 (Cook): Recreational Off-Highway Vehicles**

**Summary:** This bill establishes a definition for Recreational Off-Highway Vehicles (ROVs) in the California Vehicle Code (CVC). It also includes language which addresses safety concerns related to the operation of ROVs such as: sets an age limit and/or requires direct supervision by an authorized adult or parent/guardian, requires operators of ROVs to wear helmets, passengers must be able to grip the safety bar and have their feet on the floor while securely seat-belted into a seat, and it makes it illegal to install after-market seats in locations not originally provided by the manufacturer.

**Status:** Legislation was approved by Governor Edmund G. Brown on July 24, 2012, and will become effective on January 1, 2013.

**FEDERAL LEGISLATION**

**HR 6286 (Sam Farr, D-CA17): Clear Creek National Recreation and Conservation Act of 2012**

**Summary:** Introduced on August 2, 2012, this legislation proposes to establish the Clear Creek National Recreation Area to promote environmentally responsible high quality motorized and non-motorized trail based recreation, including off-highway

vehicle use, scenic touring, access for hunting and gem collecting, while protecting ecological, geological, scenic, cultural, and historical resources, fish and wildlife values, and other resources of the landscape. The area proposed would consist of approximately 75,000 acres of Federal land in San Benito and Fresno Counties.

**Status:** Bill referred to House Natural Resources Committee and Subcommittee on National Parks, Forests and Public Lands on August 14, 2012.

**HR 4109 (Elton Gallegly, R-CA24): Los Padres Conservation and Recreation Act of 2012**

**Summary:** Introduced February 29, 2012, this bill designates additional National Forest System land in the Los Padres National Forest in the State of California as wilderness to make certain wild and scenic river designations in that National Forest, to designate the Condor Ridge Scenic Area, to address off-highway vehicle use in that National Forest, to facilitate a land exchange with the United Water Conservation District of California, and for other purposes.

**Status:** Bill referred to House Natural Resources Committee/ Subcommittee on National Parks, Forests and Public Lands on February 29, 2012.

**Commission Action**

For information only.

**Attachments**

AB 1595 – OHMVR Division Information Bulletin, Number 01, August 15, 2012

AB 1595 – Full Bill Text

HR 6286 – Full Bill Text

HR 4109 – Full Bill Text

HR 4109 – Maps of proposed Los Padres National Forest OHV areas



# OFF-HIGHWAY MOTOR VEHICLE RECREATION DIVISION INFORMATION BULLETIN

Volume 12

August 15, 2012

Number 01

## Assembly Bill 1595 Recreational Off-Highway Vehicles

### What is it?

Assembly Bill 1595 (Cook) was approved by Governor Edmund G. Brown on July 24, 2012. This law will add a definition for Recreational Off-Highway Vehicle (ROV) to the California Vehicle Code (CVC). This law will also provide rules regulating the operation of ROV's. AB 1595 is a manufacturer association sponsored bill designed to address concerns for the safe operation of ROV's. The bill authors' office contacted the Off-Highway Motor Vehicle Recreation Division for technical review. The law will become effective on January 1<sup>st</sup>, 2013.

### What does the bill do?

Defines an ROV as meeting the following criteria; CVC Section 500:

- a. Designed by the manufacturer for operation primarily off of the highway.
- b. Has a steering wheel for control.
- c. Has non-straddle seating provided by the manufacturer for the operator and all passengers.
- d. (1) Has a maximum speed capability of greater than 30 miles per hour.  
(2) A vehicle designed by the manufacturer with a maximum speed capability of 30 miles per hour or less, but is modified so that it has a maximum speed capability of greater than 30 miles per hour is an ROV.
- e. Has an engine displacement equal to or less than 1,000cc (61 ci).

Operational and Safety Requirements; Division 16.5, CVC Sections:

- a. 38600: Operator of a ROV shall be at least 16 years of age, or be directly supervised in the vehicle by a parent or guardian or adult authorized by the parent or guardian.
- b. 38601: Safety helmet required for operator and passengers of ROV (reference 27802)
- c. 38602: Seat/shoulder belt or safety harness required to be worn when ROV is in motion.
- d. 38603: Operator of ROV shall not allow passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger.
- e. 38604: Operator of ROV shall not allow a passenger unless the passenger is seated upright with back against seatback, both feet flat on floor board, and can grasp the occupant handhold with the seatbelt/ safety harness properly fastened.

### Next Steps

- The bill authors' office is aware of public concerns with certain sections of the bill and is actively looking at ways to address them with amendments.
- Comments, suggested improvements to the bill and concerns may be sent to: [ohvinfo@parks.ca.gov](mailto:ohvinfo@parks.ca.gov) with a subject line of AB 1595. The Off-highway Motor Vehicle recreation Division will respond to all inquiries.

## Assembly Bill No. 1595

### CHAPTER 165

An act to amend Section 38012 of, to add Section 500 to, and to add Chapter 8 (commencing with Section 38600) to Division 16.5 of, the Vehicle Code, relating to vehicles.

[Approved by Governor July 24, 2012. Filed with  
Secretary of State July 24, 2012.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1595, Cook. Vehicles: recreational off-highway vehicles.

(1) Existing law establishes rules for the operation of, and requirements for equipment of, an off-highway vehicle. A violation of these rules and requirements is a crime.

This bill would define an off-highway motor vehicle to include a recreational off-highway vehicle, as defined. The bill would establish additional requirements governing the operation of a recreational off-highway vehicle. Because a violation of these provisions is a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 500 is added to the Vehicle Code, to read:

500. "Recreational off-highway vehicle" means a motor vehicle meeting all of the following criteria:

(a) Designed by the manufacturer for operation primarily off of the highway.

(b) Has a steering wheel for steering control.

(c) Has nonstraddle seating provided by the manufacturer for the operator and all passengers.

(d) (1) Has a maximum speed capability of greater than 30 miles per hour.

(2) A vehicle designed by the manufacturer with a maximum speed capability of 30 miles per hour or less but is modified so that it has a maximum speed capability of greater than 30 miles per hour satisfies the criteria set forth in this subdivision.

(e) Has an engine displacement equal to or less than 1,000cc (61 ci).

SEC. 2. Section 38012 of the Vehicle Code is amended to read:

38012. (a) As used in this division, “off-highway motor vehicle subject to identification” means a motor vehicle subject to subdivision (a) of Section 38010.

(b) As used in this division, “off-highway motor vehicle” includes, but is not limited to, the following:

(1) A motorcycle or motor-driven cycle, except for any motorcycle that is eligible for a special transportation identification device issued pursuant to Section 38088.

(2) A snowmobile or other vehicle designed to travel over snow or ice, as defined in Section 557.

(3) A motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle.

(4) A motor vehicle commonly referred to as a jeep.

(5) A recreational off-highway vehicle as defined in Section 500.

SEC. 3. Chapter 8 (commencing with Section 38600) is added to Division 16.5 of the Vehicle Code, to read:

#### CHAPTER 8. RECREATIONAL OFF-HIGHWAY VEHICLES

38600. A person operating a recreational off-highway vehicle shall be at least 16 years of age, or be directly supervised in the vehicle by a parent or guardian or by an adult authorized by the parent or guardian.

38601. A person shall not operate, or allow a passenger in, a recreational off-highway vehicle unless the person and the passenger are wearing safety helmets meeting the requirements established for motorcycles and motorized bicycles pursuant to Section 27802.

38602. A person operating, and any passenger in, a recreational off-highway vehicle shall wear a seatbelt and shoulder belt or safety harness that is properly fastened when the vehicle is in motion.

38603. A person operating a recreational off-highway vehicle shall not allow a passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger.

38604. A person operating a recreational off-highway vehicle shall not ride with a passenger, unless the passenger, while seated upright with his or her back against the seatback with both feet flat on the floorboard, can grasp the occupant handhold with the seatbelt and shoulder belt or safety harness properly fastened.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime

within the meaning of Section 6 of Article XIII B of the California Constitution.

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112TH CONGRESS  
2D SESSION

# H. R. 6286

To establish the Clear Creek National Recreation Area in the State of California, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Mr. FARR 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 the State of California, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clear Creek National  
5 Recreation Area and Conservation Act of 2012”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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



1           (1) IN GENERAL.—As soon as practicable, after  
2           the date of the enactment of this Act, the Secretary  
3           shall submit a map and legal description of the  
4           Recreation Area to—

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

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

9           (2) AVAILABILITY.—Copies of the map sub-  
10          mitted under paragraph (1) shall be on file and  
11          available for public inspection in—

12                   (A) the Office of the Director of the Bu-  
13                   reau of Land Management; and

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

16 **SEC. 4. MANAGEMENT.**

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

20                   (1) this Act;

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

23                   (3) any other applicable law.

24          (b) USES.—The Secretary shall—

1           (1) allow hiking, camping, hunting, gem col-  
2           lecting, and sightseeing and the use of motorized ve-  
3           hicles, mountain bikes, and horses on designated  
4           roads, trails, and areas;

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

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

12          (c) INTERIM MANAGEMENT PLAN.—The Secretary  
13          shall use the 2005 Clear Creek Management Area Travel  
14          Management Plan as modified by this Act, or by the Sec-  
15          retary to incorporate natural resource protection informa-  
16          tion not available in 2005, as the basis of an interim man-  
17          agement plan to govern motorized recreation within the  
18          Recreation Area pending the completion of the long-term  
19          management plan required in subsection (d).

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

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

4           (2) shall be prepared in consultation with—

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

8                 (B) adjacent land owners; and

9                 (C) other stakeholders (including conserva-  
10 tion and recreational organizations);

11           (3) shall include a hazards education program  
12 to inform people entering the Recreation Area of the  
13 asbestos related risks associated with various activi-  
14 ties within the Recreation Area, including, but not  
15 limited to, off-highway vehicle recreation;

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

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

1           (6) may incorporate appropriate wildlife habitat  
2 management plans or other plans prepared for the  
3 land within or adjacent to the Recreation Area be-  
4 fore the date of the enactment of this Act, in accord-  
5 ance with this Act;

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

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

15 (e) ACQUISITION OF PROPERTY.—

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

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

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

24               (B) this Act; and

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

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

8 (f) PRIVATE PROPERTY.—

9 (1) ACCESS TO PRIVATE PROPERTY.—

10 (A) IN GENERAL.—The Secretary shall  
11 provide landowners adequate access to inhold-  
12 ings within the Recreation Area.

13 (B) INHOLDINGS.—For access purposes,  
14 private land adjacent to the Recreation Area to  
15 which there is no other practicable access ex-  
16 cept through the Recreation Area shall be man-  
17 aged as an inholding.

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

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

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

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

7           (1) shall constitute or be construed to con-  
8           stitute either an express or implied reservation by  
9           the United States of any water or water rights with  
10          respect to the Recreation Area; or

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

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

14          (1) limits hunting or fishing; or

15          (2) affects the authority, jurisdiction, or respon-  
16          sibility of the State to manage, control, or regulate  
17          fish and resident wildlife under State law (including  
18          regulations), including the regulation of hunting or  
19          fishing on public land managed by the Bureau of  
20          Land Management.

21          (i) MOTORIZED VEHICLES.—Except in cases in which  
22          motorized vehicles are needed for administrative purposes  
23          or to respond to an emergency, the use of motorized vehi-  
24          cles on public land in the Recreation Area shall be per-

1 mitted only on roads, trails, and areas designated by the  
2 management plan for the use by motorized vehicles.

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

7 (1) this Act;

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

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

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

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

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

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

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

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

3           (2) made available until expended, without fur-  
4           ther appropriation, to the Secretary for use in the  
5           Recreation Area.

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

14       **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

15          In accordance with the Wilderness Act (16 U.S.C.  
16          1131 et seq.), the approximately 21,000 acres of Federal  
17          lands located in Fresno County and San Benito County,  
18          California, and generally depicted on a map entitled “Pro-  
19          posed Joaquin Rocks Wilderness” and dated March 11,  
20          2012, is designated as wilderness areas and as components  
21          of the National Wilderness Preservation System and shall  
22          be known as the “Joaquin Rocks Wilderness”.

1 **SEC. 6. CLEAR CREEK MANAGEMENT AREA WILD AND SCE-**  
2 **NIC RIVERS.**

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

6 “(208) LARIOUS CANYON.—The approximately  
7 5.25 miles of Larious Canyon Creek from its source  
8 near Idria Peak in Section 6, R12E, T18S, to the  
9 boundary of the Clear Creek Special Recreation  
10 Management Area in Section 23, R11E, T17S.

11 “(209) SAN CARLOS CREEK.—The approxi-  
12 mately 5.51 miles of the East Fork San Carlos  
13 Creek from its source near San Benito Mountain in  
14 Section 10, R12E, T18S, to the boundary of the  
15 Clear Creek Special Recreation Management Area in  
16 Section 22, R12E, T17S.

17 “(210) CANTUA CREEK.—The approximately  
18 7.68 miles of Cantua Creek from its source north of  
19 Santa Rita Peak in Section 24, R12E, T18S, to the  
20 public land boundary in Section 3, R13E, T18S.

21 “(211) PICACHO CREEK.—The approximately  
22 2.65 miles of Picacho Creek, from its source spring  
23 in Section 20, R12E, T18S, to its confluence with  
24 the San Benito River.

25 “(212) WHITE CREEK AND TRIBUTARIES.—

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

6           “(B) The approximately 2.29 miles of the  
7 unnamed tributary of White Creek from its  
8 source just south of Spanish Lake in Section  
9 29, R13E, T18S, to its confluence with White  
10 Creek.

11           “(C) The approximately 2.45 miles of the  
12 unnamed tributary of White Creek from its  
13 source in Section 33, R13E, T18S, to its con-  
14 fluence with White Creek.”.

○

112TH CONGRESS  
2D SESSION

# H. R. 4109

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 2012

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

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## A BILL

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

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

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

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

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

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

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

Sec. 4. False surveys within the National Forest.

TITLE I—ADDITIONS TO NATIONAL WILDERNESS PRESERVATION  
SYSTEM

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

Sec. 102. Administration.

TITLE II—ADDITIONS TO NATIONAL WILD AND SCENIC RIVER  
SYSTEM

Sec. 201. Designation of wild and scenic rivers.

TITLE III—CONDOR RIDGE SCENIC AREA

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

Sec. 302. Administration.

TITLE IV—OFF HIGHWAY VEHICLE USE

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

Sec. 402. Designation of off highway vehicle areas.

Sec. 403. Construction of new trails.

TITLE V—LAND EXCHANGE

Sec. 501. Short title.

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

22          (c) RECREATIONAL OPPORTUNITIES AND VALUES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16       (b) MAPS AND LEGAL DESCRIPTIONS.—

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

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

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

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

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

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

18 **SEC. 102. ADMINISTRATION.**

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

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

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

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

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

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

13 (c) BUFFER ZONES.—

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

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

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

4 (e) FIRE MANAGEMENT AND RELATED ACTIVI-  
5 TIES.—

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

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

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

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

4 (4) PRE-SUPPRESSION ACTIVITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

11 “(\_\_\_\_\_) UPPER PIRU CREEK, CALIFORNIA.—

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

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

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

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

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

18          “(B) EFFECT OF DESIGNATION.—Nothing  
19          in subparagraph (A) shall affect the designated  
20          use, including motorized and mechanized vehi-  
21          cles, of all trails adjacent to and crossing Upper  
22          Piru Creek.

23          “(\_\_\_\_\_) UPPER SESPE CREEK, CALIFORNIA.—

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

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

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

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

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

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

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

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

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

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

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

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

23 (a) ESTABLISHMENT AND PURPOSES.—

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

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

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

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

12 (b) MAP AND DESCRIPTION.—

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

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

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

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

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

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

11 **SEC. 302. ADMINISTRATION.**

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

14           (1) administer the scenic area—

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

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

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

22           (b) MOTORIZED VEHICLES.—

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

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

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

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

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

18 (e) MANAGEMENT PLAN.—

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

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

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

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

6 (1) subject to applicable law; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (c) MANAGEMENT.—

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

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

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

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

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

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

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

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

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

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

21 (b) CONSTRUCTION OF TRAILS.—

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

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

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

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

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

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

1           **TITLE V—LAND EXCHANGE**

2   **SEC. 501. SHORT TITLE.**

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

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

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

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

24                   (1) **TRACT A.**—SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of section 16 (ap-  
25 proximately 40 acres).

1           (2) TRACT B.—NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 16 (ap-  
2           proximately 40 acres).

3           (3) TRACT C.—S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> of section 16 (approxi-  
4           mately 80 acres).

5           (4) TRACT D.—NE<sup>1</sup>/<sub>4</sub> of section 21 (approxi-  
6           mately 160 acres).

7           (5) TRACT E.—N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of section 15  
8           (approximately 20 acres).

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

15               (1) TRACT 1.—E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> of section 10 (ap-  
16               proximately 80 acres).

17               (2) TRACT 2.—NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of section 15 (ap-  
18               proximately 40 acres).

19               (3) TRACT 3.—S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section  
20               15 (approximately 5 acres).

21               (4) TRACT 4.—N<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> of section 15  
22               (approximately 20 acres).

23               (5) TRACT 5.—S<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 15  
24               (approximately 10 acres).

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

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

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

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

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

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

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

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

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

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

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

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

1           (18) TRACT 18.—SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 22 (ap-  
2 proximately 40 acres).

3           (19) TRACT 19.—E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> of section 22 (ap-  
4 proximately 80 acres).

5           (20) TRACT 20.—N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of section 22  
6 (approximately 20 acres).

7           (21) TRACT 21.—W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> of section 27 (ap-  
8 proximately 60 acres).

9           (22) TRACT 22.—NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of section  
10 27 (approximately 10 acres).

11 (d) IMPLEMENTATION OF LAND EXCHANGE.—

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

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

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

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

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

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

24 (e) EASEMENTS AND ACCESS.—

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

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

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

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

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

7 (h) EQUAL VALUE EXCHANGE.—

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

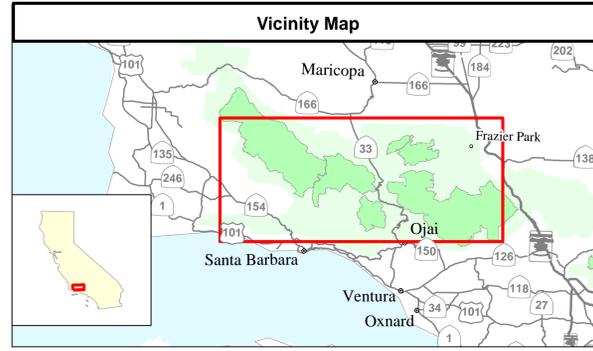
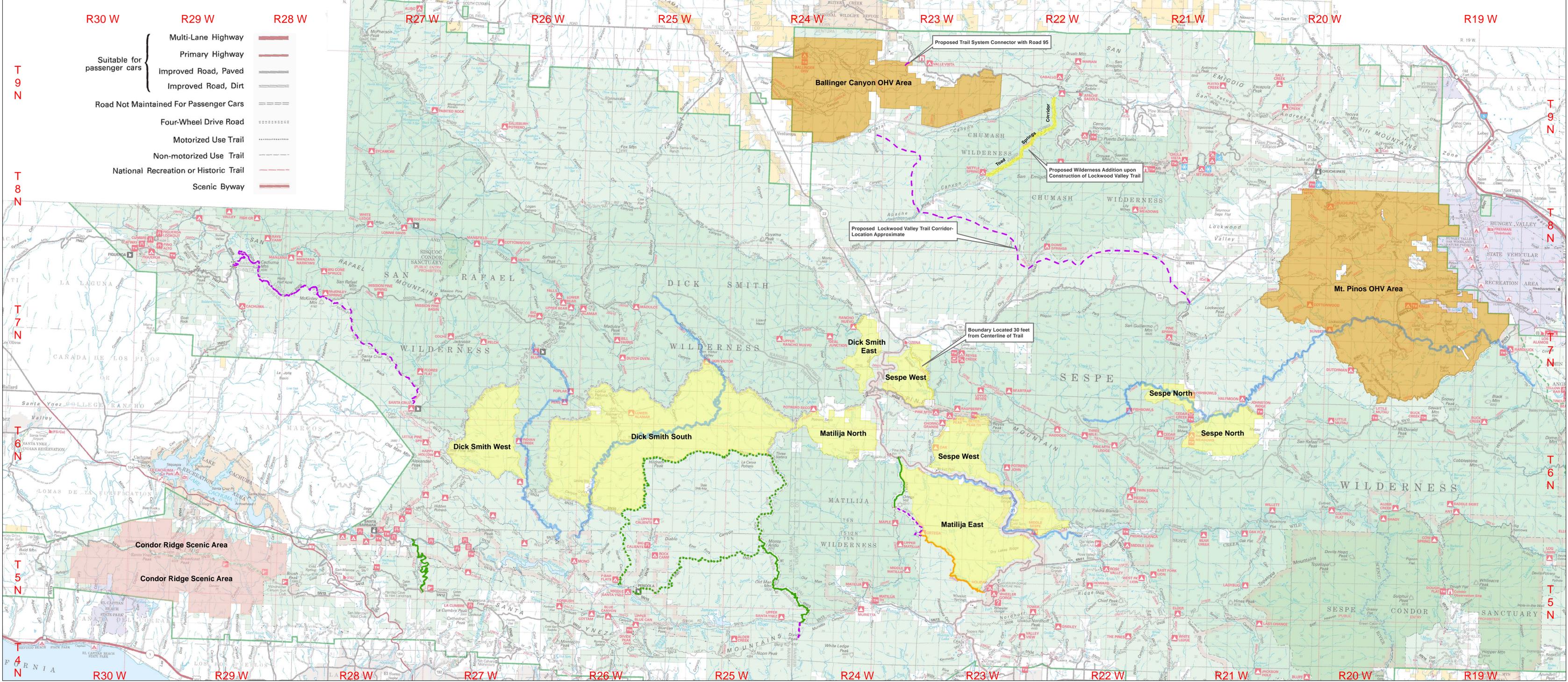
15 (2) CASH EQUALIZATION.—If the value of the  
16 lands to be conveyed by the District under sub-  
17 section (a) is less than the value of the lands to be  
18 conveyed by the Secretary, the values of the lands  
19 may be equalized through the payment by the Dis-  
20 trict of a cash equalization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

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

6           (i) MANAGEMENT OF ACQUIRED LANDS.—For pur-  
7           poses of section 7 of the Land and Water Conservation  
8           Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of  
9           the Los Padres National Forest, as adjusted as a result  
10          of the land exchange under this section, shall be consid-  
11          ered to be the boundaries of that national forest as of Jan-  
12          uary 1, 1965. The District lands acquired by the Secretary  
13          under this section shall be added to and administered as  
14          part of the Los Padres National Forest in accordance with  
15          the laws and regulations applicable to that national forest.

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

○



**References**  
 Map prepared by the USDA Forest Service, Region 5 Geospatial Services at the request of Congressman Elton Gallegly, CA.

**Disclaimer**  
 The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.



- Existing Road - Proposed Open to Highway Legal Vehicles Only
- - - Existing Road - Proposed Open to High Clearance Vehicles and Non-Highway Legal Vehicles Greater than 50" in Width
- - - Proposed New Motorized Trail - Open to Wheeled Vehicles Less than 50" in Width
- Proposed - Motorcycle Only Trail
- Proposed Wilderness Addition
- Proposed Wild and Scenic River
- Proposed Scenic Area
- Proposed OHV Area
- Existing National Forest Wilderness
- National Forest Land

Sheet 1 of 1

Map Creation Date - February 27, 2012

**Wilderness, Scenic Area, OHV Area and Route Proposal**

Los Padres Conservation and Recreation Act of 2012  
 H.R. 4109

USDA Forest Service - Pacific Southwest Region  
 Los Padres National Forest  
 U.S. Congressional District 24

This map is available at the Pacific Southwest Regional Office, Vallejo, CA.