

114TH CONGRESS
1ST SESSION

H. R. 496

To establish the Alabama Hills National Scenic Area in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2015

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

A BILL

To establish the Alabama Hills National Scenic Area in the State of California, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Alabama Hills National Scenic Area, California.
- Sec. 4. Management plan.
- Sec. 5. Land taken into trust for Lone Pine Paiute-Shoshone Reservation.
- Sec. 6. Transfer of administrative jurisdiction.

Sec. 7. Protection of services and recreational opportunities.

Sec. 8. Land conveyance to eliminate encroachment on public lands.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (2) **MAP.**—Except in section 8, the term “Map”
7 means the map titled “Proposed Alabama Hills Na-
8 tional Scenic Area”, dated September 8, 2014.

9 (3) **MOTORIZED VEHICLES.**—The term “motor-
10 ized vehicles” means motorized or mechanized vehi-
11 cles and includes, when used by utilities, mechanized
12 equipment, helicopters, and other aerial devices nec-
13 essary to maintain electrical or communications in-
14 frastructure.

15 (4) **NATIONAL SCENIC AREA.**—The term “Na-
16 tional Scenic Area” means the Alabama Hills Na-
17 tional Scenic Area established by section 3(a).

18 (5) **SECRETARY.**—The term “Secretary” means
19 the Secretary of the Interior.

20 (6) **STATE.**—The term “State” means the State
21 of California.

22 (7) **TRIBE.**—The term “Tribe” means the
23 Lone-Pine Paiute Shoshone Tribe.

1 (8) UTILITY FACILITY.—The term “utility facil-
2 ity” means any and all existing and future electric
3 generation facilities, electric storage facilities, over-
4 head and/or underground electrical supply systems
5 and communication systems consisting of electric
6 substations, electric lines, poles and towers made of
7 various materials, “H” frame structures, guy wires
8 and anchors, crossarms, wires, underground con-
9 duits, cables, vaults, manholes, handholes, above-
10 ground enclosures, markers and concrete pads and
11 other fixtures, appliances and communication cir-
12 cuits, and other fixtures, appliances and appur-
13 tenances connected therewith necessary or conven-
14 ient for the construction, operation, regulation, con-
15 trol, grounding and maintenance of electric genera-
16 tion, storage, lines and communication circuits, for
17 the purpose of transmitting intelligence and gener-
18 ating, storing, distributing, regulating and control-
19 ling electric energy to be used for light, heat, power,
20 communication, and other purposes.

21 **SEC. 3. ALABAMA HILLS NATIONAL SCENIC AREA, CALI-**
22 **FORNIA.**

23 (a) ESTABLISHMENT.—Subject to valid, existing
24 rights, there is established in Inyo County, California, the
25 Alabama Hills National Scenic Area. The National Scenic

1 Area shall be comprised of the approximately 18,610 acres
2 generally depicted on the Map as “National Scenic Area”.

3 (b) PURPOSE.—The purpose of the National Scenic
4 Area is to conserve, protect, and enhance for the benefit,
5 use, and enjoyment of present and future generations the
6 nationally significant scenic, cultural, geological, edu-
7 cational, biological, historical, recreational, cinemato-
8 graphic, and scientific resources of the National Scenic
9 Area managed consistent with section 302(a) of the Fed-
10 eral Land Policy and Management Act of 1976 (43 U.S.C.
11 1732(a)).

12 (c) MAP; LEGAL DESCRIPTIONS.—

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

17 (A) the Committee on Energy and Natural
18 Resources of the Senate; and

19 (B) the Committee on Natural Resources
20 of the House of Representatives.

21 (2) FORCE OF LAW.—The map and legal de-
22 scriptions filed under paragraph (1) shall have the
23 same force and effect as if included in this Act, ex-
24 cept that the Secretary may correct any clerical and

1 typographical errors in the map and legal descrip-
2 tions.

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

8 (d) ADMINISTRATION.—The Secretary shall manage
9 the National Scenic Area—

10 (1) as a component of the National Landscape
11 Conservation System;

12 (2) so as not to impact the future continuing
13 operations and maintenance of any activities associ-
14 ated with valid, existing rights, including water
15 rights;

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

19 (4) in accordance with—

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

22 (B) this Act; and

23 (C) any other applicable laws.

24 (e) MANAGEMENT.—

1 (1) IN GENERAL.—The Secretary shall allow
2 only such uses of the National Scenic Area as the
3 Secretary determines would support the purposes of
4 the National Scenic Area as described in subsection
5 (b).

6 (2) RECREATIONAL ACTIVITIES.—Except as
7 otherwise provided in this Act or other applicable
8 law, or as the Secretary determines to be necessary
9 for public health and safety, the Secretary shall
10 allow existing recreational uses of the National Sce-
11 nic Area to continue, including hiking, mountain
12 biking, rock climbing, sightseeing, horseback riding,
13 hunting, fishing, and appropriate authorized motor-
14 ized vehicle use.

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

21 (A) roads and trails designated by the Di-
22 rector of the Bureau of Land Management for
23 use of motorized vehicles as part of a manage-
24 ment plan sustaining a semi-primitive motorized
25 experience; or

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

3 (f) ACQUISITION OF LAND.—

4 (1) IN GENERAL.—The Secretary may acquire
5 non-Federal land within the boundaries of the Na-
6 tional Scenic Area only through exchange, donation,
7 or purchase from a willing seller.

8 (2) MANAGEMENT.—Land acquired under para-
9 graph (1) shall be—

10 (A) considered to be a part of the National
11 Scenic Area; and

12 (B) managed in accordance with this Act
13 and any other applicable laws.

14 (g) NO BUFFER ZONES.—

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

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

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

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

7 (1) subject to—

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

11 (B) applicable law; and

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

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

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

22 (1) subject to—

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

1 (B) applicable law; and

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

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

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

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

13 (3) flight testing and evaluation; or

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

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

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

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

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

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

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

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

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

20 (1) Nothing in this Act shall—

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

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

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

7 (C) preclude the establishment of new util-
8 ity facilities or rights of way (including
9 instream sites, routes, and areas) within the
10 National Scenic Area if such facilities—

11 (i) are necessary for public health and
12 safety, electricity supply, telecommuni-
13 cations, or other utility services;

14 (ii) are deemed necessary by the Cali-
15 fornia Public Utilities Commission (CPUC)
16 and/or California Independent System Op-
17 erator (CAISO);

18 (iii) comply with the National Envi-
19 ronmental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.) and/or California Environ-
21 mental Quality Act; and

22 (iv) are determined, pursuant to the
23 process prescribed by the laws referred to
24 in clause (iii), to be designed and con-
25 structed, to the extent practical, consistent

1 with the purposes of the National Scenic
2 Area, taking into consideration—

3 (I) siting the utility facilities or
4 rights of way outside of the National
5 Scenic Area; and

6 (II) mitigating impacts to the
7 National Scenic Area, to the extent
8 feasible, from the utility facilities or
9 rights of way; or

10 (D) preclude the use of motorized vehicles
11 on and off roads and trails designated for use
12 by motorized vehicles, including but not limited
13 to the use of mechanized equipment, heli-
14 copters, and/or other aerial vehicles or devices,
15 as necessary or efficient for the performance of
16 activities related to the operation, maintenance,
17 expansion, and/or construction of any utility fa-
18 cilities, including lines, and/or rights of way.

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

23 **SEC. 4. MANAGEMENT PLAN.**

24 (a) IN GENERAL.—Not later than 3 years after the
25 date of enactment of this Act, in accordance with sub-

1 section (b), the Secretary shall develop a comprehensive
2 plan for the long-term management of the National Scenic
3 Area.

4 (b) CONSULTATION.—In developing the management
5 plan, the Secretary shall consult with—

6 (1) appropriate State, tribal, and local govern-
7 mental entities, including Inyo County, the Los An-
8 geles Department of Water and Power, and the
9 Tribe;

10 (2) investor-owned utilities, including Southern
11 California Edison Company;

12 (3) the Alabama Hills Stewardship Group; and

13 (4) members of the public.

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

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

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

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

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

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

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

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

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

2 Administrative jurisdiction of the approximately 40
3 acres of Federal land depicted on the Map as “USFS
4 Transfer to BLM” is hereby transferred from the Forest
5 Service under the Secretary of Agriculture to the Bureau
6 of Land Management under the Secretary.

7 **SEC. 7. PROTECTION OF SERVICES AND RECREATIONAL**
8 **OPPORTUNITIES.**

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

16 **SEC. 8. LAND CONVEYANCE TO ELIMINATE ENCROACH-**
17 **MENT ON PUBLIC LANDS.**

18 (a) DEFINITIONS.—In this section:

19 (1) AUTHORIZED OFFER PERIOD.—The term
20 “authorized offer period” means the 120-day period
21 beginning on the date on which the required ap-
22 praisal of the Federal land is completed under sub-
23 section (c).

24 (2) FEDERAL LAND.—The term “Federal land”
25 means the smallest parcel of land within the ap-
26 proximately four acres of Bureau of Land Manage-

1 ment land identified on the map as the “Conveyance
2 Area” that—

3 (A) the Secretary determines can be rea-
4 sonably described in legal language and effec-
5 tively administered; and

6 (B) encompasses construction completed
7 by Reginald Cook or his predecessor in interest
8 as of the cadastral survey completed by the Bu-
9 reau of Land Management on April 21, 2011,
10 and certified on October 12, 2011.

11 (3) MAP.—The term “map” means the map ti-
12 tled “Proposed Conveyance Property”, dated Janu-
13 ary 15, 2015, and on file in the appropriate office
14 of the Director of the Bureau of Land Management.

15 (4) REGINALD COOK.—The term “Reginald
16 Cook” means Mr. Reginald Cook, the owner of prop-
17 erty adjacent to the Conveyance Area identified on
18 the map.

19 (b) CONVEYANCE AUTHORIZED.—If, before the end
20 of the authorized offer period, Reginald Cook submits to
21 the Secretary an offer to acquire the Federal land con-
22 sistent with subsections (d) and (e), the Secretary shall
23 convey to Reginald Cook, upon payment of the required
24 consideration, all right, title, and interest of the United
25 States in and to the surface estate of the Federal land.

1 The conveyance of the Federal land is subject to valid ex-
2 isting rights.

3 (c) APPRAISAL.—Not later than 120 days after the
4 date of the enactment of this Act, the Secretary shall com-
5 plete an appraisal of the Federal land in accordance with
6 the “Uniform Appraisal Standards for Federal Land Ac-
7 quisitions” and the “Uniform Standards of Professional
8 Appraisal Practice”.

9 (d) CONSIDERATION.—As consideration for the con-
10 veyance of the Federal land, Reginald Cook shall pay to
11 the United States, for deposit in the general fund of the
12 Treasury, an amount equal to the appraised value of the
13 Federal land.

14 (e) CONDITIONS.—

15 (1) PAYMENT OF COSTS OF CONVEYANCE.—
16 Reginald Cook shall cover any administrative costs
17 incurred by the Secretary to carry out the convey-
18 ance of the Federal land, including the costs of any
19 environmental, wildlife, cultural, or historical re-
20 sources studies.

21 (2) RELEASE.—As a condition of the convey-
22 ance of the Federal land, Reginald Cook shall agree
23 in writing to release and indemnify the United
24 States from any claims or liabilities that may arise

1 from use of the Federal land by the United States
2 or Reginald Cook before the date of the conveyance.

3 (f) ACCESS.—The Secretary shall continue to provide
4 Reginald Cook with access to his property as required by
5 section 3(h), subject to part 2800 of title 43, Code of Fed-
6 eral Regulations.

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