

Union Calendar No. 445

114TH CONGRESS
2^D SESSION

H. R. 496

[Report No. 114-575]

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

MAY 19, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 22, 2015]

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 “Ala-*
 5 *bama 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.

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

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

13 (2) *MAP.*—*The term “Map” means the map ti-*
 14 *tled “Proposed Alabama Hills National Scenic Area”,*
 15 *dated September 8, 2014.*

16 (3) *MOTORIZED VEHICLES.*—*The term “motor-*
 17 *ized vehicles” means motorized or mechanized vehicles*
 18 *and includes, when used by utilities, mechanized*
 19 *equipment, helicopters, and other aerial devices nec-*
 20 *essary to maintain electrical or communications in-*
 21 *frastructure.*

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

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

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

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

10 (8) *UTILITY FACILITY.*—*The term “utility facil-*
11 *ity” means any and all existing and future water*
12 *system facilities including aqueducts, streams, ditches,*
13 *and canals; water facilities including, but not limited*
14 *to, flow measuring stations, gauges, gates, valves, pip-*
15 *ing, conduits, fencing, and electrical power and com-*
16 *munications devices and systems; and any and all ex-*
17 *isting and future electric generation facilities, electric*
18 *storage facilities, overhead and/or underground elec-*
19 *trical supply systems and communication systems*
20 *consisting of electric substations, electric lines, poles*
21 *and towers made of various materials, “H” frame*
22 *structures, guy wires and anchors, crossarms, wires,*
23 *underground conduits, cables, vaults, manholes,*
24 *handholes, above-ground enclosures, markers and con-*
25 *crete pads and other fixtures, appliances and commu-*

1 *nication circuits, and other fixtures, appliances and*
2 *appurtenances connected therewith necessary or con-*
3 *venient for the construction, operation, regulation,*
4 *control, grounding and maintenance of electric gen-*
5 *eration, storage, lines and communication circuits,*
6 *for the purpose of transmitting intelligence and gener-*
7 *ating, storing, distributing, regulating and control-*
8 *ling electric energy to be used for light, heat, power,*
9 *communication, and other purposes.*

10 **SEC. 3. ALABAMA HILLS NATIONAL SCENIC AREA, CALI-**
11 **FORNIA.**

12 (a) *ESTABLISHMENT.*—*Subject to valid, existing*
13 *rights, there is established in Inyo County, California, the*
14 *Alabama Hills National Scenic Area. The National Scenic*
15 *Area shall be comprised of the approximately 18,610 acres*
16 *generally depicted on the Map as “National Scenic Area”.*

17 (b) *PURPOSE.*—*The purpose of the National Scenic*
18 *Area is to conserve, protect, and enhance for the benefit,*
19 *use, and enjoyment of present and future generations the*
20 *nationally significant scenic, cultural, geological, edu-*
21 *cational, biological, historical, recreational, cinemato-*
22 *graphic, and scientific resources of the National Scenic*
23 *Area managed consistent with section 302(a) of the Federal*
24 *Land Policy and Management Act of 1976 (43 U.S.C.*
25 *1732(a)).*

1 (c) *MAP; LEGAL DESCRIPTIONS.*—

2 (1) *IN GENERAL.*—As soon as practicable after
3 the date of enactment of this Act, the Secretary shall
4 file a map and a legal description of the National
5 Scenic Area with—

6 (A) the Committee on Energy and Natural
7 Resources of the Senate; and

8 (B) the Committee on Natural Resources of
9 the House of Representatives.

10 (2) *FORCE OF LAW.*—The map and legal descrip-
11 tions filed under paragraph (1) shall have the same
12 force and effect as if included in this Act, except that
13 the Secretary may correct any clerical and typo-
14 graphical errors in the map and legal descriptions.

15 (3) *PUBLIC AVAILABILITY.*—Each map and legal
16 description filed under paragraph (1) shall be on file
17 and available for public inspection in the appropriate
18 offices of the Forest Service and Bureau of Land
19 Management.

20 (d) *ADMINISTRATION.*—The Secretary shall manage
21 the National Scenic Area—

22 (1) as a component of the National Landscape
23 Conservation System;

1 (2) *so as not to impact the future continuing op-*
2 *erations and maintenance of any activities associated*
3 *with valid, existing rights, including water rights;*

4 (3) *in a manner that conserves, protects, and en-*
5 *hances the resources and values of the National Scenic*
6 *Area described in subsection (b); and*

7 (4) *in accordance with—*

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

10 (B) *this Act; and*

11 (C) *any other applicable laws.*

12 (e) *MANAGEMENT.—*

13 (1) *IN GENERAL.—The Secretary shall allow*
14 *only such uses of the National Scenic Area as the Sec-*
15 *retary determines would support the purposes of the*
16 *National Scenic Area as described in subsection (b).*

17 (2) *RECREATIONAL ACTIVITIES.—Except as oth-*
18 *erwise provided in this Act or other applicable law,*
19 *or as the Secretary determines to be necessary for*
20 *public health and safety, the Secretary shall allow ex-*
21 *isting recreational uses of the National Scenic Area to*
22 *continue, including hiking, mountain biking, rock*
23 *climbing, sightseeing, horseback riding, hunting, fish-*
24 *ing, and appropriate authorized motorized vehicle*
25 *use.*

1 (3) *MOTORIZED VEHICLES.*—*Except as specified*
2 *within this Act and/or in cases in which motorized*
3 *vehicles are needed for administrative purposes, or to*
4 *respond to an emergency, the use of motorized vehicles*
5 *in the National Scenic Area shall be permitted only*
6 *on—*

7 (A) *roads and trails designated by the Di-*
8 *rector of the Bureau of Land Management for*
9 *use of motorized vehicles as part of a manage-*
10 *ment plan sustaining a semi-primitive motorized*
11 *experience; or*

12 (B) *on county-maintained roads in accord-*
13 *ance with applicable State and county laws.*

14 (f) *NO BUFFER ZONES.*—

15 (1) *IN GENERAL.*—*Nothing in this Act creates a*
16 *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 (g) *ACCESS*.—*The Secretary shall continue to provide*
2 *private landowners adequate access to inholdings in the Na-*
3 *tional Scenic Area.*

4 (h) *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 de-*
13 *scribed in subsection (b).*

14 (i) *FISH AND WILDLIFE*.—*Nothing in this Act affects*
15 *the jurisdiction or responsibilities of the State with respect*
16 *to fish and wildlife.*

17 (j) *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 per-*
21 *mitted 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 de-
3 scribed in subsection (b).

4 (k) *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 Scenic
7 Area, including—

8 (1) transportation, sightseeing and filming
9 flights, general aviation planes, helicopters, hang-glid-
10 ers, and balloonists, for commercial or recreational
11 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 (l) *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 (m) *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 (n) *GRANTS; COOPERATIVE AGREEMENTS.—The Sec-*
10 *retary may make grants to, or enter into cooperative agree-*
11 *ments with, State, tribal, and local governmental entities*
12 *and private entities to conduct research, interpretation, or*
13 *public education or to carry out any other initiative relat-*
14 *ing to the restoration, conservation, or management of the*
15 *National Scenic Area.*

16 (o) *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 (p) *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, reconfigura-*
24 *tion, expansion, inspection, renewal, reconstruc-*
25 *tion, alteration, addition, relocation, improve-*

1 *ment, funding, removal, or replacement of utility*
2 *facilities or appurtenant rights of way within or*
3 *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 subject to sub-*
7 *section (e);*

8 *(C) preclude the Secretary from authorizing*
9 *the establishment of new utility facility rights of*
10 *way (including instream sites, routes, and areas)*
11 *within the National Scenic Area in a manner*
12 *that minimizes harm to the purpose of the Na-*
13 *tional Scenic Area as described in subsection*
14 *(b)—*

15 *(i) with the National Environmental*
16 *Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
17 *and any other applicable law; and*

18 *(ii) subject to such terms and condi-*
19 *tions as the Secretary determines to be ap-*
20 *propriate.*

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

1 **SEC. 4. MANAGEMENT PLAN.**

2 (a) *IN GENERAL.*—Not later than 3 years after the
3 date of enactment of this Act, in accordance with subsection
4 (b), the Secretary shall develop a comprehensive plan for
5 the long-term management of the National Scenic Area.

6 (b) *CONSULTATION.*—In developing the management
7 plan, the Secretary shall—

8 (1) *consult with appropriate State, tribal, and*
9 *local governmental entities, including Inyo County*
10 *and the Tribe; and*

11 (2) *seek input from—*

12 (A) *investor-owned utilities, including*
13 *Southern California Edison Company;*

14 (B) *the Alabama Hills Stewardship Group;*

15 (C) *members of the public; and*

16 (D) *the Los Angeles Department of Water*
17 *and Power.*

18 (c) *INCORPORATION OF MANAGEMENT PLAN.*—In de-
19 *veloping the management plan, in accordance with this sec-*
20 *tion, the Secretary shall allow, in perpetuity, casual-use*
21 *mining limited to the use of hand tools, metal detectors,*
22 *hand-fed dry washers, vacuum cleaners, gold pans, small*
23 *sluices, and similar items.*

24 (d) *INTERIM MANAGEMENT.*—Pending completion of
25 *the management plan, the Secretary shall manage the Na-*
26 *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 Addi-
7 tion” into trust for the benefit of the Tribe, subject to the
8 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 Indian
23 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not
24 be allowed on the land taken into trust pursuant to sub-
25 section (a).

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

2 *Administrative jurisdiction of the approximately 56*
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 OP-**
8 **PORTUNITIES.**

9 *Nothing in this Act shall be construed to limit commer-*
10 *cial services for existing and historic recreation uses as au-*
11 *thorized by the Bureau of Land Management’s permit proc-*
12 *ess. Valid, existing, commercial permits to exercise guided*
13 *recreational opportunities for the public may continue as*
14 *authorized on the day before the date of the enactment of*
15 *this Act.*

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