

114TH CONGRESS
2D SESSION

H. R. 1838

IN THE SENATE OF THE UNITED STATES

JULY 6, 2016

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To establish the Clear Creek National Recreation Area in
San Benito and Fresno Counties, California, to designate
the Joaquin Rocks Wilderness in such counties, and for
other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Clear Creek National
3 Recreation Area and Conservation Act".

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **MANAGEMENT PLAN.**—The term "manage-
7 ment plan" means the Plan for the Recreation Area
8 prepared under section 4(c).

9 (2) **RECREATION AREA.**—The term "Recreation
10 Area" means the Clear Creek National Recreation
11 Area.

12 (3) **SECRETARY.**—The term "Secretary" means
13 the Secretary of the Interior.

14 (4) **STATE.**—The term "State" means the State
15 of California.

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

21 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**
22 **RECREATION AREA.**

23 (a) **IN GENERAL.**—To promote environmentally re-
24 sponsible off highway vehicle recreation, the area generally
25 depicted as "Proposed Clear Creek National Recreation
26 Area" on the map titled "Proposed Clear Creek National

1 Recreation Area” and dated December 15, 2015, is estab-
2 lished as the “Clear Creek National Recreation Area”, to
3 be managed by the Secretary.

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

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

10 (1) the Office of the Director of the Bureau of
11 Land Management; and

12 (2) the appropriate office of the Bureau of
13 Land Management in California.

14 **SEC. 4. MANAGEMENT.**

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

18 (1) this Act;

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

21 (3) any other applicable law.

22 (b) USES.—The Secretary shall—

23 (1) prioritize environmentally responsible off
24 highway vehicle recreation and also facilitate hunt-
25 ing, hiking, gem collecting, and the use of motorized

1 vehicles, mountain bikes, and horses in accordance
2 with the management plan described in subsection
3 (c);

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

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

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

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

11 (D) holders of any easements, rights-of-
12 way, and other valid rights in the Recreation
13 Area;

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

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

24 (5) shall designate as many previously used
25 trails, roads, and other areas for off highway vehicle

1 recreation as feasible in accordance with this in
2 order to provide a substantially similar recreational
3 experience, except that nothing in this paragraph
4 shall be construed as precluding the Secretary from
5 closing any area, trail, or route from use for the
6 purposes of public safety or resource protection;

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

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

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

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

1 (e) ACQUISITION OF PROPERTY.—

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

5 (2) MANAGEMENT.—Any land acquired under
6 paragraph (1) shall be managed in accordance
7 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 law (including
12 regulations).

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

18 (f) PRIVATE PROPERTY.—

19 (1) ACCESS TO PRIVATE PROPERTY.—

20 (A) IN GENERAL.—The Secretary shall
21 provide landowners adequate access to in-
22 holdings within the Recreation Area.

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

1 cept through the Recreation Area shall be man-
2 aged as an inholding.

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

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

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

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

16 (1) shall constitute or be construed to con-
17 stitute either an express or implied reservation by
18 the United States of any water or water rights with
19 respect to the Recreation Area; or

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

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

23 (1) limits hunting or fishing; or

24 (2) affects the authority, jurisdiction, or respon-
25 sibility of the State to manage, control, or regulate

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

5 (i) **MOTORIZED VEHICLES.**—Except in cases in which
6 motorized vehicles are needed for administrative purposes
7 or to respond to an emergency, the use of motorized vehi-
8 cles on public land in the Recreation Area shall be per-
9 mitted only on roads, trails, and areas designated by the
10 management plan for the use by motorized vehicles.

11 (j) **GRAZING.**—In the Recreation Area, the grazing
12 of livestock in areas in which grazing is allowed as of the
13 date of the enactment of this Act shall be allowed to con-
14 tinue, consistent with—

15 (1) this Act;

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

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

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

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

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

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

5 (1) FEES.—Amounts received by the Secretary under
6 the fee structure required by subsection (d)(4) shall be—

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

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

11 (m) RISK STANDARD.—The National Oil and Haz-
12 ardous Substances Pollution Contingency Plan (section
13 300 of title 40, Code of Federal Regulations), published
14 pursuant to section 105 of the Comprehensive Environ-
15 mental Response, Compensation, and Liability Act of
16 1980 (42 U.S.C. 9605), shall not apply to the Secretary's
17 management of asbestos exposure risks faced by the public
18 when recreating within the Clear Creek Recreation Area
19 described in section 3(b).

20 **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

21 In accordance with the Wilderness Act (16 U.S.C.
22 1131 et seq.), the approximately 21,000 acres of Federal
23 lands located in Fresno County and San Benito County,
24 California, and generally depicted on a map entitled "Pro-
25 posed Joaquin Rocks Wilderness" and dated January 14,

1 2015, is designated as wilderness and as a component of
2 the National Wilderness Preservation System and shall be
3 known as the “Joaquin Rocks Wilderness”.

4 **SEC. 6. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS**
5 **STUDY AREA.**

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

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

15 **SEC. 7. CLARIFICATION REGARDING FUNDING.**

16 No additional funds are authorized to carry out the
17 requirements of this Act. Such requirements shall be car-
18 ried out using amounts otherwise authorized.

Passed the House of Representatives July 5, 2016.

Attest:

KAREN L. HAAS,

Clerk.