

Calendar No. 722

115TH CONGRESS }
2d Session }

SENATE

{ REPORT
115-416

CALIFORNIA DESERT PROTECTION AND RECREATION ACT OF 2018

DECEMBER 5, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 857]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 857) to provide for conservation and enhanced recreation activities in the California Desert Conservation Area, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “California Desert Protection and Recreation Act of 2018”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—DESIGNATION OF WILDERNESS IN THE CALIFORNIA DESERT CONSERVATION AREA

Sec. 101. California desert conservation and recreation.

TITLE II—DESIGNATION OF SPECIAL MANAGEMENT AREA

Sec. 201. Vinagre Wash Special Management Area.

TITLE III—NATIONAL PARK SYSTEM ADDITIONS

Sec. 301. Death Valley National Park Boundary revision.

Sec. 302. Mojave National Preserve.

Sec. 303. Joshua Tree National Park.

TITLE IV—OFF-HIGHWAY VEHICLE RECREATION AREAS

Sec. 401. Off-highway vehicle recreation areas.

TITLE V—MISCELLANEOUS

- Sec. 501. Transfer of land to Anza-Borrego Desert State Park.
- Sec. 502. Wildlife corridors.
- Sec. 503. Prohibited uses of acquired, donated, and conservation land.
- Sec. 504. Tribal uses and interests.
- Sec. 505. Release of Federal reversionary land interests.
- Sec. 506. California State school land.
- Sec. 507. Designation of wild and scenic rivers.
- Sec. 508. Conforming amendments.
- Sec. 509. Juniper Flats.
- Sec. 510. Conforming amendments to California Military Lands Withdrawal and Overflights Act of 1994.
- Sec. 511. Desert tortoise conservation center.

SEC. 2. DEFINITIONS.

In this Act:

- (1) CONSERVATION AREA.—The term “Conservation Area” means the California Desert Conservation Area.
- (2) SECRETARY.—The term “Secretary” means—
 - (A) the Secretary of the Interior, with respect to public land administered by the Bureau of Land Management; or
 - (B) the Secretary of Agriculture, with respect to National Forest System land.
- (3) STATE.—The term “State” means the State of California.

TITLE I—DESIGNATION OF WILDERNESS IN THE CALIFORNIA DESERT CONSERVATION AREA

SEC. 101. CALIFORNIA DESERT CONSERVATION AND RECREATION.

(a) DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—Section 102 of the California Desert Protection Act of 1994 (16 U.S.C. 1132 note; Public Law 103–433; 108 Stat. 4472) is amended by adding at the end the following:

“(70) AVAWATZ MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 87,700 acres, as generally depicted on the map entitled ‘Avawatz Mountains Proposed Wilderness’ and dated September 9, 2014, to be known as the ‘Avawatz Mountains Wilderness’.

“(71) GREAT FALLS BASIN WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 7,870 acres, as generally depicted on the map entitled ‘Great Falls Basin Proposed Wilderness’ and dated October 26, 2009, to be known as the ‘Great Falls Basin Wilderness’.

“(72) SODA MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area, administered by the Bureau of Land Management, comprising approximately 79,990 acres, as generally depicted on the map entitled ‘Soda Mountains Proposed Wilderness’ and dated September 12, 2014, to be known as the ‘Soda Mountains Wilderness’.”

(b) ADDITIONS TO EXISTING WILDERNESS AREAS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) GOLDEN VALLEY WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 1,250 acres, as generally depicted on the map entitled “Golden Valley Proposed Wilderness Additions” and dated February 20, 2016, which shall be added to and administered as part of the “Golden Valley Wilderness”.

(2) KINGSTON RANGE WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 53,320 acres, as generally depicted on the map entitled “Kingston Range Proposed Wilderness Additions” and dated July 15, 2009, which shall be added to and administered as part of the “Kingston Range Wilderness”.

(c) DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE NATIONAL PARK SERVICE.—In furtherance of the purposes of the Wilderness Act (16 U.S.C.

1131 et seq.) the following land in Death Valley National Park is designated as wilderness and as a component of the National Wilderness Preservation System, which shall be added to, and administered as part of the Death Valley National Park Wilderness established by section 601(a)(1) of the California Desert Protection Act of 1994 (16 U.S.C. 1132 note; Public Law 103-433; 108 Stat. 4496):

- (1) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—NORTH EUREKA VALLEY.—Approximately 11,496 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area—North Eureka Valley”, numbered 143/100,082C, and dated October 7, 2014.
 - (2) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—IBEX.—Approximately 23,650 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area—Ibex”, numbered 143/100,081C, and dated October 7, 2014.
 - (3) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—PANAMINT VALLEY.—Approximately 4,807 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area—Panamint Valley”, numbered 143/100,083C, and dated October 7, 2014.
 - (4) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—WARM SPRINGS.—Approximately 10,485 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area—Warm Spring Canyon/Galena Canyon”, numbered 143/100,084C, and dated October 7, 2014.
 - (5) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—AXE HEAD.—Approximately 8,638 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area—Axe Head”, numbered 143/100,085C, and dated October 7, 2014.
 - (6) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS—BOWLING ALLEY.—Approximately 32,520 acres, as generally depicted on the map entitled “Death Valley National Park Proposed Wilderness Area—Bowling Alley”, numbered 143/100,086C, and dated October 7, 2014.
- (d) ADDITIONS TO EXISTING WILDERNESS AREA ADMINISTERED BY THE FOREST SERVICE.—
- (1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in paragraph (2)
 - (A) is designated as wilderness and as a component of the National Wilderness Preservation System; and
 - (B) shall be added to and administered as part of the San Geronio Wilderness established by the Wilderness Act (16 U.S.C. 1131 et seq.).
 - (2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is certain land in the San Bernardino National Forest, comprising approximately 7,141 acres, as generally depicted on the map entitled “Proposed Sand to Snow National Monument” and dated August 29, 2014.
 - (3) FIRE MANAGEMENT AND RELATED ACTIVITIES.—
 - (A) IN GENERAL.—The Secretary may carry out such activities in the wilderness area designated by paragraph (1) as are necessary for the control of fire, insects, and disease, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.
 - (B) FUNDING PRIORITIES.—Nothing in this subsection limits the provision of any funding for fire or fuel management in the wilderness area designated by paragraph (1).
 - (C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the wilderness area designated by paragraph (1).
 - (D) ADMINISTRATION.—In accordance with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness area designated by paragraph (1), the Secretary shall—
 - (i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies in the wilderness area designated by paragraph (1); and
 - (ii) enter into agreements with appropriate State or local firefighting agencies relating to the wilderness area.
- (e) EFFECT ON UTILITY FACILITIES AND RIGHTS-OF-WAY.—
- (1) IN GENERAL.—Subject to paragraph (2), nothing in this section or an amendment made by this section terminates or precludes the renewal or reauthorization of any valid existing right-of-way or customary operation, mainte-

nance, repair, upgrading, or replacement activities in a right-of-way, issued, granted, or permitted to the Southern California Edison Company or predecessors, successors, or assigns of the Southern California Edison Company that is located on land included in the San Geronio Wilderness Area or the Sand to Snow National Monument.

(2) LIMITATION.—The activities described in paragraph (1) shall be conducted in a manner that minimizes the impact of the activities resources of the San Geronio Wilderness Area or the Sand to Snow National Monument.

(3) APPLICABLE LAW.—In accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), any approval required for an increase in the voltage of the Coachella distribution circuit shall require consideration of alternative alignments, including alignments adjacent to State Route 62.

(f) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in paragraph (2) that is not designated as a wilderness area or a wilderness addition by this Act (including an amendment made by this Act) or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness designation.

(2) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(A) the Cady Mountains Wilderness Study Area; and

(B) the Soda Mountains Wilderness Study Area.

(3) RELEASE.—Any portion of a wilderness study area described in paragraph (2) that is not designated as a wilderness area or a wilderness addition by this Act (including an amendment made by this Act) or any other Act enacted before the date of enactment of this Act is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

TITLE II—DESIGNATION OF SPECIAL MANAGEMENT AREA

SEC. 201. VINAGRE WASH SPECIAL MANAGEMENT AREA.

Title I of the California Desert Protection Act of 1994 (16 U.S.C. 1132 note; Public Law 103–433; 108 Stat. 4472) is amended by adding at the end the following:

“SEC. 109. VINAGRE WASH SPECIAL MANAGEMENT AREA.

“(a) DEFINITIONS.—In this section:

“(1) MANAGEMENT AREA.—The term ‘Management Area’ means the Vinagre Wash Special Management Area established by subsection (b).

“(2) MAP.—The term ‘map’ means the map entitled ‘Vinagre Wash Proposed Special Management Area’ and dated November 10, 2009.

“(3) PUBLIC LAND.—The term ‘public land’ has the meaning given the term ‘public lands’ in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

“(4) STATE.—The term ‘State’ means the State of California.

“(b) ESTABLISHMENT.—There is established the Vinagre Wash Special Management Area in the State, to be managed by the Secretary.

“(c) PURPOSE.—The purpose of the Management Area is to conserve, protect, and enhance—

“(1) the plant and wildlife values of the Management Area; and

“(2) the outstanding and nationally significant ecological, geological, scenic, recreational, archaeological, cultural, historic, and other resources of the Management Area.

“(d) BOUNDARIES.—The Management Area shall consist of the public land in Imperial County, California, comprising approximately 81,880 acres, as generally depicted on the map.

“(e) MAP; LEGAL DESCRIPTION.—

“(1) IN GENERAL.—As soon as practicable, but not later than 3 years, after the date of enactment of this section, the Secretary shall submit a map and legal description of the Management Area to—

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

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

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

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

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

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

“(f) MANAGEMENT.—

“(1) IN GENERAL.—The Secretary shall manage the Management Area—

“(A) in a manner that conserves, protects, and enhances the purposes for which the Management Area is established; and

“(B) in accordance with—

“(i) this section;

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

“(iii) other applicable laws.

“(2) USES.—The Secretary shall allow only those uses that are consistent with the purposes of the Management Area, including hiking, camping, hunting, and sightseeing and the use of motorized vehicles, mountain bikes, and horses on designated routes in the Management Area in a manner that—

“(A) is consistent with the purpose of the Management Area described in subsection (c);

“(B) ensures public health and safety; and

“(C) is consistent with all applicable laws (including regulations), including the Desert Renewable Energy Conservation Plan.

“(3) OFF-HIGHWAY VEHICLE USE.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area as generally depicted on the map.

“(B) CLOSURE.—The Secretary may close or permanently reroute a portion of a route described in subparagraph (A)—

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

“(ii) to protect Tribal cultural resources, including the resources identified in the Tribal cultural resources management plan developed under section 705(d);

“(iii) to address public safety concerns; or

“(iv) as otherwise required by law.

“(C) DESIGNATION OF ADDITIONAL ROUTES.—During the 3-year period beginning on the date of enactment of this section, the Secretary—

“(i) shall accept petitions from the public regarding additional routes for off-highway vehicles; and

“(ii) may designate additional routes that the Secretary determines—

“(I) would provide significant or unique recreational opportunities; and

“(II) are consistent with the purposes of the Management Area.

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

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

“(B) location, entry, and patent under the mining laws; and

“(C) right-of-way, leasing, or disposition under all laws relating to—

“(i) minerals and mineral materials; or

“(ii) solar, wind, and geothermal energy.

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

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

“(B) preclude uses or activities outside the Management Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Management Area.

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

“(A) the placement of appropriate signage along the designated routes;

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

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

“(7) STEWARDSHIP.—The Secretary, in consultation with Indian Tribes and other interests, shall develop a program to provide opportunities for monitoring and stewardship of the Management Area to minimize environmental impacts

and prevent resource damage from recreational use, including volunteer assistance with

- “(A) route signage;
- “(B) restoration of closed routes;
- “(C) protection of Management Area resources; and
- “(D) recreation education.

“(8) PROTECTION OF TRIBAL CULTURAL RESOURCES.—Not later than 2 years after the date of enactment of this section, the Secretary, in accordance with chapter 2003 of title 54, United States Code, and any other applicable law, shall—

- “(A) prepare and complete a Tribal cultural resources survey of the Management Area; and
- “(B) consult with the Quechan Indian Nation and other Indian tribes demonstrating ancestral, cultural, or other ties to the resources within the Management Area on the development and implementation of the Tribal cultural resources survey under subparagraph (A).”.

TITLE III—NATIONAL PARK SYSTEM ADDITIONS

SEC. 301. DEATH VALLEY NATIONAL PARK BOUNDARY REVISION.

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

(1) the approximately 33,000 acres of Bureau of Land Management land in Inyo County, California, abutting the southern end of the Death Valley National Park that lies between Death Valley National Park to the north and Ft. Irwin Military Reservation to the south and which runs approximately 34 miles from west to east, as depicted on the map entitled “Death Valley National Park Proposed Boundary Addition—Bowling Alley”, numbered 143/100,080C, and dated October 7, 2014; and

(2) the approximately 6,369 acres of Bureau of Land Management land in Inyo County, California, located in the northeast area of Death Valley National Park that is within, and surrounded by, land under the jurisdiction of the Director of the National Park Service, as depicted on the map entitled “Death Valley National Park Proposed Boundary Addition—Crater”, numbered 143/100,079C, and dated October 7, 2014.

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

(c) ADMINISTRATION.—The Secretary shall—

(1) administer any land added to Death Valley National Park under subsection (a)—

- (A) as part of Death Valley National Park; and
- (B) in accordance with applicable laws (including regulations); and

(2) not later than 180 days after the date of enactment of this Act, develop a memorandum of understanding with Inyo County, California, permitting ongoing access and use to existing gravel pits along Saline Valley Road within Death Valley National Park for road maintenance and repairs in accordance with applicable laws (including regulations).

(d) MORMON PEAK MICROWAVE FACILITY.—Title VI of the California Desert Protection Act of 1994 (16 U.S.C. 1132 note; Public Law 103–433; 108 Stat. 4496) is amended by adding at the end the following:

“SEC. 604. MORMON PEAK MICROWAVE FACILITY.

“The designation of the Death Valley National Park Wilderness by section 601(a)(1) shall not preclude the operation and maintenance of the Mormon Peak Microwave Facility.”.

SEC. 302. MOJAVE NATIONAL PRESERVE.

The boundary of the Mojave National Preserve is adjusted to include the 25 acres of Bureau of Land Management land in Baker, California, as depicted on the map entitled “Mojave National Preserve Proposed Boundary Addition”, numbered 170/100,199, and dated August 2009.

SEC. 303. JOSHUA TREE NATIONAL PARK.

(a) BOUNDARY ADJUSTMENT.—THE BOUNDARY OF THE JOSHUA TREE NATIONAL PARK IS ADJUSTED TO INCLUDE—

(1) the approximately 2,879 acres of land managed by the Bureau of Land Management that are contiguous at several different places to the northern boundaries of Joshua Tree National Park in the northwest section of the Park,

as depicted on the map entitled “Joshua Tree National Park Proposed Boundary Additions”, numbered 156/100,077, and dated August 2009; and

(2) the approximately 1,639 acres of land that are contiguous at several different places to the northern boundaries of Joshua Tree National Park in the northwest section of the Park, as depicted on the map entitled “Mojave Desert Land Trust National Park Service Additions”, numbered 156/126,376, and dated September 2014.

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

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer any land added to the Joshua Tree National Park under subsection (a) and the additional land described in paragraph (2)

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

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

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

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

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

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

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

(1) IN GENERAL.—Nothing in this section terminates any valid right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized energy transport facility activities in a right-of-way issued, granted, or permitted to the Southern California Edison Company or the predecessors, successors, or assigns of the Southern California Edison Company that is located on land described in paragraphs (1) and (2) of subsection (a), including, at a minimum, the use of mechanized vehicles, helicopters, or other aerial devices.

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

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

(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison Joshua Tree Utility Facilities.

(3) PUBLICATION OF PLANS.—Not later than the date that is 1 year after the date of enactment of this Act or the issuance of a new energy transport facility right-of-way within the Joshua Tree National Park, whichever is earlier, the Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within Joshua Tree National Park.

(e) VISITOR CENTER.—Title IV of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–21 et seq.) is amended by adding at the end the following:

“SEC. 408. VISITOR CENTER.

“(a) IN GENERAL.—The Secretary may acquire not more than 5 acres of land and interests in land, and improvements on the land and interests, outside the boundaries of the park, in the unincorporated village of Joshua Tree, for the purpose of operating a visitor center.

“(b) BOUNDARY.—The Secretary shall modify the boundary of the park to include the land acquired under this section as a noncontiguous parcel.

“(c) ADMINISTRATION.—Land and facilities acquired under this section—

“(1) may include the property owned (as of the date of enactment of this section) by the Joshua Tree National Park Association and commonly referred to as the ‘Joshua Tree National Park Visitor Center’;

“(2) shall be administered by the Secretary as part of the park; and

“(3) may be acquired only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange.”.

TITLE IV—OFF-HIGHWAY VEHICLE RECREATION AREAS

SEC. 401. OFF-HIGHWAY VEHICLE RECREATION AREAS.

Public Law 103–433 is amended by inserting after title XII (16 U.S.C. 410bbb et seq.) the following:

“TITLE XIII—OFF-HIGHWAY VEHICLE RECREATION AREAS

“SEC. 1301. DESIGNATION OF OFF-HIGHWAY VEHICLE RECREATION AREAS.

“(a) IN GENERAL.—

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

“(A) DUMONT DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 7,630 acres, as generally depicted on the map entitled ‘Dumont Dunes Proposed OHV Recreation Area’ and dated February 22, 2018, which shall be known as the ‘Dumont Dunes Off-Highway Vehicle Recreation Area’.

“(B) EL MIRAGE OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 14,930 acres, as generally depicted on the map entitled ‘El Mirage Proposed OHV Recreation Area’ and dated February 22, 2018, which shall be known as the ‘El Mirage Off-Highway Vehicle Recreation Area’.

“(C) RASOR OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 23,910 acres, as generally depicted on the map entitled ‘Rasor Proposed OHV Recreation Area’ and dated February 22, 2018, which shall be known as the ‘Rasor Off-Highway Vehicle Recreation Area’.

“(D) SPANGLER HILLS OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 56,140 acres, as generally depicted on the map entitled ‘Spangler Hills Proposed OHV Recreation Area’ and dated February 22, 2018, which shall be known as the ‘Spangler Off-Highway Vehicle Recreation Area’.

“(E) STODDARD VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 40,110 acres, as generally depicted on the map entitled ‘Stoddard Valley Proposed OHV Recreation Area’ and dated February 22, 2018, which shall be known as the ‘Stoddard Valley Off-Highway Vehicle Recreation Area’.

“(2) EXPANSION OF JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—The Johnson Valley Off-Highway Vehicle Recreation Area designated by section 2945 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1038) is expanded to include approximately 11,300 acres, as generally depicted on the map entitled ‘Proposed Johnson Valley Off-Highway Vehicle Recreation Area Additions’ and dated March 15, 2018.

“(b) PURPOSE.—The purpose of the off-highway vehicle recreation areas designated or expanded under subsection (a) is to preserve and enhance the recreational opportunities within the Conservation Area (including opportunities for off-highway vehicle recreation), while conserving the wildlife and other natural resource values of the Conservation Area.

“(c) MAPS AND DESCRIPTIONS.—

“(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and legal description of each off-highway vehicle recreation area designated or expanded by subsection (a) with—

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

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

“(2) LEGAL EFFECT.—The map and legal descriptions of the off-highway vehicle recreation areas filed under paragraph (1) shall have the same force and ef-

fect as if included in this title, except that the Secretary may correct errors in the map and legal descriptions.

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

“(d) USE OF THE LAND.—

“(1) RECREATIONAL ACTIVITIES.—

“(A) IN GENERAL.—The Secretary shall continue to authorize, maintain, and enhance the recreational uses of the off-highway vehicle recreation areas designated or expanded by subsection (a), including off-highway recreation, hiking, camping, hunting, mountain biking, sightseeing, rockhounding, and horseback riding, as long as the recreational use is consistent with this section and any other applicable law.

“(B) OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY RECREATION.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designations in effect on the date of enactment of this title and applicable to the off-highway vehicle recreation areas designated or expanded by subsection (a) shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

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

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

“(B) State law.

“(3) PROHIBITED USES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), commercial development (including development of energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the off-highway vehicle recreation areas designated or expanded by subsection (a) if the Secretary determines that the development is incompatible with the purpose described in subsection (b).

“(B) EXCEPTION.—The Secretary may issue a temporary permit to a commercial vendor to provide accessories and other support for off-highway vehicle use in an off-highway vehicle recreation area designated or expanded by subsection (a) for a limited period and consistent with the purposes of the off-highway vehicle recreation area and applicable laws.

“(e) ADMINISTRATION.—

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

“(A) this title;

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

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

“(2) MANAGEMENT PLAN.—

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

“(i) amend existing resource management plans applicable to the off-highway vehicle recreation areas designated or expanded by subsection (a); or

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

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

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

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

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

“(f) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the off-highway vehicle recreation areas designated or expanded by subsection (a) is withdrawn from—

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

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

“(3) right-of-way, leasing, or disposition under all laws relating to mineral leasing, geothermal leasing, or mineral materials.

“(g) STUDY.—

“(1) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this title, the Secretary shall complete a study to identify Bureau of Land Management land within the California Desert Conservation Area that is suitable for addition to the off-highway vehicle recreation areas designated or expanded by subsection (a).

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

“(A) certain Bureau of Land Management land in the California Desert Conservation Area, comprising approximately 41,000 acres, as generally depicted on the map entitled ‘Spangler Hills Proposed Expansion Study Area’ and dated March 9, 2018;

“(B) certain Bureau of Land Management land in the California Desert Conservation Area, comprising approximately 680 acres, as generally depicted on the map entitled ‘El Mirage Proposed Expansion Study Area’ and dated February 22, 2018; and

“(C) certain Bureau of Land Management land in the California Desert Conservation Area, comprising approximately 10,130 acres, as generally depicted on the map entitled ‘Johnson Valley Proposed Expansion Study Area’ and dated March 15, 2018.

“(3) REQUIREMENTS.—In preparing the study under paragraph (1), the Secretary shall—

“(A) seek input from stakeholders, including—

“(i) the State, including—

“(I) the California Public Utilities Commission; and

“(II) the California Energy Commission;

“(ii) San Bernardino County, California;

“(iii) the public;

“(iv) recreational user groups;

“(v) conservation organizations;

“(vi) the Southern California Edison Company;

“(vii) the Pacific Gas and Electric Company; and

“(viii) other Federal agencies, including the Department of Defense;

“(B) identify and exclude from consideration any land that—

“(i) is managed for conservation purposes;

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

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

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

“(4) APPLICABLE LAW.—The Secretary shall consider the information and recommendations of the study completed under paragraph (1) to determine the impacts of expanding off-highway vehicle recreation areas designated or expanded by subsection (a) on the California Desert Conservation Area, in accordance with—

“(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(C) any other applicable law (including regulations), plan, and the Desert Renewable Energy Conservation Plan.

“(5) SUBMISSION TO CONGRESS.—On completion of the study under paragraph (1), the Secretary shall submit the study to—

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

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

“(h) SOUTHERN CALIFORNIA EDISON COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.—

“(1) EFFECT OF TITLE.—Nothing in this title—

“(A) terminates any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way issued, granted, or permitted to Southern California Edison Company (including any predecessor or successor in interest or assign) that is located on land included in—

“(i) the El Mirage Off-Highway Vehicle Recreation Area;

“(ii) the Spangler Hills National Off-Highway Vehicle Recreation Area; or

- “(iii) the Stoddard Valley National Off Highway Vehicle Recreation Area;
- “(B) affects the application, siting, route selection, right-of-way acquisition, or construction of the Coolwater-Lugo transmission project, as may be approved by the California Public Utilities Commission and the Bureau of Land Management; or
- “(C) prohibits the upgrading or replacement of any Southern California Edison Company—
 - “(i) utility facility, including such a utility facility known on the date of enactment of this title as—
 - “(I) ‘Gale-PS 512 transmission lines or rights-of-way’; or
 - “(II) ‘Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way’; or
 - “(ii) energy transport facility in a right-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in clause (i).
- “(2) PLANS FOR ACCESS.—The Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Company by the date that is 1 year after the later of—
 - “(A) the date of enactment of this title; and
 - “(B) the date of issuance of a new energy transport facility right-of-way within—
 - “(i) the El Mirage Off-Highway Vehicle Recreation Area;
 - “(ii) the Spangler Hills National Off-Highway Vehicle Recreation Area; or
 - “(iii) the Stoddard Valley National Off Highway Vehicle Recreation Area.
- “(i) PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.—
 - “(1) EFFECT OF TITLE.—Nothing in this title—
 - “(A) terminates any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized activity (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way issued, granted, or permitted to Pacific Gas and Electric Company (including any predecessor or successor in interest or assign) that is located on land included in the Spangler Hills National Off-Highway Vehicle Recreation Area; or
 - “(B) prohibits the upgrading or replacement of any—
 - “(i) utility facilities of the Pacific Gas and Electric Company, including those utility facilities known on the date of enactment of this title as—
 - “(I) ‘Gas Transmission Line 311 or rights-of-way’; or
 - “(II) ‘Gas Transmission Line 372 or rights-of-way’; or
 - “(ii) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in clause (i).
 - “(2) PLANS FOR ACCESS.—Not later than 1 year after the date of enactment of this title or the issuance of a new utility facility right-of-way within the Spangler Hills National Off-Highway Vehicle Recreation Area, whichever is later, the Secretary, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

“TITLE XIV—ALABAMA HILLS SCENIC AREA

“SEC. 1401. DEFINITIONS.

“In this title:

- “(1) MANAGEMENT PLAN.—The term ‘management plan’ means the management plan for the Scenic Area developed under section 1403(a).
- “(2) MAP.—The term ‘Map’ means the map entitled ‘Proposed Alabama Hills National Scenic Area’ and dated September 8, 2014.
- “(3) MOTORIZED VEHICLE.—The term ‘motorized vehicle’ means a motorized or mechanized vehicle and includes, when used by a utility, mechanized equipment, a helicopter, and any other aerial device necessary to maintain electrical or communications infrastructure.

“(4) SCENIC AREA.—The term ‘Scenic Area’ means the Alabama Hills Scenic Area established by section 1402(a).

“(5) STATE.—The term ‘State’ means the State of California.

“(6) TRIBE.—The term ‘Tribe’ means the Lone Pine Paiute-Shoshone Tribe.

“SEC. 1402. ALABAMA HILLS SCENIC AREA, CALIFORNIA.

“(a) ESTABLISHMENT.—Subject to valid existing rights, there is established in Inyo County, California, the Alabama Hills Scenic Area, to be comprised of the approximately 18,610 acres generally depicted on the Map as ‘National Scenic Area’.

“(b) PURPOSE.—The purpose of the Scenic Area is to conserve, protect, and enhance for the benefit, use, and enjoyment of present and future generations the nationally significant scenic, cultural, geological, educational, biological, historical, recreational, cinematographic, and scientific resources of the Scenic Area managed consistent with section 302(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(a)).

“(c) MAP; LEGAL DESCRIPTIONS.—

“(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and a legal description of the Scenic Area with—

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

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

“(2) FORCE OF LAW.—The map and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the map and legal descriptions.

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

“(d) ADMINISTRATION.—The Secretary shall manage the Scenic Area—

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

“(2) so as not to impact the future continuing operation and maintenance of any activities associated with valid, existing rights, including water rights;

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

“(4) in accordance with—

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

“(B) this title; and

“(C) any other applicable laws.

“(e) MANAGEMENT.—

“(1) IN GENERAL.—The Secretary shall allow only such uses of the Scenic Area as the Secretary determines would further the purposes of the Scenic Area as described in subsection (b).

“(2) RECREATIONAL ACTIVITIES.—Except as otherwise provided in this title or other applicable law, or as the Secretary determines to be necessary for public health and safety, the Secretary shall allow existing recreational uses of the Scenic Area to continue, including hiking, mountain biking, rock climbing, sightseeing, horseback riding, hunting, fishing, and appropriate authorized motorized vehicle use in accordance with paragraph (3).

“(3) MOTORIZED VEHICLES.—Except as otherwise specified in this title, or as necessary for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Scenic Area shall be permitted only on—

“(A) roads and trails designated by the Secretary for use of motorized vehicles as part of a management plan sustaining a semiprimitive motorized experience; or

“(B) county-maintained roads in accordance with applicable State and county laws.

“(f) NO BUFFER ZONES.—

“(1) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around the Scenic Area.

“(2) ACTIVITIES OUTSIDE SCENIC AREA.—The fact that an activity or use on land outside the Scenic Area can be seen or heard within the Scenic Area shall not preclude the activity or use outside the boundaries of the Scenic Area.

“(g) ACCESS.—The Secretary shall provide private landowners adequate access to inholdings in the Scenic Area.

“(h) FILMING.—Nothing in this title prohibits filming (including commercial film production, student filming, and still photography) within the Scenic Area—

“(1) subject to—

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

“(B) applicable law; and

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

“(i) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

“(j) LIVESTOCK.—The grazing of livestock in the Scenic Area, including grazing under the Alabama Hills allotment and the George Creek allotment, as established before the date of enactment of this title, shall be permitted to continue—

“(1) subject to—

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

“(B) applicable law; and

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

“(k) WITHDRAWAL.—Subject to the provisions of this title and valid rights in existence on the date of enactment of this title, including rights established by prior withdrawals, the Federal land within the Scenic Area is withdrawn from all forms of—

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

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

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

“(l) WILDLAND FIRE OPERATIONS.—Nothing in this title prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the Scenic Area, consistent with the purposes described in subsection (b).

“(m) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with, State, Tribal, and local governmental entities and private entities to conduct research, interpretation, or public education or to carry out any other initiative relating to the restoration, conservation, or management of the Scenic Area.

“(n) UTILITY FACILITIES AND RIGHTS-OF-WAY.—

“(1) EFFECT OF TITLE.—Nothing in this title—

“(A) affects the existence, use, operation, maintenance (including vegetation control), repair, construction, reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation, improvement, funding, removal, or replacement of any utility facility or appurtenant right-of-way within or adjacent to the Scenic Area;

“(B) subject to subsection (e), affects necessary or efficient access to utility facilities or rights-of-way within or adjacent to the Scenic Area; and

“(C) precludes the Secretary from authorizing the establishment of new utility facility rights-of-way (including instream sites, routes, and areas) within the Scenic Area in a manner that minimizes harm to the purpose of the Scenic Area as described in subsection (b)—

“(i) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable law;

“(ii) subject to such terms and conditions as the Secretary determines to be appropriate; and

“(iii) that are determined by the Secretary to be the only technical or feasible location, following consideration of alternatives within existing rights-of-way or outside of the Scenic Area.

“(2) MANAGEMENT PLAN.—Consistent with this title, the Management Plan shall establish plans for maintenance of public utility and other rights-of-way within the Scenic Area.

“SEC. 1403. MANAGEMENT PLAN.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this title, in accordance with subsections (b) and (c), the Secretary shall develop a comprehensive plan for the long-term management of the Scenic Area.

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

“(1) appropriate State, Tribal, and local governmental entities, including Inyo County, the Los Angeles Department of Water and Power, and the Tribe;

“(2) utilities, including Southern California Edison Company;

“(3) the Alabama Hills Stewardship Group; and

“(4) members of the public.

“(c) REQUIREMENT.—In accordance with this title, the management plan shall establish plans for maintenance of public utility and other rights-of-way within the Scenic Area.

“(d) INCORPORATION.—In developing the management plan, in accordance with this section, the Secretary shall allow, in perpetuity, casual use mining limited to the use of hand tools, metal detectors, hand-fed dry washers, vacuum cleaners, gold pans, small sluices, and similar items.

“(e) INTERIM MANAGEMENT.—Pending completion of the management plan, the Secretary shall manage the Scenic Area in accordance with section 1402(b).

“SEC. 1404. LAND TAKEN INTO TRUST FOR LONE PINE PAIUTE-SHOSHONE RESERVATION.

“(a) TRUST LAND.—As soon as practicable after the date of enactment of this title, the Secretary shall take the approximately 132 acres of Federal land depicted on the Map as ‘Lone Pine Paiute-Shoshone Reservation Addition’ into trust for the benefit of the Tribe, subject to the conditions that

“(1) the land shall be subject to all easements, covenants, conditions, restrictions, withdrawals, and other matters of record in existence on the date of enactment of this title; and

“(2) the Federal land over which the right-of-way for the Los Angeles Aqueduct is located, generally described as the 250-foot-wide right-of-way granted to the City of Los Angeles pursuant to the Act of June 30, 1906 (34 Stat. 801, chapter 3926), shall not be taken into trust for the Tribe.

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

“(c) GAMING PROHIBITION.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for gaming (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

“SEC. 1405. TRANSFER OF ADMINISTRATIVE JURISDICTION.

“Administrative jurisdiction over the approximately 40 acres of Federal land depicted on the Map as ‘USFS Transfer to BLM’ is transferred from the Forest Service to the Bureau of Land Management.

“SEC. 1406. PROTECTION OF SERVICES AND RECREATIONAL OPPORTUNITIES.

“(a) EFFECT OF TITLE.—Nothing in this title limits the provision of any commercial service for existing or historic recreation use, as authorized by the permit process of the Bureau of Land Management.

“(b) GUIDED RECREATIONAL OPPORTUNITIES.—Any valid existing commercial permit to exercise guided recreational opportunities for the public may continue as authorized on the day before the date of enactment of this title.”.

TITLE V—MISCELLANEOUS

SEC. 501. TRANSFER OF LAND TO ANZA-BORREGO DESERT STATE PARK.

Title VII of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–71 et seq.) is amended by adding at the end the following:

“SEC. 712. TRANSFER OF LAND TO ANZA-BORREGO DESERT STATE PARK.

“(a) IN GENERAL.—On termination of all mining claims to the land described in subsection (b), the Secretary shall transfer the land described in that subsection to the State of California.

“(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is certain Bureau of Land Management land in San Diego County, California, comprising approximately 934 acres, as generally depicted on the map entitled ‘Table Mountain Wilderness Study Area Proposed Transfer to the State’ and dated July 15, 2009.

“(c) MANAGEMENT.—

“(1) IN GENERAL.—The land transferred under subsection (a) shall be managed in accordance with the provisions of the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40).

“(2) WITHDRAWAL.—Subject to valid existing rights, the land transferred under subsection (a) is withdrawn from—

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

“(B) location, entry, and patent under the mining laws; and

“(C) disposition under all laws relating to mineral and geothermal leasing.

“(3) REVERSION.—If the State ceases to manage the land transferred under subsection (a) as part of the State Park System or in a manner inconsistent with the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40), the land shall revert to the Secretary at the discretion of the Secretary, to be managed as a Wilderness Study Area.”.

SEC. 502. WILDLIFE CORRIDORS.

Title VII of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa-71 et seq.) (as amended by section 501) is amended by adding at the end the following:

“SEC. 713. WILDLIFE CORRIDORS.

“(a) IN GENERAL.—The Secretary shall—

“(1) assess the impacts of habitat fragmentation on wildlife in the California Desert Conservation Area; and

“(2) establish policies and procedures to ensure the preservation of wildlife corridors and facilitate species migration.

“(b) STUDY.—

“(1) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this section, the Secretary shall complete a study regarding the impact of habitat fragmentation on wildlife in the California Desert Conservation Area.

“(2) COMPONENTS.—The study under paragraph (1) shall—

“(A) identify the species migrating, or likely to migrate in the California Desert Conservation Area;

“(B) examine the impacts and potential impacts of habitat fragmentation on

“(i) plants, insects, and animals;

“(ii) soil;

“(iii) air quality;

“(iv) water quality and quantity; and

“(v) species migration and survival;

“(C) identify critical wildlife and species migration corridors recommended for preservation; and

“(D) include recommendations for ensuring the biological connectivity of public land managed by the Secretary and the Secretary of Defense throughout the California Desert Conservation Area.

“(3) RIGHTS-OF-WAY.—The Secretary shall consider the information and recommendations of the study under paragraph (1) to determine the individual and cumulative impacts of rights-of-way for projects in the California Desert Conservation Area, in accordance with—

“(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(C) any other applicable law.

“(c) LAND MANAGEMENT PLANS.—The Secretary shall incorporate into all land management plans applicable to the California Desert Conservation Area the findings and recommendations of the study completed under subsection (b).”.

SEC. 503. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

Title VII of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa-71 et seq.) (as amended by section 502) is amended by adding at the end the following:

“SEC. 714. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

“(a) DEFINITIONS.—In this section:

“(1) ACQUIRED LAND.—The term ‘acquired land’ means any land acquired within the Conservation Area using amounts from the land and water conservation fund established under section 200302 of title 54, United States Code.

“(2) CONSERVATION AREA.—The term ‘Conservation Area’ means the California Desert Conservation Area.

“(3) CONSERVATION LAND.—The term ‘conservation land’ means any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan, including—

“(A) national conservation land established pursuant to section 2002(b)(2)(D) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(b)(2)(D)); and

“(B) areas of critical environmental concern established pursuant to section 202(c)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).

“(4) DONATED LAND.—The term ‘donated land’ means any private land donated to the United States for conservation purposes in the Conservation Area.

“(5) DONOR.—The term ‘donor’ means an individual or entity that donates private land within the Conservation Area to the United States.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary, acting through the Director of the Bureau of Land Management.

“(7) STATE.—The term ‘State’ means the State of California.

“(b) PROHIBITIONS.—Except as provided in subsection (c), the Secretary shall not authorize the use of acquired land, conservation land, or donated land within the Conservation Area for any activities contrary to the conservation purposes for which the land was acquired, designated, or donated, including

- “(1) disposal;
- “(2) rights-of-way;
- “(3) leases;
- “(4) livestock grazing;
- “(5) infrastructure development, except as provided in subsection (c);
- “(6) mineral entry; and
- “(7) off-highway vehicle use, except on
 - “(A) designated routes;
 - “(B) off-highway vehicle areas designated by law; and
 - “(C) administratively designated open areas.

“(c) EXCEPTIONS.—

“(1) AUTHORIZATION BY SECRETARY.—Subject to paragraph (2), the Secretary may authorize limited exceptions to prohibited uses of acquired land or donated land in the Conservation Area if—

“(A) a right-of-way application for a renewable energy development project or associated energy transport facility on acquired land or donated land was submitted to the Bureau of Land Management on or before December 1, 2009; or

“(B) after the completion and consideration of an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary has determined that proposed use is in the public interest.

“(2) CONDITIONS.—

“(A) IN GENERAL.—If the Secretary grants an exception to the prohibition under paragraph (1), the Secretary shall require the permittee to donate private land of comparable value located within the Conservation Area to the United States to mitigate the use.

“(B) APPROVAL.—The private land to be donated under subparagraph (A) shall be approved by the Secretary after—

- “(i) consultation, to the maximum extent practicable, with the donor of the private land proposed for nonconservation uses; and
- “(ii) an opportunity for public comment regarding the donation.

“(d) EXISTING AGREEMENTS.—Nothing in this section affects permitted or prohibited uses of donated land or acquired land in the Conservation Area established in any easements, deed restrictions, memoranda of understanding, or other agreements in existence on the date of enactment of this section.

“(e) DEED RESTRICTIONS.—Effective beginning on the date of enactment of this section, within the Conservation Area, the Secretary may—

“(1) accept deed restrictions requested by landowners for land donated to, or otherwise acquired by, the United States; and

“(2) consistent with existing rights, create deed restrictions, easements, or other third-party rights relating to any public land determined by the Secretary to be necessary—

“(A) to fulfill the mitigation requirements resulting from the development of renewable resources; or

“(B) to satisfy the conditions of—

“(i) a habitat conservation plan or general conservation plan established pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); or

“(ii) a natural communities conservation plan approved by the State.”.

SEC. 504. TRIBAL USES AND INTERESTS.

Section 705 of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–75) is amended

(1) by redesignating subsection (b) as subsection (c);

(2) by striking subsection (a) and inserting the following:

“(a) ACCESS.—The Secretary shall ensure access to areas designated under this Act by members of Indian Tribes for traditional cultural and religious purposes, consistent with applicable law, including Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996).

“(b) TEMPORARY CLOSURE.—

“(1) IN GENERAL.—In accordance with applicable law, including Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996), and subject to paragraph (2), the Secretary, on request of an Indian Tribe or Indian religious community, shall temporarily close to general

public use any portion of an area designated as a national monument, special management area, wild and scenic river, area of critical environmental concern, or National Park System unit under this Act (referred to in this subsection as a ‘designated area’) to protect the privacy of traditional cultural and religious activities in the designated area by members of the Indian tribe or Indian religious community.

“(2) LIMITATION.—In closing a portion of a designated area under paragraph (1), the Secretary shall limit the closure to the smallest practicable area for the minimum period necessary for the traditional cultural and religious activities.”; and

(3) by adding at the end the following:

“(d) TRIBAL CULTURAL RESOURCES MANAGEMENT PLAN.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the California Desert Protection and Recreation Act of 2018, the Secretary shall develop and implement a Tribal cultural resources management plan to identify, protect, and conserve cultural resources of Indian tribes associated with the Xam Kwatchan Trail network extending from Avikwaame (Spirit Mountain, Nevada) to Avikwial (Pilot Knob, California).

“(2) CONSULTATION.—The Secretary shall consult on the development and implementation of the Tribal cultural resources management plan under paragraph (1) with—

“(A) each of—

- “(i) the Chemehuevi Indian Tribe;
- “(ii) the Hualapai Tribal Nation;
- “(iii) the Fort Mojave Indian Tribe;
- “(iv) the Colorado River Indian Tribes;
- “(v) the Quechan Indian Tribe; and
- “(vi) the Cocopah Indian Tribe; and

“(B) the Advisory Council on Historic Preservation.

“(3) RESOURCE PROTECTION.—The Tribal cultural resources management plan developed under paragraph (1) shall—

“(A) be based on a completed Tribal cultural resources survey; and

“(B) include procedures for identifying, protecting, and preserving petroglyphs, ancient trails, intaglios, sleeping circles, artifacts, and other resources of cultural, archaeological, or historical significance in accordance with all applicable laws and policies, including—

- “(i) chapter 2003 of title 54, United States Code;
- “(ii) Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996);
- “(iii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);
- “(iv) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and
- “(v) Public Law 103–141 (commonly known as the ‘Religious Freedom Restoration Act of 1993’) (42 U.S.C. 2000bb et seq.).

“(e) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the area administratively withdrawn and known as the ‘Indian Pass Withdrawal Area’ is permanently withdrawn from—

- “(1) all forms of entry, appropriation, or disposal under the public land laws;
- “(2) location, entry, and patent under the mining laws; and
- “(3) right-of-way leasing and disposition under all laws relating to minerals or solar, wind, or geothermal energy.”.

SEC. 505. RELEASE OF FEDERAL REVERSIONARY LAND INTERESTS.

(a) DEFINITIONS.—In this section:

(1) 1932 ACT.—The term “1932 Act” means the Act of June 18, 1932 (47 Stat. 324, chapter 270).

(2) DISTRICT.—The term “District” means the Metropolitan Water District of Southern California.

(b) Release.—Subject to valid existing claims perfected prior to the effective date of the 1932 Act and the reservation of minerals set forth in the 1932 Act, the Secretary shall release, convey, or otherwise quitclaim to the District, in a form recordable in local county records, and subject to the approval of the District, after consultation and without monetary consideration, all right, title, and remaining interest of the United States in and to the land that was conveyed to the District pursuant to the 1932 Act or any other law authorizing conveyance subject to restrictions or reversionary interests retained by the United States, on request by the District.

(c) TERMS AND CONDITIONS.—A conveyance authorized by subsection (b) shall be subject to the following terms and conditions:

(1) The District shall cover, or reimburse the Secretary for, the costs incurred by the Secretary to make the conveyance, including title searches, surveys, deed preparation, attorneys' fees, and similar expenses.

(2) By accepting the conveyances, the District agrees to indemnify and hold harmless the United States with regard to any boundary dispute relating to any parcel conveyed under this section.

SEC. 506. CALIFORNIA STATE SCHOOL LAND.

Section 707 of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa-77) is amended

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “Upon request of the California State Lands Commission (hereinafter in this section referred to as the ‘Commission’), the Secretary shall enter into negotiations for an agreement” and inserting the following:

“(1) IN GENERAL.—The Secretary shall negotiate in good faith to reach an agreement with the California State Lands Commission (referred to in this section as the ‘Commission’); and

(ii) by inserting “, national monuments, off-highway vehicle recreation areas,” after “more of the wilderness areas”; and

(B) in the second sentence, by striking “The Secretary shall negotiate in good faith to” and inserting the following:

“(2) AGREEMENT.—To the maximum extent practicable, not later than 10 years after the date of enactment of this title, the Secretary shall”;

(2) in subsection (b)(1), by inserting “, national monuments, off-highway vehicle recreation areas,” after “wilderness areas”; and

(3) in subsection (c), by adding at the end the following:

“(5) SPECIAL DEPOSIT FUND ACCOUNT.—

“(A) IN GENERAL.—Assembled land exchanges may be used to carry out this section through the sale of surplus Federal property and subsequent acquisitions of State school land.

“(B) RECEIPTS.—Past and future receipts from the sale of property described in subsection (a), less any costs incurred related to the sale, shall be deposited in a Special Deposit Fund Account established in the Treasury.

“(C) USE.—Funds accumulated in the Special Deposit Fund Account may be used by the Secretary, without further appropriation, to acquire State school lands or interest in the land consistent with this section.”.

SEC. 507. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) AMARGOSA RIVER, CALIFORNIA.—Section 3(a)(196)(A) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(196)(A)) is amended to read as follows:

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

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

“(214) SURPRISE CANYON CREEK, CALIFORNIA.

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

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

“(ii) The approximately 1.8 miles of Surprise Canyon Creek from 100 feet upstream of Chris Wicht Camp to the southern boundary of sec. 14, T. 21 N., R. 44 E., as a recreational river.

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

“(215) DEEP CREEK, CALIFORNIA.—

“(A) In general.—The following segments of Deep Creek in the State of California, to be administered by the Secretary of Agriculture:

“(i) The approximately 6.5-mile segment from 0.125 mile downstream of the Rainbow Dam site in sec. 33, T. 2 N., R. 2 W., to 0.25 miles upstream of the Road 3N34 crossing, as a wild river.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 508. CONFORMING AMENDMENTS.

(a) SHORT TITLE.—Section 1 of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa note; Public Law 103–433) is amended by striking “1 and 2, and titles I through IX” and inserting “1, 2, and 3, titles I through IX, and titles XIII and XIV”.

(b) Definitions.—The California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4471) is amended by inserting after section 2 the following:

“SEC. 3. DEFINITIONS.

“(a) TITLES I THROUGH IX.—In titles I through IX, the term ‘this Act’ means only—

“(1) sections 1 and 2; and

“(2) titles I through IX.

“(b) TITLES XIII AND XIV.—In titles XIII and XIV:

“(1) CONSERVATION AREA.—The term ‘Conservation Area’ means the California Desert Conservation Area.

“(2) SECRETARY.—The term ‘Secretary’ means—

“(A) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior; and

“(B) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture.

“(3) STATE.—The term ‘State’ means the State of California.”.

SEC. 509. JUNIPER FLATS.

The California Desert Protection Act of 1994 is amended by striking section 711 (16 U.S.C. 410aaa–81) and inserting the following:

“SEC. 711. JUNIPER FLATS.

“Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited on the approximately 28,000 acres of Federal land generally depicted as ‘BLM Land Withdrawn from Energy Development and Power Generation’ on the map entitled ‘Juniper Flats’ and dated September 21, 2015.”.

SEC. 510. CONFORMING AMENDMENTS TO CALIFORNIA MILITARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT OF 1994.

(a) FINDINGS.—Section 801(b)(2) of the California Military Lands Withdrawal and Overflights Act of 1994 (16 U.S.C. 410aaa–82 note; Public Law 103–433) is amended by inserting “, special management areas, off-highway vehicle recreation areas, scenic areas,” before “and wilderness areas”.

(b) OVERFLIGHTS; SPECIAL AIRSPACE.—Section 802 of the California Military Lands Withdrawal and Overflights Act of 1994 (16 U.S.C. 410aaa–82) is amended (1) in subsection (a), by inserting “, scenic areas, off-highway vehicle recreation areas, or special management areas” before “designated by this Act”;

(2) in subsection (b), by inserting “, scenic areas, off-highway vehicle recreation areas, or special management areas” before “designated by this Act”; and

(3) by adding at the end the following:

“(d) Department of Defense Facilities.—Nothing in this Act alters any authority of the Secretary of Defense to conduct military operations at installations and ranges within the California Desert Conservation Area that are authorized under any other provision of law.”.

SEC. 511. DESERT TORTOISE CONSERVATION CENTER.

(a) IN GENERAL.—The Secretary shall establish, operate, and maintain a trans-State desert tortoise conservation center (referred to in this section as the “Center”) on public land along the California-Nevada border

(1) to support desert tortoise research, disease monitoring, handling training, rehabilitation, and reintroduction;

(2) to provide temporary quarters for animals collected from authorized salvage from renewable energy sites; and

(3) to ensure the full recovery and ongoing survival of the species.

(b) Center.—In carrying out this section, the Secretary shall (1) seek the participation of or contract with qualified organizations with expertise in desert tortoise disease research and experience with desert tortoise translocation techniques, and scientific training of professional biologists for handling tortoises, to staff and manage the Center;

(2) ensure that the Center engages in public outreach and education on tortoise handling; and

(3) consult with the State and the State of Nevada to ensure that the Center is operated consistent with State law.

(c) NON-FEDERAL CONTRIBUTIONS.—The Secretary may accept and expend contributions of non-Federal funds to establish, operate, and maintain the Center.

PURPOSE

The purpose of H.R. 857 is to provide for conservation and enhanced recreation opportunities in the California Desert Conservation Area (CDCA).

BACKGROUND AND NEED

The California desert has been the subject of conservation efforts for nearly 40 years. H.R. 857 amends the California Desert Protection Act of 1994 (CDPA, Public Law 103–433) to provide a comprehensive approach to the future management of Federal lands within the CDCA. The CDCA contains over 25 million acres of land and includes 16 million acres of federal lands administered by the Department of the Interior (DOI) and the Forest Service.

H.R. 857 seeks to balance the many uses of California’s desert resources, including hiking, mountain hiking, off-highway vehicle use, grazing, and military training, with land use protection. A diverse group of stakeholders collaborated in the development of the legislation, including environmental groups, State and local govern-

ments, off-highway recreationists, ranchers, mining interests, wind and solar energy companies, public utility companies, Tribes, and the Department of Defense.

H.R. 857 designates 328,867 acres of new wilderness and additions to existing wilderness areas; establishes the Vinagre Wash Special Management Area (SMA, 81,880 acres of land); adjusts the boundaries of Death Valley National Park, Mojave National Preserve, and Joshua Tree National Park to cumulatively add an additional 43,917 acres of land to the parks; designates the Alabama Hills Scenic Area (18,610 acres of land) in Inyo County (the location of dozens of movies and television shows); designates five off-highway vehicle (OHV) recreation areas (142,720 acres of land); expands the Johnson Valley OHV Recreation Area (11,300 acres of land); and designates 17 new segments (76 miles of waterways) as components of the National Wild and Scenic Rivers System.

LEGISLATIVE HISTORY

H.R. 857 was introduced by Representative Cook in the House of Representatives on February 3, 2017. The Natural Resources Committee's Subcommittee on Federal Lands held a hearing on H.R. 857 on February 6, 2018. The Natural Resources Committee ordered H.R. 857 reported, as amended, on May 16, 2018. H.R. 857 was considered under suspension of the rules and passed the House of Representatives by voice vote on June 25, 2018.

Senator Feinstein introduced companion legislation, S. 32, on January 5, 2017. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on July 26, 2017.

In the 114th Congress, Representative Cook introduced a similar bill, H.R. 3668, in the House of Representatives on October 1, 2015. The Natural Resources Committee's Subcommittee on Federal Lands held a hearing on H.R. 3668 on December 9, 2015.

Senator Feinstein introduced companion legislation, S. 414, on February 9, 2015. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 414 (S. Hrg. 114-490) on October 8, 2015.

Representative Vargas introduced similar legislation, H.R. 4060, in the House of Representatives on November 18, 2015.

The Senate Committee on Energy and Natural Resources met in open business session on October 2, 2018, and ordered H.R. 857 and S. 32 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 857, if amended as described herein. Senators Barrasso, Risch, and Lee asked to be recorded as voting no.

COMMITTEE AMENDMENT

During its consideration of H.R. 857, the Committee adopted an amendment in the nature of a substitute.

The substitute amendment adds a new section 2 to define key terms. The substitute amendment also releases only the Cady Mountains and Kingston Range Wilderness Study Areas (WSA); it

does not release the Avawatz Mountain, Death Valley National Park Boundary and Wilderness 17, Great Falls Basin, or Soda Mountain WSAs.

The substitute amendment further strikes section 1304, which addressed cherry-stemmed roads, and section 1305, which designated one acre of National Park Service (NPS) land as potential wilderness.

The substitute amendment also provides for a new title II, which adds in a new provision addressing the designation of the Vinagre Wash SMA; clarifies the management and permitted uses of the SMA; strikes the provision directing the Secretary of the Interior (Secretary) to manage the Indian Pass, Milpitas Wash, Buzzards Peak, and Palo Verde regions as potential wilderness; removes the authorization for the Secretary of the Navy to use the SMA for training purposes; and strikes the designation of 10,860 acres of the Indian Pass region and 17,250 acres of the Milpitas Wash region as wilderness.

The substitute amendment provides for a new title III, which addresses additions to the National Park System. The new title III adjusts the boundary of Death Valley National Park to add approximately 39,369 acres of Bureau of Land Management (BLM) land to the Park (about 4,000 acres more than the original language), some of which is currently being administered by the NPS; and makes clear that the Mormon Peak Microwave Facility can continue operations.

The substitute amendment provides for a new title IV, which addresses OHV recreation areas. The new title IV clarifies that the Secretary can issue a temporary permit for commercial vendors in certain circumstances; reduces the amount of land to be studied for potential inclusion in the Johnson Valley OHV Recreation Area; strikes the provision authorizing the Secretary to expand the OHV Recreation Areas that are being studied; changes the designation from the "Alabama Hills National Scenic Area," to the "Alabama Hills Scenic Area;" and strikes the authorization for the Secretary to award grants to study the Scenic Area.

The substitute amendment further provides for a new title V, which addresses miscellaneous provisions. The new title V adds in a provision authorizing a transfer of land to Anza-Borrego State Park, which will be managed as wilderness and revert to the federal government if it is not managed as wilderness; authorizes OHV recreation areas to be eligible for an exchange of Federal and State lands between the Federal government and the State of California; strikes the provision designating approximately 1.4 miles of the Amargosa River as a scenic river; strikes the provisions on buffer zones and management of nonwilderness activities; strikes the provision relating to native groundwater supplies in the Mojave National Preserve; makes clear that military operations can continue in all scenic areas, OHV recreation areas, and special management areas within the CDCA and that nothing in this legislation alters or diminishes the authority of the Secretary of Defense to conduct military operations; and modifies the provision directing the Secretary to establish, operate, and maintain a trans-State, rather than a bi-State, desert tortoise conservation center.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; table of contents

Section 1 provides a short title for the Act and a table of contents.

Section 2. Definitions

Section 2 provides key definitions.

TITLE I—DESIGNATION OF WILDERNESS IN THE CALIFORNIA DESERT CONSERVATION AREA

Section 101. California desert conservation and recreation

Section 101(a) amends the CDPA to designate 87,700 acres of land managed by the BLM as the Avawatz Mountains Wilderness; 7,870 acres of BLM land as the Great Falls Basin Wilderness; and 79,900 acres of BLM land as the Soda Mountains Wilderness.

Subsection (b) adds 1,250 acres of BLM land to the Golden Valley Wilderness and 53,320 acres of BLM land to the Kingston Range Wilderness.

Subsection (c) adds 91,560 acres of land administered by the NPS, and within Death Valley National Park, to the Death Valley National Park Wilderness.

Subsection (d) adds 7,141 acres of USFS land to the San Geronio Wilderness; authorizes the Secretary to carry out activities as necessary to control fire, insects, and disease in accordance with the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40; directs the Secretary to amend local fire management plans that apply to the new wilderness area; and directs the Forest Supervisor to establish agency approval procedures for responding to fire emergencies and to enter into agreements with appropriate State or local firefighting agencies.

Subsection (e) makes clear that nothing in this title terminates or prevents the reauthorization of any valid existing right-of-way (ROW) or customary operation, maintenance, or replacement activity in a right-of-way issued to the Southern California Edison Company or its predecessors, successors, or assigns located on land in the San Geronio Wilderness Area or the Sand to Snow National Monument.

Subsection (f) finds that the Cady Mountain and Soda Mountains WSAs have been adequately studied and no longer need to be managed for wilderness character.

TITLE II—DESIGNATION OF SPECIAL MANAGEMENT AREA

Section 201. Vinagre Wash Special Management Area

Section 201 amends the CDPA to establish 81,880 acres of BLM land as the Vinagre Wash SMA to preserve, protect, and enhance the plant, wildlife, ecological, geological, scenic, recreation, archaeological, cultural, and historic values of the SMA.

The Secretary is directed to authorize hiking, camping, hunting, sightseeing, and the use of motorized vehicles, mountain bikes, and horseback riding in the SMA on designated routes and in such a manner as to ensure public health, safety, and consistency with the SMA's purpose, applicable laws, and the Desert Renewable Energy Conservation Plan. The use of OHVs is permitted on designated

routes and the Secretary is authorized to close or permanently re-route a portion of a route when certain conditions apply. Within three years of enactment of this section, the Secretary is directed to accept petitions from the public regarding additional OHV routes and authorizes the Secretary to designate additional routes.

Except for valid existing rights, the SMA is withdrawn from all forms of entry, appropriation, or disposal under public land laws; location, entry, and patent under mining laws; and ROW leasing or disposition under laws relating to minerals, solar, wind, and geothermal energy. Standard language is included that prevents the creation of any buffer zone around the SMA.

The Secretary is directed to provide adequate notice of designated routes within the SMA. In consultation with tribes and other interested parties, the Secretary is directed to develop a program to provide opportunities for monitoring and stewardship of the SMA and to prepare and complete a tribal cultural resources survey of the SMA.

TITLE III—NATIONAL PARK SYSTEM ADDITIONS

Section 301. Death Valley National Park boundary revision

Section 301(a) adds approximately 39,369 acres of BLM land to Death Valley National Park.

Subsection (b) requires the maps showing the acreage added in subsection (a) to be on file and available for public inspection in the appropriate offices of the National Park Service.

Subsection (c) directs the Secretary to administer any land added to Death Valley National Park under subsection (a) as a part of that Park and, within 180 days of enactment of this legislation, to develop a memorandum of understanding with Inyo County to permit ongoing access and use to existing gravel pits along Saline Valley Road.

Subsection (d) amends the CDPA to make clear that the operation and maintenance of the Mormon Peak Microwave Facility can still continue.

Section 302. Mojave National Preserve

Section 302 adds 25 acres of BLM land in Baker, California to the Mojave National Preserve.

Section 303. Joshua Tree National Park

Section 303(a) adds 2,879 acres of BLM land and 1,639 acres of land acquired from the Mojave Desert Land Trust to Joshua Tree National Park.

Subsection (b) requires the maps showing the acreage added in subsection (a) and subsection (c)(2) to be on file and available for public inspection in the appropriate offices of the National Park Service.

Subsection (c) directs the Secretary to administer any land added to Joshua Tree National Park under subsection (a) and paragraph 2 as a part of that Park and adds 25 acres to the Park.

Subsection (d) makes clear that nothing in this title terminates valid existing ROW for the customary operation, maintenance, upgrade, of replacement of energy transport facilities permitted to the Southern California Edison Company or its predecessors, succes-

sors, or assigns. Nothing in this title prohibits the upgrade or replacement of Southern California Edison Company's energy transport facilities or an energy transport facility in ROWs issued by the Secretary adjacent to Southern California Edison Joshua Tree Utility Facilities. The Secretary is directed to publish plans for regular and emergency access by Southern California Edison Company to its ROWs located within Joshua Tree National Park.

Subsection (e) amends the CDPA to authorize the Secretary to acquire five acres of land outside of the Park, but within the unincorporated village of Joshua Tree, for a visitor center.

TITLE IV—OFF-HIGHWAY VEHICLE RECREATION AREAS

Section 401. Off-Highway Vehicle Recreation Areas

Section 401 amends the CDPA to add a new title XIII to designate 7,630 acres of BLM land as the Dumont Dunes OHV Recreation Area; 14,930 acres of BLM land as the El Mirage OHV Recreation Area; 23,910 acres of land as the Rasor OHV Recreation Area; 56,140 acres of BLM land as the Spangler OHV Recreation Area; and 40,110 acres of BLM land as the Stoddard Valley OHV Recreation Area. The Johnson Valley OHV Recreation Area is expanded by 11,300 acres of land. A purpose is provided for the OHV Recreation Areas, which is to preserve and enhance recreation opportunities, including opportunities for OHV recreation, within the Conservation Area.

The Secretary is directed to authorize, maintain, and enhance the recreational use of these areas, including off-highway recreation, hiking, camping, hunting, mountain biking, sightseeing, rockhounding, and horseback riding. Any lawful, authorized recreational activity and use designations in effect on the date of enactment will continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation. Water catchment tanks, also known as wildlife guzzlers, are also allowed in the OHV recreation areas. Except for energy transport facilities, ROW, and related telecommunication facilities, commercial development is prohibited in these areas, however the Secretary is authorized to issue a temporary permit to a commercial vendor to provide accessories or support for OHV use.

The Secretary is directed, within three years of enactment of this legislation, to amend existing resource management plans or develop new management plans for the OHV recreation areas. Except for valid existing rights, the OHV recreation areas are withdrawn from all forms of entry appropriation, or disposal under public land laws; location, entry, and patent under mining laws; and ROW, leasing, or disposition under mineral and geothermal leasing laws.

Within two years of enactment of this legislation, the Secretary is directed to complete a study of the following lands within the CDCA to determine if they are suitable for inclusion in an OHV recreation area: 41,000 acres of BLM land at Spangler Hills; 680 acres of BLM land at El Mirage; and 10,130 acres of BLM Land at Johnson Valley.

Language is included in this section to protect authorized activities conducted by the Southern California Edison Company and the Pacific Gas and Electric Company in valid ROW of certain OHV

recreation areas. The Secretary is directed to publish plans for regular and emergency access by the Southern California Edison Company and the Pacific Gas and Electric Company to their rights-of-way.

Section 401 further amends the CDPA to add a new title XIV to establish 18,610 acres of land as the Alabama Hills Scenic Area, to conserve, protect, and enhance the scenic, cultural, geological, educational, biological, historical, recreational, cinematographic, and scientific resources of the area.

The new section 1402 directs the Secretary to manage the Scenic Area as a component of the National Landscape Conservation System, without impacting valid existing rights. The Secretary is directed to provide for existing recreational uses of the Scenic Area, including hiking, mountain biking, rock climbing, sightseeing, horseback riding, hunting, fishing, and appropriate authorized mechanized vehicle use, unless there are public health and safety concerns. Except as necessary for administrative and emergency purposes, OHVs may be permitted only on county-maintained roads in accordance with applicable State and county laws or on designated roads and trails as authorized in a management plan that sustains a semi-primitive motorized experience.

Standard language is included that prevents the creation of any buffer zone around the scenic area. Owners of non-Federal land within the scenic area are guaranteed access to their land. Nothing in this title prohibits filming; affects the jurisdiction or responsibilities of the State with respect to fish and wildlife; or prohibits the Secretary from conducting wildland fire operations within the Scenic Area. Existing permits for the grazing of livestock are allowed to continue subject to reasonable regulations. Except for valid existing rights, Federal land within the Scenic Area is withdrawn from all forms of entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials. Nothing in this title prevents or inhibits the customary operation, maintenance, or replacement of any utility facility located within an existing ROW in the Scenic Area. The Secretary is authorized to permit new utility facility ROWs, in accordance with the National Environmental Policy Act.

The new section 1403 directs the Secretary, within three years of enactment of this legislation, to develop a comprehensive long-term management plan in consultation with certain parties to include plans for maintenance of public utility and other ROWs within the Scenic Area.

The new section 1404 directs the Secretary to take approximately 132 acres of land into trust for the Lone Pin Paiute-Shoshone Tribe. The land is subject to existing easements, restrictions, and withdrawals and is not eligible for gaming.

The new section 1405 transfers management of approximately 40 acres of land from the USFS to the BLM.

The new section 1406 clarifies that nothing in this title limits the provision of any commercial service for existing or historic recreation use. Any valid existing commercial permits for guided recreational activities may continue as authorized.

TITLE V—MISCELLANEOUS

Section 501. Transfer of land to Anza-Borrego Desert State Park

Section 501 amends the CDPA to add a new section 712 to transfer approximately 934 acres of BLM land to the State of California, once all mining claims in the area have terminated. The land is to be managed in accordance with the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40). Except for valid existing rights, the transferred lands are withdrawn from all forms of entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing. If the State ceases to manage the land as part of the state park system or in a manner consistent with the California Wilderness Act, the land will revert to the Secretary to be managed as a wilderness study area.

Section 502. Wildlife corridors

Section 502 amends the CDPA to add a new section 713 to direct the Secretary, within two years of enactment of this legislation, to assess the impacts of habitat fragmentation on wildlife in the CDCA, and to establish policies and procedures to ensure preservation of wildlife corridors and facilitate species migration. The Secretary is directed to consider the impacts of ROWs and to incorporate all findings into land management plans for the CDCA.

Section 503. Prohibited uses of acquired, donated, and conservation land

Section 503 amends the CDPA to add a new section 714 prohibiting, except as provided in certain situations, the Secretary from authorizing the use of acquired, conservation, or donated land within the CDCA for any activity contrary to the purposes for which the land was acquired, designated, or donated, including disposal, ROWs, leases, livestock grazing, infrastructure development, mineral entry, or OHV use, except in certain areas.

Section 504. Tribal uses and interests

Section 504 amends the CDPA to grant Indian tribes access to areas designated under this legislation for cultural and religious purposes. Upon the request of an Indian tribe, the Secretary is directed to temporarily close the smallest possible portion of a national monument, SMA, wild and scenic river, area of critical environmental concern, or unit of the National Park System designated under this legislation to protect privacy of traditional activities of the tribe. Within two years of enactment of this legislation, and in consultation with certain Indian tribes, the Secretary is directed to develop and implement a tribal cultural resources management plan for the Xam Kwatchan Trail network.

Section 505. Release of federal reversionary land interests

Section 505 directs the Secretary to convey all right, title, and remaining interest of the United States in and to the land that was conveyed to the Metropolitan Water District of Southern California in 1932, except for valid claims in existence prior to the 1932 Act. The District is responsible for any costs associated with the convey-

ance and agrees to hold harmless the United States if any boundary dispute arises.

Section 506. California state school land

Section 506 amends the CDPA to require the Secretary to work with the State to complete an exchange of state school lands located in the California desert over the next 10 years. A Special Fund Deposit Account is established to hold past and future receipts from the sale of land or surplus property associated with this exchange.

Section 507. Designation of wild and scenic rivers

Section 507 amends the Wild and Scenic Rivers Act to designate approximately 6.1 miles of the Amargosa River as a scenic river; 5.3 miles of Surprise Creek Canyon as a wild river; 1.8 miles of Surprise Creek Canyon as a recreational river; 19 miles of Surprise Canyon Creek as a wild river; one mile of Surprise Creek Canyon as a scenic river; 11 miles of Holcomb Creek as a recreational river; 3.5 miles of Holcomb Creek as a wild river; 5.8 miles of the North Fork Whitewater River as a wild river; 6.4 miles of the Middle Fork Whitewater River as a wild river; 5.9 miles of the South Fork Whitewater River as a wild river; one mile of the South Fork Whitewater River as a recreational river; 5.4 miles of the Whitewater River as a wild river; and 3.6 miles of the Whitewater River as a recreational river. The section makes clear that historic mining structures in the Panamint Mining District and the Snow Valley Ski Resort are not impacted by the designations in this section.

Section 508. Conforming amendments

Section 508 makes conforming and technical amendments.

Section 509. Juniper Flats

Section 509 amends the CDPA to prohibit the development of renewable energy generation facilities on 28,000 acres of Federal land in the Juniper Flats region of the CDCA.

Section 510. Conforming amendments to the California Military Lands Withdrawal and Overflights Act of 1994

Section 510 amends the California Military Lands Withdrawal and Overflights Act (16 U.S.C. 410aa-82 note; Public Law 103-433) to make clear that military overflights and the designation of military training areas can continue in SMAs, OHV recreation areas, and scenic areas.

Section 511. Desert tortoise conservation center

Section 511(a) directs the Secretary to establish, operate, and maintain a trans-State desert tortoise conservation center along the California-Nevada border. Subsection (b) directs the Secretary to seek the input of qualified organizations, ensure that there is public outreach, and consults with the States. Subsection (c) authorizes the Secretary to accept and expend non-Federal funds to operate the center.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure have been provided by the Congressional Budget Office:

Summary: H.R. 857 would allow the Bureau of Land Management (BLM) to spend past and future proceeds from the sale of certain lands in California to acquire lands owned by the state. The act also would require BLM to establish a desert tortoise conservation center. In addition, the act would direct BLM to develop plans to identify and conserve cultural resources of certain Indian tribes. Finally, the act would designate some federal lands for conservation and recreation.

Using information from BLM and the General Services Administration (GSA), CBO estimates that enacting the legislation would increase direct spending by \$8 million over the 2019–2028 period; therefore, pay-as-you-go procedures apply. The act would not affect revenues.

CBO also estimates that implementing the act would cost \$15 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds. Those amounts would be used primarily to pay federal employees to carry out various provisions of the act.

CBO estimates that enacting H.R. 857 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 857 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 857 is shown in the following table. The costs of the legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019– 2023	2019– 2028
INCREASES IN DIRECT SPENDING												
Estimated Budget Authority	8	0	0	0	0	0	0	0	0	0	8	8
Estimated Outlays	1	2	2	2	1	0	0	0	0	0	8	8
INCREASES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization Level	5	4	2	2	2	0	0	0	0	0	15	15
Estimated Outlays	5	4	2	2	2	0	0	0	0	0	15	15

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the start of 2019 and that the necessary amounts will be appropriated in each year.

Direct spending

CBO estimates that enacting H.R. 857 would increase direct spending by \$8 million over the 2019–2028 period. The act would authorize BLM to sell federal land to the state of California and deposit the proceeds into a special account that would be used to purchase other lands owned by the state. In addition, the act would allow proceeds from certain sales that occurred in the past, which cannot be spent under current law, to be used to acquire other state lands. Using information provided by GSA, CBO estimates that the proceeds from past sales that could be spent under the act

would total \$8 million. Collections from future land sales and spending of those proceeds to acquire additional state lands would have no significant net effect on the budget.

Spending subject to appropriation

CBO estimates that implementing four provisions of H.R. 857 that authorize new activities would cost \$15 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds.

Desert Tortoise Conservation Center. H.R. 857 would require the Department of the Interior (DOI) to establish, operate, and maintain a desert tortoise conservation center along the border of California and Nevada. The center would support research, monitoring, and rehabilitation of desert tortoises. Using information provided by DOI, CBO estimates that the cost of operating the facility and supporting research would total \$2 million a year.

Vinagre Wash Special Management Area. The act would designate roughly 82,000 acres as the Vinagre Wash Special Management Area, and would direct BLM to complete a tribal cultural resources survey for the area. Based on the costs of similar activities, CBO estimates that conducting the fieldwork necessary to complete the survey and a management plan for the area would cost \$2 million over the 2019–2020 period.

Xam Kwatchan Trail Network Plan. H.R. 857 would direct BLM to develop and implement a plan to identify and conserve the cultural resources of Indian tribes associated with the Xam Kwatchan Trail network in California and Nevada. Using information from BLM, CBO estimates that conducting the fieldwork necessary to complete the plan would cost \$1 million over the 2019–2020 period.

Conservation Designations. The act would make several designations under the Wild and Scenic Rivers Act. Using information provided by DOI, CBO estimates that completing a comprehensive river management plan for each newly designated river would have a total cost of \$1 million.

Other Provisions. H.R. 857 also would designate roughly 330,000 acres of federal lands as wilderness, 154,000 acres as off-highway vehicle recreation areas, and 19,000 acres as the Alabama Hills National Conservation Area. Because those designations would not significantly affect the federal management of those lands, CBO estimates that implementing those provisions would have no significant effect on the federal budget.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 857, THE CALIFORNIA DESERT PROTECTION AND RECREATION ACT OF 2018, AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON OCTOBER 2, 2018

	By fiscal year, in millions of dollars—													
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019–2023	2019–2028		
NET INCREASE IN THE DEFICIT														
Statutory Pay-As-You-Go Effect	1	2	2	2	1	0	0	0	0	0	8	8		

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 857 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Mandates: H.R. 857 contains no intergovernmental or private-sector mandates as defined in UMRA.

Previous CBO estimate: On July 25, 2018, CBO transmitted a cost estimate for H.R. 857, the California Off-Road Recreation and Conservation Act, as passed by the U.S. House of Representatives on June 25, 2018. Both versions of the act are similar; however, the Senate version also would designate the Vinagre Wash Special Management Area. CBO's estimate of spending subject to appropriation reflects additional costs associated with that provision.

Estimate prepared by: Federal costs: Janani Shankaran; Mandates: Zachary Byrum.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 857. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 857, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 857, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior and the Department of Agriculture at the July 26, 2017, hearing on S. 32, the companion bill to H.R. 857, follows:

STATEMENT OF JOHN RUHS ACTING DEPUTY DIRECTOR FOR
OPERATIONS BUREAU OF LAND MANAGEMENT U.S. DE-
PARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 32, the California Desert Protection and Recreation Act. This bill, which amends the California Desert Protection Act of 1994 (CDPA, Public Law 103-433), provides direction for the future management of Federal lands within the California Desert Conservation Area (CDCA).

The Department of the Interior (Department) recognizes the work of members of the California delegation to attempt to address a wide array of resource issues and management concerns in the California desert. Secretary Zinke is committed to implementing the America First Energy Plan, which is an “all-of-the-above” plan that includes oil and gas, coal, and renewable resources. Public lands in California are integral to the development of these important energy resources. In addition, Secretary Zinke, through Secretarial Order 3347, has pledged to expand access to America’s public lands and increase hunting, fishing, and recreational opportunities nationwide. While we support the goals of S. 32 that align with these important priorities, we do not support the bill as currently written because many of its proposed designations and administrative provisions could ultimately decrease public access, limit outdoor recreation, and impede energy development.

The Department would like the opportunity to work with the sponsors and Subcommittee to address a number of concerns outlined in this statement. In particular, we note that the sponsors and Subcommittee may wish to consider a more geographically focused or county-specific approach for some of the designations proposed by S. 32. The bipartisan Washington County, Utah, and Owyhee County, Idaho, land management legislation advanced during the 110th Congress could serve as good examples. Finally, we defer to the Department of Agriculture and the Department of Defense regarding provisions in the bill concerning the lands and interests they administer.

Because of the complexity of this legislation and the importance of these issues to the Department, my statement will address each of the bill’s provisions individually.

BACKGROUND

The CDCA contains over 25 million acres and includes 16 million acres of public lands administered by the Department. It was singled out for special management in the Federal Land Policy and Management Act of 1976 (FLPMA). Section 601 of FLPMA recognized the unique location of the CDCA, which is adjacent to the major metropolitan areas of southern California and over 20 million residents. This location has always meant that the management of the CDCA must consider the public’s desire for recreational activities, public access, energy development, rights-of-way, conservation, and other important uses. The

CDCA Plan of 1980 and its associated amendments were vast in their scale, ambitious in their goals, and designed to accommodate a variety of uses and users.

By the early 1990s, increased development pressures on the desert and new public awareness led many to believe that further measures were necessary to adequately conserve the special places of the California desert. After careful deliberation and an extensive public process, Congress in 1994 enacted the CDPA, which established Death Valley and Joshua Tree National Parks and the Mojave National Preserve, designated wilderness, and provided strong protections for traditional cultural uses of the area by various Tribes. The areas conserved by the CDPA serve as invaluable natural and recreational resources for the people of the California desert and the nearby Los Angeles metropolitan area.

TITLE I—CALIFORNIA DESERT CONSERVATION & RECREATION

Title I of S. 32 creates three new wilderness areas and expands two existing Wilderness Areas; expands wilderness in Death Valley National Park, and releases portions of six Wilderness Study Areas (WSAs). Title I also establishes the Vinagre Wash Special Management Area and Alabama Hills National Scenic Area; designates potential wilderness areas; expands three units of the National Park System; and establishes six National Off-Highway Vehicle (OHV) Recreation Areas, along with other miscellaneous provisions.

Wilderness

Section 1301 would designate the approximately 88,000-acre Avawatz Mountains Wilderness, the approximately 8,000-acre Great Falls Basin Wilderness, and the approximately 80,000-acre Soda Mountains Wilderness. In addition, this section would expand the existing Golden Valley Wilderness by approximately 1,300 acres, the Kingston Range Wilderness by approximately 53,000 acres, and Death Valley National Park Wilderness by approximately 92,000 acres. The Department supports Congressional action to resolve wilderness designation and WSA release issues on public lands across the West, and we welcome opportunities to further those efforts. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. We would like to work with Congress to achieve this important goal.

The Department notes that the lands proposed for wilderness designation by S. 32 generally serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, horseback riding, and other forms of outdoor recreation in the California desert. Pursuant to the priorities outlined by Secretary Zinke, we would like the opportunity to work with the sponsors and the Subcommittee to ensure that wilderness designation is the best mechanism for protecting these resources while restoring balance to other important

uses. Alternative management approaches could conserve sensitive resources while still accommodating the full range of uses and activities permitted on other BLM-managed lands. If Congress opts to proceed with designation of these lands as wilderness, we would like to work on some management language modifications in section 1302 to ensure that the BLM and the NPS retain the flexibility to coordinate on cross-boundary issues.

A provision that the Department would recommend adding to Title I is the conversion of an approximately 1-acre area from designated wilderness to designated potential wilderness. This area, known as the Mormon Peak Communication Area, serves as a major communications hub for the Death Valley National Park community. We would like to see it identified as potential wilderness until such time that a technological alternative becomes available to the present system.

Section 1303 proposes to release over 130,000 acres of BLM-managed public lands from WSA status, allowing these areas to be managed according to the existing BLM land use plans. As discussed above, we support this provision. These lands are small portions of WSAs that were not designated wilderness by this or previous legislation.

Vinagre Wash

Sections 1401 through 1404 create the approximately 82,000-acre Vinagre Wash Special Management Area (SMA) and would designate approximately 112 miles of trails for motorized recreation, horseback riding, mountain biking, and hiking. In recognition of the importance of the lands within the SMA to the Quechan Indian Nation and other Indian Tribes, section 1403 includes special protections of cultural resources and provides for a two-year study of those resources and related needs. Finally, section 1404 identifies four potential wilderness areas within the SMA. The Secretary is directed to preserve the character of the potential wilderness areas for eventual inclusion in the National Wilderness Preservation System, with limited specific exceptions for military uses. Designation would occur when the Secretary, in consultation with the Secretary of Defense, determines that all activities on these lands are compatible with the Wilderness Act of 1964.

The Department strongly supports efforts to facilitate and enhance recreational opportunities on America's public lands. We are also committed to the principle of tribal self-determination and efforts to strengthen tribal communities, including the preservation of cultural heritage. As with other lands proposed for wilderness designation by S. 32, however, we would like the opportunity to work with the sponsors and Subcommittee to ensure that the proposed potential wilderness designations are the most effective method of protecting sensitive resources while restoring balance to other important uses within the proposed SMA. We note that other management approaches could also conserve these resources while still allowing for the

full range of uses and activities available on other BLM-managed lands, which may not be permitted under the Wilderness Act. The Department would also like to work with the sponsors on amendments to the language to ensure consistency with existing plans and laws, including boundary adjustments for manageability.

National Park System additions

At Mojave National Preserve, 25 acres would be transferred from the BLM to the NPS. The NPS owns a maintenance facility situated on this parcel. No additional maintenance costs for the NPS would be incurred through the transfer.

At Joshua Tree National Park, approximately 2,900 acres of BLM land would be transferred to the NPS. An additional approximately 1,600 acres would be donated by the Mojave Desert Land Trust. These lands, which are contiguous to several places along the northern boundary of the park, would help provide a more cohesive, logical northern boundary and ensure the protection of primary wildlife corridors that run through the park and adjoining public lands in the Mojave Desert.

The NPS would also be authorized to acquire and administer the Joshua Tree Visitor Center, currently located outside the park boundary and owned by the Joshua Tree National Park Association. The Association currently leases the structure to the NPS, and lack of permanent Federal property ownership prevents the park from making basic repairs or enhancements to the visitor center. Purchasing the structure would save the NPS annual rental expenses.

Although these land transfers would be beneficial to both NPS and BLM over the long term, we are concerned that a significant majority of the lands to be transferred to NPS under this bill has not been investigated for environmental conditions. These lands include areas that have been subject to mining, military operations, and other uses that may have created contamination necessitating clean-up. The Department recommends amending this section of the bill to ensure consistency with Departmental policy and the Comprehensive Environmental Response, Compensation, and Liability Act, and to require that prior to the transfer of any of the above-described lands to the NPS, they be fully investigated for any contamination in accordance with applicable environmental due diligence standards and that any contamination be remediated.

Off-Highway Vehicle Recreation Areas

Section 1601 designates six OHV Recreation Areas totaling about 200,000 acres on BLM-managed public lands. The Department is committed to expanding access to public lands and increasing recreation opportunities nationwide. As such, we support each of these designations as they would provide congressionally designated areas for this popular recreational activity in the California desert.

The Department notes that the Dumont Dunes, El Mirage, Razor, Spangler Hills, Stoddard Valley, and Johnson Valley OHV Recreation Areas would be consistent with BLM management goals for these areas. We would like to work with the sponsors and the Subcommittee on amendments to this section to address management discretion for commercial uses, consistency in naming, the requirement for additional planning activities, and timeframes.

Alabama Hills National Scenic Area

Sections 1701 through 1707 establish the Alabama Hills National Scenic Area, which would encompass approximately 19,000 acres of BLM-managed public lands and would be administered as a unit of the BLM's National Conservation Lands. These sections also provide for the transfer of about 40 acres of U.S. Forest Service land to the BLM; direct that 132 acres of Federal land be taken into trust for the benefit of the Lone Pine Paiute-Shoshone Reservation; and provides for an acquisition by a private landowner to resolve an ongoing trespass issue. The Alabama Hills contain unique geologic features that have attracted photographers, cinematographers, and recreationists for generations. The area provides stunning views of Mount Whitney and the Sierra Nevada Mountains and has spectacular natural arches, rolling hills, and vibrant wildflowers. The Alabama Hills also serve as a backdrop for iconic Hollywood movies and remains a popular location for commercial filming.

The Department's understanding is that Senators Feinstein and Harris, Congressman Cook, and their staffs have worked to assemble a diverse coalition of stakeholders, including Inyo County, the Lone Pine Chamber of Commerce, the Lone-Pine Paiute-Shoshone Tribe, local business owners, and other key stakeholders, to reach consensus on the management and conservation of this area. The Department notes that each of the National Conservation Areas (NCAs) and similar designations established by Congress and managed by the BLM is unique. However, all of these designations have certain critical elements in common, including withdrawal from the public land, mining, and mineral leasing laws; limiting off-highway vehicles to roads and trails designated for their use; language that charges the Secretary of the Interior with allowing only those uses that further the purposes for which the area is established; and language ensuring that lands within such designations are managed at a higher level of conservation than the lands outside.

The Department could support the protection of the Alabama Hills as a part of the National Conservation Lands and the other provisions in this section, but we would like to work with the sponsors and Subcommittee on language to address management of utility rights-of-way, to ensure consistency with management of other units of the National Conservation Lands, and to address other minor technical issues.

Miscellaneous provisions

Section 1801 provides for the transfer of approximately 1,000 acres of the Table Mountain Wilderness Study Area to the California Department of Parks and Recreation for administration as a unit of Anza-Borrego Desert State Park. This area contains 12 active mining claims, and the transfer would occur after claims are terminated. The Department does not necessarily object to this transfer, but we would like to work with the sponsors on language to ensure clarity of the transfer process and release language of the Wilderness Study Area status prior to transfer to California State Parks.

Section 1803 requires a study to assess the impacts of climate change on the CDCA within two years. The Department believes such study is unnecessary and notes that the analysis already conducted as part of the BLM's Desert Renewable Energy Conservation Plan largely met the requirements of this section.

Section 1804 establishes certain restrictions on the use of acquired or donated lands within the CDCA. The Department does not necessarily object to these restrictions, which we understand are related to various plans and agreements made under Federal and State laws, but we would like to work with the sponsors to ensure consistency with other existing agreements and requirements, to provide for discretion and public input, and to ensure technical accuracy.

Section 1805 provides for access by members of Indian tribes and requires the Secretary to develop a Tribal Cultural Resources Management Plan for the Xan Kwatchan Trail network.

Section 1806 would transfer the Federal reversionary interest in certain lands and minerals to the Metropolitan Water District of Southern California. All costs associated with this conveyance would be the responsibility of the Metropolitan Water District. The BLM, as a matter of both policy and practice, and in accordance with FLPMA, generally requires receipt of fair market value for public lands or interests transferred out of public ownership. This serves to ensure that taxpayers are fairly compensated for the removal of public lands from Federal ownership. The Department supports the goal of conveying the reversionary interest outlined in this section. As with previous such proposals, we recommend amending the legislation to ensure the payment of fair market value for the reversionary interest. However, the Department recognizes that there may be circumstances, as determined by Congress, in which the public benefits of a proposed transfer outweigh financial considerations. We would also like to work with the sponsors and Subcommittee on amendments to address issues of technical clarity.

Section 103 requires the Secretary to work with the California State Lands Commission to develop a process for exchange of State parcels within the new conservation designations. The Department has no objection to this

process but would like to work with the sponsors on minor modifications to ensure it is consistent with existing authorities.

Section 104 amends the Wild and Scenic Rivers Act (16 U.S.C. 1274[a]) by adding segments of five rivers to the National Wild and Scenic River System. Three of these segments, the Amargosa River, Surprise Canyon Creek, and Whitewater River, cross public lands managed by the BLM and the NPS. All three of these are important riparian areas in the deserts of southern California and provide habitat for a number of threatened, endangered, and sensitive species. With that said, we would like the opportunity to work with the sponsors and the Subcommittee to ensure that wild and scenic river designation is the best mechanism for protecting such resources. Alternative management approaches could conserve sensitive resources while still accommodating the full range of uses and activities permitted on other BLM-managed lands. If Congress opts to add these segments to the National Wild and Scenic River System, we would like to work with the Subcommittee on technical issues, including correcting what we believe is an error in the legal description.

Section 105 contains a number of conforming amendments, some of which could significantly impact management of areas designated under the bill. We would like to work with the sponsors and the Subcommittee on the language regarding avoiding establishment of buffer zones. The section pertaining to Native Groundwater Supplies would preclude the Secretary from authorizing the use of any right-of-way or lease to extract, consume, export, transfer or distribute groundwater on certain BLM-managed public lands in quantities that collectively exceed the estimated perennial safe yield or annual recharge rate, as determined by the United States Geological Survey. The Department supports working landscapes across the West and is committed to keeping public lands healthy and productive. The Department would like to work with the sponsors and Subcommittee on amendments to this section to ensure that the BLM retains its ability to manage these public lands on the basis of multiple-use and sustained yield.

TITLE II—DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LANDS

Title II of S. 32 establishes a new process for disposition of revenues received for the development of wind or solar energy on BLM-administered lands throughout the West. Under this title, 25 percent of revenues would be distributed to States and 25 percent to Counties. For ten years, 15 percent of revenues would be used for the processing of renewable energy permits, while 35 percent would be deposited in a Renewable Energy Resource Conservation Fund (Fund). After ten years, the permit processing funds would also be deposited in the Fund. The Secretary would be permitted to make amounts in the Fund available to

other Federal and State agencies for five purposes: 1) protection and restoration of important wildlife habitat and corridors and water resources; 2) conducting research with Universities on restoration and protection activities; 3) securing recreational access to Federal lands; 4) carrying out activities authorized under the Land and Water Conservation Fund; and 5) establishing, operating, and maintaining a trans-State desert tortoise conservation center. The Secretary is also required to establish an Advisory Board to provide recommendations and guidance on the amount of funds expended from the Fund.

The Department notes that all revenues from solar and wind energy authorizations on public lands currently go to the U.S. Treasury. We do not support the diversion of solar and wind energy receipts and have concerns with the potential long-term costs associated with such diversion. The Department would like to work with the sponsors and the Subcommittee to determine how best to achieve the overall goal of this title.

Additionally, under existing authorities and regulations, the BLM currently collects full cost recovery as costs are incurred throughout the wind and solar application process. Due to the difficulty in estimating the total cost for processing an application upfront, the Department recommends continuing its current cost recovery process.

CONCLUSION

The Department recognizes the work of members of the California delegation on S. 32 and supports certain goals of the bill that align with the Secretary's priorities of expanding access to and recreational opportunities on public lands. However, we do not support S. 32 as currently written. We would like to work with the sponsors and the Subcommittee on a number of substantive and technical modifications to the bill as it moves through the legislative process.

STATEMENT OF GLENN CASAMASSA ASSOCIATE DEPUTY
CHIEF, NATIONAL FOREST SYSTEM U.S. FOREST SERVICE,
UNITED STATES DEPARTMENT OF AGRICULTURE

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 32—the California Desert Protection and Recreation Act of 2017, S. 468—the Historic Routes Preservation Act, S. 941—the Yellowstone Gateway Protection Act, S. 1230—the Water Rights Protection Act, S. 1271—the Fowler and Boskoff Peaks Designation Act, and S. 1548—the Oregon Wildlands Act. I am Glenn Casamassa, Associate Deputy Chief for the National Forest System (NFS), USDA Forest Service.

S. 32—CALIFORNIA DESERT PROTECTION AND RECREATION
ACT OF 2017

S. 32 contains several provisions affecting USDA including an addition to the San Gorgonio Wilderness on the San Bernardino National Forest, establishment of sections of Deep Creek and Holcomb Creek and the Whitewater River on the San Bernardino National Forest as Wild, Scenic, and Recreational Rivers, transfer of administrative jurisdiction of 40 acres of National Forest System land to the Bureau of Land Management (BLM), and creation of a Renewable Energy Resource Conservation Fund. We defer to Department of Interior (DOI) for their views on sections affecting DOI agencies.

Section 1301(c), as added to the California Desert Protection Act of 1994 by section 101(a) of S. 32, would designate a 7,141-acre wilderness addition on the west and south ends of the existing 95,953-acre San Gorgonio Wilderness; this addition includes 1,000 acres of private property owned by the Wildlands Conservancy. The area that would be designated is currently an inventoried roadless area. USDA supports this wilderness addition as it would improve management efficiencies in this area, and we would like to work with the Subcommittee to ensure that the roadless areas can be consistently managed pursuant to this Act and the Wilderness Act.

Section 104(2) of the bill would amend the Wild and Scenic Rivers Act to add paragraphs (214) and (215) to designate approximately 76.3 miles of the specified rivers as part of the National Wild and Scenic Rivers System. Of this total, approximately 34.5 miles of Deep Creek, including its principal tributary, Holcomb Creek, and approximately 17.1 miles of the North, Middle and South Forks of the Whitewater River are within the boundary of the San Bernardino National Forest and would be administered by the Forest Service. In order to ensure consistency with the current provisions of the Wild and Scenic Rivers Act and the 2014 Revision of the San Bernardino National Forest Plan, the Department would like to work with the Subcommittee to make some technical corrections in Section 104(2).

The Forest Service has found each of these rivers to be eligible for designation based on their free-flowing character and regionally important river-related values. USDA supports designation of these eligible rivers as Wild and Scenic based on general support from the communities of interest and consistency of designation with the current management of National Forest System lands within the river corridors.

Section 1705 of the bill would transfer administrative jurisdiction of over approximately 40 acres of National Forest System land to the BLM for inclusion in the proposed Alabama Hills National Scenic Area. This is an isolated parcel of land and the USDA supports the transfer of administrative jurisdiction to the BLM.

This concludes my written testimony. Again I thank the Subcommittee for holding this hearing and providing the opportunity to testify, and I look forward to answering your questions at the appropriate time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by H.R. 857, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CALIFORNIA DESERT PROTECTION ACT OF 1994

Public Law 103–433

AN ACT To designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

* * * * *

SECTION 1. SHORT TITLE.

Sections [1 and 2, and titles I through IX] *1, 2, and 3, titles I through IX, and titles XIII and XIV* of this Act may be cited as the “California Desert Protection Act of 1994”.

* * * * *

SEC. 3. DEFINITIONS.

(a) *TITLES I THROUGH IX.—In titles I through IX, the term ‘this Act’ means only—*

- (1) *sections 1 and 2; and*
- (2) *titles I through IX.*

(b) *TITLES XIII AND XIV.—In titles XIII and XIV:*

(1) *CONSERVATION AREA.—The term ‘Conservation Area’ means the California Desert Conservation Area.*

(2) *SECRETARY.—The term ‘Secretary’ means—*

- (A) *with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior; and*
- (B) *with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture.*

(3) *STATE.—The term ‘State’ means the State of California.*

* * * * *

SEC. 102. DESIGNATION OF WILDERNESS.

* * * * *

(70) *AWAWATZ MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 87,700 acres, as generally depicted on the map entitled ‘Awawatz Mountains Proposed Wilderness’ and dated September 9, 2014, to be known as the ‘Awawatz Mountains Wilderness’.*

(71) *GREAT FALLS BASIN WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 7,870 acres, as generally depicted on the map entitled*

'Great Falls Basin Proposed Wilderness' and dated October 26, 2009, to be known as the 'Great Falls Basin Wilderness'.

(72) *SODA MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area, administered by the Bureau of Land Management, comprising approximately 79,990 acres, as generally depicted on the map entitled 'Soda Mountains Proposed Wilderness' and dated September 12, 2014, to be known as the 'Soda Mountains Wilderness'.*

* * * * *

SEC. 109. VINAGRE WASH SPECIAL MANAGEMENT AREA.

(a) *DEFINITIONS.—In this section:*

(1) *MANAGEMENT AREA.—The term 'Management Area' means the Vinagre Wash Special Management Area established by subsection (b).*

(2) *MAP.—The term 'map' means the map entitled 'Vinagre Wash Proposed Special Management Area' and dated November 10, 2009.*

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

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

(b) *ESTABLISHMENT.—There is established the Vinagre Wash Special Management Area in the State, to be managed by the Secretary.*

(c) *PURPOSE.—The purpose of the Management Area is to conserve, protect, and enhance—*

(1) *the plant and wildlife values of the Management Area; and*

(2) *the outstanding and nationally significant ecological, geological, scenic, recreational, archaeological, cultural, historic, and other resources of the Management Area.*

(d) *BOUNDARIES.—The Management Area shall consist of the public land in Imperial County, California, comprising approximately 81,880 acres, as generally depicted on the map.*

(e) *MAP; LEGAL DESCRIPTION.—*

(1) *IN GENERAL.—As soon as practicable, but not later than 3 years, after the date of enactment of this section, the Secretary shall submit a map and legal description of the Management Area to—*

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

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

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

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

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

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

(f) *MANAGEMENT.*—

(1) *IN GENERAL.*—*The Secretary shall manage the Management Area—*

(A) in a manner that conserves, protects, and enhances the purposes for which the Management Area is established; and

(B) in accordance with—

(i) this section;

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

(iii) other applicable laws.

(2) *USES.*—*The Secretary shall allow only those uses that are consistent with the purposes of the Management Area, including hiking, camping, hunting, and sightseeing and the use of motorized vehicles, mountain bikes, and horses on designated routes in the Management Area in a manner that—*

(A) is consistent with the purpose of the Management Area described in subsection (c);

(B) ensures public health and safety; and

(C) is consistent with all applicable laws (including regulations), including the Desert Renewable Energy Conservation Plan.

(3) *OFF-HIGHWAY VEHICLE USE.*—

(A) IN GENERAL.—*Subject to subparagraphs (B) and (C) and all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area as generally depicted on the map.*

(B) CLOSURE.—*The Secretary may close or permanently reroute a portion of a route described in subparagraph (A)—*

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

(ii) to protect Tribal cultural resources, including the resources identified in the Tribal cultural resources management plan developed under section 705(d);

(iii) to address public safety concerns; or

(iv) as otherwise required by law.

(C) DESIGNATION OF ADDITIONAL ROUTES.—*During the 3-year period beginning on the date of enactment of this section, the Secretary—*

(i) shall accept petitions from the public regarding additional routes for off-highway vehicles; and

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

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

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

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

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

(B) location, entry, and patent under the mining laws; and

(C) right-of-way, leasing, or disposition under all laws relating to—

- (i) minerals and mineral materials; or
- (ii) solar, wind, and geothermal energy.

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

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

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

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

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

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

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

(7) *STEWARDSHIP.*—The Secretary, in consultation with Indian Tribes and other interests, shall develop a program to provide opportunities for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

(A) route signage;

(B) restoration of closed routes;

(C) protection of Management Area resources; and

(D) recreation education.

(8) *PROTECTION OF TRIBAL CULTURAL RESOURCES.*—Not later than 2 years after the date of enactment of this section, the Secretary, in accordance with chapter 2003 of title 54, United States Code, and any other applicable law, shall—

(A) prepare and complete a Tribal cultural resources survey of the Management Area; and

(B) consult with the Quechan Indian Nation and other Indian tribes demonstrating ancestral, cultural, or other ties to the resources within the Management Area on the development and implementation of the Tribal cultural resources survey under subparagraph (A).

* * * * *

SEC. 408. VISITOR CENTER.

(a) *IN GENERAL.*—The Secretary may acquire not more than 5 acres of land and interests in land, and improvements on the land and interests, outside the boundaries of the park, in the unincorporated village of Joshua Tree, for the purpose of operating a visitor center.

(b) *BOUNDARY.*—The Secretary shall modify the boundary of the park to include the land acquired under this section as a noncontiguous parcel.

(c) *ADMINISTRATION.*—*Land and facilities acquired under this section—*

(1) *may include the property owned (as of the date of enactment of this section) by the Joshua Tree National Park Association and commonly referred to as the ‘Joshua Tree National Park Visitor Center’;*

(2) *shall be administered by the Secretary as part of the park; and*

(3) *may be acquired only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange*

* * * * *

SEC. 604. MORMON PEAK MICROWAVE FACILITY.

The designation of the Death Valley National Park Wilderness by section 601(a)(1) shall not preclude the operation and maintenance of the Mormon Peak Microwave Facility.

* * * * *

SEC. 705. NATIVE AMERICAN USES AND INTERESTS.

[(a) *ACCESS.*—In recognition of the past use of the National Park System units and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such park system units and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the park system unit or wilderness area in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996) commonly referred to as the “American Indian Religious Freedom Act”, and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).]

(a) *ACCESS.*—*The Secretary shall ensure access to areas designated under this Act by members of Indian Tribes for traditional cultural and religious purposes, consistent with applicable law, including Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996).*

(b) *Temporary Closure.*—

(1) *IN GENERAL.*—*In accordance with applicable law, including Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996), and subject to paragraph (2), the Secretary, on request of an Indian Tribe or Indian religious community, shall temporarily close to general public use any portion of an area designated as a national monument, special management area, wild and scenic river, area of critical environmental concern, or National Park System unit under this Act (referred to in this subsection as a ‘designated area’) to protect the privacy of traditional cultural and religious activities in the designated area by members of the Indian tribe or Indian religious community.*

(2) *LIMITATION.*—*In closing a portion of a designated area under paragraph (1), the Secretary shall limit the closure to the smallest practicable area for the minimum period necessary for the traditional cultural and religious activities.*

[(b)](c) *STUDY.*—

(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in part A of this subchapter.

(2) Not later than 1 year after October 31, 1994, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the United States Senate, and the Committee on Natural Resources of the United States House of Representatives on the results of the study conducted under paragraph (1).

(d) *TRIBAL CULTURAL RESOURCES MANAGEMENT PLAN.*—

(1) *IN GENERAL.*—*Not later than 2 years after the date of enactment of the California Desert Protection and Recreation Act of 2018, the Secretary shall develop and implement a Tribal cultural resources management plan to identify, protect, and conserve cultural resources of Indian tribes associated with the Xam Kwatchan Trail network extending from Avikwaame (Spirit Mountain, Nevada) to Avikwlat (Pilot Knob, California).*

(2) *CONSULTATION.*—*The Secretary shall consult on the development and implementation of the Tribal cultural resources management plan under paragraph (1) with—*

(A) *each of—*

- (i) *the Chemehuevi Indian Tribe;*
- (ii) *the Hualapai Tribal Nation;*
- (iii) *the Fort Mojave Indian Tribe;*
- (iv) *the Colorado River Indian Tribes;*
- (v) *the Quechan Indian Tribe; and*
- (vi) *the Cocopah Indian Tribe; and*

(B) *the Advisory Council on Historic Preservation.*

(3) *RESOURCE PROTECTION.*—*The Tribal cultural resources management plan developed under paragraph (1) shall—*

(A) *be based on a completed Tribal cultural resources survey; and*

(B) *include procedures for identifying, protecting, and preserving petroglyphs, ancient trails, intaglios, sleeping circles, artifacts, and other resources of cultural, archaeological, or historical significance in accordance with all applicable laws and policies, including—*

- (i) *chapter 2003 of title 54, United States Code;*
- (ii) *Public Law 95-341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996);*
- (iii) *the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);*
- (iv) *the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and*

(v) *Public Law 103-141 (commonly known as the 'Religious Freedom Restoration Act of 1993') (42 U.S.C. 2000bb et seq.).*

(e) *WITHDRAWAL.—Subject to valid existing rights, all Federal land within the area administratively withdrawn and known as the 'Indian Pass Withdrawal Area' is permanently withdrawn from—*

- (1) all forms of entry, appropriation, or disposal under the public land laws;*
- (2) location, entry, and patent under the mining laws; and*
- (3) right-of-way leasing and disposition under all laws relating to minerals or solar, wind, or geothermal energy.*

* * * * *

SEC. 707. CALIFORNIA STATE SCHOOL LANDS.

(a) **NEGOTIATIONS TO EXCHANGE.**—[Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement]

(1) IN GENERAL.—The Secretary shall negotiate in good faith to reach an agreement with the California State Lands Commission (referred to in this section as the 'Commission') to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas, national monuments, off-highway vehicle recreation areas, or park system units designated by this Act (hereinafter in this section referred to as "State School lands.")). [The Secretary shall negotiate in good faith to]

(2) AGREEMENT.—To the maximum extent practicable, not later than 10 years after the date of enactment of this title, the Secretary shall reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) **PREPARATION OF LIST.**—Within six months after October 31, 1994, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas, *national monuments, off-highway vehicle recreation areas*, or park system units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority—

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act

of 1976, has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in the Secretary's discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) DISPOSAL OF SURPLUS FEDERAL PROPERTY.—

(1) Effective upon October 31, 1994, and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such land or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(5) SPECIAL DEPOSIT FUND ACCOUNT.—

(A) *IN GENERAL.*—Assembled land exchanges may be used to carry out this section through the sale of surplus Federal property and subsequent acquisitions of State school land.

(B) *RECEIPTS.*—Past and future receipts from the sale of property described in subsection (a), less any costs incurred related to the sale, shall be deposited in a Special Deposit Fund Account established in the Treasury.

(C) *USE.*—Funds accumulated in the Special Deposit Fund Account may be used by the Secretary, without fur-

ther appropriation, to acquire State school lands or interest in the land consistent with this section.

(d) **NO EFFECT ON MILITARY BASE CLOSURES.**—The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

* * * * *

[SEC. 711. DEFINITION.

Any reference to the term “this Act” in titles I through IX shall be deemed to be solely a reference to sections 1 and 2, and titles I through IX.]

SEC. 711. JUNIPER FLATS.

Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited on the approximately 28,000 acres of Federal land generally depicted as ‘BLM Land Withdrawn from Energy Development and Power Generation’ on the map entitled ‘Juniper Flats’ and dated September 21, 2015.

* * * * *

SEC. 712. TRANSFER OF LAND TO ANZA-BORREGO DESERT STATE PARK.

(a) **IN GENERAL.**—*On termination of all mining claims to the land described in subsection (b), the Secretary shall transfer the land described in that subsection to the State of California.*

(b) **DESCRIPTION OF LAND.**—*The land referred to in subsection (a) is certain Bureau of Land Management land in San Diego County, California, comprising approximately 934 acres, as generally depicted on the map entitled ‘Table Mountain Wilderness Study Area Proposed Transfer to the State’ and dated July 15, 2009.*

(c) **MANAGEMENT.**—*Access*

(1) **IN GENERAL.**—*The land transferred under subsection (a) shall be managed in accordance with the provisions of the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40).*

(2) **WITHDRAWAL.**—*Subject to valid existing rights, the land transferred under subsection (a) is withdrawn from—*

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

(B) *location, entry, and patent under the mining laws;*
and

(C) *disposition under all laws relating to mineral and geothermal leasing.*

(3) **REVERSION.**—*If the State ceases to manage the land transferred under subsection (a) as part of the State Park System or in a manner inconsistent with the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40), the land shall revert to the Secretary at the discretion of the Secretary, to be managed as a Wilderness Study Area.*

SEC. 713. WILDLIFE CORRIDORS.

(a) **IN GENERAL.**—*The Secretary shall—*

(1) *assess the impacts of habitat fragmentation on wildlife in the California Desert Conservation Area; and*

(2) *establish policies and procedures to ensure the preservation of wildlife corridors and facilitate species migration.*

(b) *STUDY.*—

(1) *IN GENERAL.*—As soon as practicable, but not later than 2 years, after the date of enactment of this section, the Secretary shall complete a study regarding the impact of habitat fragmentation on wildlife in the California Desert Conservation Area.

(2) *COMPONENTS.*—The study under paragraph (1) shall—

(A) *identify the species migrating, or likely to migrate in the California Desert Conservation Area;*

(B) *examine the impacts and potential impacts of habitat fragmentation on*

(i) *plants, insects, and animals;*

(ii) *soil;*

(iii) *air quality;*

(iv) *water quality and quantity; and*

(v) *species migration and survival;*

(C) *identify critical wildlife and species migration corridors recommended for preservation; and*

(D) *include recommendations for ensuring the biological connectivity of public land managed by the Secretary and the Secretary of Defense throughout the California Desert Conservation Area.*

(3) *RIGHTS-OF-WAY.*—The Secretary shall consider the information and recommendations of the study under paragraph (1) to determine the individual and cumulative impacts of rights-of-way for projects in the California Desert Conservation Area, in accordance with—

(A) *the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);*

(B) *the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and*

(C) *any other applicable law.*

(c) *LAND MANAGEMENT PLANS.*—The Secretary shall incorporate into all land management plans applicable to the California Desert Conservation Area the findings and recommendations of the study completed under subsection (b).

SEC. 714. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

(a) *DEFINITIONS.*—In this section:

(1) *ACQUIRED LAND.*—The term ‘acquired land’ means any land acquired within the Conservation Area using amounts from the land and water conservation fund established under section 200302 of title 54, United States Code.

(2) *CONSERVATION AREA.*—The term ‘Conservation Area’ means the California Desert Conservation Area.

(3) *CONSERVATION LAND.*—The term ‘conservation land’ means any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan, including—

(A) national conservation land established pursuant to section 2002(b)(2)(D) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(b)(2)(D)); and

(B) areas of critical environmental concern established pursuant to section 202(c)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).

(4) *DONATED LAND*.—The term ‘donated land’ means any private land donated to the United States for conservation purposes in the Conservation Area.

(5) *DONOR*.—The term ‘donor’ means an individual or entity that donates private land within the Conservation Area to the United States.

(6) *SECRETARY*.—The term ‘Secretary’ means the Secretary, acting through the Director of the Bureau of Land Management.

(7) *STATE*.—The term ‘State’ means the State of California.

(b) *PROHIBITIONS*.—Except as provided in subsection (c), the Secretary shall not authorize the use of acquired land, conservation land, or donated land within the Conservation Area for any activities contrary to the conservation purposes for which the land was acquired, designated, or donated, including—

(1) disposal;

(2) rights-of-way;

(3) leases;

(4) livestock grazing;

(5) infrastructure development, except as provided in subsection (c);

(6) mineral entry; and

(7) off-highway vehicle use, except on—

(A) designated routes;

(B) off-highway vehicle areas designated by law; and

(C) administratively designated open areas.

(c) *EXCEPTIONS*.—

(1) *AUTHORIZATION BY SECRETARY*.—Subject to paragraph (2), the Secretary may authorize limited exceptions to prohibited uses of acquired land or donated land in the Conservation Area if—

(A) a right-of-way application for a renewable energy development project or associated energy transport facility on acquired land or donated land was submitted to the Bureau of Land Management on or before December 1, 2009; or

(B) after the completion and consideration of an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary has determined that proposed use is in the public interest.

(2) *CONDITIONS*.—

(A) *IN GENERAL*.—If the Secretary grants an exception to the prohibition under paragraph (1), the Secretary shall require the permittee to donate private land of comparable value located within the Conservation Area to the United States to mitigate the use.

(B) *APPROVAL*.—The private land to be donated under subparagraph (A) shall be approved by the Secretary after—

(i) consultation, to the maximum extent practicable, with the donor of the private land proposed for nonconservation uses; and

(ii) an opportunity for public comment regarding the donation.

(d) *EXISTING AGREEMENTS.*—Nothing in this section affects permitted or prohibited uses of donated land or acquired land in the Conservation Area established in any easements, deed restrictions, memoranda of understanding, or other agreements in existence on the date of enactment of this section.

(e) *DEED RESTRICTIONS.*—Effective beginning on the date of enactment of this section, within the Conservation Area, the Secretary may—

(1) accept deed restrictions requested by landowners for land donated to, or otherwise acquired by, the United States; and

(2) consistent with existing rights, create deed restrictions, easements, or other third-party rights relating to any public land determined by the Secretary to be necessary—

“A) to fulfill the mitigation requirements resulting from the development of renewable resources; or

(B) to satisfy the conditions of—

(i) a habitat conservation plan or general conservation plan established pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); or

(ii) a natural communities conservation plan approved by the State.

* * * * *

SEC. 801. SHORT TITLE AND FINDINGS.

(a) *SHORT TITLE.*—This title may be cited as the ‘California Military Lands Withdrawal and Overflights Act of 1994’.

(b) *FINDINGS.*—The Congress finds that—

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Park System units, *special management areas*, *off-highway vehicle recreation areas*, *scenic areas*, and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.”

SEC. 802. MILITARY OVERFLIGHTS.

(a) *OVERFLIGHTS.*—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units

of the National Park or Wilderness Preservation Systems (or any additions to existing units), *scenic areas, off-highway vehicle recreation areas, or special management areas* designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) SPECIAL AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units), *scenic areas, off-highway vehicle recreation areas, or special management areas* designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park system or wilderness units.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

(d) DEPARTMENT OF DEFENSE FACILITIES.—*Nothing in this Act alters any authority of the Secretary of Defense to conduct military operations at installations and ranges within the California Desert Conservation Area that are authorized under any other provision of law.*

* * * * *

TITLE XIII—OFF-HIGHWAY VEHICLE RECREATION AREAS

SEC. 1301. DESIGNATION OF OFF-HIGHWAY VEHICLE RECREATION AREAS.

(a) IN GENERAL.—

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

(A) DUMONT DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.—*Certain Bureau of Land Management land in the Conservation Area, comprising approximately 7,630 acres, as generally depicted on the map entitled ‘Dumont Dunes Proposed OHV Recreation Area’ and dated February 22, 2018, which shall be known as the ‘Dumont Dunes Off-Highway Vehicle Recreation Area’.*

(B) EL MIRAGE OFF-HIGHWAY VEHICLE RECREATION AREA.—*Certain Bureau of Land Management land in the Conservation Area, comprising approximately 14,930 acres, as generally depicted on the map entitled ‘El Mirage Proposed OHV Recreation Area’ and dated February 22, 2018, which shall be known as the ‘El Mirage Off-Highway Vehicle Recreation Area’.*

(C) RASOR OFF-HIGHWAY VEHICLE RECREATION AREA.—*Certain Bureau of Land Management land in the Conservation Area, comprising approximately 23,910 acres, as generally depicted on the map entitled ‘Rasor Proposed*

OHV Recreation Area' and dated February 22, 2018, which shall be known as the 'Razor Off-Highway Vehicle Recreation Area'.

(D) SPANGLER HILLS OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 56,140 acres, as generally depicted on the map entitled 'Spangler Hills Proposed OHV Recreation Area' and dated February 22, 2018, which shall be known as the 'Spangler Off-Highway Vehicle Recreation Area'.

(E) STODDARD VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 40,110 acres, as generally depicted on the map entitled 'Stoddard Valley Proposed OHV Recreation Area' and dated February 22, 2018, which shall be known as the 'Stoddard Valley Off-Highway Vehicle Recreation Area'.

(2) EXPANSION OF JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—The Johnson Valley Off-Highway Vehicle Recreation Area designated by section 2945 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1038) is expanded to include approximately 11,300 acres, as generally depicted on the map entitled 'Proposed Johnson Valley Off-Highway Vehicle Recreation Area Additions' and dated March 15, 2018.

(b) PURPOSE.—The purpose of the off-highway vehicle recreation areas designated or expanded under subsection (a) is to preserve and enhance the recreational opportunities within the Conservation Area (including opportunities for off-highway vehicle recreation), while conserving the wildlife and other natural resource values of the Conservation Area.

(c) MAPS AND DESCRIPTIONS.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and legal description of each off-highway vehicle recreation area designated or expanded by subsection (a) with

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

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

(2) LEGAL EFFECT.—The map and legal descriptions of the off-highway vehicle recreation areas filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal descriptions.

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

(d) USE OF THE LAND.—

(1) RECREATIONAL ACTIVITIES.—

(A) IN GENERAL.—The Secretary shall continue to authorize, maintain, and enhance the recreational uses of the off-highway vehicle recreation areas designated or expanded by subsection (a), including off-highway recreation, hiking,

camping, hunting, mountain biking, sightseeing, rockhounding, and horseback riding, as long as the recreational use is consistent with this section and any other applicable law.

(B) OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY RECREATION.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designations in effect on the date of enactment of this title and applicable to the off-highway vehicle recreation areas designated or expanded by subsection (a) shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

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

(A) applicable Bureau of Land Management guidelines; and

(B) State law.

(3) PROHIBITED USES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), commercial development (including development of energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the off-highway vehicle recreation areas designated or expanded by subsection (a) if the Secretary determines that the development is incompatible with the purpose described in subsection (b).

(B) EXCEPTION.—The Secretary may issue a temporary permit to a commercial vendor to provide accessories and other support for off-highway vehicle use in an off-highway vehicle recreation area designated or expanded by subsection (a) for a limited period and consistent with the purposes of the off-highway vehicle recreation area and applicable laws.

(e) ADMINISTRATION.—

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

(A) this title;

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

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

(2) MANAGEMENT PLAN.—

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

(i) amend existing resource management plans applicable to the off-highway vehicle recreation areas designated or expanded by subsection (a); or

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

(B) REQUIREMENTS.—All new or amended plans under subparagraph (A) shall be designed to preserve and en-

hance safe off-highway vehicle and other recreational opportunities within the applicable recreation area consistent with—

- (i) the purpose described in subsection (b); and
- (ii) any applicable laws (including regulations).

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

(f) *WITHDRAWAL.*—Subject to valid existing rights, all Federal land within the off-highway vehicle recreation areas designated or expanded by subsection (a) is withdrawn from—

- (1) all forms of entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) right-of-way, leasing, or disposition under all laws relating to mineral leasing, geothermal leasing, or mineral materials.

(g) *STUDY.*—

(1) *IN GENERAL.*—As soon as practicable, but not later than 2 years, after the date of enactment of this title, the Secretary shall complete a study to identify Bureau of Land Management land within the California Desert Conservation Area that is suitable for addition to the off-highway vehicle recreation areas designated or expanded by subsection (a).

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

(A) certain Bureau of Land Management land in the California Desert Conservation Area, comprising approximately 41,000 acres, as generally depicted on the map entitled ‘Spangler Hills Proposed Expansion Study Area’ and dated March 9, 2018;

(B) certain Bureau of Land Management land in the California Desert Conservation Area, comprising approximately 680 acres, as generally depicted on the map entitled ‘El Mirage Proposed Expansion Study Area’ and dated February 22, 2018; and

(C) certain Bureau of Land Management land in the California Desert Conservation Area, comprising approximately 10,130 acres, as generally depicted on the map entitled ‘Johnson Valley Proposed Expansion Study Area’ and dated March 15, 2018.

(3) *REQUIREMENTS.*—In preparing the study under paragraph (1), the Secretary shall—

(A) seek input from stakeholders, including—

- (i) the State, including—
 - (I) the California Public Utilities Commission; and
 - (II) the California Energy Commission;
- (ii) San Bernardino County, California;
- (iii) the public;
- (iv) recreational user groups;
- (v) conservation organizations;
- (vi) the Southern California Edison Company;
- (vii) the Pacific Gas and Electric Company; and

- (viii) other Federal agencies, including the Department of Defense;
 - (B) identify and exclude from consideration any land that
 - (i) is managed for conservation purposes;
 - (ii) may be suitable for renewable energy development; or
 - (iii) may be necessary for energy transmission; and
 - (C) not recommend or approve expansion of off-highway recreation areas within the California Desert Conservation Area that collectively would exceed the total acres administratively designated for off-highway recreation within the California Desert Conservation Area as of the day before the date of enactment of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 672).
- (4) *APPLICABLE LAW.*—The Secretary shall consider the information and recommendations of the study completed under paragraph (1) to determine the impacts of expanding off-highway vehicle recreation areas designated or expanded by subsection (a) on the California Desert Conservation Area, in accordance with—
- (A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
 - (B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
 - (C) any other applicable law (including regulations), plan, and the Desert Renewable Energy Conservation Plan.
- (5) *SUBMISSION TO CONGRESS.*—On completion of the study under paragraph (1), the Secretary shall submit the study to—
- “(A) the Committee on Natural Resources of the House of Representatives; and
 - (B) the Committee on Energy and Natural Resources of the Senate.
- (h) *SOUTHERN CALIFORNIA EDISON COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.*—
- (1) *EFFECT OF TITLE.*—Nothing in this title—
- (A) terminates any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way issued, granted, or permitted to Southern California Edison Company (including any predecessor or successor in interest or assign) that is located on land included in—
 - (i) the El Mirage Off-Highway Vehicle Recreation Area;
 - (ii) the Spangler Hills National Off-Highway Vehicle Recreation Area; or
 - (iii) the Stoddard Valley National Off Highway Vehicle Recreation Area;
 - (B) affects the application, siting, route selection, right-of-way acquisition, or construction of the Coolwater-Lugo transmission project, as may be approved by the California

Public Utilities Commission and the Bureau of Land Management; or

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

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

(I) ‘Gale-PS 512 transmission lines or rights-of-way’; or

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

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

(2) PLANS FOR ACCESS.—The Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Company by the date that is 1 year after the later of—

“A) the date of enactment of this title; and

(B) the date of issuance of a new energy transport facility right-of-way within—

(i) the El Mirage Off-Highway Vehicle Recreation Area;

(ii) the Spangler Hills National Off-Highway Vehicle Recreation Area; or

(iii) the Stoddard Valley National Off Highway Vehicle Recreation Area.

(i) PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.—

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

(A) terminates any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized activity (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way issued, granted, or permitted to Pacific Gas and Electric Company (including any predecessor or successor in interest or assign) that is located on land included in the Spangler Hills National Off-Highway Vehicle Recreation Area; or

(B) prohibits the upgrading or replacement of any—

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

(I) ‘Gas Transmission Line 311 or rights-of-way’; or

(II) ‘Gas Transmission Line 372 or rights-of-way’; or

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

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

publish plans for regular and emergency access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

TITLE XIV—ALABAMA HILLS SCENIC AREA

SEC. 1401. DEFINITIONS.

In this title:

“(1) MANAGEMENT PLAN.—The term ‘management plan’ means the management plan for the Scenic Area developed under section 1403(a).

(2) MAP.—The term ‘Map’ means the map entitled ‘Proposed Alabama Hills National Scenic Area’ and dated September 8, 2014.

(3) MOTORIZED VEHICLE.—The term ‘motorized vehicle’ means a motorized or mechanized vehicle and includes, when used by a utility, mechanized equipment, a helicopter, and any other aerial device necessary to maintain electrical or communications infrastructure.

(4) SCENIC AREA.—The term ‘Scenic Area’ means the Alabama Hills Scenic Area established by section 1402(a).

(5) STATE.—The term ‘State’ means the State of California.

(6) TRIBE.—The term ‘Tribe’ means the Lone Pine Paiute-Shoshone Tribe.

SEC. 1402. ALABAMA HILLS SCENIC AREA, CALIFORNIA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established in Inyo County, California, the Alabama Hills Scenic Area, to be comprised of the approximately 18,610 acres generally depicted on the Map as ‘National Scenic Area’.

(b) PURPOSE.—The purpose of the Scenic Area is to conserve, protect, and enhance for the benefit, use, and enjoyment of present and future generations the nationally significant scenic, cultural, geological, educational, biological, historical, recreational, cinematographic, and scientific resources of the Scenic Area managed consistent with section 302(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(a)).

(c) MAP; LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and a legal description of the Scenic Area with—

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

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

(2) FORCE OF LAW.—The map and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the map and legal descriptions.

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

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

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

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

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

(4) *in accordance with—*

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

(B) *this title; and*

(C) *any other applicable laws.*

(e) *MANAGEMENT.*—

(1) *IN GENERAL.*—*The Secretary shall allow only such uses of the Scenic Area as the Secretary determines would further the purposes of the Scenic Area as described in subsection (b).*

(2) *RECREATIONAL ACTIVITIES.*—*Except as otherwise provided in this title or other applicable law, or as the Secretary determines to be necessary for public health and safety, the Secretary shall allow existing recreational uses of the Scenic Area to continue, including hiking, mountain biking, rock climbing, sight-seeing, horseback riding, hunting, fishing, and appropriate authorized motorized vehicle use in accordance with paragraph (3).*

(3) *MOTORIZED VEHICLES.*—*Except as otherwise specified in this title, or as necessary for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Scenic Area shall be permitted only on—*

(A) *roads and trails designated by the Secretary for use of motorized vehicles as part of a management plan sustaining a semiprimitive motorized experience; or*

(B) *county-maintained roads in accordance with applicable State and county laws.*

(f) *NO BUFFER ZONES.*—

(1) *IN GENERAL.*—*Nothing in this title creates a protective perimeter or buffer zone around the Scenic Area.*

(2) *ACTIVITIES OUTSIDE SCENIC AREA.*—*The fact that an activity or use on land outside the Scenic Area can be seen or heard within the Scenic Area shall not preclude the activity or use outside the boundaries of the Scenic Area.*

(g) *ACCESS.*—*The Secretary shall provide private landowners adequate access to inholdings in the Scenic Area.*

(h) *FILMING.*—*Nothing in this title prohibits filming (including commercial film production, student filming, and still photography) within the Scenic Area—*

(1) *subject to*

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

(B) *applicable law; and*

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

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

(j) *LIVESTOCK*.—The grazing of livestock in the Scenic Area, including grazing under the Alabama Hills allotment and the George Creek allotment, as established before the date of enactment of this title, shall be permitted to continue—

(1) subject to—

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

(B) applicable law; and

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

(k) *WITHDRAWAL*.—Subject to the provisions of this title and valid rights in existence on the date of enactment of this title, including rights established by prior withdrawals, the Federal land within the Scenic Area is withdrawn from all forms of—

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

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

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

(l) *WILDLAND FIRE OPERATIONS*.—Nothing in this title prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the Scenic Area, consistent with the purposes described in subsection (b).

(m) *COOPERATIVE AGREEMENTS*.—The Secretary may enter into cooperative agreements with, State, Tribal, and local governmental entities and private entities to conduct research, interpretation, or public education or to carry out any other initiative relating to the restoration, conservation, or management of the Scenic Area.

(n) *UTILITY FACILITIES AND RIGHTS-OF-WAY*.—

(1) *EFFECT OF TITLE*.—Nothing in this title—

(A) affects the existence, use, operation, maintenance (including vegetation control), repair, construction, reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation, improvement, funding, removal, or replacement of any utility facility or appurtenant right-of-way within or adjacent to the Scenic Area;

(B) subject to subsection (e), affects necessary or efficient access to utility facilities or rights-of-way within or adjacent to the Scenic Area; and

(C) precludes the Secretary from authorizing the establishment of new utility facility rights-of-way (including instream sites, routes, and areas) within the Scenic Area in a manner that minimizes harm to the purpose of the Scenic Area as described in subsection (b)—

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

(ii) subject to such terms and conditions as the Secretary determines to be appropriate; and

(iii) that are determined by the Secretary to be the only technical or feasible location, following consider-

ation of alternatives within existing rights-of-way or outside of the Scenic Area.

(2) **MANAGEMENT PLAN.**—Consistent with this title, the Management Plan shall establish plans for maintenance of public utility and other rights-of-way within the Scenic Area.

SEC. 1403. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this title, in accordance with subsections (b) and (c), the Secretary shall develop a comprehensive plan for the long-term management of the Scenic Area.

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

(1) appropriate State, Tribal, and local governmental entities, including Inyo County, the Los Angeles Department of Water and Power, and the Tribe;

(2) utilities, including Southern California Edison Company;

(3) the Alabama Hills Stewardship Group; and

(4) members of the public.

(c) **REQUIREMENT.**—In accordance with this title, the management plan shall establish plans for maintenance of public utility and other rights-of-way within the Scenic Area.

(d) **INCORPORATION.**—In developing the management plan, in accordance with this section, the Secretary shall allow, in perpetuity, casual use mining limited to the use of hand tools, metal detectors, hand-fed dry washers, vacuum cleaners, gold pans, small sluices, and similar items.

(e) **INTERIM MANAGEMENT.**—Pending completion of the management plan, the Secretary shall manage the Scenic Area in accordance with section 1402(b).

SEC. 1404. LAND TAKEN INTO TRUST FOR LONE PINE PAIUTE-SHOSHONE RESERVATION.

(a) **TRUST LAND.**—As soon as practicable after the date of enactment of this title, the Secretary shall take the approximately 132 acres of Federal land depicted on the Map as ‘Lone Pine Paiute-Shoshone Reservation Addition’ into trust for the benefit of the Tribe, subject to the conditions that—

(1) the land shall be subject to all easements, covenants, conditions, restrictions, withdrawals, and other matters of record in existence on the date of enactment of this title; and

(2) the Federal land over which the right-of-way for the Los Angeles Aqueduct is located, generally described as the 250-foot-wide right-of-way granted to the City of Los Angeles pursuant to the Act of June 30, 1906 (34 Stat. 801, chapter 3926), shall not be taken into trust for the Tribe.

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

(c) **GAMING PROHIBITION.**—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for gaming (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

SEC. 1405. TRANSFER OF ADMINISTRATIVE JURISDICTION.

Administrative jurisdiction over the approximately 40 acres of Federal land depicted on the Map as ‘USFS Transfer to BLM’ is

transferred from the Forest Service to the Bureau of Land Management.

SEC. 1406. PROTECTION OF SERVICES AND RECREATIONAL OPPORTUNITIES.

(a) *EFFECT OF TITLE.*—*Nothing in this title limits the provision of any commercial service for existing or historic recreation use, as authorized by the permit process of the Bureau of Land Management.*

(b) *GUIDED RECREATIONAL OPPORTUNITIES.*—*Any valid existing commercial permit to exercise guided recreational opportunities for the public may continue as authorized on the day before the date of enactment of this title.*

WILD AND SCENIC RIVERS ACT

Public Law 90–542, as amended

* * * * *

SEC. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * *

(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

[(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.]

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

(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

* * * * *

(214) SURPRISE CANYON CREEK, CALIFORNIA.—

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

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

(ii) The approximately 1.8 miles of Surprise Canyon Creek from 100 feet upstream of Chris Wicht Camp to the southern boundary of sec. 14, T. 21 N., R. 44 E., as a recreational river.

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

(215) *DEEP CREEK, CALIFORNIA.*—

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

(i) The approximately 6.5-mile segment from 0.125 mile downstream of the Rainbow Dam site in sec. 33, T. 2 N., R. 2 W., to 0.25 miles upstream of the Road 3N34 crossing, as a wild river.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

