

114TH CONGRESS  
1ST SESSION

# H. R. 1838

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the National Wild and Scenic Rivers System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2015

Mr. FARR (for himself, Mr. VALADAO, and Mr. DENHAM) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the National Wild and Scenic Rivers System, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4           (2) RECREATION AREA.—The term “Recreation  
5           Area” means the Clear Creek National Recreation  
6           Area.

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

9           (4) STATE.—The term “State” means the State  
10          of California.

11          (5) OFF HIGHWAY VEHICLE.—The term “off  
12          highway vehicle” means any motorized vehicle de-  
13          signed for or capable of cross-country travel on or  
14          immediately over land, water, snow, or other natural  
15          terrain and not intended for use on public roads.

16 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**  
17 **RECREATION AREA.**

18          (a) IN GENERAL.—To promote environmentally re-  
19          sponsible off highway vehicle recreation, there is estab-  
20          lished the “Clear Creek National Recreation Area”, to be  
21          managed by the Secretary.

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

25          (c) MAP.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of the enactment of this Act, the Sec-  
3 retary shall submit a map and legal description of  
4 the Recreation Area to—

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

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

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

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

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

16 **SEC. 4. MANAGEMENT.**

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

20                   (1) this Act;

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

23                   (3) any other applicable law.

24           (b) USES.—The Secretary shall—

1           (1) prioritize environmentally responsible off  
2 highway vehicle recreation and also facilitate hunt-  
3 ing, hiking, gem collecting, and the use of motorized  
4 vehicles, mountain bikes, and horses in accordance  
5 with the management plan described in subsection  
6 (c);

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

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

14       (c) INTERIM MANAGEMENT PLAN.—The Secretary  
15 shall use the 2005 Clear Creek Management Area Travel  
16 Management Plan as modified by this Act or the Secretary  
17 to incorporate natural resource protection information not  
18 available in 2005, as the basis of an interim management  
19 plan to govern off highway vehicle recreation within the  
20 Recreation Area pending the completion of the long-term  
21 management plan required in subsection (d).

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

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

4           (2) shall be prepared in consultation with—

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

8                 (B) adjacent land owners; and

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

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

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

21           (5) shall designate as many previously used  
22 trails, roads, and other areas for off highway vehicle  
23 recreation as feasible in accordance with this in  
24 order to provide a substantially similar recreational  
25 experience, except that nothing in this paragraph

1 shall be construed as precluding the Secretary from  
2 closing any area, trail, or route from use for the  
3 purposes of public safety or resource protection;

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

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

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

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

23 (e) ACQUISITION OF PROPERTY.—

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

4           (2) MANAGEMENT.—Any land acquired under  
5 paragraph (1) shall be managed in accordance  
6 with—

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

9                   (B) this Act; and

10                   (C) any other applicable law (including  
11 regulations).

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

17 (f) PRIVATE PROPERTY.—

18           (1) ACCESS TO PRIVATE PROPERTY.—

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

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

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

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

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

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

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

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

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

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

23                (1) limits hunting or fishing; or

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



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

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

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

15 (1) this Act;

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

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

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

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

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

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

5           (l) FEES.—Amounts received by the Secretary under  
6 the fee structure required by subsection (c)(3)(G) shall  
7 be—

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

10           (2) made available until expended, without fur-  
11 ther appropriation, to the Secretary for use in the  
12 Recreation Area.

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

22 **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

23           In accordance with the Wilderness Act (16 U.S.C.  
24 1131 et seq.), the approximately 21,000 acres of Federal  
25 lands located in Fresno County and San Benito County,

1 California, and generally depicted on a map entitled “Pro-  
2 posed Joaquin Rocks Wilderness” and dated January 14,  
3 2015, is designated as wilderness and as a component of  
4 the National Wilderness Preservation System and shall be  
5 known as the “Joaquin Rocks Wilderness”.

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

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

11 “(\_\_\_\_) LARIOUS CANYON.—The approximately  
12 5.25 miles of Larious Canyon Creek from its source  
13 near Idria Peak in Section 6, R12E, T18S, to the  
14 boundary of the Clear Creek Special Recreation  
15 Management Area in Section 23, R11E, T17S.

16 “(\_\_\_\_) SAN CARLOS CREEK.—The approxi-  
17 mately 5.51 miles of the East Fork San Carlos  
18 Creek from its source near San Benito Mountain in  
19 Section 10, R12E, T18S, to the boundary of the  
20 Clear Creek Special Recreation Management Area in  
21 Section 22, R12E, T17S.

22 “(\_\_\_\_) CANTUA CREEK.—The approximately  
23 7.68 miles of Cantua Creek from its source north of  
24 Santa Rita Peak in Section 24, R12E, T18S, to the  
25 public land boundary in Section 3, R13E, T18S.

1           “(\_\_\_\_) PICACHO CREEK.—The approximately  
2           2.65 miles of Picacho Creek, from its source spring  
3           in Section 20, R12E, T18S, to its confluence with  
4           the San Benito River.

5           “(\_\_\_\_) WHITE CREEK AND TRIBUTARIES.—

6           “(A) The approximately 5.37 miles of  
7           White Creek, from its source in Section 36,  
8           R12E, T18S, to the boundary of the Clear  
9           Creek Special Recreation Management Area in  
10          Section 17, R13E, T19S.

11          “(B) The approximately 2.29 miles of the  
12          unnamed tributary of White Creek from its  
13          source just south of Spanish Lake in Section  
14          29, R13E, T18S, to its confluence with White  
15          Creek.

16          “(C) The approximately 2.45 miles of the  
17          unnamed tributary of White Creek from its  
18          source in Section 33, R13E, T18S, to its con-  
19          fluence with White Creek.”.

20 **SEC. 7. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS**  
21 **STUDY AREA.**

22          (a) FINDING.—Congress finds that, for the purposes  
23 of section 603 of the Federal Land Policy and Manage-  
24 ment Act of 1976 (43 U.S.C. 1782), the San Benito

1 Mountain wilderness study area has been adequately stud-  
2 ied for wilderness designation.

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

○