

Amendment #1****

**Amendment to H.R. 857
Offered by Mr. Cook**

Page 7, line 15, insert “and” before “dated”.

Page 11, beginning on line 23, strike "a manner that minimizes the impact of the activities resources of" and insert "accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) for".

Page 12, beginning on line 1, strike “or the Sand to Snow National Monument” and insert “and in a manner compatible with the protection of objects and values for which the Sand to Snow National Monument was designated.”.

Page 13, line 10, insert "to the Secretary of Agriculture shall also be considered to be a reference to the Secretary of Interior, and any reference" after “Act”.

Page 15, insert the following after line 20:

SEC. 1305. DESIGNATION OF POTENTIAL WILDERNESS AREA.

(a) IN GENERAL.—Certain land administered by the National Park Service, comprising approximately 1 acre as generally depicted on the map entitled ‘Proposed Potential Wilderness, Mormon Peak Microwave Facility, Death Valley National Park’ and dated March 1, 2018, is designated as a potential wilderness area.

(b) USES.—The Secretary shall permit only the uses on the land described in subsection (a) that were permitted on the date of enactment of the California Desert Protection Act of 1994 (Public Law 103-433).

(c) REESTABLISHMENT OF WILDERNESS DESIGNATION.—

(1) NOTICE.—The Secretary shall publish a notice in the Federal Register when the Secretary determines that—

(A) the communications site within the potential wilderness area designated under subsection (a) is no longer used;

(B) the associated right-of-way is relinquished or not renewed; and

(C) the conditions in the potential wilderness area designated by subparagraph (a) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) DESIGNATION.— Upon publication by the Secretary of the notice described in paragraph (1), the land described in subsection (a) shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Death Valley National Park Wilderness designated by section 601 of Public Law 103-433.

Page 17, after line 22, insert the following:

(d) ENVIRONMENTAL REMEDIATION.—To ensure consistency with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and Department of the Interior policy, prior to the transfer of any of the lands described in subsection (a) to the National Park Service, the land shall be fully investigated for contamination in accordance with applicable environmental due diligence standards of the disposing agency and, within three years from the date of enactment of this subsection, the disposing agency shall undertake any environmental remediation or clean up activities and pay for such activities relating to facilities, land or interest in land identified for transfer.

Page 21, beginning on line 16, strike the text through page 38, line 15 and insert the following:

TITLE XV-- OFF-HIGHWAY VEHICLE RECREATION AREAS

SEC. 1501. DESIGNATION OF OFF-HIGHWAY VEHICLE RECREATION AREAS.

(a) 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:

(1) 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 OHV Recreation Area” and dated February 22, 2018, which shall be known as the “Dumont Dunes Off-Highway Vehicle Recreation Area”.

(2) 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”.

(3) 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 March 9, 2018, which shall be known as the “Rasor Off-Highway Vehicle Recreation Area”.

(4) 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 March 9, 2018, which shall be known as the "Spangler Hills Off-Highway Vehicle Recreation Area".

(5) 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 March 9, 2018, which shall be known as the "Stoddard Valley Off-Highway Vehicle Recreation Area".

(b) 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 all of the land, approximately 11,300 acres, depicted as the "Proposed Johnson Valley Off-Highway Vehicle Recreation Area Additions" on the map entitled "Johnson Valley Off-Highway Vehicle Recreation Area" and dated March 15, 2018.

(c) PURPOSE.--The purpose of the off-highway vehicle recreation areas designated or expanded under subsections (a) and (b) 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.

(d) 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 subsections (a) or (b) 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.

(e) 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 subsections (a) and (b), including, but not limited to off-highway recreation, hiking, camping, hunting, mountain biking, sightseeing, rockhounding, and horseback riding, as long as the recreational use is consistent with this section, the protection of public health and safety, 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 subsections (a) and (b) 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 by subsection (a) in accordance with--

- (A) applicable Bureau of Land Management guidelines; and
- (B) State law.

(3) PROHIBITED USES.

(A) IN GENERAL.--Permanent 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 subsections (a) and (b) if the Secretary determines that the development is incompatible with the purpose of this title.

(B) EXCEPTION FOR TEMPORARY PERMITTED VENDORS.--

Subparagraph (A) does not prohibit a commercial vendor from establishing, pursuant to a temporary permit, a site in the off-highway vehicle recreation areas for the purpose of providing accessories and other support for off-highway vehicles and vehicles used for accessing the area.

(f) ADMINISTRATION.

(1) IN GENERAL.--The Secretary shall administer the off-highway vehicle recreation areas designated or expanded by subsections (a) and (b) 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 will evaluate and determine if current land use plans meet the intent of this bill. If not, the Secretary shall--

- (i) amend existing resource management plans applicable to the land designated as off-highway vehicle recreation areas under subsection (a); or
- (ii) develop new activity plans for each off-highway vehicle recreation area designated 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 (c); and
- (ii) any applicable laws (including regulations).

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

(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 Conservation Area that is suitable for addition to--

(A) the off-highway vehicle recreation areas designated by subsection (a) and (b); or

(B) the Johnson Valley Off-Highway Vehicle Recreation Area designated by section 2945 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 1038).

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

(A) certain Bureau of Land Management land in the Conservation Area, comprising approximately 41,000 acres, as generally depicted on the map entitled "Spangler Hills Proposed OHV Recreation Area" and dated March 9, 2018;

(B) certain Bureau of Land Management land in the Conservation Area, comprising approximately 680 acres, as generally depicted on the map entitled "El Mirage Proposed OHV Recreation Area" and dated February 22, 2018; and

(C) certain Bureau of Land Management land in the Conservation Area, comprising approximately 10,300 acres, as generally depicted on the map entitled "Johnson Valley Off-Highway Vehicle Recreation 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) explore the feasibility of--

(i) expanding the southern boundary of the off-highway vehicle recreation area described in subsection (a)(3) to include previously disturbed land; and

(ii) establishing a right of way for OHV use in the area identified in (g)(2), to the extent necessary to connect the non-contiguous areas of the Johnson Valley Off-Highway Vehicle Recreation Area;

(C) identify and exclude from consideration any land that--

- (i) is managed for conservation purposes;
- (ii) is identified as critical habitat for a listed species;
- (iii) may be suitable for renewable energy development; or
- (iv) may be necessary for energy transmission; and

(D) not recommend or approve expansion of off-highway vehicle recreation areas within the Conservation Area that collectively would exceed the total acres administratively designated for off-highway recreation within the 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 by subsection (a) on the 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.);
- (C) applicable regulations and plans, including the Desert Renewable Energy Conservation Plan Land Use Plan Amendment; and
- (D) any other applicable law.

(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.

(6) AUTHORIZATION FOR EXPANSION.

(A) IN GENERAL.--On completion of the study under paragraph (1) and in accordance with all applicable laws (including regulations), the Secretary shall authorize the expansion of the off-highway vehicle recreation areas recommended under the study.

(B) MANAGEMENT.--Any land within the expanded areas under subparagraph (A) shall be managed in accordance with this section.

(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 Off-Highway Vehicle Recreation Area; or
- (iii) the Stoddard Valley 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"; and
- (II) "Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way"; and

(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 Off-Highway Vehicle Recreation Area; or
- (iii) the Stoddard Valley 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 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; and
- (II) Gas Transmission Line 372 or rights-of-way; and

(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 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.

Page 39, line 21, strike “values” and insert “valves”.

Page 43, line 6, insert “, but not limited to,” after “including”.

Page 49, after line 13, insert the following (and redesignate the following subsections accordingly):

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

Page 50, beginning on line 3, strike “As soon as practicable after the date of the enactment of this Act, the Secretary shall take” and insert “All right, title, and interest of the United States in and to”.

Page 50, line 7, strike “into trust” and insert “shall be held in trust by the United States”.

Page 50, after line 18, insert the following (and redesignate the following subsections accordingly):

“(b) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).”.

Page 51, strike lines 7 through 15 and insert:

SEC. 1606. PROTECTION OF SERVICES AND RECREATIONAL OPPORTUNITIES.

(a) EFFECT OF TITLE.--Nothing in this title shall be construed to limit commercial services for existing and historic recreation uses as authorized by the Bureau of Land Management’s permit process.

(b) GUIDED RECREATIONAL OPPORTUNITIES.--Commercial permits to exercise guided recreational opportunities for the public authorized as of the date of the enactment of this title may continue to be authorized.

Page 51, line 18, strike “title” and insert “Act”.

Page 53, beginning on line 1, strike “the land and water conservation fund” and insert “funds such as the Land and Water Conservation Fund”.

Page 53, line 6, insert “by the Bureau of Land Management in the California Desert Conservation Area Plan, as amended, for conservation purposes, as part of a mitigation agreement, or” after “designated”.

Page 53, line 10, strike “national conservation land” and insert “National Conservation Land”.

Page 53, beginning on line 14, strike “areas of critical environmental concern” and insert “Areas of Critical Environmental Concern”.

Page 55, line 12, insert “and any appropriate land use plan amendment under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.),” after the comma.

Page 57, after line 6, insert:

(f) EXISTING RIGHTS OF WAY AND LEASES- Nothing in this section shall terminate or preclude the renewal or reauthorization of any valid existing rights-of-way or leases on the donated land.

Page 58, line 10, strike “TRIBAL”.

Page 58, line 15, strike “tribal”.

Page 58, line 22, strike “tribal”.

Page 59, beginning on line 7, strike “Advisory Council on Historic Preservation” and insert “State Historic Preservation Offices of Nevada, Arizona, and California”.

Page 62, after line 4, insert the following:

SEC. 1705. DESERT TORTOISE CONSERVATION CENTER.

(a) Establishment.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall establish, operate, and maintain a bi-State center, to be known as the “Desert Tortoise Conservation Center” (referred to in this section as the “Center”), on public land along the border between the States of California and Nevada—

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

(2) to ensure the full recovery and ongoing survival of the desert tortoise species.

(b) Requirements.—In carrying out subsection (a), the Secretary shall—

(1) seek the participation of or contract with qualified nongovernmental 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, including through the use of public-private partnerships for funding and other purposes, where appropriate;

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

(3) consult with the States of California and Nevada to ensure the center is operated consistent with applicable State law.

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

SEC. 1706. WILDLIFE CORRIDORS.

“(a) In General.—The Secretary shall—

“(1) assess the impacts of habitat fragmentation on wildlife in the 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 title, the Secretary shall complete a study regarding the impact of habitat fragmentation on wildlife in the Conservation Area.

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

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

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

“(i) plants, insects, and animals;

“(ii) 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 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 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 Conservation Area the findings and recommendations of the study completed under subsection (b).

Page 63, line 20, strike the period.

Page 63, line 22, insert “off-highway vehicle recreation areas,” after “ments,”.

Page 64, line 8, insert “off-highway vehicle recreation areas,” after “monuments,”

Page 64, line 8, strike “and”.

Page 65, line 2, strike the period and insert “; and”.

Page 65, after line 2, insert the following:

(4) by adding at the end the following:

“(e) MEMORANDUM OF AGREEMENT.—

1) Any transaction completed pursuant to this section prior to January 1, 2018:

(A) is deemed to be in compliance with the terms of the October 26, 1995, Memorandum of Agreement between the commission, the general services administration, and the Secretary; and

(B) meets the requirements of subparagraph (a) of this section.

2) Future transactions that satisfy the terms of the October 26, 1995, Memorandum of Agreement shall be considered to be in compliance with subparagraph (a) of this section.”.

Page 66, line 18, strike “N.” and insert “S.”.

Page 66, line 19, insert “Mount Diablo Meridian” after “E.,”.

Page 67, line 8, insert “San Bernardino Meridian” after “W.,”.

Page 68, line 1, insert “San Bernardino Meridian” after “W.,”.

Page 69, line 12, insert “San Bernardino Meridian,” after “E.,”.

Page 69, line 16, insert “San Bernardino Meridian,” after “E.,”.

Page 69, line 18, insert “San Bernardino Meridian,” after “E.,”.

Page 69, line 21, insert “San Bernardino Meridian,” after “E.,”.

Page 70, line 8, insert “San Bernardino Meridian,” after “E.,”.

Page 71, line 25, strike “camping, hunting,”.

Page 73, beginning on line 2 strike “BLM Land Withdrawn from Energy Development and Power Generation” and insert “BLM Land Unavailable for Energy Development”.

Page 73, beginning on line 4, strike “September 21, 2015” and insert “April 26, 2018”.