

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

March 14, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff, Spencer Kimball
Federal Lands Subcommittee Staff, (x6-7736)

Markup: H.R. 496 (Rep. Paul Cook), To establish the Alabama Hills National Scenic Area in the State of California, and for other purposes
March 15 and 16, 2016; 1324 Longworth HOB.

H.R. 496 (Rep. Paul Cook, R-CA), “Alabama Hills National Scenic Area Establishment Act”

Bill Summary

H.R. 496, introduced by Rep. Paul Cook (R-CA-08), would establish the Alabama Hills National Scenic Area, encompassing 18,610 acres in central California, in order to preserve recreational and other existing uses.

Background

The Alabama Hills are a range of hills and rock formations near the eastern slope of the Sierra Nevada Mountains in the Owens Valley in central California. The area is home to a variety of recreational activities and served as a popular filming location for both television shows and films. Several television shows were filmed in the area, including the *Gene Autry Show*, *Lone Ranger*, and *Bonanza*. Films such as *Tremors*, *Gladiator*, and *Iron Man* were also filmed, in part, in the Alabama Hills.

The Alabama Hills Stewardship Group was established to promote the long term vision, conservation, use, enhancement, and enjoyment of the Alabama Hills area. Inyo County, the Lone Pine Chamber of Commerce, the Lone-Pine Paiute-Shoshone Tribe, local business owners, and other key stakeholders have all worked with the Stewardship Group. With the goal of protecting the area from the industrial-scale renewable energy development that is occurring in surrounding areas, while also protecting existing uses, the Alabama Hills Stewardship Group, as well as off-road groups, the local chamber of commerce, and many others, coordinated for the last two years to share ideas that ultimately formed the basis of H.R. 496.

The bill restricts the development of large-scale industrial projects such as renewable energy generation, while preserving all existing recreational and commercial uses of the Alabama Hills. These uses include filming, hiking, mountain biking, rock climbing, hunting, fishing, recreational mineral prospecting (“rock-hounding”), and authorized motorized vehicle

use. Additionally, existing grazing activities would be allowed to continue within the National Scenic Area.

Support for the Legislation

The bill is supported by: the Alabama Hills Stewardship Group; Eastern Sierra 4x4 Club; the City of Bishop, California; Advocates for Access to Public Lands; Inyo County Film Commission; Friends of Inyo; Inyo County Board of Supervisors; Inyo County Superintendent of Schools; Lone Pine Chamber of Commerce; and Southern California Edison.

Major Provisions of the Bill

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

SEC. 2. DEFINITIONS.

SEC. 3. ALABAMA HILLS NATIONAL SCENIC AREA, CALIFORNIA.

- Subject to valid, existing rights, establishes the 18,610 acre Alabama Hills National Scenic Area.
- The purpose of the National 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 area.
- Requires the Secretary of the Interior to manage the National Scenic Area as a component of the National Landscape Conservation System.
- Prohibits the Secretary from impacting operations and maintenance of any activities associated with valid, existing rights, including water rights.
- Requires the Secretary to allow for, with certain limitations, existing recreational uses of the National Scenic Area to continue, including appropriate authorized motorized vehicle use.
- Allows the Secretary to acquire non-Federal land within the boundaries of the National Scenic Area, only through exchange, donation, or purchase from a willing seller.
- Nothing in this Act creates a protective perimeter or buffer zone around the National Scenic Area and activities that can be seen or heard nearby the area shall not be precluded.
- Requires the Secretary to continue providing private landowners adequate access to inholdings in the National Scenic Area.
- Nothing in this Act prohibits commercial film production, student filming, and still photography within the National Scenic Area.
- Nothing in this Act affects the jurisdiction or responsibilities of the State of California with respect to fish and wildlife.
- The grazing of livestock in the National Scenic Area, including grazing under the Alabama Hills allotment and the George Creek allotment, as established before the date of enactment of this Act, shall be permitted to continue.

- Nothing in this Act restricts or precludes flights over the National Scenic Area or overflights that can be seen or heard within the area.
- Subject to valid rights, the Federal land within the National Scenic Area is withdrawn from all forms of entry, appropriation, or disposal under public land laws; location, entry, and patent under mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.
- Nothing in this Act prohibits the Secretary from conducting wildland fire operations in the National Scenic Area.
- Allows the Secretary to make grants for conducting research, interpretation, or public education to carry out any other initiative relating to the restoration, conservation, or management of the area.
- Nothing in this Act modifies any standard governing air or water quality outside the boundaries of the National Scenic Area.
- Nothing in this Act shall affect a variety of actions with regard to utility facilities and access to rights of way within or outside the area; the establishment of new utility facilities or rights of way within the area with certain limitations; and the use of motorized vehicles on and off roads and trails designated for use by motorized vehicles.

SEC. 4. MANAGEMENT PLAN.

- Requires the Secretary to develop a comprehensive plan for the management of the National Scenic Area no later than 3 years after the date of enactment.
- Requires the Secretary to consult with appropriate State, tribal, and local governmental entities, investor-owned utilities, the Alabama Hills Stewardship Group, and members of the public.
- The plan must allow casual-use mining.
- Pending completion of the management plan, the Secretary must manage the National Scenic Area in accordance with section 3.

SEC. 5. LAND TAKEN INTO TRUST FOR LONE PINE PAIUTE-SHOSHONE RESERVATION.

- Requires the Secretary to take into trust approximately 132 acres of Federal land for the benefit of the Lone Pine Paiute-Shoshone Tribe, subject to certain conditions and exclusions. The land will be considered part of the reservation of the Tribe.

SEC. 6. TRANSFER OF ADMINISTRATIVE JURISDICTION.

- Transfers administrative jurisdiction of approximately 40 acres of Federal land from the Forest Service to the Bureau of Land Management.

SEC. 7. PROTECTION OF SERVICES AND RECREATIONAL OPPORTUNITIES.

- Nothing in this Act shall be construed to limit commercial services for existing and historic recreation uses and valid, existing, commercial permits to exercise guided recreational opportunities for the public may continue as authorized.

SEC. 8. LAND CONVEYANCE TO ELIMINATE ENCROACHMENT ON PUBLIC LANDS.

- Allows a landowner to purchase certain Federal land outside the National Scenic Area, subject to valid existing rights.
- Requires the Secretary to appraise the land within 120 days of enactment.
- Requires the landowner to cover any administrative costs incurred by the Secretary to carry out the conveyance and agree to release and indemnify the United States from any claims or liabilities that may arise from use of the land.
- Requires the Secretary to continue to provide the landowner with access to his property.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

In testimony during a legislative hearing in June 2015, BLM expressed general support for the bill but offered a number of technical and substantive changes.¹

Effect on Current Law

H.R. 496 does not affect current law.

Anticipated Amendments

During markup, Rep. Paul Cook will offer an amendment that reflects a number of changes offered by BLM and local stakeholders. Specifically, this amendment:

- broadens the definition of “utility facility” to include water utility facilities and power generation and transfer facilities;
- removes language regarding the acquisition of land as no federal land will be acquired;
- amends the utility facilities and rights-of-way language in Section 3(q) to give BLM more discretion in managing the development of new utility rights-of-way;
- alters the language regarding which agencies BLM must consult with in the development of the management plan in order to be consistent with other BLM designations and associated management plans;
- corrects the acreage amount in Section 6 from 40 acres to 56 acres to reflect the actual acreage affected;
- removes Section 8 due to concerns about water rights owned by the City of Los Angeles in Inyo County.

¹ Statement of Karen Mouritsen, Deputy Assistant Director, Energy, Minerals and Realty Management, Bureau of Land Management, Department of the Interior, before the House Natural Resources Committee, Subcommittee on Federal Lands on H.R. 496, the Alabama Hills National Scenic Area Establishment Act. June 16, 2015.