

113TH CONGRESS
2^D SESSION

H. R. 5573

To establish the Alabama Hills National Scenic Area in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Mr. COOK introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Alabama Hills National Scenic Area in the State of California, 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. DEFINITIONS.**

4 In this Act:

5 (1) **MANAGEMENT PLAN.**—The term “manage-
6 ment plan” means the management plan for the Na-
7 tional Scenic Area developed under section 3(a).

8 (2) **MAP.**—The term “Map” means the map ti-
9 tled “Proposed Alabama Hills National Scenic
10 Area”, dated September 8, 2014.

1 (3) **MOTORIZED VEHICLES.**—The term “motor-
2 ized vehicles” means motorized or mechanized vehi-
3 cles and includes, when used by utilities, mechanized
4 equipment, helicopters, and other aerial devices nec-
5 essary to maintain electrical or communications in-
6 frastructure.

7 (4) **NATIONAL SCENIC AREA.**—The term “Na-
8 tional Scenic Area” means the Alabama Hills Na-
9 tional Scenic Area established by section 2(a).

10 (5) **SECRETARY.**—The term “Secretary” means
11 the Secretary of the Interior.

12 (6) **STATE.**—The term “State” means the State
13 of California.

14 (7) **TRIBE.**—The term “Tribe” means the
15 Lone-Pine Paiute Shoshone Tribe.

16 (8) **UTILITY FACILITY.**—The term “utility facil-
17 ity” means any and all existing and future electric
18 generation facilities, electric storage facilities, over-
19 head and/or underground electrical supply systems
20 and communication systems consisting of electric
21 substations, electric lines, poles and towers made of
22 various materials, “H” frame structures, guy wires
23 and anchors, crossarms, wires, underground con-
24 duits, cables, vaults, manholes, handholes, above-
25 ground enclosures, markers and concrete pads and

1 other fixtures, appliances and communication cir-
2 cuits, and other fixtures, appliances and appur-
3 tenances connected therewith necessary or conven-
4 ient for the construction, operation, regulation, con-
5 trol, grounding and maintenance of electric genera-
6 tion, storage, lines and communication circuits, for
7 the purpose of transmitting intelligence and gener-
8 ating, storing, distributing, regulating and control-
9 ling electric energy to be used for light, heat, power,
10 communication, and other purposes.

11 **SEC. 2. ALABAMA HILLS NATIONAL SCENIC AREA, CALI-**
12 **FORNIA.**

13 (a) ESTABLISHMENT.—Subject to valid, existing
14 rights, there is established in Inyo County, California, the
15 Alabama Hills National Scenic Area. The National Scenic
16 Area shall be comprised of the approximately 18,610 acres
17 generally depicted on the Map as “National Scenic Area”.

18 (b) PURPOSE.—The purpose of the National Scenic
19 Area is to conserve, protect, and enhance for the benefit,
20 use, and enjoyment of present and future generations the
21 nationally significant scenic, cultural, recreational, geo-
22 logical, educational, biological, historical, cinematographic,
23 and scientific resources of the National Scenic Area man-
24 aged consistent with the principles of multiple use as de-

1 fined in the Federal Land Policy and Management Act
2 of 1976.

3 (c) MAP; LEGAL DESCRIPTIONS.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary
6 shall file a map and a legal description of the Na-
7 tional Scenic Area with—

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

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

12 (2) FORCE OF LAW.—The map and legal de-
13 scriptions filed under paragraph (1) shall have the
14 same force and effect as if included in this Act, ex-
15 cept that the Secretary may correct any clerical and
16 typographical errors in the map and legal descrip-
17 tions.

18 (3) PUBLIC AVAILABILITY.—Each map and
19 legal description filed under paragraph (1) shall be
20 on file and available for public inspection in the ap-
21 propriate offices of the Forest Service and Bureau
22 of Land Management.

23 (d) ADMINISTRATION.—The Secretary shall manage
24 the National Scenic Area—

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

3 (2) so as not to impact the future continuing
4 operations and maintenance of any activities associ-
5 ated with valid, existing rights, including water
6 rights;

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

10 (4) in accordance with—

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

13 (B) this Act; and

14 (C) any other applicable laws.

15 (e) MANAGEMENT.—

16 (1) IN GENERAL.—The Secretary shall allow
17 only such uses of the National Scenic Area as the
18 Secretary determines would support the purposes of
19 the National Scenic Area as described in subsection
20 (b).

21 (2) RECREATIONAL ACTIVITIES.—Except as
22 otherwise provided in this Act or other applicable
23 law, or as the Secretary determines to be necessary
24 for public health and safety, the Secretary shall
25 allow existing recreational uses of the National Sce-

1 nic Area to continue, including hiking, mountain
2 biking, rock climbing, sightseeing, horseback riding,
3 hunting, fishing, and appropriate authorized motor-
4 ized vehicle use.

5 (3) **MOTORIZED VEHICLES.**—Except as speci-
6 fied within this Act and/or in cases in which motor-
7 ized vehicles are needed for administrative purposes,
8 or to respond to an emergency, the use of motorized
9 vehicles in the National Scenic Area shall be per-
10 mitted only on—

11 (A) roads and trails designated by the Di-
12 rector of the Bureau of Land Management for
13 use of motorized vehicles as part of a manage-
14 ment plan promoting a semi-primitive motorized
15 experience; or

16 (B) on county-maintained roads in accord-
17 ance with applicable State and county laws.

18 (f) **ACQUISITION OF LAND.**—

19 (1) **IN GENERAL.**—The Secretary may acquire
20 non-Federal land within the boundaries of the Na-
21 tional Scenic Area only through exchange, donation,
22 or purchase from a willing seller.

23 (2) **MANAGEMENT.**—Land acquired under para-
24 graph (1) shall be—

1 (A) considered to be a part of the National
2 Scenic Area; and

3 (B) managed in accordance with this Act
4 and any other applicable laws.

5 (g) NO BUFFER ZONES.—

6 (1) IN GENERAL.—Nothing in this Act creates
7 a protective perimeter or buffer zone around the Na-
8 tional Scenic Area.

9 (2) ACTIVITIES OUTSIDE NATIONAL SCENIC
10 AREA.—The fact that an activity or use on land out-
11 side the National Scenic Area can be seen or heard
12 within the National Scenic Area shall not preclude
13 the activity or use outside the boundaries of the Na-
14 tional Scenic Area.

15 (h) ACCESS.—The Secretary shall continue to provide
16 private landowners adequate access to inholdings in the
17 National Scenic Area.

18 (i) FILMING.—Nothing in this Act prohibits filming
19 (including commercial film production, student filming,
20 and still photography) within the National Scenic Area—

21 (1) subject to—

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

25 (B) applicable law; and

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

3 (j) FISH AND WILDLIFE.—Nothing in this Act af-
4 fects the jurisdiction or responsibilities of the State with
5 respect to fish and wildlife.

6 (k) LIVESTOCK.—The grazing of livestock in the Na-
7 tional Scenic Area, including grazing under the Alabama
8 Hills allotment and the George Creek allotment, as estab-
9 lished before the date of enactment of this Act, shall be
10 permitted to continue—

11 (1) subject to—

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

15 (B) applicable law; and

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

18 (l) OVERFLIGHTS.—Nothing in this Act restricts or
19 precludes flights over the National Scenic Area or over-
20 flights that can be seen or heard within the National Sce-
21 nic Area, including—

22 (1) transportation, sightseeing and filming
23 flights, general aviation planes, helicopters, hang-
24 gliders, and balloonists, for commercial or rec-
25 reational purposes;

1 (2) low-level overflights of military aircraft;

2 (3) flight testing and evaluation; or

3 (4) the designation or creation of new units of
4 special use airspace, or the establishment of military
5 flight training routes, over the National Scenic Area.

6 (m) WITHDRAWAL.—Subject to this Act’s provisions
7 and valid rights in existence on the date of enactment of
8 this Act, including rights established by prior withdrawals,
9 the Federal land within the National Scenic Area is with-
10 drawn from all forms of—

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

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

15 (3) disposition under all laws pertaining to min-
16 eral and geothermal leasing or mineral materials.

17 (n) WILDLAND FIRE OPERATIONS.—Nothing in this
18 Act prohibits the Secretary, in cooperation with other Fed-
19 eral, State, and local agencies, as appropriate, from con-
20 ducting wildland fire operations in the National Scenic
21 Area, consistent with the purposes described in subsection
22 (b).

23 (o) GRANTS; COOPERATIVE AGREEMENTS.—The Sec-
24 retary may make grants to, or enter into cooperative
25 agreements with, State, tribal, and local governmental en-

1 tities and private entities to conduct research, interpreta-
2 tion, or public education or to carry out any other initia-
3 tive relating to the restoration, conservation, or manage-
4 ment of the National Scenic Area.

5 (p) AIR AND WATER QUALITY.—Nothing in this Act
6 modifies any standard governing air or water quality out-
7 side of the boundaries of the National Scenic Area.

8 (q) UTILITY FACILITIES AND RIGHTS OF WAY.—

9 (1) Nothing in this Act shall—

10 (A) affect the existence, use, operation,
11 maintenance (including but not limited to vege-
12 tation control), repair, construction, reconfig-
13 uration, expansion, inspection, renewal, recon-
14 struction, alteration, addition, relocation, im-
15 provement, funding, removal, or replacement of
16 utility facilities or appurtenant rights of way
17 within or adjacent to the National Scenic Area;

18 (B) affect necessary or efficient access to
19 utility facilities or rights of way within or adja-
20 cent to the National Scenic Area;

21 (C) preclude the establishment of new util-
22 ity facilities or rights of way (including
23 instream sites, routes, and areas) within the
24 National Scenic Area if such facilities are nec-
25 essary for public health and safety, electricity

1 supply, telecommunications, or other utility
2 services; and/or

3 (D) preclude the use of motorized vehicles
4 on and off roads and trails designated for use
5 by motorized vehicles, including but not limited
6 to the use of mechanized equipment, heli-
7 copters, and/or other aerial vehicles or devices,
8 as necessary or efficient for the performance of
9 activities related to the operation, maintenance,
10 expansion, and/or construction of any utility fa-
11 cilities, including lines, and/or rights of way.

12 (2) MANAGEMENT PLAN.—Consistent with this
13 Act’s provisions, the Management Plan shall estab-
14 lish plans for maintenance of public utility and other
15 rights of way within the National Scenic Area.

16 **SEC. 3. MANAGEMENT PLAN.**

17 (a) IN GENERAL.—Not later than 3 years after the
18 date of enactment of this Act, in accordance with sub-
19 section (b), the Secretary shall develop a comprehensive
20 plan for the long-term management of the National Scenic
21 Area.

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

24 (1) appropriate State, tribal, and local govern-
25 mental entities, including Inyo County, the Los An-

1 geles Department of Water and Power, and the
2 Tribe;

3 (2) investor-owned utilities, including Southern
4 California Edison Company; and

5 (3) members of the public.

6 (c) INCORPORATION OF MANAGEMENT PLAN.—In de-
7 veloping the management plan, in accordance with this
8 section, the Secretary—

9 (1) may incorporate any provision of the rel-
10 evant resource management plan in existence as of
11 the date of enactment of this Act; and

12 (2) shall allow, in perpetuity, recreational min-
13 ing limited to the use of hand tools, metal detectors,
14 hand-fed dry washers, vacuum cleaners, gold pans,
15 small sluices, and similar items.

16 (d) INTERIM MANAGEMENT.—Pending completion of
17 the management plan, the Secretary shall manage the Na-
18 tional Scenic Area in accordance with—

19 (1) section 2; and

20 (2) the applicable management plan of the Bu-
21 reau of Land Management in existence on the date
22 of enactment of this Act.

1 **SEC. 4. LAND TAKEN INTO TRUST FOR LONE PINE PAIUTE-**
2 **SHOSHONE RESERVATION.**

3 (a) TRUST LAND.—As soon as practicable after the
4 date of the enactment of this Act, the Secretary shall take
5 the approximately 132 acres of Federal land depicted on
6 the Map as “Lone Pine Paiute-Shoshone Reservation Ad-
7 dition” into trust for the benefit of the Tribe, subject to
8 the following:

9 (1) CONDITIONS.—The land shall be subject to
10 all easements, covenants, conditions, restrictions,
11 withdrawals, and other matters of record on the date
12 of the enactment of this Act.

13 (2) EXCLUSION.—The Federal lands over which
14 the right-of-way for the Los Angeles Aqueduct is lo-
15 cated, generally described as the 250-foot-wide right-
16 of-way granted to the City of Los Angeles pursuant
17 to the Act of June 30, 1906 (Chap. 3926), shall not
18 be taken into trust for the Tribe.

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

22 (c) GAMING PROHIBITION.—Gaming under the In-
23 dian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)
24 shall not be allowed on the land taken into trust pursuant
25 to subsection (a).

1 **SEC. 5. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

2 Administrative jurisdiction of the approximately 40
3 acres of Federal land depicted on the Map as “USFS
4 Transfer to BLM” is hereby transferred from the Forest
5 Service under the Secretary of Agriculture to the Bureau
6 of Land Management under the Secretary.

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