

ALABAMA HILLS NATIONAL SCENIC AREA  
ESTABLISHMENT ACT

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MAY 19, 2016.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 496]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 496) to establish the Alabama Hills National Scenic Area in the State of California, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend 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 “Alabama Hills National Scenic Area Establishment Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Alabama Hills National Scenic Area, California.
- Sec. 4. Management plan.
- Sec. 5. Land taken into trust for Lone Pine Paiute-Shoshone Reservation.
- Sec. 6. Transfer of administrative jurisdiction.
- Sec. 7. Protection of services and recreational opportunities.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the National Scenic Area developed under section 4(a).

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

(3) **MOTORIZED VEHICLES.**—The term “motorized vehicles” means motorized or mechanized vehicles and includes, when used by utilities, mechanized equipment, helicopters, and other aerial devices necessary to maintain electrical or communications infrastructure.

(4) **NATIONAL SCENIC AREA.**—The term “National Scenic Area” means the Alabama Hills National Scenic Area established by section 3(a).

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

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

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

(8) UTILITY FACILITY.—The term “utility facility” means any and all existing and future water system facilities including aqueducts, streams, ditches, and canals; water facilities including, but not limited to, flow measuring stations, gauges, gates, valves, piping, conduits, fencing, and electrical power and communications devices and systems; and any and all existing and future electric generation facilities, electric storage facilities, overhead and/or underground electrical supply systems and communication systems consisting of electric substations, electric lines, poles and towers made of various materials, “H” frame structures, guy wires and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, above-ground enclosures, markers and concrete pads and other fixtures, appliances and communication circuits, and other fixtures, appliances and appurtenances connected therewith necessary or convenient for the construction, operation, regulation, control, grounding and maintenance of electric generation, storage, lines and communication circuits, for the purpose of transmitting intelligence and generating, storing, distributing, regulating and controlling electric energy to be used for light, heat, power, communication, and other purposes.

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

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

(b) PURPOSE.—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 National 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 Act, the Secretary shall file a map and a legal description of the National 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 Act, 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 Bureau of Land Management.

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

- (1) as a component of the National Landscape Conservation System;
- (2) so as not to impact the future continuing operations 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 National 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 Act; and
  - (C) any other applicable laws.

(e) MANAGEMENT.—

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

(2) RECREATIONAL ACTIVITIES.—Except as otherwise provided in this Act 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 National Scenic Area to continue, including hiking, mountain biking, rock climbing, sightseeing, horseback riding, hunting, fishing, and appropriate authorized motorized vehicle use.

(3) MOTORIZED VEHICLES.—Except as specified within this Act and/or in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Scenic Area shall be permitted only on—

- (A) roads and trails designated by the Director of the Bureau of Land Management for use of motorized vehicles as part of a management plan sustaining a semi-primitive motorized experience; or
- (B) on county-maintained roads in accordance with applicable State and county laws.
- (f) NO BUFFER ZONES.—
- (1) IN GENERAL.—Nothing in this Act creates a protective perimeter or buffer zone around the National Scenic Area.
- (2) ACTIVITIES OUTSIDE NATIONAL SCENIC AREA.—The fact that an activity or use on land outside the National Scenic Area can be seen or heard within the National Scenic Area shall not preclude the activity or use outside the boundaries of the National Scenic Area.
- (g) ACCESS.—The Secretary shall continue to provide private landowners adequate access to inholdings in the National Scenic Area.
- (h) FILMING.—Nothing in this Act prohibits filming (including commercial film production, student filming, and still photography) within the National 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 Act affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.
- (j) LIVESTOCK.—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—
- (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) OVERFLIGHTS.—Nothing in this Act restricts or precludes flights over the National Scenic Area or overflights that can be seen or heard within the National Scenic Area, including—
- (1) transportation, sightseeing and filming flights, general aviation planes, helicopters, hang-gliders, and balloonists, for commercial or recreational purposes;
- (2) low-level overflights of military aircraft;
- (3) flight testing and evaluation; or
- (4) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the National Scenic Area.
- (l) WITHDRAWAL.—Subject to this Act's provisions and valid rights in existence on the date of enactment of this Act, including rights established by prior withdrawals, the Federal land within the National 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.
- (m) WILDLAND FIRE OPERATIONS.—Nothing in this Act prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Scenic Area, consistent with the purposes described in subsection (b).
- (n) GRANTS; COOPERATIVE AGREEMENTS.—The Secretary may make grants to, or 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 National Scenic Area.
- (o) AIR AND WATER QUALITY.—Nothing in this Act modifies any standard governing air or water quality outside of the boundaries of the National Scenic Area.
- (p) UTILITY FACILITIES AND RIGHTS OF WAY.—
- (1) Nothing in this Act shall—
- (A) affect the existence, use, operation, maintenance (including but not limited to vegetation control), repair, construction, reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation, improvement, funding, removal, or replacement of utility facilities or appurtenant rights of way within or adjacent to the National Scenic Area;
- (B) affect necessary or efficient access to utility facilities or rights of way within or adjacent to the National Scenic Area subject to subsection (e);

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

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

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

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

**SEC. 4. MANAGEMENT PLAN.**

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

(b) **CONSULTATION.**—In developing the management plan, the Secretary shall—

(1) consult with appropriate State, tribal, and local governmental entities, including Inyo County and the Tribe; and

(2) seek input from—

(A) investor-owned utilities, including Southern California Edison Company;

(B) the Alabama Hills Stewardship Group;

(C) members of the public; and

(D) the Los Angeles Department of Water and Power.

(c) **INCORPORATION OF MANAGEMENT PLAN.**—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.

(d) **INTERIM MANAGEMENT.**—Pending completion of the management plan, the Secretary shall manage the National Scenic Area in accordance with section 3.

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

(a) **TRUST LAND.**—As soon as practicable after the date of the enactment of this Act, 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 following:

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

(2) **EXCLUSION.**—The Federal lands 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 (Chap. 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 part of the reservation of the Tribe.

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

**SEC. 6. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

Administrative jurisdiction of the approximately 56 acres of Federal land depicted on the Map as “USFS Transfer to BLM” is hereby transferred from the Forest Service under the Secretary of Agriculture to the Bureau of Land Management under the Secretary.

**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 as authorized by the Bureau of Land Management’s permit process. Valid, existing, commercial permits to exercise guided recreational opportunities for the public may continue as authorized on the day before the date of the enactment of this Act.

**PURPOSE OF THE BILL**

The purpose of H.R. 496 is to establish the Alabama Hills National Scenic Area in the State of California.

## BACKGROUND AND NEED FOR LEGISLATION

The Alabama Hills area is a range of hills and rock formations near the eastern slope of the Sierra Nevada Mountains in central California. The area is used for a variety of recreational activities and has served as a popular filming location. Television shows such as *The Gene Autry Show*, *The Lone Ranger*, and *Bonanza* and films including *Tremors*, *Gladiator*, and *Iron Man* were filmed in part in the Alabama Hills area.

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 over two years to share ideas that ultimately formed the basis of H.R. 496.

Beyond the designation of over 18,000 acres of federal land currently managed by the Bureau of Land Management (BLM) as a National Scenic Area, the bill restricts the development of large-scale industrial projects such as renewable energy generation, while preserving existing recreational and commercial uses of the area. 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 and access to private land inholdings would be allowed to continue within the National Scenic Area. The bill also requires the Secretary of the Interior to develop a comprehensive plan for the management of the National Scenic Area no later than 3 years after the date of enactment, in consultation with appropriate State, tribal, and local governmental entities, investor-owned utilities, the Alabama Hills Stewardship Group, and members of the public.

H.R. 496 also requires the Secretary of the Interior 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. This land would be considered part of the reservation of the Tribe. In addition, the bill transfers administrative jurisdiction of a small portion of federal land from the U.S. Forest Service to BLM.

During markup, Congressman Paul Cook successfully offered 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 land will be acquired by the federal government; 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 to be consistent with other BLM designations and associated management plans; corrects the acreage amount in Section 6 from 40 to 56 acres to reflect the actual acreage affected; and removes Section 8 due to concerns about water rights owned by the City of Los Angeles in Inyo County.

## COMMITTEE ACTION

H.R. 496 was introduced on January 22, 2015, by Congressman Paul Cook (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands and the Subcommittee on Indian, Insular and Alaska Native Affairs. On June 16, 2015, the Subcommittee on Federal Lands held a hearing on the bill. On March 15, 2016, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Congressman Cook offered an amendment designated 043. The amendment was adopted by unanimous consent. No other amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on March 16, 2016.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 18, 2016.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 496, the Alabama Hills National Scenic Area Establishment Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 496—Alabama Hills National Scenic Area Establishment Act*

H.R. 496 would establish a new national scenic area in eastern California. The bill also would authorize the Bureau of Land Management (BLM) to award grants to public and private entities to conduct research, provide visitor services, carry out restoration

projects in the scenic area, and take federal land into trust for the benefit of an Indian tribe. Based on information provided by BLM, CBO estimates that implementing the legislation would cost \$4 million over the 2017–2021 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 496 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 496 would designate about 18,600 acres of BLM land in California as the Alabama Hills National Scenic Area. Under the bill, the agency would be required to complete a new land use plan for the area within three years of enactment. Based on information from BLM regarding the costs of carrying out similar activities, CBO estimates that completing the land use plan would cost less than \$500,000 over the 2017–2019 period.

CBO also expects that, under the bill, the affected lands would see an increase in use by the public and that BLM would need to hire additional personnel to manage the area. Based on information provided by the agency, CBO estimates that operating the recreation area would require up to five new employees to carry out administrative and law enforcement functions and that the cost of employing those individuals would total around \$500,000 a year.

Finally, H.R. 496 would authorize BLM to award grants to organizations that would conduct research, provide visitor services, and carry out restoration projects on the affected lands. Based on information regarding the cost of similar BLM efforts, CBO estimates that awarding such grants would cost less than \$500,000 a year.

The legislation also would withdraw the affected lands from programs to develop mineral resources. Because CBO does not expect that any resources would be produced on the affected lands that would generate income for the federal government over the next 10 years, we estimate that withdrawing those lands would not affect offsetting receipts, which are treated as reductions in direct spending.

H.R. 496 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the Lone Pine Paiute-Shoshone tribe in California by taking federal lands into trust for the benefit of the tribe. Any costs incurred by state, local, or tribal governments related to managing the national scenic area would result from voluntary commitments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Congressional Budget Office has concluded that implementing the bill would cost \$4 million over the 2017–2021 period, subject to the availability of appropriated funds.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill is to establish the Alabama Hills National Scenic Area in the State of California.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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