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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R.

To establish the Clear Creek National Recreation Area in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FARR introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Clear Creek National Recreation 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. SHORT TITLE.**

4 This Act may be cited as the “Clear Creek National
5 Recreation Area and Conservation Act of 2012”.

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

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

11 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**
12 **RECREATION AREA.**

13 (a) IN GENERAL.—To promote environmentally re-
14 sponsible high quality motorized and non-motorized trail
15 based recreation, including off highway vehicle use, scenic
16 touring, access for hunting and gem collecting, while pro-
17 tecting ecological, geological, scenic, cultural, and historic
18 resources, fish and wildlife values, and other resources of
19 the landscape, there is established the Clear Creek Na-
20 tional Recreation Area in the State, to be managed by the
21 Secretary.

22 (b) BOUNDARIES.—The Recreation Area shall consist
23 of approximately 75,000 acres of Federal land in San Be-
24 nito County and Fresno County, California, as generally

1 depicted on the map entitled “Clear Creek National Recre-
2 ation Area” and dated July 30, 2012.

3 (c) MAP.—

4 (1) IN GENERAL.—As soon as practicable, after
5 the date of the enactment of this Act, the Secretary
6 shall submit a map and legal description of the
7 Recreation Area to—

8 (A) the Committee on Natural Resources
9 of the House of Representatives; and

10 (B) the Committee on Energy and Natural
11 Resources of the Senate.

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

15 (A) the Office of the Director of the Bu-
16 reau of Land Management; and

17 (B) the appropriate office of the Bureau of
18 Land Management in California.

19 **SEC. 4. MANAGEMENT.**

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

23 (1) this Act;

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

1 (3) any other applicable law.

2 (b) USES.—The Secretary shall—

3 (1) allow hiking, camping, hunting, gem col-
4 lecting, and sightseeing and the use of motorized ve-
5 hicles, mountain bikes, and horses on designated
6 roads, trails, and areas;

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 by the Sec-
17 retary to incorporate natural resource protection informa-
18 tion not available in 2005, as the basis of an interim man-
19 agement plan to govern motorized 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, but not
15 limited to, off highway 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) may incorporate any appropriate decisions,
22 as determined by the Secretary, in accordance with
23 this Act, that are contained in any management or
24 activity plan for the area completed before the date
25 of the enactment of this Act;

1 (6) may incorporate appropriate wildlife habitat
2 management plans or other plans prepared for the
3 land within or adjacent to the Recreation Area be-
4 fore the date of the enactment of this Act, in accord-
5 ance with this Act;

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

10 (8) may include cooperative agreements with
11 State or local government agencies to manage all or
12 a portion of the recreational activities within the
13 Recreation Area in accordance with an approved
14 management plan and the requirements of this Act;

15 (e) ACQUISITION OF PROPERTY.—

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

19 (2) MANAGEMENT.—Any land acquired under
20 paragraph (1) shall be managed in accordance
21 with—

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

24 (B) this Act; and

1 (C) any other applicable law (including
2 regulations).

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

8 (f) PRIVATE PROPERTY.—

9 (1) ACCESS TO PRIVATE PROPERTY.—

10 (A) IN GENERAL.—The Secretary shall
11 provide landowners adequate access to
12 inholdings within the Recreation Area.

13 (B) INHOLDINGS.—For access purposes,
14 private land adjacent to the Recreation Area to
15 which there is no other practicable access ex-
16 cept through the Recreation Area shall be man-
17 aged as an inholding.

18 (2) USE OF PRIVATE PROPERTY.—Nothing in
19 this Act affects the ownership, management, or
20 other rights relating to any non-Federal land (in-
21 cluding any interest in any non-Federal land).

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

1 (4) VALID RIGHTS.—Nothing in this Act affects
2 any easements, rights-of-way, and other valid rights
3 in existence on the date of the enactment of this
4 Act.

5 (g) WATER RIGHT EXCLUSION.—Nothing in this
6 Act—

7 (1) shall constitute or be construed to con-
8 stitute either an express or implied reservation by
9 the United States of any water or water rights with
10 respect to the Recreation Area; or

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

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

14 (1) limits hunting or fishing; or

15 (2) affects the authority, jurisdiction, or respon-
16 sibility of the State to manage, control, or regulate
17 fish and resident wildlife under State law (including
18 regulations), including the regulation of hunting or
19 fishing on public land managed by the Bureau of
20 Land Management.

21 (i) MOTORIZED VEHICLES.—Except in cases in which
22 motorized vehicles are needed for administrative purposes
23 or to respond to an emergency, the use of motorized vehi-
24 cles on public land in the Recreation Area shall be per-

1 mitted only on roads, trails, and areas designated by the
2 management plan for the use by motorized vehicles.

3 (j) GRAZING.—In the Recreation Area, the grazing
4 of livestock in areas in which grazing is allowed as of the
5 date of the enactment of this Act shall be allowed to con-
6 tinue, consistent with—

7 (1) this Act;

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

10 (3) any regulations promulgated by the Sec-
11 retary, acting through the Director of the Bureau of
12 Land Management.

13 (k) WITHDRAWAL.—Subject to valid existing rights,
14 all Federal land within the Recreation Area is withdrawn
15 from—

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

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

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

22 (l) FEES.—Amounts received by the Secretary under
23 the fee structure required by subsection (c)(3)(G) shall
24 be—

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

3 (2) made available until expended, without fur-
4 ther appropriation, to the Secretary for use in the
5 Recreation Area.

6 (m) RISK STANDARD.—The National Oil and Haz-
7 ardous Substances Pollution Contingency Plan (40
8 C.F.R.300), published pursuant to section 105 of the
9 Comprehensive Environmental Response, Compensation,
10 and Liability Act of 1980 (42 U.S.C. 9605), shall not
11 apply to the Secretary’s management of asbestos exposure
12 risks faced by the public when recreating within the Clear
13 Creek Recreation Area described in section 3(b).

14 **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

15 In accordance with the Wilderness Act (16 U.S.C.
16 1131 et seq.), the approximately 21,000 acres of Federal
17 lands located in Fresno County and San Benito County,
18 California, and generally depicted on a map entitled “Pro-
19 posed Joaquin Rocks Wilderness” and dated March 11,
20 2012, is designated as wilderness areas and as components
21 of the National Wilderness Preservation System and shall
22 be known as the “Joaquin Rocks Wilderness”.

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

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

6 “(208) LARIOUS CANYON.—The approximately
7 5.25 miles of Larious Canyon Creek from its source
8 near Idria Peak in Section 6, R12E, T18S, to the
9 boundary of the Clear Creek Special Recreation
10 Management Area in Section 23, R11E, T17S.

11 “(209) SAN CARLOS CREEK.—The approxi-
12 mately 5.51 miles of the East Fork San Carlos
13 Creek from its source near San Benito Mountain in
14 Section 10, R12E, T18S, to the boundary of the
15 Clear Creek Special Recreation Management Area in
16 Section 22, R12E, T17S.

17 “(210) CANTUA CREEK.—The approximately
18 7.68 miles of Cantua Creek from its source north of
19 Santa Rita Peak in Section 24, R12E, T18S, to the
20 public land boundary in Section 3, R13E, T18S.

21 “(211) PICACHO CREEK.—The approximately
22 2.65 miles of Picacho Creek, from its source spring
23 in Section 20, R12E, T18S, to its confluence with
24 the San Benito River.

25 “(212) WHITE CREEK AND TRIBUTARIES.—

1 “(A) The approximately 5.37 miles of
2 White Creek, from its source in Section 36,
3 R12E, T18S, to the boundary of the Clear
4 Creek Special Recreation Management Area in
5 Section 17, R13E, T19S.

6 “(B) The approximately 2.29 miles of the
7 unnamed tributary of White Creek from its
8 source just south of Spanish Lake in Section
9 29, R13E, T18S, to its confluence with White
10 Creek.

11 “(C) The approximately 2.45 miles of the
12 unnamed tributary of White Creek from its
13 source in Section 33, R13E, T18S, to its con-
14 fluence with White Creek.”.