

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (c)(1)(B), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

“SECRETARY” DEFINED

Section 103 of Pub. L. 103-433 provided in part that in this subchapter “Secretary” means the Secretary of the Interior.

§ 410aaa-82. Military overflights**(a) Overflights**

Nothing in this Act, the Wilderness Act [16 U.S.C. 1131 et seq.], or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units), scenic areas, off-highway vehicle recreation areas, or special management areas designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) Special airspace

Nothing in this Act, the Wilderness Act [16 U.S.C. 1131 et seq.], or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units), scenic areas, off-highway vehicle recreation areas, or special management areas designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park system or wilderness units.

(c) No effect on other laws

Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

(d) Department of Defense facilities

Nothing in this Act alters any authority of the Secretary of Defense to conduct military operations at installations and ranges within the California Desert Conservation Area that are authorized under any other provision of law.

(Pub. L. 103-433, title VIII, § 802, Oct. 31, 1994, 108 Stat. 4501; Pub. L. 116-9, title I, § 1460(b), Mar. 12, 2019, 133 Stat. 719.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (b), and (d), is defined in section 3 of Pub. L. 103-433, which is set out as a Definitions note under section 410aaa of this title.

The Wilderness Act, referred to in subsecs. (a) and (b), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

AMENDMENTS

2019—Subsecs. (a), (b). Pub. L. 116-9, § 1460(b)(1), (2), inserted “, scenic areas, off-highway vehicle recreation areas, or special management areas” before “designated by this Act”.

Subsec. (d). Pub. L. 116-9, § 1460(b)(3), added subsec. (d).

SHORT TITLE AND FINDINGS

Pub. L. 103-433, title VIII, § 801, Oct. 31, 1994, 108 Stat. 4501, as amended by Pub. L. 116-9, title I, § 1460(a), Mar. 12, 2019, 133 Stat. 718, provided that:

“(a) SHORT TITLE.—This title [enacting this section] may be cited as the ‘California Military Lands Withdrawal and Overflights Act of 1994’.

“(b) FINDINGS.—The Congress finds that—

“(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

“(2) the National Park System units, special management areas, off-highway vehicle recreation areas, scenic areas, and wilderness areas designated by this Act [see section 3 of Pub. L. 103-433, set out as a Definitions note under section 410aaa of this title] lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

“(3) there is a lack of alternative sites available for these military training, testing, and research activities;

“(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

“(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.”

§ 410aaa-83. Authorization of appropriations

There is authorized to be appropriated to the National Park Service and to the Bureau of Land Management to carry out this Act an amount not to exceed \$36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995-1999 period, and \$300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after October 31, 1994.

(Pub. L. 103-433, title IX, § 901, Oct. 31, 1994, 108 Stat. 4508.)

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 410aaa-1 of this title.

PART E—OFF-HIGHWAY VEHICLE RECREATION AREAS

§ 410aaa-91. Designation of Off-Highway Vehicle Recreation Areas**(a) In general****(1) 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 part 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:

(A) Dumont Dunes Off-Highway Vehicle Recreation Area

Certain Bureau of Land Management land in the Conservation Area, comprising approximately 7,620 acres, as generally depicted on the map entitled “Proposed Dumont Dunes OHV Recreation Area” and dated November 7, 2018, which shall be known as the “Dumont Dunes Off-Highway Vehicle Recreation Area”.

(B) El Mirage Off-Highway Vehicle Recreation Area

Certain Bureau of Land Management land in the Conservation Area, comprising approximately 16,370 acres, as generally depicted on the map entitled “Proposed El Mirage OHV Recreation Area” and dated December 10, 2018, which shall be known as the “El Mirage Off-Highway Vehicle Recreation Area”.

(C) Razor Off-Highway Vehicle Recreation Area

Certain Bureau of Land Management land in the Conservation Area, comprising approximately 23,900 acres, as generally depicted on the map entitled “Proposed Razor OHV Recreation Area” and dated November 7, 2018, which shall be known as the “Razor Off-Highway Vehicle Recreation Area”.

(D) Spangler Hills Off-Highway Vehicle Recreation Area

Certain Bureau of Land Management land in the Conservation Area, comprising approximately 92,340 acres, as generally depicted on the map entitled “Proposed Spangler Hills OHV Recreation Area” and dated December 10, 2018, which shall be known as the “Spangler Hills Off-Highway Vehicle Recreation Area”.

(E) 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 “Proposed Stoddard Valley OHV Recreation Area” and dated November 7, 2018, which shall be known as the “Stoddard Valley Off-Highway Vehicle Recreation Area”.

(2) 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 approximately 20,240 acres, depicted as “Proposed OHV Recreation Area Additions” and “Proposed OHV Recreation Area Study Areas” on the map entitled “Proposed Johnson Valley OHV Recreation Area” and dated November 7, 2018.

(b) Purpose

The purpose of the off-highway vehicle recreation areas designated or expanded under subsection (a) 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.

(c) Maps and descriptions

(1) Preparation and submission

As soon as practicable after March 12, 2019, the Secretary shall file a map and legal description of each off-highway vehicle recreation area designated or expanded by subsection (a) 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 part, 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.

(d) 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 subsection (a), as long as the recreational use is consistent with this section 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 March 12, 2019, and applicable to the off-highway vehicle recreation areas designated or expanded by subsection (a) 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 or expanded by subsection (a) in accordance with—

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

(3) Prohibited uses

(A) In general

Except as provided in subparagraph (B), 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 subsection (a) if the Secretary determines that the development is incompatible with the purpose described in subsection (b).

(B) Exception

The Secretary may issue a temporary permit to a commercial vendor to provide accessories and other support for off-highway vehicle use in an off-highway vehicle recreation area designated or expanded by subsection (a) for a limited period and consistent with the purposes of the off-highway vehicle recreation area and applicable laws.

(e) Administration

(1) In general

The Secretary shall administer the off-highway vehicle recreation areas designated or expanded by subsection (a) in accordance with—

- (A) this part;
- (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 March 12, 2019, the Secretary shall—

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

(C) Interim plans

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

(f) Withdrawal

Subject to valid existing rights, all Federal land within the off-highway vehicle recreation areas designated or expanded by subsection (a) is withdrawn from—

- (1) all forms of entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) right-of-way, leasing, or disposition under all laws relating to mineral leasing, geothermal leasing, or mineral materials.

(g) Southern California Edison Company utility facilities and rights-of-way

(1) Effect of part

Nothing in this part—

(A) affects 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 acquired by or issued, granted, or permitted to Southern California Edison Company (including any 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;
- (iii) the Stoddard Valley Off-Highway Vehicle Recreation Area; or
- (iv) the Johnson 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 March 12, 2019, as—
 - (I) “Gale-PS 512 transmission lines or rights-of-way”;
 - (II) “Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way”;
 - or
 - (III) “Bessemer and Peacor distribution circuits or rights-of-way”;

- (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) March 12, 2019; 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;
 - (iii) the Stoddard Valley Off-Highway Vehicle Recreation Area; or
 - (iv) the Johnson Valley Off-Highway Vehicle Recreation Area.

(h) Pacific Gas and Electric Company utility facilities and rights-of-way

(1) Effect of part

Nothing in this part—

(A) affects any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other au-

thorized activity (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way acquired by or issued, granted, or permitted to Pacific Gas and Electric Company (including any 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 March 12, 2019, as—

(I) “Gas Transmission Line 311 or rights-of-way”; or

(II) “Gas Transmission Line 372 or rights-of-way”; or

(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 March 12, 2019, 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.

(Pub. L. 103-433, title XIII, §1301, as added Pub. L. 116-9, title I, §1441, Mar. 12, 2019, 133 Stat. 702.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subssecs. (a)(1) and (e)(1)(B), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

Section 2945 of the Military Construction Authorization Act for Fiscal Year 2014, referred to in subsec. (a)(2), is section 2945 of title XXIX of div. B of Pub. L. 113-66, Dec. 26, 2013, 127 Stat. 1038, which is set out as a note below.

JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA

Pub. L. 113-66, div. B, title XXIX, §2945, Dec. 26, 2013, 127 Stat. 1038, provided that:

“(a) DESIGNATION.—There is hereby designated the ‘Johnson Valley Off-Highway Vehicle Recreation Area’, consisting of—

“(1) 43,431 acres (as depicted on the map referred to in subsection (b) of section 2941 [127 Stat. 1034]) of the existing Bureau of Land Management-designated Johnson Valley Off-Highway Vehicle Area that is not withdrawn and reserved for defense-related uses by such section; and

“(2) The Shared Use Area.

“(b) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable Federal law (including regulations) and this subtitle [subtitle C (§§2941-2946) of title XXIX of div. B of Pub. L. 113-66, see Tables for classification] any authorized recreation activities and use designation in effect on the date of enactment of this Act [Dec. 26, 2013] and applicable to the Johnson Valley Off-Highway Vehicle Recreation Area may continue,

including casual off-highway vehicular use and recreation.

“(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Johnson Valley Off-Highway Vehicle Recreation Area (other than the Shared Use Area, which is being managed in accordance with the other provisions of this subtitle) in accordance with—

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

“(2) any other applicable law.

“(d) TRANSIT.—In coordination with the Secretary of the Interior, the Secretary of the Navy may authorize transit through the Johnson Valley Off-Highway Vehicle Recreation Area for defense-related purposes supporting military training (including military range management and management of exercise activities) conducted on the land withdrawn and reserved by section 2941.”

[For definition of “Shared Use Area” as used in section 2945 of Pub. L. 113-66, set out above, see section 2941 of title XXIX of div. B of Pub. L. 113-66, Dec. 26, 2013, 127 Stat. 1034, which is not classified to the Code.]

SUBCHAPTER LIX-Z—NEW ORLEANS JAZZ NATIONAL HISTORICAL PARK

§ 410bbb. Findings and purpose

(a) Findings

The Congress finds that:

(1) Jazz is the United States’ most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.

(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.

(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.

(b) Purpose

In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this subchapter to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.

(Pub. L. 103-433, title XII, §1202, Oct. 31, 1994, 108 Stat. 4519.)

REFERENCES IN TEXT

Senate Concurrent Resolution 57, referred to in subsec. (a)(1), probably means H. Con. Res. 57, Dec. 4, 1987, 101 Stat. 2013, which is not classified to the Code.

SHORT TITLE

Pub. L. 103-433, title XII, §1201, Oct. 31, 1994, 108 Stat. 4519, provided that: “This title [enacting this subchapter] may be cited as the ‘New Orleans Jazz National Historical Park Act of 1994.’”