



San Gabriel Valley Council of Governments
AGENDA AND NOTICE OF THE REGULAR MEETING OF THE
ENERGY, ENVIRONMENT AND NATURAL RESOURCES
(EENR) COMMITTEE

Wednesday, March 20, 2019 – 12:30 PM
Monrovia Community Center: Monroe Conference Room
119 W. Palm Avenue, Monrovia, CA 91016

Chair
Denis Bertone
City of San Dimas

Vice Chair
Liz Reilly
City of Duarte

Members
Claremont
Covina
Duarte
Rosemead
San Dimas
San Gabriel
Sierra Madre
West Covina
L.A. County District #1

Ex-Officio Member
Jeffrey Lee
City of Temple City's
Planning Commission

Thank you for participating in today's meeting. The EENR Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: *Regular Meetings of the EENR Committee are held on the third Wednesday of each month at 12:30 PM at the Monrovia Community Center, 119 W. Palm Avenue, Monrovia, CA 91016.* The EENR Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvkog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all EENR Committee meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE EENR COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The EENR Committee may not discuss or vote on items not listed on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the EENR Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the EENR Committee can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*)
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting (*It is anticipated that the EENR Committee may take action on the following matters*)

CONSENT CALENDAR (*It is anticipated that the EENR Committee may take action on the following matters*)

5. EENR Meeting Minutes (**Page 1**)
Recommended Action: Approve.
6. Correspondence (**Page 5**)
Recommended Action: Receive and File.

PRESENTATIONS (*It is anticipated that the EENR Committee may take action on the following matters*)

7. The Trust for Public Land: Climate-Smart Cities Initiative - Paolo Perrone, Los Angeles Project Manager, The Trust for Public Land (**Page 11**)
Recommended Action: For information only.

DISCUSSION ITEMS (*It is anticipated that the EENR Committee may take action on the following matters*)

8. San Gabriel Mountains Foothills and Rivers Protection Act – Enrique Robles, Deputy District Director, Office of the U.S. Representative Judy Chu & Heather Hutt, Deputy State Director, Office of the U.S. Senator Kamala Harris (**Page 21**)
Recommended Action: Discuss and provide direction to staff.

ACTION ITEMS (*It is anticipated that the EENR Committee may take action on the following matters*)

UPDATE ITEMS (*It is anticipated that the EENR Committee may take action on the following matters*)

9. Clean Power Alliance
Recommended Action: For information
10. San Gabriel Mountains Community Collaborative
Recommended Action: For information.
11. San Gabriel Valley Mosquito and Vector Control District
Recommended Action: For information.
12. Los Angeles County Parks and Recreation
Recommended Action: For information.
13. Trust for Public Land
Recommended Action: For information.
14. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
Recommended Action: For information.
15. Southern California Edison
Recommended Action: For information.
16. Southern California Gas Company
Recommended Action: For information.

COMMITTEE MEMBER ITEMS

17. April CR&R Biogas Conversion Facility Tour Logistics
Recommended Action: For information.
18. Discussion on Potential Joint EENR-Public Works TAC-Planners TAC Meeting in May 2019
Recommended Action: For information.

STAFF ANNOUNCEMENTS

19. Senate Bill 54 / Assembly Bill 1080: Single-Use Packaging and Products **(Page 93)**
Recommended Action: For information.
20. CalRecycle Senate Bill 1383 Updates **(Page 95)**
Recommended Action: For information.
21. Upcoming EENR Presentations and Meeting Dates **(Page 97)**
Recommended Action: For information.

ANNOUNCEMENTS

ADJOURN



SGVCOG EENR Committee Unapproved Minutes

Date: February 20, 2019

Time: 12:30 PM

Location: Monrovia Community Center's Monroe Conference Room (119 W. Palm Avenue, Monrovia, CA 91016)

PRELIMINARY BUSINESS

1. Call to Order

This meeting was called to order at 12:30pm.

2. Roll Call

Members Present:

Claremont – J. Stark

Duarte – L. Reilly

Rosemead – M. Clark

San Dimas – D. Bertone

Sierra Madre – J. Capoccia

Members Absent:

Covina

San Gabriel

West Covina

Temple City (Ex-Officio)

COG Staff:

A. Fung, Staff

P. Duyshart, Staff

P. Hubler, Staff

3. Public Comment

There were no public comments at this meeting.

4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

There were no changes to the Agenda.

CONSENT CALENDAR

5. EENR Meeting Minutes

6. Correspondence

There was a motion to approve consent items 5-6. (M/S: L. Reilly/ M. Clark).

[Motion Passed]

| | |
|-----------------|--|
| AYES: | Claremont, Duarte, Rosemead, San Dimas, Sierra Madre |
| NOES: | |
| ABSTAIN: | |
| ABSENT: | Covina, San Gabriel, West Covina |

PRESENTATIONS

7. Organics and Solid Waste Legislation for 2019 Legislative Cycle

C. Ajwani from the Los Angeles County Department of Public Works provided a brief presentation on key solid waste-related legislation that were introduced this year as well as the draft Senate Bill 1383 (Lara) organic waste reduction regulations that are currently available for public comment.

8. Overview of Recycling Management
J. Roberts and T. Muse from Waste Management presented on recycling management and the impact of recent legislation at this meeting. Mr. Roberts presented on the process of recycling materials and Ms. Muse provided recommendations on how cities can help with decreasing the contamination rate found in recyclables.
9. CalRecycle's SB 212 Informal Rulemaking Updates
A. Fung from SGVCOG provided a presentation on CalRecycle's first informal rulemaking workshop that was held on January 20, 2019. Mr. Fung presented on CalRecycle's SB 212 implementation timeline and encouraged cities to review the existing SB 212 statutorily-mandated elements.

DISCUSSION ITEMS

10. EENR Legislative Priorities
Staff indicated that the SGVCOG is currently working to develop a list of legislative priorities to present to the Governing Board at its March meeting. Staff presented a list of legislative priorities that are related to issues of environment, energy, and natural resources to the EENR Committee for review, discussion, and approval. After a brief discussion, the Committee provided direction to staff regarding the 2019 EENR legislative priorities with the following changes:
 - Change the solid waste legislative priority of “encourage the diversification of solid waste management strategies, including conversion technology, that will create new markets and that are feasible given the landscape and conditions of the San Gabriel Valley” to “encourage the diversification of solid waste management strategies, including conversion technology, that will create new **domestic** markets and that are feasible given the landscape and conditions of the San Gabriel Valley;” and,
 - Add “**promote public education of solid waste issues**” as a solid waste legislative priority.

ACTION ITEMS

There were no action items at this meeting

UPDATE ITEMS

11. Clean Power Alliance
C. Cruz from the Clean Power Alliance provided a brief update on the Alliance's recent launch of residential service at the beginning of the month. On average, 30,000 additional customers are enrolled in the Clean Power Alliance each day for the month of February 2019.
12. San Gabriel Mountains Community Collaborative
The Community Collaborative is developing work plans for its ad-hoc committees to assist the Forest Service with its Program of Work.
13. San Gabriel Valley Mosquito and Vector Control District

J. Farned from the San Gabriel Valley Mosquito and Vector Control District provided an update on the status of mosquito population in the San Gabriel Valley. He mentioned that there are currently no disease transmissions between mosquitos and humans.

14. Los Angeles County Parks and Recreation
There were no updates from Los Angeles County Parks and Recreation at this meeting.
15. Trust for Public Land
There were no updates from the Trust for Public Land at this meeting.
16. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
There were no updates from the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.
17. Southern California Edison
There were no updates from Southern California Edison at this meeting.
18. Southern California Gas Company
H. Romero Shaw from Southern California Gas Company spoke about the company's Green Tariff Program.

COMMITTEE MEMBER ITEMS

19. April CR&R Biogas Conversion Facility Tour Logistics
In lieu of the April EENR Committee meeting, the Committee will be touring CR&R's facility in Perris, CA. SGVCOG staff will work with the Chair to coordinate logistics of the tour.
20. Discussion on Potential Joint EENR-Public Works TAC-Planners TAC Meeting in May 2019
The EENR Committee will be re-scheduling its meeting time in May to have a joint-meeting with the Public Works TAC and Planners TAC on Monday, 5/20 at 12:00pm at the Monrovia Community Center. The joint-meeting will focus on providing feedback to the California Public Utilities Commission (CPUC) regarding its opened proceedings to evaluate proposed methodologies related to the development of rules, policies, and procedures that are aimed at reducing greenhouse gas emissions from buildings.

STAFF ANNOUNCEMENTS

21. California Natural Resources Agency (CNRA) Green Infrastructure Grant Announcement
CNRA has released its draft guidelines for the Green Infrastructure program for public comment. The program, funded by Proposition 68, will fund multi-benefit green infrastructure projects in or benefiting disadvantaged or severely disadvantaged communities. Public comments and recommendations from stakeholders will be considered for adoption by the Secretary for Natural Resources. The public comment period is scheduled to end on March 21, 2019 and cities are encouraged to submit comments by e-mail to bondsandgrants@resources.ca.gov.
22. Coyote Management Task Force Updates
The SGVCOG Coyote Management Task Force will be meeting on Tuesday, March 5, 2019 at the Monrovia Community Center to discuss the development of a regionalized coyote management plan. Interested cities can reach out to SGVCOG staff at afung@sgvcog.org.

23. Upcoming EENR Committee Presentations and Meeting Dates

It is expected that U.S. Senator Kamala Harris' office and the Trust for Public Land will be providing presentations at the next EENR Committee meeting. The March meeting is scheduled to be on March 20, 2019 at 12:30pm at the Monrovia Community Center.

ANNOUNCEMENTS

There were no announcements at this meeting.

ADJOURN

Meeting adjourned at 2:29 pm.

Energy Upgrade California Poll Finds Californians Are United On The Topic Of Cleaner Energy Use

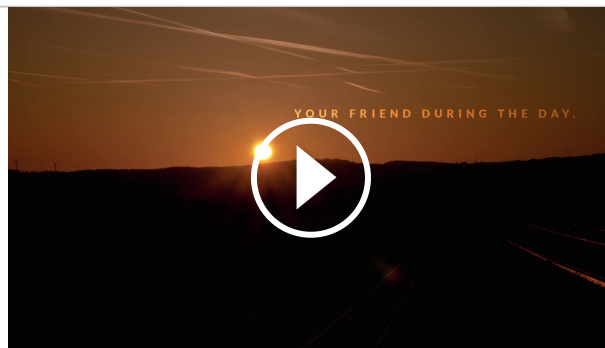
Findings reveal the state's residents understand benefits of accessing clean energy; New time-of-use rate plans will empower residents to take control of how and when they use energy

NEWS PROVIDED BY

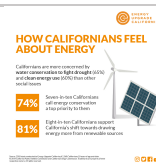
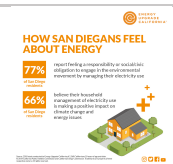
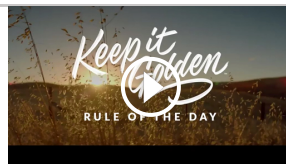
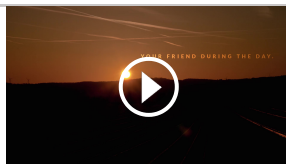
Energy Upgrade California →

Mar 12, 2019, 09:00 ET

SACRAMENTO, Calif., March 12, 2019 /PRNewswire/ -- The time is now to learn about time-of-use (TOU) rate plans and how you can help the environment! A recent poll from Energy Upgrade California (EUC), the consumer education initiative to promote smart energy use, confirms what many in the state and country already believe – Californians care about the environment. Efficiently using power between the hours of 4 and 9 p.m. and shifting use to parts of the day when electricity from renewable resources is more readily available will benefit the environment.



Befriending Clean Energy



Experience the interactive Multichannel News Release here:

<https://www.multivu.com/players/English/8481751-energy-upgrade-california-keep-it-golden-clean-energy-use>

This is good news, because the poll found residents across the state ranked environmental issues, including water conservation and clean energy use, higher than other social issues. What's more, a vast majority of those polled are aware of the benefits clean energy has on the environment, including cleaner air/less pollution (82 percent), helping preserve/protect the environment (71 percent), and combatting climate change/less global warming (62 percent). According to EUC, these findings reveal an opportunity for all Californians to rally around the state's new energy vision, which in 2019 includes harnessing the availability of clean energy throughout the day.

"The impacts of climate change are threatening California - our health, our livelihoods, and our future," said Michael Picker, the president of the California Public Utilities Commission (CPUC). "Californians are doing their part by using our growing supplies of clean renewable energy and practicing conservation wisely. Energy Upgrade California will help residents understand the tools and resources available that will keep the Golden State golden."

According to EUC, over the past two decades, California has undergone a significant transformation focused on increasing the state's consumption of electricity generated by renewable energy resources. These efforts are tied in part to the state's goal to become a zero-carbon electricity state by 2045.

"The state's electric grid is increasingly powered by clean, renewable sources of energy; when the sun is out and the wind is blowing. The challenge is in the late afternoon and evening, when demand for energy rises and renewable energy generation declines. At this time, electricity is more likely to be produced by non-renewable energy sources, which emit greenhouse gases," said Picker.

San Diego Transitions to Time-of-Use Rate Plans

To inspire use of renewable energy, Californians will be encouraged to efficiently use power between the hours of 4 and 9 p.m. and shift use to parts of the day when electricity from renewable resources (such as sun and wind) is more readily available.

Following Sacramento Municipal Utility District (SMUD), San Diego Gas and Electric (SDG&E) will be the first investor-owned utility (IOU) transitioning its residents to TOU rate plans beginning in March 2019. The state's other major IOUs will implement similar plans late into 2020. TOU rate plans were approved by the CPUC's 2015 Residential Rate Reform decision (D.15-07-001) and share a common theme – *when* electricity is used matters as much as *how much* electricity is used.

TOU rate plans are intended to support the state's clean energy goals, and empower residents to take control of how and when they use energy. The EUC poll demonstrates that Californians have a mindset to support this effort. The poll found that:

- 80 percent of residents in California are familiar with the state's commitment to increase the use of clean energy across the state
- 81 percent of residents support the shift California has made towards increasing the percentage of energy drawn from renewable sources
- 72 percent of California residents report feeling a responsibility or social/civic obligation to engage in the environmental movement by managing their electricity use.
- 62 percent of California residents say that they try to switch their energy use to clean energy practices when they can.

For more information, visit www.energyupgradeca.org. For more information about TOU rate plans, energy customers are encouraged to contact their local energy provider.

About Energy Upgrade California:

Created by the California Public Utilities Commission (CPUC) in 2011, Energy Upgrade California® (EUC) is a statewide education, advocacy and outreach initiative to promote energy management concepts, energy efficiency actions and clean energy opportunities for the state's residents and businesses. Energy Upgrade California® is uniting the state in a movement to help California thrive through smarter energy use. For more information visit www.energyupgradeca.org.

Media Poll Methodology:

These topline results present the findings of an online media poll conducted among a representative sample consisting of 2,568 Californians 18 years of age and older, living in Los Angeles (n=529), San Francisco (n=538), Sacramento (n=516), San Diego (n=521) and Bakersfield/Fresno (n=464).

The total sample data is representative regarding age, gender, ethnicity and educational attainment. The media poll was conducted by Ipsos and completed between July 30 and August 21, 2018. The margin of error for the media poll at the 95% confidence level is

- +/- 2 percentage points for the total sample;
- +/- 4 percentage points for Los Angeles only;
- +/- 4 percentage points for San Francisco only;
- +/- 4 percentage points for Sacramento only;
- +/- 4 percentage points for San Diego only;
- +/- 4 percentage points for Bakersfield/Fresno only.

SOURCE Energy Upgrade California

REPORT

DATE: March 20, 2019

TO: EENR Committee

FROM: Marisa Creter, Executive Director

RE: **THE TRUST FOR PUBLIC LAND'S CLIMATE-SMART CITIES INITIATIVE**

RECOMMENDED ACTION

For information only.

ABOUT THE TRUST FOR PUBLIC LAND

The Trust for Public Land was established in 1972 to create parks, protect land, and ensure communities remain healthy and livable for the generations to come. The organization brings together stakeholders and communities to prioritize land for parks and chart a course to protect and sustain these parks. The Trust also helps craft measures and pass legislation to secure funding for parks and conservation. Additionally, the Trust's staff engage communities in designing and building innovative parks that foster a strong sense of place and connection to nature.

BACKGROUND


On average, disadvantaged communities and low-income neighborhoods have fewer parks and green spaces to absorb stormwater, provide cooling shade, and protect structures from flooding. The Climate-Smart Cities Program provides a platform for the Trust to partner with city leaders and residents to design, fund, and build climate-smart parks and green spaces where they are needed the most. The Trust aims to help cities use parks and natural lands as green infrastructure that links residents to popular destinations, reduces the urban "heat island" effect, absorbs rainwater, reduces flooding, protects residents from heat waves, and reduces summer energy use.

To date, the Trust has partnered with leaders and residents in more than 20 cities through the Climate-Smart Cities Program. These partnerships increase the local capacity to plan, fund, protect, and create parks and open space featuring climate-smart green infrastructure. These partnerships foster projects such as converting abandoned alleys into green walkable parkways and turning asphalt schoolyards into vibrant green playgrounds for the community to enjoy.

The Climate-Smart Cities Program is an ongoing initiative funded publicly to support specific climate-smart green infrastructure elements in California. Cities are encouraged to participate in this program by contacting Paolo Perrone, Los Angeles Project Manager of the Trust for Public Land, at paolo.perrone@tpl.org.

Mr. Perrone will provide a brief presentation at this meeting.

REPORT

Prepared by: 
Alexander P. Fung
Project Assistant

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – The Trust for Public Land’s Climate-Smart Cities Presentation
Attachment B – Climate-Smart Cities Poster

CLIMATE SMART CITIES: DECISION SUPPORT TOOL

PAOLO PERRONE | LOS ANGELES PROJECT MANAGER | MARCH 20, 2019
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS | EENR COMMITTEE

THE TRUST FOR PUBLIC LAND

OUR MISSION

The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.

THE TRUST FOR PUBLIC LAND

How We DO IT



HEAT-RELATED ILLNESS IS THE LEADING CAUSE OF WEATHER-RELATED DEATH IN THE UNITED STATES.

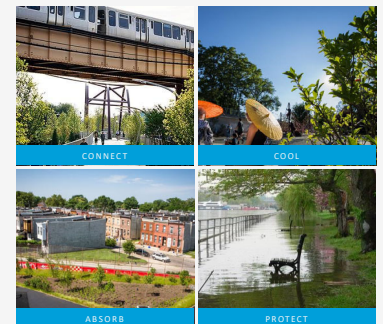


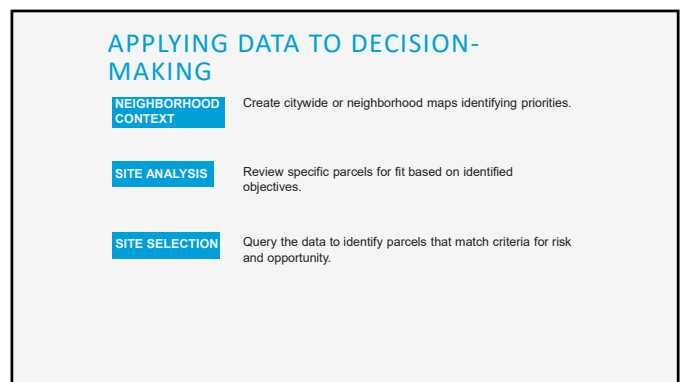
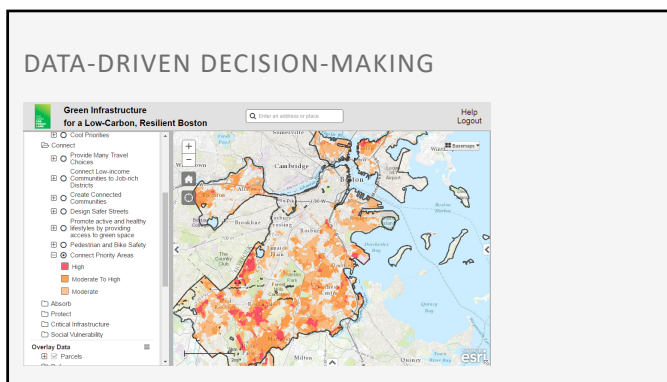
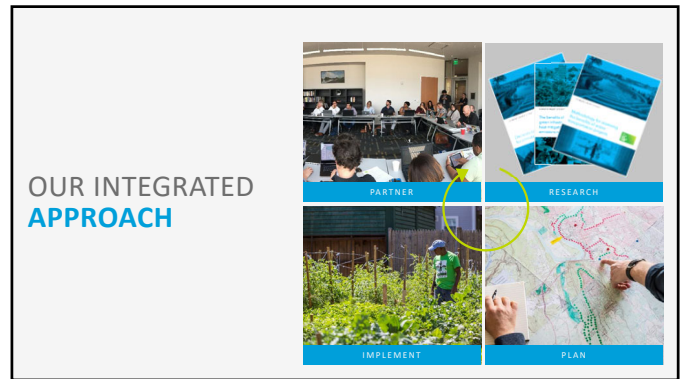
CLIMATE-SMART CITIES DECISION SUPPORT

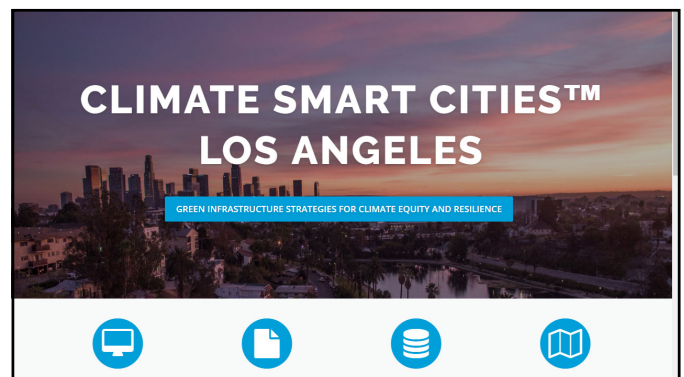
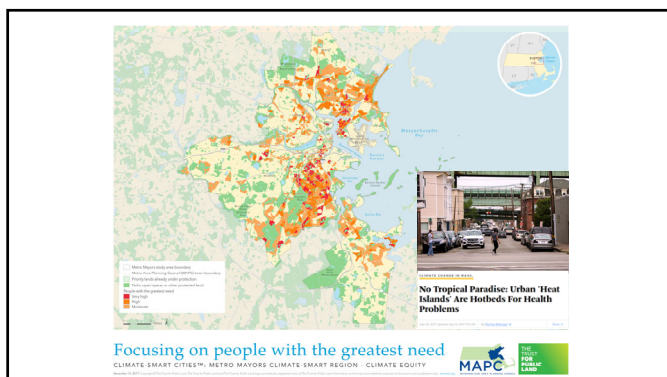
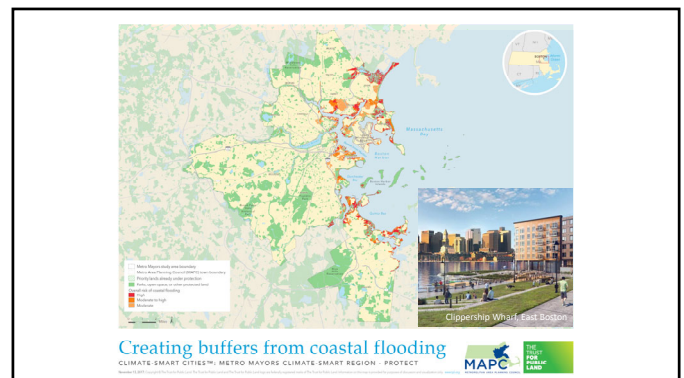
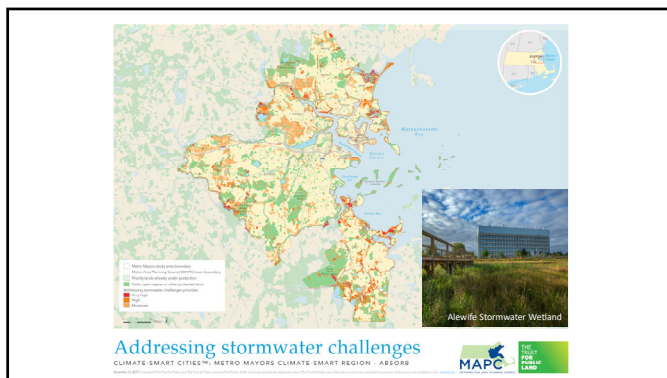
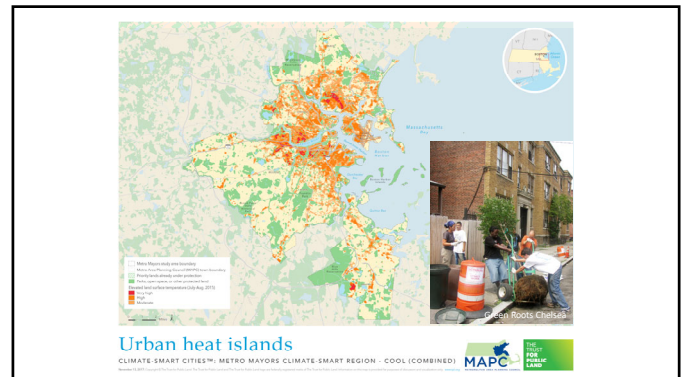
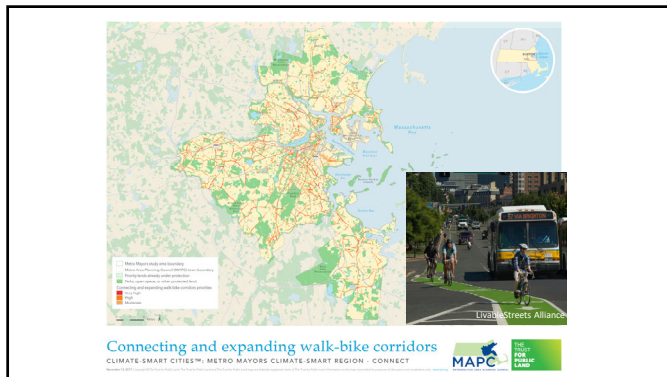
GOAL Identify priority areas for multi-benefit green infrastructure interventions with a focus on those people and places at the greatest risk to the effects of climate change.

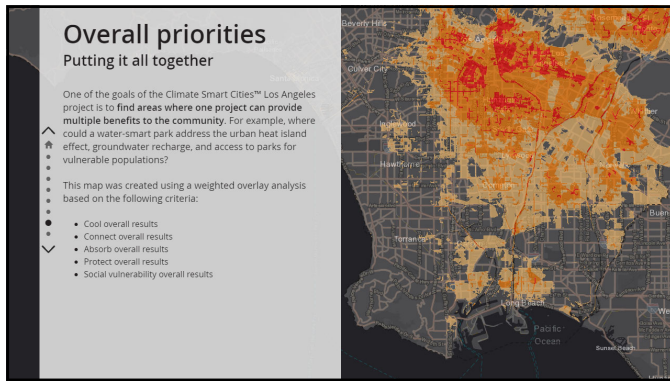


CLIMATE-SMART CITIES OBJECTIVES









Learn more and get involved

- 1 Dive deeper into the Climate-Smart Cities™ Los Angeles analysis: https://web.tplgis.org/losangeles_csc/
(or to get directly to the details about the data used in the Climate-Smart Cities™ Los Angeles analysis, see: https://web.tplgis.org/losangeles_csc/images/PDF/LosAngeles_Criteria_Matrix.pdf)
- 2 Support the Trust for Public Land's work in Los Angeles: <https://www.tpl.org/our-work/parks-for-people/los-angeles>
- 3 Learn more about The Trust for Public Land and the Climate-Smart Cities™ national program: <https://www.tpl.org/survive-and-thrive>



CLIMATE-SMART CITIES

Creating low-carbon, climate-smart cities in California that connect, cool, absorb, and protect with the use of natural infrastructure such as green alleys, parks, schoolyards, urban gardens, and riverways.

Creative Placemaking

- Community driven design and development encourages local stewardship, innovation, and cultural relevance.
- Creative Placemaking honors and supports existing communities, building connections and a sense of ownership between neighbors.¹¹

Connect

- Safe green alleys and streets connect people to amenities and to each other, encouraging biking and walking and reducing vehicle miles traveled.¹²
- Cars account for 78% of total transportation emissions, and California cities have far fewer bicycle and pedestrian commuters than the national average.⁵
- A 50% shift to walking or riding a bike on short and medium trips in the Bay Area would reduce carbon emissions, cardiovascular disease, and diabetes by an estimated 14%.⁵

Health & Safety

- Restoring natural areas and community spaces improves air quality, creates local food options, increases outdoor recreation and fitness, reduces crime, and decreases illegal dumping and pollution.¹²

Protect

- Waterfront green infrastructure protects cities from sea-level rise, coastal and river flooding, while special "infiltration" trenches absorb and clean stormwater and reduce urban runoff.¹⁰
- Green infrastructure at the inland edge of cities increases resilience against rising risks from wildfire and mudslides.¹⁰

Cool

- By absorbing greenhouse gases and providing shade, drought-tolerant plants and trees lower temperatures and reduce energy demand and costs.¹
- Light-colored cool roofs, pavement, and walls reduce the urban heat island effect and cool the air, encouraging outdoor recreation and active transportation.²
- Energy used to keep homes and buildings cool increases by 5-10% due to heat islands.³
- A comprehensive "cool-community" strategy could reduce emissions by 4 million metric tons of CO₂ a year.⁴

Absorb

- Permeable paving and dry wells absorb rainfall to lessen stormwater runoff pollution while recharging groundwater supplies, eliminating flooding, and reducing water management emissions and costs.⁷
- The carbon emissions from transporting and managing California's water supply is equivalent to that of 7.1 million passenger vehicles.⁹
- The City of Los Angeles could meet 30-45% of its water demand by implementing a climate-smart green infrastructure plan.⁸

CLIMATE-SMART CITIES

PUBLIC FUNDING AVAILABLE TO SUPPORT SPECIFIC CLIMATE-SMART GREEN INFRASTRUCTURE ELEMENTS IN CALIFORNIA:

Multiple Benefits

- California Natural Resources Agency, Urban Greening Program
- Strategic Growth Council, Transformational Climate Communities Program

Cool

- California Natural Resources Agency, Environmental Enhancement and Mitigation Program
- CALFIRE, Urban and Community Forestry Program

Connect

- Caltrans, Active Transportation Program
- Strategic Growth Council, Affordable Housing and Sustainable Communities
- US Department of Transportation, Transportation Investment Generating Economic Recovery Program
- National Park Service, Stateside Land and Water Conservation Fund

Absorb

- State Water Resources Control Board, Proposition 1 Stormwater Grant Program
- Department of Water Resources, Integrated Regional Water Management Proposition 1 Program
- California Coastal Conservancy, Climate Ready Program
- California Coastal Conservancy, Proposition 1 Grant Program

Protect

- California Ocean Protection Council, Proposition 1 Grant Program

Creative Placemaking

- California Arts Council
- National Endowment for the Arts, Art Works and Our Town

Health and Safety

- CalRecycle, Illegal Disposal Site Abatement Grant Program

CITATIONS:

1. Abraham, J. (2009, June 1). *Sequestering greenhouse gases in soils, trees, and underground*. (The University of Arizona Southwest Climate Change Network). Retrieved from <http://www.southwestclimatechange.org/solutions/reducing-emissions/carbon-sequestration>.
2. Atienza, A. (2010). *Reintroducing the pedestrian to the street*. Retrieved from http://www.stpp.ucla.edu/sites/default/files/Reintro_Handbook_AA2010.pdf.
3. Akbari, H. & Konopacki, S. (2003). *Streamlined energy savings calculations for heat-island reduction strategies*. (Lawrence Berkeley National Laboratory Report LBNL-47307). Berkeley, CA. Akbari, H., Menon, S., Rosenfeld, A. (2008). Global cooling: increasing world-wide urban albedos to offset CO2. *Climate Change*, 95(3-4). doi 10.1007/s10584-008-9515-9
4. Berkeley Lab Heat Island Group. *Cool communities*. Retrieved from <https://heatisland.lbl.gov/projects/projects-cool-communities>.
5. Maizlish, N., Woodcock, J., Co. S., Ostro, B., Fanai, A., & Fairley D. (2013, April). Health co-benefits and transportation-related reductions in greenhouse gas emissions in the San Francisco Bay Area. *American Journal of Public Health*, 103(4), 703-709. doi: 10.2105/AJPH.2012.300939
6. League of American Bicyclists. (2014). National survey.
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REPORT

DATE: March 20, 2019

TO: EENR Committee

FROM: Marisa Creter, Executive Director

RE: **SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION ACT**

RECOMMENDED ACTION

Discuss and provide direction to staff.

BACKGROUND

To protect and preserve the environment and areas in the San Gabriel Mountains, Congresswoman Judy Chu (CA-27) first introduced HR 4858, the San Gabriel National Recreation Act in June 2014. This bill would have designated the San Gabriel Mountains, river corridors, and Puente Hills as a National Recreation Area (NRA). Details and language of the bill were developed with extensive public input over the course of a year and a half.

While this bill was in development, the SGVCOG formed an ad-hoc committee to develop a white paper regarding the SGVCOG's position on the proposal. The white paper supported the concept of establishing an NRA for areas in the San Gabriel Valley, provided that a number of principles be addressed. The white paper also addressed the SGVCOG's concerns regarding the proposed Wilderness and Wild & Scene River designations and requested that the designations be introduced in a separate and distinct legislation from the proposed NRA legislation.

After extensive review and discussions, the SGVCOG Governing Board officially adopted the NRA White Paper (Attachment A) and submitted the document to Congresswoman Chu in September 2013. The ad-hoc committee continued to work diligently with Congresswoman Chu's office to review the draft language for HR 4858 throughout the following months. After determining that the language was consistent with the issues and principles identified in the NRA White Paper, the SGVCOG Governing Board voted to adopt Resolution 14-11 (See Attachment B) to support the National Recreation Area legislation in April 2014.

Although HR 4858 was not passed by the 113th Congress, former President Barack Obama declared the San Gabriel Mountains as a national monument through the Antiquities Act in October 2014. To expand the San Gabriel Mountains National Monument boundaries and create a new NRA along the Foothills and River Corridor, Congresswoman Chu introduced the San Gabriel Mountains Foothills and Rivers Protection Act to the 114th Congress in October 2015.

Despite that the bill failed to pass Congress, the Congresswoman re-introduced the San Gabriel Mountains Foothills and Rivers Protection Act (HR 2323) to the 115th Congress with the addition of the San Gabriel Mountains Forever Act (HR 3039). HR 3039 would designate certain Federal lands in the San Gabriel Mountains as wilderness areas and designate portions of the San Gabriel River and Little Rock Creek as components of the National Wild and Scenic Rivers System. Specifically, portions of the San Gabriel River and Little Rock Creek would be classified as wild rivers under HR 3039.

According to the definitions adopted by the federal government, wilderness is defined as land designated for preservation and protection in their natural condition and shall be devoted to the public purposes of recreation, scenic, scientific, educational, conservation, and historic use. Rivers that are classified as wild rivers under the National Wild and Scenic Rivers System would prohibit developments in or near the rivers to protect the water streams.

Languages of HR 2323 and HR 3039 can be found in Attachments C and D, respectively. A technical summary of the San Gabriel Mountains Foothills and Rivers Protection Act can be found in Attachment E. Additionally, a document containing detailed answers and explanations to frequently asked questions of the Act can be found in Attachment F.

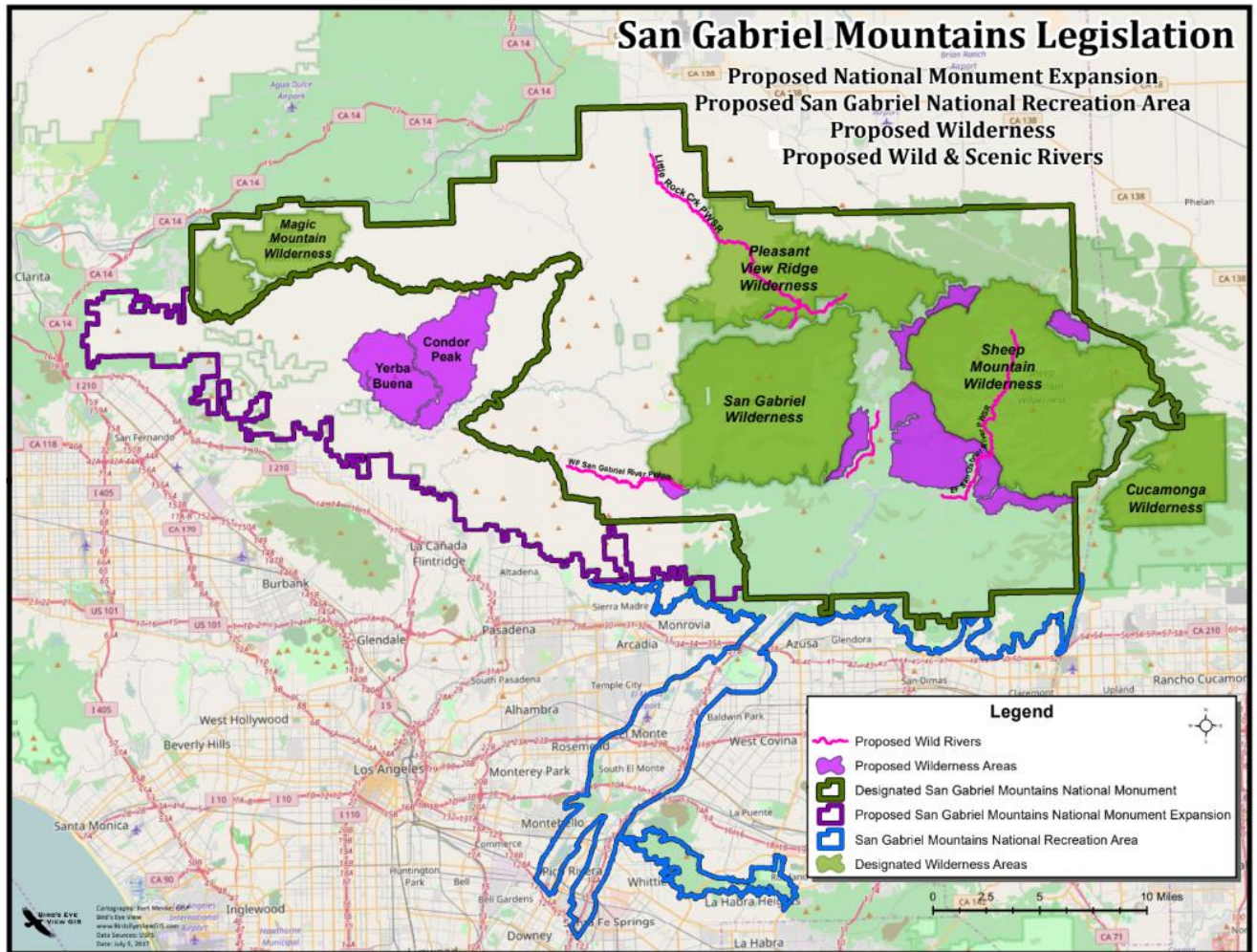
In December 2018, U.S. Senator Kamala Harris introduced a bill that combines HR 2323 and HR 3039. It is expected that the language of the combined bill would mirror the languages set out in HR 2323 and 3039 with minor adjustments. Currently, this bill's language is being finalized and it is anticipated that the bill would be presented to the 116th Congress in the next few months.

Senator Harris' Deputy State Director Heather Hutt and Congresswoman Chu's Deputy District Director Enrique Robles will be presenting on the details of this bill at this meeting. For questions, inquiries, comments, or concerns regarding this bill, please contact Ike Irby, Policy Advisor of Office of U.S. Senator Kamala Harris, at (202) 224-3553 or isaac_irby@harris.senate.gov.

EXISTING AND PROPOSED BOUNDARIES

The map on the next page showcases the following:

- The existing designated San Gabriel Mountains National Monument;
- The existing designated wilderness areas;
- The proposed expansion of wild rivers, wilderness areas, and the National Monument; and,
- The proposed establishment of the San Gabriel Mountains National Recreation Area.



Prepared by: Alexander P. Fung
 Alexander P. Fung
 Project Assistant

Approved by: Marisa Creter
 Marisa Creter
 Executive Director

ATTACHMENTS

Attachment A – SGVCOG National Recreation Area White Paper (Adopted September 2013)

Attachment B – SGVCOG Resolution 14-11 (Adopted April 2014)

Attachment C – Bill Language of HR 2323 (115th United States Congress)

Attachment D – Bill Language of HR 3039 (115th United States Congress)

Attachment E – Technical Summary of San Gabriel Mountains Foothills & Rivers Protection Act

Attachment F – Frequently Asked Questions of San Gabriel Mountains Foothills & Rivers Protection Act

San Gabriel Valley Council of Governments National Recreation Area White Paper

In 2003, Congress authorized the National Park Service (NPS) to undertake a Special Resource Study of the San Gabriel River watershed to determine whether the area should be incorporated into the National Park Service system. In April 2013, the NPS transmitted its final San Gabriel Watershed and Mountains Special Resource Study to the Secretary of the Interior with a recommendation to create a National Recreation Area for the foothills of the San Gabriel Mountains and the San Gabriel and Rio Hondo River Corridors.

The San Gabriel Valley Council of Governments (SGVCOG) has followed the NPS process since 2009 and has at various times submitted comments on the recommendations. In 2009, the SGVCOG submitted a letter of support for Alternative D – an alternative that recommended the creation of a National Recreation Area for the foothills of the San Gabriel Mountains, the San Gabriel and Rio Hondo River Corridors, and the Angeles National Forest. In its letter, the SGVCOG also requested three assurances:

- 1) Protection of local water rights, preservation of our water supply (including use of adjacent lands to access that supply), and prevention of water contamination from recreational activities;
- 2) Provisions allowing private property owners, entities with water or sanitation facilities, and cities to “opt out” of any future designation;
- 3) Guarantees that any future designation would respect and abide by the General Plans and Zoning Ordinances of each City (and the County).

The SGVCOG understands that Federal legislation is required to formally designate a National Recreation Area for the San Gabriel Valley. The SGVCOG understands that Congresswoman Judy Chu intends to draft legislation to formally designate this National Recreation Area.

The SGVCOG has appreciated the many opportunities created by the Congresswoman to provide feedback to assist her in drafting legislation that will best support the San Gabriel Valley. To that effect, the SGVCOG has developed a list of principles that it would request be included in the legislation. These principles were developed and supported following detailed analysis by a group of local elected officials, representatives from Los Angeles County and representatives from the San Gabriel Valley Water Association, and were ultimately adopted by the SGVCOG Governing Board.

The San Gabriel Valley Council of Governments supports in concept the National Recreation Area designation for areas of the San Gabriel Valley, provided that the following principles are addressed in the legislation that is being drafted by Congresswoman Judy Chu:

Boundaries

- ✓ The National Recreation Area (NRA) shall include the Angeles National Forest.
- ✓ The NRA shall consist of two units: an NPS unit that includes the foothills of the San Gabriel Mountains and the corridors of the San Gabriel and Rio Hondo Rivers and a United States Forest Service (USFS) unit that continues to manage the Angeles National Forest, with the support of the NPS.
- ✓ The NRA shall include the area within El Monte and South El Monte that was excluded from the NPS's recommendation.

Land Use

- ✓ Cities shall have the right to opt-out of specific programs that are administered by the NPS and/or USFS.
- ✓ Agencies, organizations, and local governments that own and manage land within a proposed San Gabriel NRA shall continue to manage their lands according to their own policies and regulations.
- ✓ Local governments and agencies, businesses, and private citizens shall retain ownership over property and authority over land use whether they are in or near the NRA boundaries.
- ✓ The NRA shall not establish additional regulatory or land use authorities over local governments.
- ✓ The NRA designation shall not impact local land use authority over private lands or any lands that the National Park Service does not own.
- ✓ The NPS and/or USFS do not have the authority to regulate the way lands are used or impose its policies on lands that it does not own.
- ✓ The NRA shall not affect existing, planned, and/or future access, rights of way, easements, and/or transportation projects.
- ✓ The NPS and/or USFS shall not use eminent domain to acquire property.
- ✓ Any property owned or acquired by the NPS and/or USFS, or by any other organization or agency on behalf of the NPS or USFS, shall be managed, maintained and utilized in a manner consistent with and in compliance with the Open Space Element, General Plan, Management Plan, and local land use and zoning ordinances adopted, or as may thereafter be amended or modified, by the local agency having jurisdiction over the area.
- ✓ Neither the NPS and/or USFS, nor any organization or agency acting on behalf of the NPS and/or USFS, shall acquire by purchase, donation or any other means, any property or asset in the National Recreation Area unless the property or asset contains unique cultural, historical, recreational, or biological resources and the local agency having jurisdiction approves, in advance, of the acquisition.
- ✓ The NPS and/or USFS shall preserve all existing and/or historic water rights; rights related to conveyance and flow of water, power, communications, and appurtenant facilities; and access rights to recreation trails and facilities. No additional approvals, licenses, and/or permits shall be required for ongoing, routine, and/or preventive maintenance or improvements to existing roads, trails, facilities, and/or infrastructure.

Governance/Management

- ✓ The Partnership Council shall be comprised of not less than 51 percent locally elected officials from jurisdictions within the boundaries of the NRA.
- ✓ The Partnership Council shall include three local elected officials nominated by the San Gabriel Valley Council of Governments, at least two of whom should represent cities within or adjacent to the NRA boundaries; two local elected officials or their appointments from the San Gabriel Valley Water Districts; one local elected official from the Gateway Council of Governments; one elected official or his or her appointment from the Los Angeles County Board of Supervisors; one local elected official from the Watershed Conservation Authority; one local elected official from the Rivers and Mountains Conservancy; one local elected official from the Puente Hills Habitat Preservation Authority; and one representative from the Los Angeles County Flood Control District.
- ✓ There shall be a Public Advisory Council that shall not sunset that includes members of the business community, appointed by the business organizations in the San Gabriel Valley, and a representative from a Native American tribe.
- ✓ There shall be a Water Technical Advisory Committee that includes representatives from the Water Districts in the San Gabriel Valley, and a Public Safety Technical Advisory Committee that includes representatives from Police and Fire. These Technical Advisory Committees shall not sunset.
- ✓ The Partnership Council shall develop a comprehensive plan for the protection and management of the National Forest Service and NPS lands included in the NRA.
- ✓ The Partnership Council shall also develop a land and resource management plan, visitor services plan, and complete an access study.
- ✓ There shall be adequate input from the Public Advisory Council and from other stakeholders in the development of all of these plans.

Water Rights

- ✓ NRAs are subject to existing water rights so all existing water rights shall remain intact and unaffected.
- ✓ An audit of existing water rights, including an inventory of federal water rights, shall be conducted to develop an accurate baseline.
- ✓ The NRA shall not impact infrastructure, operations or access to infrastructure for flood control, water storage, transportation of water, treatment of water and wastewater, management of solid waste or utilities.
- ✓ Management of water supply and treatment plants shall continue under current authorities.
- ✓ The NPS and/or USFS shall not pursue new or expanding future beneficial uses or requirements for water supply, water quality, or air quality regulations as a result of the NRA.
- ✓ Increased recreational opportunities shall not be done at the expense of flood protection or water rights.
- ✓ All existing easements, permits, and rights-of-way shall remain fully intact on land purchased by the National Park Service and/or USFS.

- ✓ There shall be a technical review of proposed recreational projects, completed by the Water Technical Advisory Committee, to identify potential positive and negative impacts and mitigation measures.

Fire Management

- ✓ Fire Management shall continue unchanged and be enhanced under the existing agencies.
- ✓ Los Angeles County Fire Department shall be consulted prior to any change in fire management.
- ✓ The NRA Management Plan must ensure that recreational use be managed in a manner that minimizes the risk of wildfires.

Allowable Recreational Activities and Fees

- ✓ There shall be adequate access to and open space for all residents of the San Gabriel Valley.
- ✓ The National Park Service and U.S. Forest Service shall not impose any additional entry fees, without approval of the Partnership.

Wilderness and Wild and Scenic River Designations

- ✓ The SGVCOG is withholding support at this time for the Wilderness and Wild and Scenic River Designations.
- ✓ The SGVCOG recommends that Congresswoman Chu create separate legislation for the NRA and Wilderness and Wild and Scenic River Designations.
- ✓ The SGVCOG further requests that if Congresswoman Chu pursues the two designations that the two designations, Wilderness and Wild and Scenic Rivers, be studied through a formal federal study – including eligibility, suitability, and classification – that is completed before the two designations are written into law and that she will continue to engage all stakeholders through both formal and informal processes to provide the opportunity for further input.

The SGVCOG appreciates the opportunity to submit these comments regarding the NRA. After the draft legislation is completed, the SGVCOG looks forward to the opportunity to review it to ensure that these principles are adequately addressed and determine whether the SGVCOG will support the legislation.

RESOLUTION NO. 14-11

**RESOLUTION OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
SUPPORTING THE DRAFT NRA LEGISLATION**

WHEREAS, in 2003, the United States Congress authorized the National Park Service (NPS) to undertake a Special Resource Study of the San Gabriel River watershed to determine whether the area should be incorporated into the National Park Service system;

WHEREAS, in 2009, the San Gabriel Valley Council of Governments submitted a letter of support to the National Park Service for Alternative D, an alternative that recommended the creation of a National Recreation Area for the foothills of the San Gabriel Mountains, the San Gabriel and Rio Hondo River Corridors, and the Angeles National Forest;

WHEREAS, in April 2013, the NPS transmitted its final San Gabriel Watershed and Mountains Special Resource Study to the Secretary of the Interior with a recommendation to create an NRA for the foothills of the San Gabriel Mountains and the San Gabriel and Rio Hondo River Corridors;

WHEREAS, in July 2013, the San Gabriel Valley Council of Governments formed an Ad-Hoc Committee to develop a white paper related to the SGVCOG's position on the proposal to form an NRA in the San Gabriel Valley and any related legislation;

WHEREAS, in September 2013, the San Gabriel Valley Council of Governments adopted the NRA White Paper, which was submitted to Congresswoman Judy Chu;

WHEREAS, in March 2014, Congresswoman Judy Chu released draft NRA legislation and provided a thirty-day period for stakeholders to comment on the legislation;

WHEREAS, the Ad-Hoc Committee reconvened to review the draft legislation and compare the draft legislation to the adopted NRA White Paper;

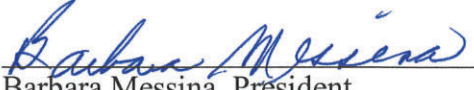
WHEREAS, the Ad-Hoc Committee determined that the language in the draft legislation was generally consistent with the principles and issues identified in the NRA White Paper and requested minor modifications to more thoroughly protect the interests identified in the White Paper;

WHEREAS, the Ad-Hoc Committee discussed the role of the management partnership and determined it is in the San Gabriel Valley's best interests to enhance the authority of the management partnership and conveyed this request to Congresswoman Chu.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board hereby supports the National Recreation Area draft legislation, with additional language that generally increases the authority of the management partnership.

PASSED AND ADOPTED by the Governing Board of San Gabriel Valley Council of Governments, County of Los Angeles, in the County of Los Angeles, State of California, on the 17th day of April, 2014.

San Gabriel Valley Council of Governments


Barbara Messina, President

Attest:


Andrea M. Miller, Secretary

115TH CONGRESS
1ST SESSION

H. R. 2323

To establish the San Gabriel National Recreation Area as a unit of the National Park System in the State of California, to modify the boundaries of the San Gabriel Mountains National Monument in the State of California to include additional National Forest System land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2017

Ms. JUDY CHU of California (for herself, Mr. SCHIFF, Mrs. NAPOLITANO, Mr. CÁRDENAS, and Ms. SÁNCHEZ) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the San Gabriel National Recreation Area as a unit of the National Park System in the State of California, to modify the boundaries of the San Gabriel Mountains National Monument in the State of California to include additional National Forest System land, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “San Gabriel Mountains Foothills and Rivers Protection
 4 Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—SAN GABRIEL NATIONAL RECREATION AREA

Sec. 101. Definitions.

Sec. 102. Establishment of San Gabriel National Recreation Area.

Sec. 103. Management.

Sec. 104. Acquisition of non-Federal lands within the recreation area.

Sec. 105. Water rights; water resource facilities; public roads; utility facilities.

Sec. 106. San Gabriel National Recreation Area Public Advisory Council.

Sec. 107. San Gabriel National Recreation Area Partnership.

Sec. 108. Visitor services and facilities.

TITLE II—SAN GABRIEL MOUNTAINS NATIONAL MONUMENT

Sec. 201. Boundary modification, San Gabriel Mountains National Monument.

7 **TITLE I—SAN GABRIEL**
 8 **NATIONAL RECREATION AREA**

9 **SEC. 101. DEFINITIONS.**

10 In this title:

11 (1) ADJUDICATION.—The term “adjudication”
 12 means any final judgment, order, ruling, or decree
 13 entered in any judicial proceeding adjudicating or af-
 14 fecting water rights, surface water management, or
 15 groundwater management.

16 (2) ADVISORY COUNCIL.—The term “advisory
 17 council” means the San Gabriel National Recreation

1 Area Public Advisory Council established by section
2 106(a).

3 (3) FEDERAL LANDS.—The term “Federal
4 lands” means—

5 (A) public lands under the jurisdiction of
6 the Secretary of the Interior; and

7 (B) lands under the jurisdiction of the Sec-
8 retary of Defense, acting through the Army
9 Corps of Engineers.

10 (4) MANAGEMENT PLAN.—The term “manage-
11 ment plan” means the management plan for the
12 recreation area required by section 103(e).

13 (5) PUBLIC LANDS.—The term “public lands”
14 has the meaning given that term in section 103(e)
15 of the Federal Land Policy and Management Act of
16 1976 (43 U.S.C. 1702(e)).

17 (6) PARTNERSHIP.—The term “partnership”
18 means the San Gabriel National Recreation Partner-
19 ship established by section 107(a).

20 (7) RECREATION AREA.—The term “recreation
21 area” means the San Gabriel National Recreation
22 Area established by section 102(b).

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

1 (9) STATE.—The term “State” means the State
2 of California.

3 (10) UTILITY FACILITY.—The term “utility fa-
4 cility” means electric substations, communication fa-
5 cilities, towers, poles, and lines, ground wires, com-
6 munication circuits, and other structures, and re-
7 lated infrastructure.

8 (11) WATER RESOURCE FACILITY.—The term
9 “water resource facility” means irrigation and
10 pumping facilities, dams and reservoirs, flood control
11 facilities, water conservation works, including debris
12 protection facilities, sediment placement sites, rain
13 gauges, and stream gauges, water quality facilities,
14 recycled water facilities and water pumping, convey-
15 ance distribution systems, and water treatment fa-
16 cilities, aqueducts, canals, ditches, pipelines, wells,
17 hydropower projects, and transmission and other an-
18 cillary facilities, groundwater recharge facilities,
19 water conservation, water filtration plants, and other
20 water diversion, conservation, groundwater recharge,
21 storage, and carriage structures.

22 **SEC. 102. ESTABLISHMENT OF SAN GABRIEL NATIONAL**
23 **RECREATION AREA.**

24 (a) PURPOSES.—The purposes of this title are—

1 (1) to conserve, protect, and enhance for the
2 benefit and enjoyment of present and future genera-
3 tions the ecological, scenic, wildlife, recreational, cul-
4 tural, historical, natural, educational, and scientific
5 resources of the recreation area;

6 (2) to provide environmentally responsible, well-
7 managed recreational opportunities within the recre-
8 ation area, and improve access to and from the
9 recreation area;

10 (3) to provide expanded educational and inter-
11 pretive services that will increase public under-
12 standing of and appreciation for the natural and cul-
13 tural resources of the recreation area;

14 (4) to facilitate the cooperative management of
15 the lands and resources within the recreation area,
16 in collaboration with the State and political subdivi-
17 sions of the State, historical, business, cultural,
18 civic, recreational, tourism and other nongovern-
19 mental organizations, and the public; and

20 (5) to allow the continued use of the recreation
21 area by all persons, entities, and local government
22 agencies in activities relating to integrated water
23 management, flood protection, water conservation,
24 water quality, water rights, water supply, ground-
25 water recharge and monitoring, wastewater treat-

1 ment, public roads and bridges, and utilities within
2 or adjacent to the recreation area.

3 (b) ESTABLISHMENT AND BOUNDARIES.—Subject to
4 valid existing rights, there is hereby established the San
5 Gabriel National Recreation Area as a unit of the National
6 Park System in the State of California, which shall consist
7 of approximately 51,107 acres of Federal lands and inter-
8 ests in land in the State depicted as the “Proposed San
9 Gabriel Mountains National Recreation Area” on the map
10 titled “San Gabriel Mountains National Recreation Area
11 and National Monument Expansion Proposal” and dated
12 October 5, 2015.

13 (c) MAP AND LEGAL DESCRIPTION.—

14 (1) IN GENERAL.—As soon as practicable after
15 the date of the enactment of this Act, the Secretary
16 shall file a map and a legal description of the recre-
17 ation area with—

18 (A) the Committee on Natural Resources
19 of the House of Representatives; and

20 (B) the Committee on Energy and Natural
21 Resources of the Senate.

22 (2) FORCE OF LAW.—The map and legal de-
23 scription filed under paragraph (1) shall have the
24 same force and effect as if included in this Act, ex-
25 cept that the Secretary may correct any clerical and

1 typographical errors in the map and legal descrip-
2 tion.

3 (3) PUBLIC AVAILABILITY.—The map and legal
4 description filed under paragraph (1) shall be on file
5 and available for public inspection in the appropriate
6 offices of the National Park Service.

7 (d) ADMINISTRATION AND JURISDICTION.—

8 (1) PUBLIC LANDS.—The public lands included
9 in the recreation area shall be administered by the
10 Secretary, acting through the National Park Service.

11 (2) DEPARTMENT OF DEFENSE LANDS.—Al-
12 though certain Federal lands under the jurisdiction
13 of the Secretary of Defense are included in the
14 recreation area, nothing in this title transfers ad-
15 ministrative jurisdiction of such Federal lands from
16 the Secretary of Defense or otherwise affects Fed-
17 eral lands under the jurisdiction of the Secretary of
18 Defense.

19 (3) STATE AND LOCAL JURISDICTION.—Noth-
20 ing in this title alters, modifies, or diminishes any
21 right, responsibility, power, authority, jurisdiction,
22 or entitlement of the State, any political subdivision
23 of the State, or any State or local agency under ex-
24 isting Federal, State, and local law (including regu-
25 lations).

1 **SEC. 103. MANAGEMENT.**

2 (a) NATIONAL PARK SYSTEM.—Subject to valid ex-
 3 isting rights, the Secretary shall manage the public lands
 4 included in the recreation area in a manner that protects,
 5 and enhances the natural resources and values of the
 6 lands, in accordance with—

7 (1) this title;

8 (2) the laws generally applicable to units of the
 9 National Park System; and

10 (3) other applicable law (including Federal,
 11 State, or local law, and regulations).

12 (b) COOPERATION WITH SECRETARY OF DE-
 13 FENSE.—The Secretary shall cooperate with the Secretary
 14 of Defense to develop opportunities for the management,
 15 to the maximum extent practicable, of the Federal lands
 16 under the jurisdiction of the Secretary of Defense included
 17 in the recreation area in accordance with the purposes de-
 18 scribed in section 102(a).

19 (c) TREATMENT OF NON-FEDERAL LANDS AND RE-
 20 LATED PROVISIONS.—

21 (1) IN GENERAL.—Nothing in this title—

22 (A) authorizes the Secretary to take any
 23 action that would affect the use of any land not
 24 owned by the United States;

25 (B) affects the use of, or access to, any
 26 non-Federal land within the recreation area;

1 (C) modifies any provision of Federal,
2 State, or local law with respect to public access
3 to or use of non-Federal land;

4 (D) requires any owner of non-Federal
5 land to allow public access (including Federal,
6 State, or local government access) to private
7 property or any other non-Federal land;

8 (E) alters any duly adopted land use regu-
9 lation, approved land use plan, or any other
10 regulatory authority of any State, or local agen-
11 cy, or tribal government;

12 (F) creates any liability, or affects any li-
13 ability under any other law, of any private
14 property owner or other owner of non-Federal
15 land with respect to any person injured on pri-
16 vate property or other non-Federal land;

17 (G) conveys any land use or other regu-
18 latory authority to the partnership;

19 (H) shall be construed to cause any Fed-
20 eral, State, or local regulations or permit re-
21 quirements, which are intended to apply to
22 units of the National Park System, to affect the
23 Federal lands under the jurisdiction of the Sec-
24 retary of Defense or non-Federal lands within
25 the boundaries of the recreation area; or

1 (I) requires any local government to par-
2 ticipate in any program administered by the
3 Secretary.

4 (2) COOPERATION.—The Secretary is encour-
5 aged to work with owners of non-Federal land who
6 have agreed to cooperate with the Secretary to fur-
7 ther the purposes of this title.

8 (3) BUFFER ZONES.—

9 (A) IN GENERAL.—Congress does not in-
10 tend the establishment of the recreation area to
11 lead to the creation of protective perimeters or
12 buffer zones around the recreation area.

13 (B) ACTIVITIES OR USES UP TO BOUND-
14 ARIES.—The fact that certain activities or land
15 can be seen or heard from within the recreation
16 area shall not, of itself, preclude the activities
17 or land uses up to the boundary of the recre-
18 ation area.

19 (4) FACILITIES.—Nothing in this title shall af-
20 fect the operation, maintenance, modification, con-
21 struction, or expansion of any water resource facility
22 or any solid waste, sanitary sewer, water or waste-
23 water treatment, groundwater recharge or conserva-
24 tion, hydroelectric, conveyance distribution system,

1 recycled water facility, or utility facility located with-
2 in or adjacent to the recreation area.

3 (5) EXEMPTION.—Section 100903 of title 54,
4 United States Code, shall not apply to the Puente
5 Hills landfill, materials recovery facility, or inter-
6 modal facility.

7 (d) MANAGEMENT PLAN.—

8 (1) DEADLINE.—Not later than 3 years after
9 the date of the enactment of this Act, the Secretary
10 and the advisory council shall create a comprehen-
11 sive management plan for the recreation area that
12 fulfills the purposes described in section 102(a).

13 (2) USE OF EXISTING PLANS.—In developing
14 the management plan, and to the extent consistent
15 with this section, the Secretary may incorporate any
16 provision from a land use plan or any other plan ap-
17 plicable to the public lands included in the recreation
18 area.

19 (3) INCORPORATION OF VISITOR SERVICES
20 PLAN.—To the maximum extent practicable, the
21 Secretary shall incorporate the visitor services plan
22 required by section 108 into the management plan.

23 (4) PARTNERSHIP.—In developing the manage-
24 ment plan, the Secretary shall consider recommenda-
25 tions of the partnership. To the maximum extent

1 practicable, the Secretary shall incorporate rec-
 2 ommendations of the partnership into the manage-
 3 ment plan if the Secretary determines that the rec-
 4 ommendations are feasible and consistent with the
 5 purposes in section 102(a), this title, and applicable
 6 laws (including regulations).

7 (e) FISH AND WILDLIFE.—Nothing in this title af-
 8 fects the jurisdiction of the State with respect to fish and
 9 wildlife located on public lands in the State.

10 **SEC. 104. ACQUISITION OF NON-FEDERAL LANDS WITHIN**
 11 **THE RECREATION AREA.**

12 (a) LIMITED ACQUISITION AUTHORITY.—The Sec-
 13 retary may acquire non-Federal land within the bound-
 14 aries of the recreation area only through exchange, dona-
 15 tion, or purchase from a willing seller.

16 (b) PROHIBITION ON USE OF EMINENT DOMAIN.—
 17 Nothing in this title authorizes the use of eminent domain
 18 to acquire land or interests in land.

19 (c) TREATMENT OF ACQUIRED LANDS.—Any land or
 20 interest in land acquired by the United States and located
 21 within the boundaries of the recreation area shall be—

22 (1) included in the recreation area; and
 23 (2) administered by the Secretary in accordance
 24 with—

25 (A) this title; and

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

3 (d) ADDITIONAL REQUIREMENT.—As a further con-
4 dition on the acquisition of land or interests in land under
5 this section, the Secretary shall make a determination that
6 the land contains important biological, cultural, historic,
7 or recreational values.

8 **SEC. 105. WATER RIGHTS; WATER RESOURCE FACILITIES;**
9 **PUBLIC ROADS; UTILITY FACILITIES.**

10 (a) NO EFFECT ON WATER RIGHTS.—Nothing in
11 this title—

12 (1) shall affect the use or allocation, in exist-
13 ence on the date of the enactment of this Act, of any
14 water, water right, or interest in water (including
15 potable, recycled, reclaimed, waste, imported, ex-
16 ported, banked, stored water, surface water, ground-
17 water, and public trust interests);

18 (2) shall affect any public or private contract in
19 existence on the date of the enactment of this Act
20 for the sale, lease, or loan of any water (including
21 potable, recycled, reclaimed, waste, imported, ex-
22 ported, banked, stored water, surface water, and
23 groundwater);

24 (3) shall be considered to be a relinquishment
25 or reduction of any water rights reserved or appro-

1 appropriated by the United States in the State on or be-
2 fore the date of the enactment of this Act;

3 (4) authorizes or imposes any new reserved
4 Federal water rights or expands water usage pursu-
5 ant to any existing Federal reserved riparian or ap-
6 propriative rights;

7 (5) shall be considered to be a relinquishment
8 or reduction of any water rights (including potable,
9 recycled, reclaimed, waste, imported, exported,
10 banked, stored water, surface water and ground-
11 water) held, reserved or appropriated by any public
12 entity, or other person or entities, on or before the
13 date of the enactment of this Act;

14 (6) shall be construed to, or shall interfere or
15 conflict with the exercise of the powers or duties of
16 any watermaster, public agency, or other body or en-
17 tity responsible for groundwater or surface water
18 management or groundwater replenishment as des-
19 ignated or established pursuant to any adjudication,
20 or Federal or State statute including, without limita-
21 tion, the management of the San Gabriel River wa-
22 tershed and basin, to provide water supply and other
23 environmental benefits;

24 (7) shall be construed to impede or adversely
25 impact any previously adopted Los Angeles County

1 Drainage Area project, as described in the report of
2 the Chief of Engineers dated June 30, 1992, includ-
3 ing any supplement or addendum to that report, or
4 any maintenance agreement to operate the project;

5 (8) shall interfere or conflict with any action by
6 a watermaster or public agency that is authorized
7 pursuant to Federal or State statute, water right or
8 adjudication, including actions relating to water con-
9 servation, water quality, surface water diversion or
10 impoundment, groundwater recharge, water treat-
11 ment, conservation or storage of water, pollution,
12 waste discharge, the pumping of groundwater; the
13 spreading, injection, pumping, storage, or the use of
14 water from local sources, storm water flows, and
15 runoff, or from imported or recycled water, that is
16 undertaken in connection with the management or
17 regulation of the San Gabriel River;

18 (9) shall interfere with, obstruct, hinder, or
19 delay the exercise of, or access to, any water right
20 by the owner of a public water system, or other per-
21 son or entity, including, but not limited to, the con-
22 struction, operation, maintenance, replacement, re-
23 pair, location, or relocation of any well; pipeline; or
24 water pumping, treatment, diversion, impoundment,
25 or storage facility; or other facility or property nec-

1 essary or useful to access any water right or operate
 2 any public water system;

3 (10) shall require initiation or reinitiation of
 4 consultation with the United States Fish and Wild-
 5 life Service under, or the application of provisions of,
 6 the Endangered Species Act (16 U.S.C. 1531 et
 7 seq.) concerning any action or activity affecting
 8 water, water rights or water management or water
 9 resource facilities in the San Gabriel River water-
 10 shed and basin; or

11 (11) authorizes any agency or employee of the
 12 United States, or any other person, to take any ac-
 13 tion inconsistent with a preceding paragraph.

14 (b) WATER RESOURCE FACILITIES.—

15 (1) NO EFFECT ON EXISTING WATER RE-
 16 SOURCE FACILITIES.—Nothing in this title shall af-
 17 fect—

18 (A) the use, operation, maintenance, re-
 19 pair, construction, reconfiguration, expansion,
 20 or replacement of a water resource facility with-
 21 in or adjacent to the recreation area; or

22 (B) access to a water resource facility
 23 within or adjacent to the recreation area.

24 (2) NO EFFECT ON NEW WATER RESOURCE FA-
 25 CILITIES.—Nothing in this title shall preclude the

1 establishment of new water resource facilities (in-
 2 cluding instream sites, routes, and areas) within the
 3 recreation area if such facilities are necessary to pre-
 4 serve or enhance the health, safety, water supply, or
 5 utility services to residents of Los Angeles or San
 6 Bernardino Counties.

7 (3) FLOOD CONTROL.—Nothing in this title
 8 shall be construed to—

9 (A) impose new restrictions or require-
 10 ments on flood protection, water conservation,
 11 water supply, groundwater recharge, water
 12 transfers, or water quality operations; or

13 (B) increase the liability of agencies car-
 14 rying out flood protection, water conservation,
 15 water supply, groundwater recharge, water
 16 transfers, or water quality operations.

17 (4) DIVERSION OR USE OF WATER.—Nothing in
 18 this title shall authorize or require the use of water
 19 in or the diversion of water to the recreation area.

20 (c) UTILITY FACILITIES AND RIGHTS OF WAY.—
 21 Nothing in this title shall—

22 (1) affect the use, operation, maintenance, re-
 23 pair, construction, reconfiguration, expansion, in-
 24 spection, renewal, reconstruction, alteration, addi-
 25 tion, relocation, improvement, removal, or replace-

1 ment of utility facilities or appurtenant rights of way
2 within or adjacent to the recreation area;

3 (2) affect access to utility facilities or rights of
4 way within or adjacent to the recreation area; or

5 (3) preclude the establishment of new utility fa-
6 cilities or rights of way (including instream sites,
7 routes, and areas) within the recreation area if such
8 facilities are necessary for public health and safety,
9 electricity supply, or other utility services.

10 (d) ROADS; PUBLIC TRANSIT.—

11 (1) DEFINITIONS.—In this subsection:

12 (A) PUBLIC ROADS.—The term “public
13 roads” means any paved road or bridge (includ-
14 ing any appurtenant structures and rights of
15 way) that is operated or maintained by a non-
16 Federal entity and is—

17 (i) open to vehicular use by the public;

18 or

19 (ii) used by public agencies or utilities
20 for the operation, maintenance, repair,
21 construction, and rehabilitation of infra-
22 structure, utility facility, or right-of-way.

23 (B) PUBLIC TRANSIT.—The term “public
24 transit” means transit services (including oper-

ations and rights of way) that are operated or
maintained by a non-Federal entity and are—

(i) open to the public; or

(ii) used by public agencies or contractors for the operation, maintenance, repair, construction, and rehabilitation of infrastructure, utility facility, or right-of-way.

(2) NO EFFECT ON PUBLIC ROADS OR PUBLIC
TRANSIT.—Nothing in this title—

(A) authorizes the Secretary to take any action that would affect the operation, maintenance, repair, and rehabilitation of public roads or public transit (including activities necessary to comply with Federal and State safety standards or public transit); or

(B) creates any new liability, or increases any existing liability, of any owner or operator of public roads.

**SEC. 106. SAN GABRIEL NATIONAL RECREATION AREA PUBLIC
ADVISORY COUNCIL.**

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish the San Gabriel National Recreation Area Public Advisory Council.

1 (b) DUTIES.—The advisory council shall advise the
 2 Secretary on the development and implementation of the
 3 management plan and the visitor services plan.

4 (c) APPLICABLE LAW.—The advisory council shall be
 5 subject to—

6 (1) the Federal Advisory Committee Act (5
 7 U.S.C. App.); and

8 (2) all other applicable law (including regula-
 9 tions).

10 (d) MEMBERS.—

11 (1) SIZE OF ADVISORY COUNCIL.—The advisory
 12 council shall include 21 members.

13 (2) MAKEUP OF ADVISORY COUNCIL.—After
 14 considering the recommendations of the partnership,
 15 the Secretary shall appoint members of the advisory
 16 council to represent the following interests:

17 (A) Two members to represent local, re-
 18 gional, or national environmental organizations.

19 (B) Two members to represent the inter-
 20 ests of outdoor recreation, including off-high-
 21 way vehicle recreation, within the recreation
 22 area.

23 (C) Two members to represent the inter-
 24 ests of community-based organizations whose

1 mission includes expanding access to the out-
2 doors.

3 (D) Two members to represent business in-
4 terests.

5 (E) One member to represent Native
6 American tribes within or adjacent to the recre-
7 ation area.

8 (F) One member to represent the interests
9 of homeowners' associations within the recre-
10 ation area.

11 (G) Three members to represent the inter-
12 ests of holders of adjudicated water rights,
13 water agencies, wastewater and sewer agencies,
14 recycled water facilities, and water replenish-
15 ment entities.

16 (H) One member to represent energy and
17 mineral development interests.

18 (I) One member to represent owners of
19 Federal grazing permits, or other land use per-
20 mits within the recreation area.

21 (J) One member to represent archae-
22 ological and historical interests.

23 (K) One member to represent the interests
24 of environmental educators.

1 (L) One member to represent cultural his-
2 tory interests.

3 (M) One member to represent environ-
4 mental justice interests.

5 (N) One member to represent electrical
6 utility interests.

7 (O) Two members to represent the affected
8 public at large.

9 (e) TERMS.—

10 (1) STAGGERED TERMS.—Members of the advi-
11 sory council shall be appointed for terms of 3 years,
12 except that, of the members first appointed, 6 of the
13 members shall be appointed for a term of 1 year and
14 6 of the members shall be appointed for a term of
15 2 years.

16 (2) REAPPOINTMENT.—A member may be re-
17 appointed to serve on the advisory council upon the
18 expiration of the member's current term.

19 (3) VACANCY.—A vacancy on the advisory
20 council shall be filled in the same manner as the
21 original appointment.

22 (f) QUORUM.—A quorum shall be ten members of the
23 advisory council. The operations of the advisory council
24 shall not be impaired by the fact that a member has not
25 yet been appointed as long as a quorum has been attained.

1 (g) CHAIRPERSON AND PROCEDURES.—The advisory
 2 council shall elect a chairperson and establish such rules
 3 and procedures as the advisory council considers necessary
 4 or desirable.

5 (h) SERVICE WITHOUT COMPENSATION.—Members
 6 of the advisory council shall serve without pay.

7 (i) TERMINATION.—The advisory council shall cease
 8 to exist—

9 (1) on the date that is five years after the date
 10 on which the management plans are officially adopt-
 11 ed by the Secretary; or

12 (2) on such later date as the Secretary con-
 13 sidered appropriate.

14 **SEC. 107. SAN GABRIEL NATIONAL RECREATION AREA**
 15 **PARTNERSHIP.**

16 (a) IN GENERAL.—There is hereby established the
 17 San Gabriel National Recreation Area Partnership.

18 (b) PURPOSES.—The purposes of the partnership are
 19 to—

20 (1) coordinate the activities of Federal, State,
 21 tribal, and local authorities, and the private sector,
 22 in fulfilling the purposes of this title; and

23 (2) use the resources and expertise of each
 24 agency in improving the management and rec-
 25 reational opportunities within the recreation area.

1 (c) MEMBERSHIP.—The members of the partnership
2 shall include the following:

3 (1) The Secretary, or a designee of the Sec-
4 retary, to represent the National Park Service and
5 Bureau of Land Management.

6 (2) The Secretary of Defense, or a designee of
7 the Secretary, to represent the Army Corps of Engi-
8 neers.

9 (3) The Secretary of Agriculture, or a designee
10 of the Secretary, to represent the Forest Service.

11 (4) The Secretary of the State Natural Re-
12 sources Agency, or a designee of the Secretary, to
13 represent the California Department of Parks and
14 Recreation and the Rivers and Mountains Conser-
15 vancy.

16 (5) A designee of the Los Angeles County
17 Board of Supervisors.

18 (6) A designee of the Puente Hills Habitat
19 Preservation Authority.

20 (7) Four designees of the San Gabriel Council
21 of Governments, one of whom is to be elected from
22 a local land conservancy.

23 (8) One designee of the San Bernardino Associ-
24 ated Governments.

1 (9) A designee of the San Gabriel Valley Eco-
2 nomic Partnership.

3 (10) A designee of the Los Angeles County
4 Flood Control District.

5 (11) A designee of the San Gabriel Valley
6 Water Association.

7 (12) A designee of the Central Basin Water As-
8 sociation.

9 (13) A designee of the Six Basins Watermaster.

10 (14) A designee of a public utility company, to
11 be appointed by the Secretary.

12 (15) A designee of the Watershed Conservation
13 Authority.

14 (16) A designee of the public advisory council
15 so long as the public advisory council remains in ef-
16 fect.

17 (17) One designee of San Gabriel Mountains
18 National Monument Community.

19 (d) DUTIES.—To further the purposes described in
20 section 102(a), and in a manner consistent with such pur-
21 poses, the partnership shall—

22 (1) make recommendations to the Secretary on
23 the development and implementation of the manage-
24 ment plan;

1 (2) review and comment on the visitor services
2 plan required by section 108;

3 (3) seek opportunities to facilitate the imple-
4 mentation of the visitor services plan;

5 (4) assist units of local government, regional
6 planning organizations, and nonprofit organizations
7 in fulfilling the purposes of the recreation area by—

8 (A) carrying out programs and projects
9 that recognize, protect, and enhance important
10 resource values within the recreation area;

11 (B) establishing and maintaining interpre-
12 tive exhibits and programs within the recreation
13 area;

14 (C) developing recreational and educational
15 opportunities in the recreation area, consistent
16 with the purposes of this title;

17 (D) increasing public awareness of, and
18 appreciation for, natural, historic, scenic, and
19 cultural resources of the recreation area;

20 (E) ensuring that signs identifying points
21 of public access and sites of interest are posted
22 throughout the recreation area;

23 (F) promoting a wide range of partner-
24 ships among governments, organizations, and

1 individuals to further the purposes of the recre-
2 ation area; and

3 (G) ensuring that management of the
4 recreation area takes into account local ordi-
5 nances and land-use plans, as well as adjacent
6 residents and property owners;

7 (5) make recommendations to the Secretary re-
8 garding the appointment of members to the advisory
9 council; and

10 (6) undertake any other action necessary to ful-
11 fill the purposes of this title.

12 (e) AUTHORITIES.—Subject to the prior approval of
13 the Secretary, for the purposes of preparing and imple-
14 menting the management plan, the partnership may use
15 Federal funds made available under this section—

16 (1) to make grants to the State, political sub-
17 divisions of the State, nonprofit organizations, and
18 other persons;

19 (2) to enter into cooperative agreements with,
20 or provide grants or technical assistance to, the
21 State, political subdivisions of the State, nonprofit
22 organizations, Federal agencies, and other interested
23 parties;

24 (3) to hire and compensate staff;

1 (4) to obtain funds or services from any source,
 2 including funds and services provided under any
 3 other Federal law or program;

4 (5) to contract for goods or services; and

5 (6) to support activities of partners and any
 6 other activities that further the purposes of the
 7 recreation area and are consistent with the manage-
 8 ment plan.

9 (f) TERMS OF OFFICE; REAPPOINTMENT; VACAN-
 10 CIES.—

11 (1) TERMS.—Members of the partnership shall
 12 be appointed for terms of 3 years.

13 (2) REAPPOINTMENT.—A member may be re-
 14 appointed to serve on the partnership upon the expi-
 15 ration of the member's current term.

16 (3) VACANCY.—A vacancy on the partnership
 17 shall be filled in the same manner as the original ap-
 18 pointment.

19 (g) QUORUM.—A quorum shall be eleven members of
 20 the partnership. The operations of the partnership shall
 21 not be impaired by the fact that a member has not yet
 22 been appointed as long as a quorum has been attained.

23 (h) CHAIRPERSON AND PROCEDURES.—The partner-
 24 ship shall elect a chairperson and establish such rules and
 25 procedures as it deems necessary or desirable.

1 (i) SERVICE WITHOUT COMPENSATION.—Members of
2 the partnership shall serve without pay.

3 (j) DUTIES AND AUTHORITIES OF THE SEC-
4 RETARY.—

5 (1) IN GENERAL.—The Secretary shall convene
6 the partnership on a regular basis to carry out this
7 title.

8 (2) VISITOR SERVICES PLAN.—The Secretary
9 may carry out the visitor services plan required by
10 section 108.

11 (3) TECHNICAL AND FINANCIAL ASSISTANCE.—
12 The Secretary may provide technical and financial
13 assistance, on a reimbursable or non-reimbursable
14 basis, as determined by the Secretary, to the part-
15 nership or any members of the partnership to carry
16 out this title.

17 (4) COOPERATIVE AGREEMENTS.—The Sec-
18 retary may enter into cooperative agreements with
19 the partnership, any members of the partnership, or
20 other public or private entities to provide technical,
21 financial or other assistance to carry out this title.

22 (5) CONSTRUCTION OF FACILITIES ON NON-
23 FEDERAL LANDS.—

24 (A) IN GENERAL.—In order to facilitate
25 the administration of the recreation area, the

1 Secretary is authorized, subject to valid existing
2 rights, to construct administrative or visitor use
3 facilities on non-Federal public lands within the
4 recreation area.

5 (B) ADDITIONAL REQUIREMENT.—Such
6 facilities may only be developed—

7 (i) with the consent of the owner of
8 the non-Federal public land; and

9 (ii) in accordance with applicable Fed-
10 eral, State, and local laws, regulations, and
11 plans.

12 (6) PRIORITY.—The Secretary shall give pri-
13 ority to actions that—

14 (A) conserve the significant natural, his-
15 toric, cultural, and scenic resources of the
16 recreation area; and

17 (B) provide educational, interpretive, and
18 recreational opportunities consistent with the
19 purposes of the recreation area.

20 (k) COMMITTEES.—The partnership shall establish—

21 (1) a Water Technical Advisory Committee to
22 advise the Secretary on water-related issues relating
23 to the recreation area; and

1 (2) a Public Safety Advisory Committee to ad-
2 vise the Secretary on public safety issues relating to
3 the recreation area.

4 **SEC. 108. VISITOR SERVICES AND FACILITIES.**

5 (a) VISITOR SERVICES.—

6 (1) PURPOSE.—The purpose of this subsection
7 is to facilitate the development of an integrated vis-
8 itor services plan that will improve visitor experi-
9 ences in the recreation area through expanded rec-
10 reational opportunities, and increased interpretation,
11 education, resource protection, and enforcement.

12 (2) PLAN REQUIRED.—Not later than three
13 years after the date of the enactment of this Act,
14 and in accordance with this subsection, the Sec-
15 retary shall develop an integrated visitor services
16 plan for the recreation area.

17 (3) CONTENTS.—The visitor services plan
18 shall—

19 (A) assess current and anticipated future
20 visitation to the recreation area, including
21 recreation destinations;

22 (B) consider the demand for various types
23 of recreation (including hiking, picnicking,
24 horseback riding, and the use of motorized and

1 mechanized vehicles) where permissible and ap-
2 propriate;

3 (C) evaluate the impacts of recreation on
4 natural and cultural resources, water resource
5 facilities, public roads, adjacent residents and
6 property owners, and utilities within the recre-
7 ation area, as well as the effectiveness of cur-
8 rent enforcement efforts;

9 (D) assess the current level of interpretive
10 and educational services and facilities;

11 (E) include recommendations to—

12 (i) expand opportunities for high-de-
13 mand recreational activities, consistent
14 with the purposes described in section
15 102(a);

16 (ii) better manage recreation area re-
17 sources and improve the experience of
18 recreation area visitors through expanded
19 interpretive and educational services and
20 facilities, and improved enforcement; and

21 (iii) better manage recreation area re-
22 sources to reduce negative impacts on the
23 environment, ecology, and integrated water
24 management activities in the area;

1 (F) in coordination and consultation with
 2 owners of non-Federal land, assess options to
 3 incorporate recreational opportunities on non-
 4 Federal land into the recreation area—

5 (i) in a manner consistent with the
 6 purposes and uses of the non-Federal land;
 7 and

8 (ii) with the consent of the non-Fed-
 9 eral land owner;

10 (G) assess opportunities to provide rec-
 11 reational opportunities that connect with adja-
 12 cent National Forest System lands; and

13 (H) be developed and carried out in ac-
 14 cordance with applicable Federal, State, and
 15 local laws and ordinances.

16 (4) CONSULTATION.—In developing the visitor
 17 services plan, the Secretary shall—

18 (A) consult with—

19 (i) the partnership;

20 (ii) the advisory council;

21 (iii) appropriate State and local agen-
 22 cies; and

23 (iv) interested nongovernmental orga-
 24 nizations; and

25 (B) involve members of the public.

1 (b) VISITOR FACILITIES.—The Secretary may con-
2 struct visitor use facilities in the recreation area. Such fa-
3 cilities shall be developed in conformance with all existing
4 Federal, State, and local laws (including regulations) and
5 applicable Federal, State, and local plans.

6 (c) DONATIONS.—

7 (1) IN GENERAL.—The Secretary may accept
8 and use donated funds, property, in-kind contribu-
9 tions, and services to carry out this title.

10 (2) PROHIBITION.—The Secretary may not use
11 the authority provided by paragraph (1) to accept
12 non-Federal land that has been acquired, after the
13 date of the enactment of this Act, through use of
14 eminent domain.

15 (d) COOPERATIVE AGREEMENTS.—In carrying out
16 this title, the Secretary may make grants to, or enter into
17 cooperative agreements with, State, tribal, and local gov-
18 ernmental entities and private entities to conduct re-
19 search, develop scientific analyses, and carry out any other
20 initiative relating to the management of and visitation to
21 the recreation area.

1 **TITLE II—SAN GABRIEL MOUN-**
2 **TAINS NATIONAL MONUMENT**

3 **SEC. 201. BOUNDARY MODIFICATION, SAN GABRIEL MOUN-**
4 **TAINS NATIONAL MONUMENT.**

5 (a) MODIFICATION.—The Secretary of Agriculture
6 shall modify the boundaries of the San Gabriel Mountains
7 National Monument in the State of California to include
8 the approximately 109,143 acres of additional National
9 Forest System land depicted as the “Proposed National
10 Monument Expansion” on the map titled “San Gabriel
11 Mountains National Recreation Area and National Monu-
12 ment Expansion Proposal” and dated October 5, 2015.

13 (b) ADMINISTRATION.—Upon inclusion of the Na-
14 tional Forest System land identified in subsection (a), the
15 Secretary of Agriculture shall administer those lands as
16 part of the San Gabriel Mountains National Monument
17 in accordance with the laws generally applicable to the
18 monument.

○

115TH CONGRESS
1ST SESSION

H. R. 3039

To designate certain Federal lands in the State of California as wilderness areas and as components of the National Wilderness Preservation System, to designate portions of the San Gabriel River and Little Rock Creek in that State as components of the National Wild and Scenic Rivers System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2017

Ms. JUDY CHU of California (for herself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To designate certain Federal lands in the State of California as wilderness areas and as components of the National Wilderness Preservation System, to designate portions of the San Gabriel River and Little Rock Creek in that State as components of the National Wild and Scenic Rivers System, 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; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “San Gabriel Mountains Forever Act of 2017”.

6 (b) DEFINITIONS.—In this Act:

1 (1) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (2) STATE.—The term “State” means the State
4 of California.

5 **SEC. 2. DESIGNATION OF WILDERNESS, ANGELES NA-**
6 **TIONAL FOREST, CALIFORNIA.**

7 (a) DESIGNATION.—In accordance with the Wilder-
8 ness Act (16 U.S.C. 1131 et seq.), the following National
9 Forest System lands in the State are designated as wilder-
10 ness and as components of the National Wilderness Pres-
11 ervation System:

12 (1) CONDOR PEAK WILDERNESS.—Certain Fed-
13 eral land in the Angeles National Forest, comprising
14 approximately 8,417 acres, as generally depicted on
15 the map entitled “Condor Peak Wilderness—Pro-
16 posed” and dated _____, which shall be known
17 as the Condor Peak Wilderness.

18 (2) SAN GABRIEL WILDERNESS ADDITIONS.—
19 Certain Federal land in the Angeles National Forest,
20 comprising approximately 2,027 acres, as generally
21 depicted on the map entitled “San Gabriel Wilder-
22 ness Additions” and dated _____, which is in-
23 corporated in, and considered to be a part of, the
24 San Gabriel Wilderness designated by Public Law
25 90–318 (16 U.S.C. 1132 note; 82 Stat. 131).

1 (3) SHEEP MOUNTAIN WILDERNESS ADDI-
2 TIONS.—Certain Federal land in the Angeles Na-
3 tional Forest, comprising approximately 13,851
4 acres, as generally depicted on the map entitled
5 “Sheep Mountain Wilderness Additions” and dated
6 _____, which is incorporated in, and consid-
7 ered to be a part of, the Sheep Mountain Wilderness
8 designated by section 101(a)(29) of the California
9 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
10 lic Law 98–425; 98 Stat. 1623).

11 (4) YERBA BUENA WILDERNESS.—Certain Fed-
12 eral land in the Angeles National Forest, comprising
13 approximately 6,774 acres, as generally depicted on
14 the map entitled “Yerba Buena Wilderness—Pro-
15 posed” and dated _____, which shall be known
16 as the Yerba Buena Wilderness.

17 (b) MAP AND LEGAL DESCRIPTION.—

18 (1) IN GENERAL.—As soon as practicable after
19 the date of enactment of this Act, the Secretary
20 shall file a map and a legal description of the wilder-
21 ness areas and wilderness additions designated by
22 subsection (a) with—

23 (A) the Committee on Natural Resources
24 of the House of Representatives; and

1 (B) the Committee on Energy and Natural
2 Resources of the Senate.

3 (2) FORCE OF LAW.—The map and legal de-
4 scription filed under paragraph (1) shall have the
5 same force and effect as if included in this Act, ex-
6 cept that the Secretary may correct any clerical and
7 typographical errors in the map and legal descrip-
8 tion.

9 (3) PUBLIC AVAILABILITY.—The map and legal
10 description filed under paragraph (1) shall be on file
11 and available for public inspection in the appropriate
12 offices of the Forest Service.

13 **SEC. 3. ADMINISTRATION OF WILDERNESS.**

14 (a) IN GENERAL.—Subject to valid existing rights,
15 the wilderness areas and wilderness additions designated
16 by section 2 shall be administered by the Secretary in ac-
17 cordance with this section and the Wilderness Act (16
18 U.S.C. 1131 et seq.), except that any reference in the Wil-
19 derness Act to the effective date of that Act shall be con-
20 sidered to be a reference to the date of enactment of this
21 Act.

22 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
23 TIES.—

24 (1) IN GENERAL.—The Secretary may take
25 such measures in a wilderness area or wilderness ad-

1 dition designated by section 2 as are necessary for
2 the control of fire, insects, and diseases in accord-
3 ance with section 4(d)(1) of the Wilderness Act (16
4 U.S.C. 1133(d)(1)) and House Report 98–40 of the
5 98th Congress.

6 (2) FUNDING PRIORITIES.—Nothing in this Act
7 limits funding for fire and fuels management in the
8 wilderness areas or wilderness additions designated
9 by section 2.

10 (3) REVISION AND DEVELOPMENT OF LOCAL
11 FIRE MANAGEMENT PLANS.—As soon as practicable
12 after the date of enactment of this Act, the Sec-
13 retary shall amend the local fire management plans
14 that apply to the land designated as a wilderness
15 area or wilderness addition by section 2.

16 (4) ADMINISTRATION.—Consistent with para-
17 graph (1) and other applicable Federal law, to en-
18 sure a timely and efficient response to fire emer-
19 gencies in the wilderness areas and wilderness addi-
20 tions designated by section 2, the Secretary shall—

21 (A) not later than 1 year after the date of
22 enactment of this Act, establish agency ap-
23 proval procedures (including appropriate delega-
24 tions of authority to the Forest Supervisor, Dis-

1 trict Manager, or other agency officials) for re-
 2 sponding to fire emergencies; and

3 (B) enter into agreements with appropriate
 4 State or local firefighting agencies.

5 (c) GRAZING.—The grazing of livestock in the wilder-
 6 ness areas or wilderness additions designated by section
 7 2, if established before the date of enactment of this Act,
 8 shall be administered in accordance with—

9 (1) section 4(d)(4) of the Wilderness Act (16
 10 U.S.C. 1133(d)(4)); and

11 (2) the guidelines set forth in Appendix A of
 12 the report of the Committee on Interior and Insular
 13 Affairs of the House of Representatives accom-
 14 panying H.R. 2570 of the 101st Congress (H. Rept.
 15 101–405).

16 (d) FISH AND WILDLIFE.—

17 (1) IN GENERAL.—In accordance with section
 18 4(d)(7) of the Wilderness Act (16 U.S.C.
 19 1133(d)(7)), nothing in this Act affects the jurisdic-
 20 tion or responsibilities of the State with respect to
 21 fish and wildlife on public land in the State.

22 (2) MANAGEMENT ACTIVITIES.—

23 (A) IN GENERAL.—In furtherance of the
 24 purposes and principles of the Wilderness Act
 25 (16 U.S.C. 1131 et seq.), the Secretary may

1 conduct any management activities that are
2 necessary to maintain or restore fish and wild-
3 life populations and habitats in the wilderness
4 areas and wilderness additions designated by
5 section 2, if the management activities are—

6 (i) consistent with relevant wilderness
7 management plans; and

8 (ii) conducted in accordance with ap-
9 propriate policies, such as the policies es-
10 tablished in Appendix B of House Report
11 101–405.

12 (B) INCLUSIONS.—Management activities
13 under subparagraph (A) may include the occa-
14 sional and temporary use of motorized vehicles,
15 if the use, as determined by the Secretary,
16 would promote healthy, viable, and more natu-
17 rally distributed wildlife populations that would
18 enhance wilderness values while causing the
19 minimum impact necessary to accomplish those
20 tasks.

21 (C) EXISTING ACTIVITIES.—Consistent
22 with section 4(d)(1) of the Wilderness Act (16
23 U.S.C. 1133(d)(1)) and in accordance with ap-
24 propriate policies, such as those established in
25 Appendix B of House Report 101–405, the

1 State may use aircraft (including helicopters) in
2 the wilderness areas and wilderness additions
3 designated by section 2 to survey, capture,
4 transplant, monitor, and provide water for wild-
5 life populations, including bighorn sheep.

6 (e) BUFFER ZONES.—

7 (1) IN GENERAL.—Congress does not intend for
8 the designation of wilderness areas or wilderness ad-
9 ditions by section 2 to lead to the creation of protec-
10 tive perimeters or buffer zones around each wilder-
11 ness area or wilderness addition.

12 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

13 The fact that nonwilderness activities or uses can be
14 seen or heard from within a wilderness area or wil-
15 derness addition designated by section 2 shall not, of
16 itself, preclude the activities or uses up to the
17 boundary of the wilderness area or addition.

18 (f) MILITARY ACTIVITIES.—Nothing in this Act pre-
19 cludes—

20 (1) low-level overflights of military aircraft over
21 the wilderness areas or wilderness additions des-
22 ignated by section 2;

23 (2) the designation of new units of special air-
24 space over the wilderness areas or wilderness addi-
25 tions designated by section 2; or

1 (3) the use or establishment of military flight
2 training routes over wilderness areas or wilderness
3 additions designated by section 2.

4 (g) HORSES.—Nothing in this Act precludes horse-
5 back riding in, or the entry of recreational or commercial
6 saddle or pack stock into, an area designated as a wilder-
7 ness area or wilderness addition by section 2—

8 (1) in accordance with section 4(d)(5) of the
9 Wilderness Act (16 U.S.C. 1133(d)(5)); and

10 (2) subject to any terms and conditions deter-
11 mined to be necessary by the Secretary.

12 (h) LAW ENFORCEMENT.—Nothing in this Act pre-
13 cludes law enforcement and drug interdiction efforts with-
14 in the wilderness areas and wilderness additions des-
15 ignated by section 2 in accordance with the Wilderness
16 Act (16 U.S.C. 1131 et seq.).

17 (i) WITHDRAWAL.—Subject to valid existing rights,
18 the wilderness areas and wilderness additions designated
19 by section 2 are withdrawn from—

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

22 (2) location, entry, and patent under the mining
23 laws; and

24 (3) operation of the mineral materials and geo-
25 thermal leasing laws.

1 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
 2 ESTS.—Any land within the boundary of a wilderness area
 3 or wilderness addition designated by section 2 that is ac-
 4 quired by the United States shall—

5 (1) become part of the wilderness area in which
 6 the land is located; and

7 (2) be managed in accordance with this section,
 8 the Wilderness Act (16 U.S.C. 1131 et seq.), and
 9 any other applicable law.

10 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-
 11 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
 12 and subject to such terms and conditions as the Secretary
 13 may prescribe, the Secretary may authorize the installa-
 14 tion and maintenance of hydrologic, meteorologic, or cli-
 15 matological collection devices in the wilderness areas or
 16 wilderness additions designated by section 2 if the Sec-
 17 retary determines that the facilities and access to the fa-
 18 cilities are essential to flood warning, flood control, or
 19 water reservoir operation activities.

20 **SEC. 4. DESIGNATION OF WILD AND SCENIC RIVERS.**

21 (a) DESIGNATION.—Section 3(a) of the Wild and
 22 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
 23 ing at the end the following:

24 “(213) EAST FORK SAN GABRIEL RIVER, CALI-
 25 FORNIA.—The following segments of the East Fork

1 San Gabriel River, to be administered by the Sec-
2 retary of Agriculture in the following classes:

3 “(A) The 10-mile segment from the con-
4 fluence of the Prairie Fork and Vincent Gulch
5 to 100 yards upstream of the Heaton Flats
6 trailhead and day use area, as a wild river.

7 “(B) The 2.7-mile segment from 100 yards
8 upstream of the Heaton Flats trailhead and day
9 use area to 100 yards upstream of the con-
10 fluence with Williams Canyon, as a recreational
11 river.

12 “(214) NORTH FORK SAN GABRIEL RIVER,
13 CALIFORNIA.—The 4.3-mile segment of the North
14 Fork San Gabriel River from the confluence with
15 Cloudburst Canyon to .25 miles upstream of the
16 confluence with the West Fork San Gabriel River, to
17 be administered by the Secretary of Agriculture as
18 a recreational river.

19 “(215) WEST FORK SAN GABRIEL RIVER, CALI-
20 FORNIA.—The following segments of the West Fork
21 San Gabriel River, to be administered by the Sec-
22 retary of Agriculture in the following classes:

23 “(A) The 6.7-mile segment from 0.25
24 miles downstream of its source near Red Box
25 Gap in section 14, T2N, R12W, to the con-

1 fluence with the unnamed tributary .25 miles
2 downstream of the power lines in section 22,
3 T2N, R11W, as a recreational river.

4 “(B) The 1.6-mile segment of the West
5 Fork from 0.25 miles downstream of the
6 powerlines in section 22, T2N, R11W, to the
7 confluence with Bobcat Canyon, as a wild river.

8 “(216) LITTLE ROCK CREEK, CALIFORNIA.—
9 The following segments of Little Rock Creek and
10 tributaries, to be administered by the Secretary of
11 Agriculture in the following classes:

12 “(A) The 10.3-mile segment from its
13 source on Mt. Williamson in section 6, T3N,
14 R9W, to 100 yards upstream of the confluence
15 with the South Fork Little Rock Creek, as a
16 wild river.

17 “(B) The 6.6-mile segment from 100 yards
18 upstream of the confluence with the South Fork
19 Little Rock Creek to the confluence with
20 Santiago Canyon, as a recreational river.

21 “(C) The 1-mile segment of Cooper Can-
22 yon Creek from .25 miles downstream of High-
23 way 2 to 100 yards downstream of Cooper Can-
24 yon Campground, as a scenic river.

1 “(D) The 1.3-mile segment of Cooper Can-
 2 yon Creek from 100 yards downstream of Co-
 3 per Canyon Campground to the confluence with
 4 Little Rock Creek, as a wild river.

5 “(E) The 1-mile segment of Buckhorn
 6 Creek from 100 yards downstream of the
 7 Buckhorn Campground to its confluence with
 8 Cooper Canyon Creek, as a wild river.”.

9 (b) WATER RESOURCE FACILITIES AND WATER
 10 USE.—

11 (1) WATER RESOURCE FACILITIES.—

12 (A) DEFINITION.—In this section, the
 13 term “water resource facility” means—

14 (i) irrigation and pumping facilities,
 15 dams and reservoirs, flood control facili-
 16 ties, water conservation works, including
 17 debris protection facilities, sediment place-
 18 ment sites, rain gauges and stream gauges,
 19 water quality facilities, recycled water
 20 pumping, conveyance distribution systems,
 21 and treatment facilities, aqueducts, canals,
 22 ditches, pipelines, wells, hydropower
 23 projects, and transmission and other ancil-
 24 lary facilities; and

1 (ii) other water diversion, storage, and
2 carriage structures.

3 (B) NO EFFECT ON EXISTING WATER RE-
4 SOURCE FACILITIES.—Nothing in this section
5 shall alter, modify, or affect—

6 (i) the use, operation, maintenance,
7 repair, construction, reconfiguration, ex-
8 pansion, or replacement of a water re-
9 source facility downstream of a wild and
10 scenic river segment designated by this
11 section, provided that the physical struc-
12 tures of such facilities or reservoirs shall
13 not be located within the river areas des-
14 ignated in this section; or

15 (ii) access to a water resource facility
16 downstream of a wild and scenic river seg-
17 ment designated by this section.

18 (C) NO EFFECT ON NEW WATER RE-
19 SOURCE FACILITIES.—Nothing in this section
20 shall preclude the establishment of new water
21 resource facilities (including instream sites,
22 routes, and areas) downstream of a wild and
23 scenic river segment designated by this section.

24 (2) LIMITATION.—Any new reservation of water
25 or new use of water pursuant to existing water

1 rights held by the United States to fulfill the pur-
2 poses of the National Wild and Scenic Rivers Act
3 (16 U.S.C. 1271 et seq.) shall be for non-consump-
4 tive instream use only within the segments des-
5 ignated by this section.

6 (3) EXISTING LAW.—Nothing in this section af-
7 fects the implementation of the Endangered Species
8 Act (16 U.S.C. 1531 et seq.).

9 **SEC. 5. WATER RIGHTS.**

10 (a) STATUTORY CONSTRUCTION.—Nothing in this
11 Act and no action to implement this Act—

12 (1) shall constitute or be construed to con-
13 stitute either an express or implied reservation of
14 any water or water rights or authorizing an expan-
15 sion of water use pursuant to existing water rights
16 held by the United States with respect to the land
17 designated as a wilderness area or wilderness addi-
18 tion by section 2 or land adjacent to the wild and
19 scenic river segments designated by the amendment
20 made by section 4;

21 (2) shall affect, alter, modify or condition any
22 water rights in the State existing on the date of en-
23 actment of this Act, including any water rights held
24 by the United States;

1 (3) shall be construed as establishing a prece-
2 dent with regard to any future wilderness or wild
3 and scenic river designations;

4 (4) shall affect, alter, or modify the interpreta-
5 tion of, or any designation, decision or action made
6 pursuant to, any other Act; or

7 (5) shall be construed as limiting, altering,
8 modifying, or amending any of the interstate com-
9 pacts or equitable apportionment decrees that appor-
10 tion water among and between the State and other
11 States.

12 (b) STATE WATER LAW.—The Secretary shall com-
13 ply with and follow the procedural and substantive re-
14 quirements of the law of the State in order to obtain and
15 hold any water rights not in existence on the date of enact-
16 ment of this Act with respect to the wilderness areas and
17 wilderness additions designated by section 2, and the wild
18 and scenic rivers designated by the amendment made by
19 section 4.

○

SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION ACT

Technical Summary

SECTION 1: SHORT TITLE; TABLE OF CONTENTS

- Provides the short title of the bill as the “San Gabriel Mountains Foothills and Rivers Protection Act,” and provides a table of contents for the bill listing all of the bill sections.

TITLE I

SECTION 1.1: DEFINITIONS

- Provides definitions for key terms used throughout the bill, as follow: Adjudication; Advisory Council; Federal Lands; Management Plan; Park Lands; Partnership; Recreation Area; Secretary; Secretaries; State; Utility Facility; Water Resource Facility.

SECTION 1.2: ESTABLISHMENT OF SAN GABRIEL NATIONAL RECREATION AREA

- Establishes the purposes of the Act, which include conservation, environmentally responsible recreation, education, cooperative management, and continued water management, water conservation, flood protection, and other water related activities.
- Establishes the acreage of the NRA, consisting of approximately 51,107 acres and makes a map publicly available.
- Establishes administrative jurisdictions, including no change to the Forest Service, Army Corps, and State and local.

SECTION 1.3: MANAGEMENT

- Establishes that the Secretary of Agriculture will manage the National Forest System lands and the National Park System will manage any Park System lands (transfer or acquired later).
- Protects the continuation of a broad range of recreational uses in the Forest lands.
- Provides extensive protections for non-federal lands, facilities and activities from Federal actions.
- Mandates the establishment of a management plan, access and visitor services plan, and management partnership.

SECTION 1.4: NON-FEDERAL LANDS

- Establishes how lands within the NRA may be acquired by Federal agencies, as well as how such lands are to be managed and administered, and prohibits the use of eminent domain.
- Establishes the character lands within the NRA must exhibit in order to be acquired (shall . . . contain important biological, cultural, historic, or recreational value).

SECTION 1.5: WATER RIGHTS; WATER RESOURCE FACILITIES; PUBLIC ROADS; UTILITY FACILITIES

- Established extensive protections for water, including NO EFFECT on water rights, water resource facilities, flood control, utility facilities and rights of way, and public roads and transit.

SECTION 1.6: SAN GABRIEL NATIONAL RECREATION AREA PUBLIC ADVISORY COUNCIL

- Establishes a 21-member public advisory council and its administrative terms.
- Defines the duties of the council as advising the Secretaries on the development and implementation of the management plan, and the visitor services plan.
- Defines the membership of the council as: environmental, recreational, community, business, Native American tribes, homeowners, water rights, energy and mineral, owners of federal grazing permits, archaeological, environmental educators, cultural history, environmental justice, electrical utility and the greater public.

SECTION 1.7: SAN GABRIEL NATIONAL RECREATION AREA PARTNERSHIP

- Establishes a 21-member management partnership and its administrative terms.
- Defines the duties of the partnership as making recommendations to the Secretaries on the development and implementation of the management plan, and the visitor services plan; reviewing and helping implement the visitor service plan; assist local governments, regional planning organizations, and nonprofits in carrying out the purposes of the NRA.
- Defines the membership of the partnership as: 1 designee from the Forest Service, 1 from the Park Service, 1 from the Army Corps of Engineers, 1 from the State of California, 1 from the LA County Board of Supervisors, 1 from the San Bernardino County Board of Supervisors, 1 from the Puente Hill Habitat Authority, 4 from the San Gabriel Valley Council of Governments, 1 from the San Bernardino Associated Governments, 1 from the San Gabriel Valley Economic Partnership, 1 from LA County Flood Control, 1 from the San Gabriel Valley Water Association, 1 from the Central Basin Water Association, 1 from the Six Basins Watermaster, 1 from a public utility company, 1 from the Watershed Conservation Authority, 1 from the public advisory council and 1 from the San Gabriel Mountains National Monument Community Collaborative.
- Establishes the authorities of the partnership.
- Mandates that the partnership will establish a Water Technical Advisory Committee and a Public Safety Advisory Committee.

SECTION 1.8: ACCESS AND VISITOR SERVICES

- Establishes the purposes of the visitor services plan to increased interpretation, education, resource protection, and enforcement in the NRA.
- Defines the content of the plan. It shall assess current and anticipated visitation to the recreation area, demand for different types of recreation, impact of recreation on natural resources, infrastructure, water, and nearby residents, and the current level of access to interpretive/educational services.
- Mandates an access study to look at how most people access various locations within the recreation area, and include recommendations for improving accessibility to the recreation area and between the National Forest System and the San Gabriel River.
- Restates the prohibition of land acquisition through eminent domain.
- Mandates coordination between the Secretaries and provides for technical assistance to public agencies, private landowners, and organizations by the Park Service.

TITLE II

SECTION 2.1: BOUNDARY MODIFICATION OF SAN GABRIEL MOUNTAINS NATIONAL MONUMENT

- Modifies the boundaries of the San Gabriel Mountains National Monument to include 109,143 acres of National Forest System land depicted on the map titled “San Gabriel Mountains National Recreation Area and National Monument Expansion Proposal” and dated October 5, 2015.
- Upon inclusion, this land will be administered by the Secretary of Agriculture as part of the San Gabriel Mountains National Monument in accordance with all laws applicable to the existing monument.

San Gabriel Mountains Foothills and Rivers Protection Act Frequently Asked Questions

Overview

The San Gabriel Mountains Foothills and Rivers Protection Act has two objectives:

1. National Monument Expansion – the bill expands the recently designated San Gabriel Mountains National Monument boundary to include the Western areas of the Angeles National Forest.
2. San Gabriel National Recreation Area – the bill establishes a National Recreation Area (NRA) along the Foothills and San Gabriel River corridor.

San Gabriel Mountains National Monument Expansion:

Why do these new areas of the San Gabriel Mountains need additional protection?

The Western areas of the San Gabriel Mountains are one of the most visited places in the Angeles National Forest. What many people don't realize is just how much strain this area is under to keep up with the growing demand for outdoor space and recreation. The Los Angeles area is one of the most park poor regions of the country. As a result, the Mountains are one of few places Angelenos can enjoy the outdoors, but they are under immense stress from overuse. Much of this area was burned in the 2009 Station Fire.

There is persistent trash, graffiti, safety hazards, and few visitor facilities and services in the Mountains. These conditions increase fire dangers, decrease water quality, and threaten the diverse ecology and other features that make these mountains unique in the world.

Why were these areas left out of the Presidential National Monument proclamation?

The authority given to the President under the Antiquities Act limits the total area that can be protected, requiring the minimal boundary necessary to protect the outstanding natural, historic and scientific resources; this area contains significant infrastructure (roads, dams, etc.) that the Administration felt limited their ability to protect them with its limited authority. Congress has the ability to expand these areas with its broader authority.

Are you asking the President to declare a National Monument?

No, this is a congressional bill that will ultimately make its way to the President after first moving through Congress. A national monument can be designated in two ways - with the authority Congress gave the President under the Antiquities Act, or directly by Congress. It is not uncommon to see National Monuments expanded by Congress.

What is a National Monument and how is it different from a National Recreation Area (NRA)?

A national monument is very similar to a national recreation area but applies only to lands federally managed, in this case, by the United States Forest Service.

Both designations uphold and protect water rights, property rights, land use rights, etc. Both enhance conservation and improve management of areas with special ecological, cultural, historic, and recreational value through more resources, education, and public engagement. Both allow a wide range of recreational activities.

What are the benefits of a National Monument?

As we have seen over the past year since its designation, the San Gabriel Mountains National Monument status has helped prioritize the area within the U.S. Forest Service budget and brought with it new and critical resources. Expansion of the National Monument will provide additional resources and protections to the Western areas of the San Gabriel Mountains, which will give families more sustainable recreational opportunities so that they can enjoy the mountains now and preserve them for generations to come.

A national monument will protect water quality by applying more resources toward preventing trash and pollution in and along the rivers.

A national monument will also have a positive economic effect. Numerous studies have shown that recreational spaces increase property value and increase revenues for local businesses as well as cities.

A national monument can create opportunities for urban families, youth, veterans, and minorities to enjoy outdoor activity and learn about nature and the history and ecology of the mountains. They will learn how to preserve and protect the environment, and participate in empowering work and volunteer opportunities.

Under a monument designation, where will the funding come from for improvements?

Ultimately, budgets are about priorities and a national monument status would allow the Forest Service to permanently prioritize our region when allocating resources. The U.S. Forest Service has long operated with a tight budget and as a result the Agency continually has to shift resources around to meet all its responsibilities. ***In the first year alone, the San Gabriel Mountains National Monument received three million dollars in additional federal funding; this is expected to repeat next year.***

Since being elevated to the status of a National Monument the U.S. Forest Service was also able to raise funds through private-public partnerships, apply for grants, and potentially increase support from foundations. Already there are organizations willing to contribute funds for conservation and recreation but currently the U.S. Forest Service has no way to prioritize these funds and direct them specifically to the San Gabriel Mountains. Over four million dollars was raised in private funds in the first year of the monument.

How will water and property rights be protected under a National Monument?

Monument designations only apply to federal lands, not state, local, or private lands. They do not affect state, local, or private property in and around the monument boundaries. They do not create additional land use or regulatory authorities. They do not create new water rights or alter existing ones. They do not affect existing uses of the area.

Additionally, the Administration used language, crafted with extensive local input, as a foundation for a national monument proclamation. This preserves existing water and property rights.

If I live in the mountains or would like to hike, hunt, fish, cycle, run marathons, ride off-highway vehicles in the mountains, will I be able to continue to do so?

Yes. These are kinds of activities that a national monument is designed to preserve. With increased resources and public education, these activities would even be enhanced as the mountains are better managed, cleaner, and safer. Monument designations do not affect existing uses of the area.

San Gabriel National Recreation Area:

What is a National Recreation Area?

A National Recreation Area (NRA) is a designation originally given to lands around reservoirs with water-based recreation. NRAs safeguard recreational opportunities, and help ensure sustainable management.

The NRA designation has been broadened to include other outdoor areas, particularly those in or near urban centers. Each NRA designation is unique, and recreational activities like boating, fishing and hunting are often explicitly authorized in its authorizing legislation.

Why do we need an NRA to protect this area?

San Gabriel Foothills – The San Gabriel foothills are the gateway to the mountain range and some of the best places to recreate for our communities and a critical buffer zone between urban and wild places. However, persistent trash, graffiti, and safety issues increase fire dangers, decrease water quality, and threaten the ecology and unique habitats of the foothills. Resources are needed to make sure people can still enjoy this open space while also maintaining it better.

River Corridors and Puente Hills – The river corridors and Puente Hills provide important ecological connections to the mountains. But parks in these urban areas are few and far between, and lack the resources to adequately provide opportunities for residents to walk, jog, bike, picnic, or enjoy other outdoor recreational activities.

Economic Value and Resources – Numerous studies have shown that recreational spaces increase property value and increase revenues for local businesses. An NRA designation could bring the kind of resources and recognition that places like Santa Monica and the West Side already enjoy. Additionally, California is a donor state. For every \$1 we send to the Federal Government, we only get around .78 cents back. That's 20% of our tax dollars we are losing out on, while other states benefit. This NRA is one way to get some of our tax dollars back, and encourage more economic activity.

Public Health and Environmental Justice – Los Angeles is the most park-poor region in the United States. In fact, New York City has more park space than L.A. Lack of recreational opportunities – large or small – has severe impacts on urban populations struggling with obesity, diabetes, heart disease, and chronic illness. Opportunities to enjoy outdoor activity are vital for public health and the well-being of people of all ages and walks of life.

What are the benefits of the NRA?

The NRA will allow the National Park Service to contribute to community-based, community-driven projects. For example, it can help cities create more pocket parks and walking paths among their communities, as well as access points to existing trails and bike paths. It can help improve signage, and increase education about the environment, fire safety, the special history of the region, and more. In the mountains, where there are too few resources to handle the current volume of visitation, NPS could build bathroom facilities, picnic areas, and better parking grounds. Rangers could make sure trash does not end up in the rivers that supply our drinking water.

These are just some ideas. Ultimately, the establishment of the Partnership and Advisory Committee and public engagement activities will ensure YOU have the final say in the management.

Who will be in charge of managing and governing the NRA?

You will. This began as a local effort, and Rep. Chu will keep it that way. The NRA would be managed by a partnership of local, state, and federal representatives. The study suggested some examples of entities that could be included, but the details of how this partnership is structured will be decided through local input and ongoing conversations with a range of local stakeholders.

Partnership parks like this are more and more common as they allow for various stakeholders to come together and work with NPS resources to better manage urbanized areas for sustainable recreation.

What would the role of NPS be?

The National Park Service (NPS) would coordinate partnership-based activities through cooperative management agreements, and provide educational, interpretive, law enforcement, and other services as appropriate. Since NPS does not own any land in the watershed or the mountains, no matter what shape the NRA takes moving forward, NPS will have no authority over the lands. Only through agreements would NPS have the directive to take specific actions or lands that are acquired through purchase from willing sellers.

Will Santa Monica Mountains NRA or the Santa Monica Mountains Conservancy be in charge?

No. In fact, Rep. Chu believes the San Gabriel Watershed and Mountains are unique and deserve to be their own separate and independent unit. Rep. Chu has heard loud and clear from many constituents and stakeholders so far that you do not want Santa Monica Mountains NRA or the Santa Monica Mountains Conservancy to be involved in a San Gabriel NRA.

What is a Special Resource Study?

A Special Resource Study (SRS) is a study requested by Congress and conducted by the National Park Service (NPS) to determine if an area is qualified to be a unit of the National Park System. Congress requested the San Gabriel Watershed and Mountains Special Resource Study. NPS completed the study after nearly ten years of research and public comment.

Where can I find a copy of the Study, background, and information about the study area and the study process?

<http://www.nps.gov/pwro/sangabriel/>

Was the public allowed to see the Study and provide comments while it was going on?

Yes. The study began by seeking local input and reviewing existing local plans for the area. An initial series of suggestions, called alternatives, were presented to the public and comments were taken over a period of several months. Over 5,000 people commented at that time. Based on those comments, the National Park Service (NPS) developed a revised set of alternatives and again submitted them for public review. Public town halls were held throughout the study area, and over the course of several months, NPS received an additional 12,000 comments. Ninety-five percent of the responses supported Alternative D, which recommended creating an NRA that includes the San Gabriel Mountains, river corridor, and Puente Hills.

Once the study was completed, Rep. Chu undertook an extensive public outreach process in 2013 and 2014 to determine what various stakeholders wanted to see in a San Gabriel NRA. Rep. Chu engaged in this process before drafting legislation. She hosted stakeholder roundtables with elected officials, water and public works agencies, business entities, and environmental groups. She held a large public town hall meeting for constituents from all over the San Gabriel Valley to voice their opinions and concerns.

She had extensive conversations with the San Gabriel Valley Council of Governments, as well as regular discussions with water agencies, non-profit groups, city councils and elected officials, chambers of commerce and business representatives, utilities and sanitation, county officials from Los Angeles and San Bernardino, homeowners, and recreational groups. As a direct result of the feedback she received from her public outreach, Rep. Chu drafted legislation for the NRA that ensures a continuation of property rights, local land control, water rights, fire management and several other priorities.

What is allowed/prohibited in a NRA?

Recreational activities, such as hiking, camping, cycling, boating, fishing, and hunting are allowed in most NRAs. A wide range of recreational activities can be explicitly authorized in the legislation that establishes a particular NRA. The legislation creating each NRA is unique to the local needs and uses of the area. Many more activities are allowed in NRAs than are often allowed in National Parks, for example.

How will the NRA protect my rights?

The National Park Service (NPS) does not own any land in the area under consideration for the NRA, so NPS has no authority to impose or alter rights, jurisdictions, policies, regulations, ownership, access, or uses. Local landowners will not have to ask NPS for permission to sell, lease, or access their own lands, expand their own homes, businesses, or facilities, operate their facilities, etc.

How will Rep. Chu ensure the National Recreation Area protects my rights?

The language in this bill was developed after years of input to ensure that:

- Agencies and organizations (and all others) that own and manage land within a San Gabriel NRA will continue to manage their lands according to their own policies and regulations.
- Local governments, businesses, and private citizens will retain ownership over property and authority over land use whether they are in or near the NRA boundaries.
- NPS will not have the authority to regulate the way lands are used or impose its policies on lands it does not own, and NPS does not own any land in the proposed NRA boundaries.
- The NRA designation will not impact local land use authority over private lands or any lands the National Park Service does not own.
- The NRA will NOT establish additional regulatory or land use authorities over local governments.
- NRAs are subject to existing water rights so all existing water rights will remain intact and unaffected.
- Legislation will ensure the NRA designation does NOT impact infrastructure for flood control, protection, storage, and transportation of water, treatment of water and wastewater, management of solid waste or utilities.
- Management of water supply and treatment plants will continue under current authorities.

- The NRA will not include new or future beneficial uses or requirements for water supply, water quality, or air quality regulations.
- Eminent domain will not be used for land acquisition.

What are the differences between the new San Gabriel Mountains Foothills and Rivers Protection Act vs. the old H.R. 4858 San Gabriel National Recreation Area Act?

Since the introduction of H.R. 4858 last year, President Obama declared a large portion of the San Gabriel Mountains a National Monument. The new bill reflects this change by expanding Monument protections for the western portions of the Angel National Forest. In the new bill, the National Monument and NRA are separate units. In H.R. 4858, the Angeles National Forest was part of the NRA. The boundaries for the NRA are limited to the Foothills and San Gabriel River corridor.

The new bill includes **all the same protections** for water rights, private property, land use, local control, fire management and several other priorities.



Senate Bill 54/ Assembly Bill 1080: Single-Use Packaging and Products



Senator Ben Allen and Assemblywoman Lorena Gonzalez

with Senator Skinner, Senator Weiner, Senator Stern, Assemblymember Friedman, and Assemblymember Ting

IN BRIEF

SB 54/AB 1080 will ensure California is on the forefront of reducing pollution from plastic packaging and products. The bills would set goals to reduce waste from single-use packaging and products and ensure the remaining items are effectively recycled.

BACKGROUND

Every day, single-use packaging and products in California generate tons of non-recyclable and non-compostable waste impacting our health, natural environment, and local governments.

Plastic pollution starts with fossil fuel extraction to create plastic and affects individuals, communities, and ecosystems all along the supply chain; from when the products are manufactured, transported, and used, to when they degrade and emit greenhouse gases or impact the environment as litter. Oil refineries, plastic manufacturers and incinerators tend to be located in disadvantaged communities, which then must bear the brunt of the associated health impacts from industry, such as higher asthma rates. With a planned 40-percent increase in plastic production over the next decade, plastic production will account for 20 percent of global fossil fuel consumption unless we make major policy changes to significantly counter this.

One way to reduce the production of plastics is to focus on its use in packaging. Packaging products are typically designed to be used just once and then discarded and they account for 42 percent of all non-fiber plastic produced.

Unlike natural materials that decompose, nearly every piece of plastic ever produced still exists in our landfills or in the environment. As these items fragment into smaller particles, known as microplastics, they concentrate toxic chemicals and contaminate our food and drinking water sources, ranging from bottled water to table salt to fish and agricultural soils. Exposure to these plastics and associated toxins has been linked to cancers, birth defects, impaired immunity, endocrine disruption and other serious health problems.

While the state and local communities in California have tried to reduce the burden from single-use packaging since the 1980s, taxpayers and local governments still spend over \$420 million annually in ongoing efforts to clean up and

prevent litter in streets, storm drains, parks and waterways. Not only is cleanup expensive, but it cannot keep pace with the production of single-use disposable items, which continues to grow exponentially.

Existing recycling infrastructure can't keep pace either. Less than 9 percent of plastic is recycled, and that percentage is dropping since the implementation of China's National Sword and policies in other countries, which severely restricted the amount of foreign waste these countries accept. These materials are now either piling up in recycling centers, being landfilled, or sent to illegal facilities in Southeast Asia where they are incinerated, or simply dumped in impoverished areas where it is never dealt with. California must reduce the amount of plastics as a result of these realities.

We can no longer afford to wait on this issue. This is why the European Union and other countries that are major purchasers of consumer goods are implementing comprehensive waste reduction frameworks which urge producers to share in the responsibility of reducing waste and designing products to be reusable, recyclable and/or compostable. As the world's fifth-largest economy, California has a responsibility to lead on solutions to the growing plastic pollution crisis.

SOLUTION

Eliminating non-reusable, non-recyclable and non-compostable products and reducing packaging is by far the most effective, and least expensive way to protect the health of people, wildlife, and the environment. Many reliable and reusable alternatives already exist and the positive results of their use have been proven.

SB 54/AB 1080 establish a comprehensive framework to address the pollution and waste crisis.

- Specifically, single-use plastic packaging and products sold or distributed in California by must be reduced, recycled or composted by 75 percent by 2030.
- All single-use packaging and products must be recyclable or compostable on and after 2030.
- As part of a shift towards a more circular economy, the bills also instructs CalRecycle to develop incentives and policies to encourage in-

state manufacturing using recycled material generated in California.

CalRecycle will be given authority to adopt regulations to meet these goals, including developing criteria to determine which packaging material qualifies as recyclable or compostable.

SUPPORT

Algalita Marine Research and Education
Alvarado Street Brewery & Grill
Audubon California
Breast Cancer Prevention Partners
California Cannabis Coalition
California Coastkeeper Alliance
California Compost Coalition
California League of Conservation Voters
Californians Against Waste
California Product Stewardship Council
California ReLEAF
California Resource Recovery Association
California State Parks Foundation
California Teamsters Public Affairs Council
CALPIRG
Center for Biological Diversity
Center for Oceanic Awareness, Research and Education
Communication Workers of America District 9, AFL-CIO
Community Environmental Council
Defenders of Wildlife
Environment California
Environmental Defense Center
Environmental Justice Coalition for Water
Environmental Working Group
Friends Committee on Legislation of California
Green Valley Community Farm
Greenpeace
Heal the Bay
Latinos in Action
Los Angeles Alliance for a New Economy (LAANE)
Los Angeles Waterkeeper
Long Beach Environmental Alliance
Long Beach Gray Panthers
National Parks Conservation Association
National Stewardship Action Council
Natural Resources Defense Council
No Plastic Oceans
Northern California Recycling Association
Oceana
Pacific Forest Trust
Plastic Pollution Coalition
UPSTREAM
Recology

Repurpose
Save Our Shores
Seventh Generation Advisors
Shizen & Tataki Restaurants
Sierra Club California
St. Francis Center
Surfrider Foundation
Sustain LA
Teamsters Local Union No. 396
The 5 Gyres Institute
The River Project
The Story of Stuff Project
Tonic Nightlife Group
TreePeople
Trust for Public Lands
Wholly H2O
WILDCOAST
Wishtoyo Chumash Foundation
Zero Waste USA

FOR MORE INFORMATION

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February 28, 2019

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Walnut
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First District, LA County
Unincorporated Communities
Fourth District, LA County
Unincorporated Communities
Fifth District, LA County
Unincorporated Communities
SGV Water Districts

Gwen Huff

Materials Management and Local Assistance Division

California Department of Resources Recycling and Recovery (CalRecycle)

P.O. Box 4025

Sacramento, CA 95812

RE: Comments on the Released SB 1383 Proposed Regulations

Dear Ms. Huff,

On behalf of the San Gabriel Valley Council of Governments (SGVCOG), we are writing to express our appreciation for the opportunity to comment on the proposed SB 1383 (Lara) regulations that were released in January 2019. SGVCOG is a joint powers authority of thirty-four-member agencies that are located in the San Gabriel Valley. The SGVCOG is also the largest and most diverse sub-regional government entity in the Los Angeles County.

SGVCOG continues to support both a robust waste management system that compiles with California's climate goals as well as reasonable and achievable goals in removing short-lived climate pollutants, including methane from landfills. We deeply appreciate the stakeholder process your agency is undertaking and the ability to weigh in on the proposed regulations.

We want to take the opportunity to thank CalRecycle for acknowledging the critical need for infrastructure capacity statewide. As your agency may be aware, the state does not have the available infrastructure capacity to fully meet the goal set forth in SB 1383. Reflecting on the concerns and interests of our member agencies, SGVCOG strives to seek and advocate for solutions that address the need for substantial new infrastructure funding.

Key concerns from our member agencies are as follows:

Infrastructure Capacity: As mentioned previously, the State of California currently lacks the capacity to meet the needs for new organic waste processing. Many municipalities have expressed concerns over the ability to comply with organic waste diversion requirements due to a lack of waste disposal infrastructure. There is an uneven distribution of waste disposal infrastructure across California. Additionally, capacity is limited where the infrastructure does exist. While the regulations provide a few years to implement the programs, our member agencies are heavily concerned that there is insufficient time given to develop, evaluate, and permit new facilities.

Lack of Sufficient Funds: Our member agencies continue to seek solutions to address the need for substantial public sector funding. The issue of insufficient public sector funding continues to be one of the major challenges our member agencies face in the effort to implement new organic waste diversion programs. For example, proceeds from "cap-and-trade" programs can be channeled to offset the costs for developing additional organic recycling infrastructure. However, it should be noted that much of the local needs would not be addressed even if additional appropriations were made to the Waste Diversion Program. Our member agencies and other local municipalities continue to work diligently to address the need for funds to undertake prescribed activities, such as providing public education and updating bins and labels.

Enforcement: The proposed regulations allow for Corrective Action Plans and establish extended timelines for achieving compliance. SGVCOG deeply appreciates the addition of a pathway to compliance, as this considers the infrastructure challenges our member agencies may face.

Penalties: Our member agencies request that CalRecycle adopt penalties in a second set of regulations to take effect at a future date. The penalties outlined in the proposed regulations appear to be pre-mature. It is recommended that CalRecycle should work through the programmatic scheme prior to implementing an appropriate set of penalties, especially due to the fact that programs have until 2022 to be implemented.

Procurement: The proposed regulations outline new procurement requirements that mandate local governments to purchase recovered organic waste products. These requirements may result in substantial additional costs to local municipalities that are in addition to the costs needed to comply with the extensive programmatic requirements of the proposed regulations. Additional costs resulting from complying with the procurement regulations represent an unfunded state mandate under Cal. Const. Article XIII B, section 6(a), as the regulations would impose a new program on cities and neither the proposed regulations nor the Initial Statement of Reasons identifies a clear state funding source. The SGVCOG requests that CalRecycle work to develop markets for such materials in a second regulatory proceeding.

SGVCOG believes that the proposed regulations may place a disproportionate burden on local governments to achieve the desired short-lived climate pollutant emissions reductions. Such proposed regulations may rely on excessive reporting, which can further add to the expected high cost of implementing the new requirements for all affected stakeholders.

SGVCOG deeply appreciates the inclusive stakeholder process your agency has undertaken. We look forward to continued opportunities to comment on specific proposals.

Sincerely,



Marisa Creter
Executive Director
San Gabriel Valley Council of Governments

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
EENR Committee: Expected Upcoming Presentations

APRIL 2019

1. Tour of the CR&R Biogas Conversion Facility in Perris, CA
Recommended Action: For information only.

MAY 2019

1. California Public Utilities Commission (CPUC) Proceedings to Reduce Greenhouse Gas Emissions in Buildings – Michael Picker, CPUC President
Recommended Action: Discuss and provide direction to staff.