112TH CONGRESS
2D SESSION

H. R. 5545

To designate the Berryessa Snow Mountain National Conservation Area in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2012

Mr. THOMPSON of California (for himself, Mr. GARAMENDI, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To designate the Berryessa Snow Mountain National Conservation Area in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Berryessa Snow Mountain National Conservation Area Act”.

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

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 2. Definitions.

In this Act:

(1) Advisory Council.—The term “advisory council” means the Berryessa Snow Mountain National Conservation Area Advisory Council.

(2) Conservation Area.—The term “conservation area” means the Berryessa Snow Mountain National Conservation Area.

(3) Secretary.—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to those conservation area lands under the jurisdiction of the Secretary of Agriculture; and

(B) the Secretary of the Interior, with respect to those conservation area lands under the jurisdiction of the Secretary of the Interior.

(4) Secretaries.—The term “Secretaries” mean the Secretary of Agriculture and the Secretary of the Interior acting jointly.

(5) State.—The term “State” means the State of California.
(6) **Motor Vehicle Use Maps.**—The term “motor vehicle use maps” means the maps produced by the Forest Service titled “Motor Vehicle Use Map, Mendocino National Forest, SOUTH MAP, California, 2008” and “Motor Vehicle Use Map, Mendocino National Forest, SOUTH CENTRAL MAP, California, 2008” and any amendments to those maps.

SEC. 3. **ESTABLISHMENT OF BERRYESSA SNOW MOUNTAIN NATIONAL CONSERVATION AREA, CALIFORNIA.**

(a) **Establishment.**—Subject to valid existing rights, there is hereby established the Berryessa Snow Mountain National Conservation Area in the State.

(b) **Purpose.**—The purpose of the Berryessa Snow Mountain National Conservation Area is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the lands included in the conservation area.

(c) **Area Included.**—The conservation area consists of approximately 319,300 acres of Federal land and interests in Federal land within Napa, Lake, Mendocino, and Yolo Counties, California, as depicted on the map en-

(d) Legal Descriptions; Corrections of Errors.—

(1) Preparation.—As soon as practical after the date of enactment of this Act, but in no event later than two years after such date, the Secretaries shall prepare final maps and legal descriptions of the conservation area.

(2) Submission.—As soon as practicable after the preparation of the maps and legal descriptions under paragraph (1), the Secretaries shall submit the maps and legal descriptions to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.

(3) Public Availability.—The maps and legal descriptions prepared under paragraph (1) shall be available for public inspection at appropriate offices of the Bureau of Land Management and Forest Service.

(4) Legal Effect.—The maps and legal descriptions of the conservation area shall have the same force and effect as if included in this Act, except that the Secretaries may correct clerical and ty-
pographical errors in the maps and legal descriptions.

SEC. 4. ACCESS AND BUFFER ZONES.

(a) Access.—The Secretary shall continue to provide private landowners adequate access to inholdings in the conservation area.

(b) Buffer Zones.—

(1) In general.—Nothing in this Act creates a protective perimeter of buffer zone around the conservation area.

(2) Activities outside of conservation area.—The fact that any activities or uses outside of areas designated by this Act can be seen or heard within the conservation area shall not preclude the activities or uses outside of the conservation area.

SEC. 5. MANAGEMENT OF FEDERAL LANDS IN CONSERVATION AREA.

(a) Basis of Management.—

(1) Applicable laws.—The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances the natural resources and values of the conservation area, in accordance with—

(A) this Act;
(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for lands managed by the Bureau of Land Management;

(C) the Wilderness Act (16 U.S.C. 1131 et seq.);

(D) the Act of June 17, 1902 (commonly known as the Reclamation Act of 1902; 32 Stat. 388) and Acts amendatory thereof and supplemental thereto;

(E) other laws (including regulations) applicable to the National Forest System for land managed by the Forest Service; and

(F) other applicable law (including regulations).

(2) Resolution of Conflicts.—If there is a conflict between a provision of this Act and a provision of one of the other laws specified in paragraph (1), the more restrictive provision shall control.

(b) Uses.—The Secretary shall allow only such uses of the conservation area as the Secretary determines would further the purposes for which the conservation area is established.
(c) **Tribal Cultural Uses.**—Nothing in this Act shall be construed to enlarge or diminish the rights of any Indian tribe.

(d) **Recreation.**—The Secretary shall continue to authorize, maintain, and enhance the recreational use of the conservation area, including hunting, fishing, camping, hiking, hang gliding, sightseeing, nature study, horseback riding, mountain biking, rafting, motorized recreation on authorized routes, and other recreational activities, so long as such recreational use is consistent with the purposes of the conservation area, this section, other applicable law (including regulations), and applicable management plans.

(e) **Management Plan.**—

   (1) **In General.**—Within three years after the date of enactment of this Act, the Secretaries shall develop a comprehensive plan for the protection and management of the Federal lands included within the conservation area that fulfills the purposes for which the conservation area is established. In implementing the management plan and in considering any recommendations from the advisory council, the Secretaries shall consult on a regular basis.

   (2) **Purposes.**—The management plan shall—

      (A) describe the appropriate uses and management of the conservation area;
(B) be developed with extensive public input;

(C) take into consideration any information developed in studies of the land within the conservation area;

(D) assess the impacts of climate change on the conservation area and establish policies and procedures to ensure the preservation of wildlife corridors and facilitate species migration;

(E) include a comprehensive weed management strategy (including use of grazing where appropriate) to guide noxious weed control efforts and activities;

(F) identify and prioritize habitat restoration opportunities and strategies within the conservation area;

(G) identify opportunities to enhance recreational opportunities throughout the conservation area;

(H) identify areas outside of designated wilderness where non-motorized recreation will be emphasized;
(I) identify opportunities to improve fish passage and habitat quality for native fish species;

(J) include a plan to address the public safety and environmental clean-up issues associated with illegal marijuana production within the conservation area;

(K) identify opportunities to promote voluntary cooperative conservation projects with State, local, and private interests; and

(L) take into consideration existing land uses (including grazing) on the Federal lands within the conservation area.

(3) OTHER PLANS.—In developing the management plan, and to the extent consistent with this section, the Secretary may incorporate any provision from a resource management plan, land and resource management plan, or any other plan applicable to the conservation area.

(4) COOPERATIVE AGREEMENTS.—In carrying out this Act, the Secretary may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and
carry out any other initiative relating to the restoration or conservation of the conservation area.

(f) Fish and Wildlife.—Nothing in this Act affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the California Department of Fish and Game, may designate zones in the conservation area where, and periods when, hunting shall not be allowed for reasons of public safety, administration, or public use and enjoyment.

(g) Motorized Vehicles.—

(1) In General.—Except where needed for administrative purposes or to respond to an emergency, the use of motorized vehicles on lands within the conservation area shall be permitted only on designated roads and trails.

(2) Additional Requirement.—In developing the management plan required by this section, and to the extent consistent with this section, the Secretary, for lands under jurisdiction of Forest Service, shall incorporate the motor vehicle use maps. In developing the management plan (and making any subsequent amendment to the management plan), the Secretary shall explicitly analyze and document—
(A) each instance in which the requirements of this section or other applicable law makes it necessary to alter the motor vehicle use maps; and

(B) the manner in which the motor vehicle use maps are consistent with the requirements of this section.

(h) Incorporation of Acquired Lands and Interests.—

(1) Authority.—The Secretary may acquire non-Federal land within the boundaries of the conservation area only through exchange, donation, or purchase from a willing seller.

(2) Management.—Any land or interest in land that is located within the conservation area that is acquired by the United States shall—

(A) become part of the conservation area;

and

(B) be managed in accordance with this Act.

(i) Withdrawal.—Subject to valid existing rights, all Federal land within the conservation area is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;
(2) location, entry, and patent under the mining laws; and

(3) leasing or disposition under all laws relating to—

(A) minerals; and

(B) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(j) GRAZING.—

(1) PERMITTED.—The Secretary shall permit grazing within the conservation area—

(A) where established before the date of enactment of this Act; or

(B) through the issuance of annual permits for non-commercial grazing for the purposes of control of noxious weeds within the conservation area.

(2) REQUIREMENT.—Grazing permitted under paragraph (1) shall be—

(A) subject to all applicable laws (including regulations); and

(B) consistent with the purposes of the conservation area.

(k) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from
conducting wildland fire operations in the conservation area, consistent with the purposes of the conservation area.

(l) Horses.—Subject to any terms and conditions determined to be necessary by the Secretary, nothing in this Act precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, the conservation area where such use is consistent with the purposes of the conservation area and other applicable law (including regulations).

SEC. 6. BERRYESSA SNOW MOUNTAIN NATIONAL CONSERVATION AREA ADVISORY COUNCIL.

(a) Establishment.—Not less than 180 days after the date of enactment of this Act, the Secretaries shall establish an advisory council, to be known as the “Berryessa Snow Mountain National Conservation Area Advisory Council”.

(b) Duties.—The advisory council shall advise the Secretaries with respect to the preparation and implementation of the management plan for the conservation area.

(c) Applicable Law.—The advisory council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.);
(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) all other applicable law.

(d) MEMBERS.—The advisory council shall include 11 members, to be appointed by the Secretaries, of whom, to the extent practicable—

(1) one member shall be appointed after considering the recommendations of the Lake County Board of Supervisors;

(2) one member shall be appointed after considering the recommendations of the Napa County Board of Supervisors;

(3) one member shall be appointed after considering the recommendations of the Yolo County Board of Supervisors;

(4) one member shall be appointed after considering the recommendations of the Mendocino County Board of Supervisors;

(5) one member shall be appointed after considering the recommendations of the head of the California Resources Agency;

(6) one member shall be appointed to represent Native American Tribes;

(7) five members shall reside in, or within reasonable proximity to, Yolo County, Napa County,
Mendocino County, or Lake County, California, with backgrounds that reflect—

(A) the purposes for which the conservation area was established; and

(B) the interest of the stakeholders that are affected by the planning and management of the conservation area.

(e) REPRESENTATION.—The Secretaries shall ensure that the membership of the advisory council is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory council.

(f) TERMS.—

(1) STAGGERED TERMS.—Members of the advisory council shall be appointed for terms of 3 years, except that, of the members first appointed, 4 of the members shall be appointed for a term of 1 year and 4 of the members shall be appointed for a term of 2 years.

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

(3) VACANCY.—A vacancy on the advisory council shall be filled in the same manner as the original appointment.
(g) QUORUM.—A quorum shall be six members of the advisory council. The operations of the advisory council shall not be impaired by the fact that a member has not yet been appointed as long as a quorum has been attained.

(h) CHAIRPERSON AND PROCEDURES.—The advisory council shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

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

(j) TERMINATION.—The advisory committee shall cease to exist—

(1) on the date that is five years after the date on which the management plan is officially adopted by the Secretaries; or

(2) on such later date as the Secretaries consider appropriate.

SEC. 7. WATER.

Nothing in this Act—

(1) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(2) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;
(3) affects any interstate water compact in existence on the date of enactment of this Act;

(4) authorizes or imposes any new reserved Federal water rights;

(5) relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act;

(6) impairs the ability of the Bureau of Reclamation and its managing partners to operate, maintain, or manage Monticello Dam, Lake Berryessa, and other Solano Project facilities in accordance with the purposes of such project; or

(7) modifies, changes, or supersedes any water contract or agreements approved or administered by the Bureau of Reclamation or Solano County Water Agency or Solano Irrigation District.