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

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IN THE SENATE OF THE UNITED STATES

MARCH 6, 2013

Mrs. Boxer introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

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

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Establishment of Berryessa Snow Mountain National Conservation Area, California.
Sec. 4. Access and buffer zones.
Sec. 5. Management of Federal lands in conservation area.
Sec. 7. Water.

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

(4) 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.

(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 349,850 acres of Federal land and interests in Federal land within Napa, Lake, Mendocino, Solano, and Yolo Counties, California, as depicted on the
map entitled “Berryessa Snow Mountain National Con-
servation Area” and dated February 21, 2013.

(d) Legal Descriptions; Corrections of Er-
rors.—

(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 Re-
sources 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 For-
est Service.

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

SEC. 4. ACCESS AND BUFFER ZONES.

(a) Non-Federal Lands and Interests.—

(1) No requirement of public access.—Nothing in this Act requires a non-Federal property owner to allow public access to private property.

(2) Affect on other laws.—Nothing in this Act modifies any provision of Federal, State, or local law with respect to use of non-Federal land.

(b) Access.—The Secretary shall continue to provide historical and adequate access to private inholdings in the conservation area.

(c) 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, rafting, mountain biking and 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 informa-
tion 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 migra-
tion;

(E) include a comprehensive weed manage-
ment strategy (including use of grazing where
appropriate) to guide noxious weed control ef-
forts and activities;

(F) identify and prioritize habitat restora-
tion opportunities and strategies within the con-
servation area;

(G) identify opportunities to enhance recre-
reational opportunities throughout the conserva-
tion 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 restora-
tion or conservation of the conservation area.

(f) **FISH AND WILDLIFE.**—Nothing in this Act af-
fects 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 De-
partment of Fish and Wildlife, 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 AND MECHANIZED VEHICLES.**—

(1) **IN GENERAL.**—Except where needed for ad-
ministrative purposes or to respond to an emer-
gency, the use of motorized and mechanized vehicles
on lands within the conservation area shall be per-
mitted only on roads and trails designated for their
use.

(2) **ADDITIONAL REQUIREMENT.**—In developing
the management plan required by this section, and
to the extent consistent with this section, the Sec-
retary, for lands under jurisdiction of Forest Serv-
ice, 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 docu-
ment—

(A) each instance in which the require-
ments 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 IN-
TERESTS.—

(1) AUTHORITY.—The Secretary may acquire
non-Federal land within the boundaries of the con-
servation 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) IN GENERAL.—Livestock grazing within the conservation area, where established before the date of enactment of this Act, shall be permitted to continue subject to all applicable laws and regulations.

(2) OTHER GRAZING.—Livestock grazing within the conservation area, where not established before the date of enactment of this Act, shall only be permitted to the extent that it is consistent with the purposes of the conservation area and subject to all applicable laws and regulations.

(3) TARGETED GRAZING.—The Secretary may issue annual targeted grazing permits for purposes
of the control of noxious weeds, fire suppression, or
to provide other ecological benefits 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 rec-
reational or commercial saddle or pack stock into, the con-
servation area where such use is consistent with the pur-
poses of the conservation area and other applicable law
(including regulations).
SEC. 6. BERRYESSA SNOW MOUNTAIN NATIONAL CON-
SERVATION 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 12 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 Solano County Board of Supervisors;

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

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

(8) five members shall reside in, or within reasonable proximity to, Yolo County, Napa County, Mendocino County, Solano 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 including, stakeholders representing the agricultural, private land-ownership, environmental, recreational, tourism, or other non-Federal land interests.

(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 reappointed 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 con-
sider 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 condi-
tional water right in existence on the date of enact-
ment of this Act, including any water right held by
the United States;

(3) affects any interstate water compact in ex-
istence 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 re-
served 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 Re-
clamation 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;

(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; or

(8) affects the use of motorized or non-motorized watercraft (including personal, commercial and recreational watercraft) on Lake Berryessa.