

107TH CONGRESS  
1ST SESSION

# H. R. 3554

To transfer to the State of California certain Federal land in Yolo and Solano Counties, California, to provide for the establishment of a wildlife area on that land, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. OSE introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To transfer to the State of California certain Federal land in Yolo and Solano Counties, California, to provide for the establishment of a wildlife area on that 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,*

3       **SECTION 1. TRANSFER OF LAND.**

4       (a) IN GENERAL.—As soon as practicable after the  
5       date of the enactment of this Act, the Secretary of the  
6       Interior shall transfer to the State of California all right,  
7       title, and interest of the United States in and to the ap-

1 approximately 2,868 acres of land described in subsection  
2 (b).

3 (b) LAND DESCRIBED.—The land referred to in sub-  
4 section (a) is described as follows:

5 (1) PROSPECT ISLAND.—The approximately  
6 1,228 acres of land known as Prospect Island and  
7 generally depicted on the map entitled \_\_\_\_ and  
8 dated \_\_\_\_.

9 (2) LITTLE HOLLAND TRACT.—The approxi-  
10 mately 1,640 acres of land west of Prospect Island  
11 known as the Little Holland Tract and generally de-  
12 picted on the map entitled \_\_\_\_ and dated \_\_\_\_.

13 **SEC. 2. CONDITIONS OF TRANSFER.**

14 The Secretary shall make the transfer under section  
15 1 only under the following conditions:

16 (1) HOLD HARMLESS.—Prior to or contempora-  
17 neous with the transfer, the State enters into a writ-  
18 ten agreement with the Secretary to hold the United  
19 States harmless from all claims arising from or  
20 through the operation of the land and improvements  
21 transferred.

22 (2) MANAGEMENT PLAN REQUIRED.—Prior to  
23 the transfer, the State shall submit to the Secretary  
24 a Management Plan. The Secretary shall only ap-  
25 prove the Management Plan if it—

1 (A) meets the criteria in section 4; and

2 (B) has been developed with the input of  
3 an advisory board that meets the criteria in sec-  
4 tion 5.

5 (3) ADMINISTRATION OF LAND.—

6 (A) BEFORE APPROVAL OF MANAGEMENT  
7 PLAN.—Before the approval of a Management  
8 Plan under paragraph (2), the State shall ad-  
9 minister the land transferred under section 1  
10 substantially in accordance with the require-  
11 ments for the Management Plan as set forth in  
12 section 4.

13 (B) AFTER APPROVAL OF MANAGEMENT  
14 PLAN.—After approval of the Management Plan  
15 under paragraph (2), the State shall administer  
16 the land transferred under section 1 in accord-  
17 ance with the approved Management Plan.

18 (C) AMENDMENTS AND MODIFICATIONS TO  
19 MANAGEMENT PLAN.—The State shall not act  
20 on any amendment to or modification of the ap-  
21 proved Management Plan unless the amend-  
22 ment or modification has been approved by the  
23 Secretary in the same manner that the Manage-  
24 ment Plan was approved.

1           (4) CONDITIONS FOR ACQUISITION OF CERTAIN  
2       WATERS.—Prior to or contemporaneous with the  
3       transfer, the State enters into a written agreement  
4       with the Secretary stating that the State agrees not  
5       to acquire for the Wildlife Area any right to water  
6       within the Sacramento River Watershed until  
7       after—

8           (A) the State has completed the appro-  
9       priate environmental documentation for the ac-  
10      quisition; and

11          (B) such acquisition is approved by the  
12      board of supervisors for each originating source  
13      county and destination county prior to the ac-  
14      quisition.

15 **SEC. 3. AUTHORITY OF STATE BOARD OF RECLAMATION.**

16      Notwithstanding the provisions of the Management  
17      Plan, the State Board of Reclamation may increase the  
18      flood conveyance capacity of the Yolo Bypass if the State  
19      Board of Reclamation determines that such an increase  
20      is necessary to protect land, property, or people located  
21      within the State that are within or outside of the bound-  
22      aries of the Wildlife Area. The authority of the State  
23      Board of Reclamation under this section shall not be sub-  
24      ject to review by, nor may it be superseded by, any action  
25      by the United States Army Corp of Engineers.

1 **SEC. 4. MANAGEMENT PLAN.**

2 The Management Plan shall—

3 (1) provide that the primary purpose of the  
4 Wildlife Area is flood control;

5 (2) provide for perpetuation of the ecosystem of  
6 the Wildlife Area;

7 (3) provide for the preservation, restoration,  
8 and enhancement of natural ecosystems of all spe-  
9 cies of animals and plants that are endangered spe-  
10 cies or threatened species (as those terms are used  
11 in the Endangered Species Act of 1973 (16 U.S.C.  
12 1331 et seq.)) and that occur within the Wildlife  
13 Area;

14 (4) provide for the preservation and restoration  
15 of all species of animals and plants in the Wildlife  
16 Area that are listed under the Endangered Species  
17 Act of 1973 (16 U.S.C. 1331 et seq.), including the  
18 conservation, enhancement, and restoration of the  
19 habitat of those animals and plants;

20 (5) provide for perpetual conservation of the  
21 natural diversity and abundance of fauna and flora  
22 on land and waters in the Wildlife Area;

23 (6) contain provisions for exhibits and facilities  
24 and regular educational programs throughout the  
25 Wildlife Area to provide opportunities for the public  
26 to participate in high-quality, wildlife-related edu-

1        cational and recreational experiences in order to de-  
2        velop a greater understanding of and appreciation  
3        for fish and wildlife ecology and the role of humans  
4        in the environment;

5            (7) encourage the use of volunteers and facili-  
6        tate partnerships among the Federal Government,  
7        local communities, conservation organizations, and  
8        other non-Federal entities to promote public aware-  
9        ness of the resources of the Wildlife Area and public  
10       participation in the conservation of those resources;

11           (8) provide scientific research opportunities  
12       consistent with the purposes and needs of the Wild-  
13       life Area;

14           (9) contain provisions for planning and design  
15       of trails within the Wildlife Area and public access  
16       points to those trails;

17           (10) contain provisions that allow for hunting  
18       and fishing within the Wildlife Area; and

19           (11) contain provisions for planning of wildlife  
20       and habitat restoration within the Wildlife Area.

21    **SEC. 5. ADVISORY BOARD.**

22        (a) GENERAL REQUIREMENTS.—In order to meet the  
23       conditions under section 2, the advisory board that devel-  
24       ops the Management Plan shall meet the requirements of  
25       this section.

1 (b) TOTAL NUMBER OF MEMBERS.—The advisory  
2 board shall have 9 members as follows:

3 (1) One member appointed by each of the fol-  
4 lowing:

5 (A) The mayor of the city of West Sac-  
6 ramento.

7 (B) The Yolo County Board of Super-  
8 visors.

9 (C) The Solano County Board of Super-  
10 visors.

11 (D) The Solano County Farm Bureau.

12 (E) The Yolo County Farm Bureau.

13 (F) The mayor of the city of Rio Vista.

14 (2) A representative of the California Waterfowl  
15 Association appointed by the Association.

16 (3) A representative of the North Delta Water  
17 Agency appointed by that Agency.

18 (4) One member appointed by the Delta Protec-  
19 tion Commission.

20 (c) CHAIRPERSON.—The chairperson of the advisory  
21 board shall be elected by the members from the members  
22 appointed under subsection (b)(1). The term of office of  
23 the chairperson shall be 2 years.

24 (d) MEETINGS.—The advisory board shall meet not  
25 less than monthly until a management plan is submitted

1 under section 2(2) and at the call of a majority of its  
2 members thereafter.

3 (e) QUORUM.—A quorum shall consist of 50 percent  
4 of the members appointed under subsection (b)(1).

5 (f) ADVISORY BOARD PROCEDURES.—

6 (1) MEETINGS OPEN TO PUBLIC.—Each advisory board meeting shall be open to the public.

8 (2) INPUT BY INTERESTED PERSONS.—Interested persons shall be permitted to attend the meetings of, or file statements with, the advisory board.

11 (3) MINUTES.—Detailed minutes of each meeting of the advisory board shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory board.  
17 The accuracy of all minutes shall be certified to by  
18 the chairman of the advisory board.

19 (g) DUTIES.—The duties of the advisory board shall  
20 be—

21 (1) to develop, submit, and provide local oversight of the management plan in accordance with  
22 the Act; and  
23

24 (2) to advise the State regarding management  
25 of the Wildlife Area.



1       (h) PUBLIC PARTICIPATION.—The advisory board  
2 shall give special consideration to views by local public and  
3 private entities and individuals in implementing the Man-  
4 agement Plan.

5       (i) STAFF.—The State shall provide staff for the ad-  
6 visory board, under terms and conditions established by  
7 the State Secretary of Resources.

8       (j) ADMINISTRATIVE SUPPORT SERVICES.—Upon the  
9 request of the advisory board, the State shall provide to  
10 the advisory board, on a reimbursable basis, the adminis-  
11 trative support services necessary for the advisory board  
12 to carry out its responsibilities under this section.

13       (k) REPORTS.—The advisory board shall submit an  
14 annual report and such interim reports as the advisory  
15 board considers appropriate to the Secretary and the State  
16 Secretary of Resources.

17       (l) NO FEDERAL FUNDS.—The requirements of this  
18 section are a condition of the transfer authorized by sec-  
19 tion 1 and no Federal funds may be used to provide com-  
20 pensation to members of the advisory board or to carry  
21 out any provision of this section.

22 **SEC. 6. CONTINUED LAND USE.**

23       Nothing in this Act shall be construed as prohibiting  
24 or preventing, and it shall be a condition of the transfer  
25 of land under this Act that the State shall not for purposes

1 of the Wildlife Area prohibit or prevent, the continuation  
2 of ordinary and customary farming and ranching practices  
3 within the Wildlife Area and on land outside the exterior  
4 boundaries of the Wildlife Area.

5 **SEC. 7. WATER USE.**

6 Nothing in this Act or the creation of the Wildlife  
7 Area shall be construed as authorizing any increase, relin-  
8 quishment, or reduction of any water use or rights re-  
9 served or appropriated by the United States.

10 **SEC. 8. DEFINITIONS.**

11 For the purposes of this Act:

12 (1) **MANAGEMENT PLAN.**—The term “Manage-  
13 ment Plan” means the management plan for the  
14 land transferred to the State under section 1.

15 (2) **WILDLIFE AREA.**—The term “Wildlife  
16 Area” means the land transferred to the State under  
17 section 1.

18 (3) **SECRETARY.**—The term “Secretary” means  
19 the Secretary of the Interior.

20 (4) **STATE.**—The term “State” means the State  
21 of California.

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