

113TH CONGRESS
1ST SESSION

S. 483

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

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

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. 6. Berryessa Snow Mountain National Conservation Area Advisory Council.

Sec. 7. Water.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) **ADVISORY COUNCIL.**—The term “advisory
4 council” means the Berryessa Snow Mountain Na-
5 tional Conservation Area Advisory Council.

6 (2) **CONSERVATION AREA.**—The term “con-
7 servation area” means the Berryessa Snow Moun-
8 tain National Conservation Area.

9 (3) **SECRETARIES.**—The term “Secretaries”
10 mean the Secretary of Agriculture and the Secretary
11 of the Interior acting jointly.

12 (4) **SECRETARY.**—The term “Secretary”
13 means—

14 (A) the Secretary of Agriculture, with re-
15 spect to those conservation area lands under
16 the jurisdiction of the Secretary of Agriculture;
17 and

18 (B) the Secretary of the Interior, with re-
19 spect to those conservation area lands under
20 the jurisdiction of the Secretary of the Interior.

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

1 (6) MOTOR VEHICLE USE MAPS.—The term
 2 “motor vehicle use maps” means the maps produced
 3 by the Forest Service titled “Motor Vehicle Use
 4 Map, Mendocino National Forest, SOUTH MAP,
 5 California, 2008” and “Motor Vehicle Use Map,
 6 Mendocino National Forest, SOUTH CENTRAL
 7 MAP, California, 2008” and any amendments to
 8 those maps.

9 **SEC. 3. ESTABLISHMENT OF BERRYESSA SNOW MOUNTAIN**
 10 **NATIONAL CONSERVATION AREA, CALI-**
 11 **FORNIA.**

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

15 (b) PURPOSE.—The purpose of the Berryessa Snow
 16 Mountain National Conservation Area is to conserve, pro-
 17 tect, and enhance for the benefit and enjoyment of present
 18 and future generations the ecological, scenic, wildlife, rec-
 19 reational, cultural, historical, natural, educational, and
 20 scientific resources of the lands included in the conserva-
 21 tion area.

22 (c) AREA INCLUDED.—The conservation area con-
 23 sists of approximately 349,850 acres of Federal land and
 24 interests in Federal land within Napa, Lake, Mendocino,
 25 Solano, and Yolo Counties, California, as depicted on the

1 map entitled “Berryessa Snow Mountain National Con-
2 servation Area” and dated February 21, 2013.

3 (d) LEGAL DESCRIPTIONS; CORRECTIONS OF ER-
4 RORS.—

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

10 (2) SUBMISSION.—As soon as practicable after
11 the preparation of the maps and legal descriptions
12 under paragraph (1), the Secretaries shall submit
13 the maps and legal descriptions to the Committee on
14 Natural Resources of the House of Representatives
15 and to the Committee on Energy and Natural Re-
16 sources of the Senate.

17 (3) PUBLIC AVAILABILITY.—The maps and
18 legal descriptions prepared under paragraph (1)
19 shall be available for public inspection at appropriate
20 offices of the Bureau of Land Management and For-
21 est Service.

22 (4) LEGAL EFFECT.—The maps and legal de-
23 scriptions of the conservation area shall have the
24 same force and effect as if included in this Act, ex-
25 cept that the Secretaries may correct clerical and ty-

1 pographical errors in the maps and legal descrip-
2 tions.

3 **SEC. 4. ACCESS AND BUFFER ZONES.**

4 (a) NON-FEDERAL LANDS AND INTERESTS.—

5 (1) NO REQUIREMENT OF PUBLIC ACCESS.—

6 Nothing in this Act requires a non-Federal property
7 owner to allow public access to private property.

8 (2) AFFECT ON OTHER LAWS.—Nothing in this
9 Act modifies any provision of Federal, State, or local
10 law with respect to use of non-Federal land.

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

14 (c) BUFFER ZONES.—

15 (1) IN GENERAL.—Nothing in this Act creates
16 a protective perimeter of buffer zone around the con-
17 servation area.

18 (2) ACTIVITIES OUTSIDE OF CONSERVATION
19 AREA.—The fact that any activities or uses outside
20 of areas designated by this Act can be seen or heard
21 within the conservation area shall not preclude the
22 activities or uses outside of the conservation area.

23 **SEC. 5. MANAGEMENT OF FEDERAL LANDS IN CONSERVA-**
24 **TION AREA.**

25 (a) BASIS OF MANAGEMENT.—

1 (1) APPLICABLE LAWS.—The Secretary shall
2 manage the conservation area in a manner that con-
3 serves, protects, and enhances the natural resources
4 and values of the conservation area, in accordance
5 with—

6 (A) this Act;

7 (B) the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1701 et seq.) for
9 lands managed by the Bureau of Land Manage-
10 ment;

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

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

17 (E) other laws (including regulations) ap-
18 plicable to the National Forest System for land
19 managed by the Forest Service; and

20 (F) other applicable law (including regula-
21 tions).

22 (2) RESOLUTION OF CONFLICTS.—If there is a
23 conflict between a provision of this Act and a provi-
24 sion of one of the other laws specified in paragraph
25 (1), the more restrictive provision shall control.

1 (b) USES.—The Secretary shall allow only such uses
2 of the conservation area as the Secretary determines
3 would further the purposes for which the conservation
4 area is established.

5 (c) TRIBAL CULTURAL USES.—Nothing in this Act
6 shall be construed to enlarge or diminish the rights of any
7 Indian tribe.

8 (d) RECREATION.—The Secretary shall continue to
9 authorize, maintain, and enhance the recreational use of
10 the conservation area, including hunting, fishing, camping,
11 hiking, hang gliding, sightseeing, nature study, horseback
12 riding, rafting, mountain biking and motorized recreation
13 on authorized routes, and other recreational activities, so
14 long as such recreational use is consistent with the pur-
15 poses of the conservation area, this section, other applica-
16 ble law (including regulations), and applicable manage-
17 ment plans.

18 (e) MANAGEMENT PLAN.—

19 (1) IN GENERAL.—Within three years after the
20 date of enactment of this Act, the Secretaries shall
21 develop a comprehensive plan for the protection and
22 management of the Federal lands included within
23 the conservation area that fulfills the purposes for
24 which the conservation area is established. In imple-
25 menting the management plan and in considering

1 any recommendations from the advisory council, the
2 Secretaries shall consult on a regular basis.

3 (2) PURPOSES.—The management plan shall—

4 (A) describe the appropriate uses and
5 management of the conservation area;

6 (B) be developed with extensive public
7 input;

8 (C) take into consideration any informa-
9 tion developed in studies of the land within the
10 conservation area;

11 (D) assess the impacts of climate change
12 on the conservation area and establish policies
13 and procedures to ensure the preservation of
14 wildlife corridors and facilitate species migra-
15 tion;

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

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

23 (G) identify opportunities to enhance rec-
24 reational opportunities throughout the conserva-
25 tion area;

1 (H) identify areas outside of designated
2 wilderness where non-motorized recreation will
3 be emphasized;

4 (I) identify opportunities to improve fish
5 passage and habitat quality for native fish spe-
6 cies;

7 (J) include a plan to address the public
8 safety and environmental clean-up issues associ-
9 ated with illegal marijuana production within
10 the conservation area;

11 (K) identify opportunities to promote vol-
12 untary cooperative conservation projects with
13 State, local, and private interests; and

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

17 (3) OTHER PLANS.—In developing the manage-
18 ment plan, and to the extent consistent with this
19 section, the Secretary may incorporate any provision
20 from a resource management plan, land and re-
21 source management plan, or any other plan applica-
22 ble to the conservation area.

23 (4) COOPERATIVE AGREEMENTS.—In carrying
24 out this Act, the Secretary may make grants to, or
25 enter into cooperative agreements with, State, tribal,

1 and local governmental entities and private entities
2 to conduct research, develop scientific analyses, and
3 carry out any other initiative relating to the restora-
4 tion or conservation of the conservation area.

5 (f) FISH AND WILDLIFE.—Nothing in this Act af-
6 fects the jurisdiction of the State with respect to fish and
7 wildlife located on public land in the State, except that
8 the Secretary, after consultation with the California De-
9 partment of Fish and Wildlife, may designate zones in the
10 conservation area where, and periods when, hunting shall
11 not be allowed for reasons of public safety, administration,
12 or public use and enjoyment.

13 (g) MOTORIZED AND MECHANIZED VEHICLES.—

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

20 (2) ADDITIONAL REQUIREMENT.—In developing
21 the management plan required by this section, and
22 to the extent consistent with this section, the Sec-
23 retary, for lands under jurisdiction of Forest Serv-
24 ice, shall incorporate the motor vehicle use maps. In
25 developing the management plan (and making any

1 subsequent amendment to the management plan),
2 the Secretary shall explicitly analyze and docu-
3 ment—

4 (A) each instance in which the require-
5 ments of this section or other applicable law
6 makes it necessary to alter the motor vehicle
7 use maps; and

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

11 (h) INCORPORATION OF ACQUIRED LANDS AND IN-
12 TERESTS.—

13 (1) AUTHORITY.—The Secretary may acquire
14 non-Federal land within the boundaries of the con-
15 servation area only through exchange, donation, or
16 purchase from a willing seller.

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

20 (A) become part of the conservation area;
21 and

22 (B) be managed in accordance with this
23 Act.

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

4 (1) entry, appropriation, or disposal under the
5 public land laws;

6 (2) location, entry, and patent under the mining
7 laws; and

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

10 (A) minerals; and

11 (B) operation of the mineral leasing, min-
12 eral materials, and geothermal leasing laws.

13 (j) GRAZING.—

14 (1) IN GENERAL.—Livestock grazing within the
15 conservation area, where established before the date
16 of enactment of this Act, shall be permitted to con-
17 tinue subject to all applicable laws and regulations.

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

24 (3) TARGETED GRAZING.—The Secretary may
25 issue annual targeted grazing permits for purposes

1 of the control of noxious weeds, fire suppression, or
2 to provide other ecological benefits consistent with
3 the purposes of the conservation area.

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

10 (l) HORSES.—Subject to any terms and conditions
11 determined to be necessary by the Secretary, nothing in
12 this Act precludes horseback riding in, or the entry of rec-
13 reational or commercial saddle or pack stock into, the con-
14 servation area where such use is consistent with the pur-
15 poses of the conservation area and other applicable law
16 (including regulations).

17 **SEC. 6. BERRYESSA SNOW MOUNTAIN NATIONAL CON-**
18 **SERVATION AREA ADVISORY COUNCIL.**

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

1 (b) DUTIES.—The advisory council shall advise the
2 Secretaries with respect to the preparation and implemen-
3 tation of the management plan for the conservation area.

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.);

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

10 (3) all other applicable law.

11 (d) MEMBERS.—The advisory council shall include 12
12 members, to be appointed by the Secretaries, of whom,
13 to the extent practicable—

14 (1) one member shall be appointed after consid-
15 ering the recommendations of the Lake County
16 Board of Supervisors;

17 (2) one member shall be appointed after consid-
18 ering the recommendations of the Napa County
19 Board of Supervisors;

20 (3) one member shall be appointed after consid-
21 ering the recommendations of the Yolo County
22 Board of Supervisors;

23 (4) one member shall be appointed after consid-
24 ering the recommendations of the Mendocino County
25 Board of Supervisors;

1 (5) one member shall be appointed after consid-
 2 ering the recommendations of the Solano County
 3 Board of Supervisors;

4 (6) one member shall be appointed after consid-
 5 ering the recommendations of the head of the Cali-
 6 fornia Resources Agency;

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

9 (8) five members shall reside in, or within rea-
 10 sonable proximity to, Yolo County, Napa County,
 11 Mendocino County, Solano County, or Lake County,
 12 California, with backgrounds that reflect—

13 (A) the purposes for which the conserva-
 14 tion area was established; and

15 (B) the interest of the stakeholders that
 16 are affected by the planning and management
 17 of the conservation area including, stakeholders
 18 representing the agricultural, private land-own-
 19 ership, environmental, recreational, tourism, or
 20 other non-Federal land interests.

21 (e) REPRESENTATION.—The Secretaries shall ensure
 22 that the membership of the advisory council is fairly bal-
 23 anced in terms of the points of view represented and the
 24 functions to be performed by the advisory council.

25 (f) TERMS.—

1 (1) STAGGERED TERMS.—Members of the advi-
2 sory council shall be appointed for terms of 3 years,
3 except that, of the members first appointed, 4 of the
4 members shall be appointed for a term of 1 year and
5 4 of the members shall be appointed for a term of
6 2 years.

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

10 (3) VACANCY.—A vacancy on the advisory
11 council shall be filled in the same manner as the
12 original appointment.

13 (g) QUORUM.—A quorum shall be six members of the
14 advisory council. The operations of the advisory council
15 shall not be impaired by the fact that a member has not
16 yet been appointed as long as a quorum has been attained.

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

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

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

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

4 (2) on such later date as the Secretaries con-
5 sider appropriate.

6 **SEC. 7. WATER.**

7 Nothing in this Act—

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

11 (2) affects any vested absolute or decreed condi-
12 tional water right in existence on the date of enact-
13 ment of this Act, including any water right held by
14 the United States;

15 (3) affects any interstate water compact in ex-
16 istence on the date of enactment of this Act;

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

19 (5) relinquishes or reduces any water rights re-
20 served or appropriated by the United States in the
21 State on or before the date of enactment of this Act;

22 (6) impairs the ability of the Bureau of Rec-
23 lamation and its managing partners to operate,
24 maintain, or manage Monticello Dam, Lake

1 Berryessa, and other Solano Project facilities in ac-
2 cordance with the purposes of such project;

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

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

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