

114TH CONGRESS
1ST SESSION

H. R. 761

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

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

A BILL

To designate the Berryessa Snow Mountain National Monument 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 Monument Act”.

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

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

Sec. 3. Establishment of Berryessa Snow Mountain National Monument, California.

Sec. 4. Access and buffer zones.

Sec. 5. Management of Federal lands within the National Monument.

Sec. 6. Berryessa Snow Mountain National Monument 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 Monument Advisory Council.

6 (2) **MANAGEMENT PLAN.**—The term “manage-
7 ment plan” means either a new plan or an amend-
8 ment to an existing plan developed consistent with
9 section 5(e).

10 (3) **MOTOR VEHICLE USE MAPS.**—The term
11 “motor vehicle use maps” means the maps produced
12 by the Forest Service regarding authorized motor ve-
13 hicle use within the Mendocino National Forest and
14 titled “Motor Vehicle Use Map, Mendocino National
15 Forest”, including periodic revisions of such maps.

16 (4) **NATIONAL MONUMENT.**—The term “Na-
17 tional Monument” means the Berryessa Snow Moun-
18 tain National Monument.

19 (5) **SECRETARY.**—The term “Secretary”
20 means—

21 (A) the Secretary of Agriculture, with re-
22 spect to those National Monument lands under
23 the jurisdiction of the Secretary of Agriculture;
24 and

1 (B) the Secretary of the Interior, with re-
2 spect to those National Monument lands under
3 the jurisdiction of the Secretary of the Interior.

4 (6) SECRETARIES.—The term “Secretaries”
5 means the Secretary of Agriculture and the Sec-
6 retary of the Interior acting jointly.

7 **SEC. 3. ESTABLISHMENT OF BERRYESSA SNOW MOUNTAIN**
8 **NATIONAL MONUMENT, CALIFORNIA.**

9 (a) ESTABLISHMENT.—Subject to valid existing
10 rights, there is hereby established the Berryessa Snow
11 Mountain National Monument in the State of California.

12 (b) PURPOSE.—The purpose of the Berryessa Snow
13 Mountain National Monument is to conserve, protect, and
14 enhance for the benefit and enjoyment of present and fu-
15 ture generations the ecological, scenic, wildlife, rec-
16 reational, cultural, historical, natural, educational, and
17 scientific resources of the lands included in the National
18 Monument.

19 (c) AREA INCLUDED.—The National Monument con-
20 sists of Federal land and interests in Federal land within
21 Colusa, Glenn, Lake, Mendocino, Napa, Solano, and Yolo
22 Counties, California, as depicted on the map entitled
23 “Berryessa Snow Mountain National Monument”.

24 (d) EXCLUSION OF NON-FEDERAL LAND.—The Na-
25 tional Monument includes only Federal land and interests

1 in Federal land and does not include or apply to private
2 property or other non-Federal land and interests in land
3 within the exterior boundaries of the National Monument.

4 (e) LEGAL DESCRIPTIONS; CORRECTIONS OF ER-
5 RORS.—

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

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

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

23 (4) LEGAL EFFECT.—The maps and legal de-
24 scriptions of the National Monument shall have the
25 same force and effect as if included in this Act, ex-

1 cept that the Secretaries may correct clerical and ty-
2 pographical errors in the maps and legal descrip-
3 tions.

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

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

6 (1) NO REQUIREMENT OF PUBLIC ACCESS.—

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

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

12 (b) ACCESS.—The Secretary shall continue to provide
13 historical and adequate access to private inholdings within
14 the exterior boundaries of the National Monument.

15 (c) BUFFER ZONES.—

16 (1) IN GENERAL.—Nothing in this Act creates
17 a protective perimeter or buffer zone around the Na-
18 tional Monument.

19 (2) ACTIVITIES OUTSIDE OF NATIONAL MONU-
20 MENT.—The fact that any activities or uses outside
21 of areas designated by this Act can be seen or heard
22 within the National Monument shall not preclude
23 the activities or uses outside of the National Monu-
24 ment.

1 **SEC. 5. MANAGEMENT OF FEDERAL LANDS WITHIN THE NA-**
2 **TIONAL MONUMENT.**

3 (a) BASIS OF MANAGEMENT.—

4 (1) APPLICABLE LAWS.—The Secretary shall
5 manage the National Monument in a manner that
6 conserves, protects, and enhances the natural re-
7 sources and values of the National Monument, in ac-
8 cordance with—

9 (A) this Act;

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

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

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

20 (E) other laws (including regulations) ap-
21 plicable to the National Forest System for land
22 managed by the Forest Service; and

23 (F) other applicable law (including regula-
24 tions).

25 (2) RESOLUTION OF CONFLICTS.—If there is a
26 conflict between a provision of this Act and a provi-

1 sion of one of the other laws specified in paragraph
2 (1), the more restrictive provision shall control.

3 (b) USES.—The Secretary shall allow only such uses
4 of the National Monument as the Secretary determines
5 would further the purposes specified in section 3(b).

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

9 (d) RECREATION.—The Secretary shall continue to
10 authorize, maintain, and enhance the recreational use of
11 the National Monument, including hunting, fishing, camp-
12 ing, hiking, hang gliding, sightseeing, nature study, horse-
13 back riding, rafting, mountain biking and motorized recre-
14 ation on authorized routes, and other recreational activi-
15 ties, so long as such recreational use is consistent with
16 the purposes specified in section 3(b), this section, other
17 applicable law (including regulations), and applicable man-
18 agement plans.

19 (e) MANAGEMENT PLAN.—

20 (1) IN GENERAL.—Within three years after the
21 date of enactment of this Act, the Secretaries shall
22 develop a comprehensive plan for the protection and
23 management of the Federal lands included within
24 the National Monument that fulfills the purposes
25 specified in section 3(b). In implementing the man-

1 agement plan and in considering any recommenda-
2 tions from the advisory council, the Secretaries shall
3 consult with the advisory council on a regular basis.

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

5 (A) describe the appropriate uses and
6 management of the National Monument;

7 (B) identify short-term and long-term
8 management actions and prioritize management
9 actions based on projected availability of re-
10 sources;

11 (C) include a weed management compo-
12 nent (including use of grazing where appro-
13 priate) to guide noxious weed control efforts
14 and activities;

15 (D) include a habitat restoration opportu-
16 nities component;

17 (E) include a recreational opportunity en-
18 hancement component;

19 (F) include a native fish passage and habi-
20 tat quality improvement component;

21 (G) include a component that deals with
22 public safety and environmental clean-up issues
23 associated with illegal marijuana production
24 within the National Monument; and

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

4 (3) PUBLIC PARTICIPATION AND SPECIAL CON-
5 siderations.—In developing the management plan,
6 and to the extent consistent with this section, the
7 Secretary—

8 (A) shall solicit extensive public input;

9 (B) shall take into consideration any infor-
10 mation developed in studies of the land within
11 the National Monument;

12 (C) shall assess available climate change
13 information pertinent to the National Monu-
14 ment and include standards and practices to en-
15 sure the preservation of wildlife corridors and
16 facilitate species migration;

17 (D) shall identify opportunities to promote
18 voluntary cooperative conservation projects with
19 State, local, and private interests;

20 (E) shall take into consideration existing
21 land uses (including grazing) on the Federal
22 lands within the National Monument; and

23 (F) may incorporate any provision from a
24 resource management plan, land and resource

1 management plan, or any other plan applicable
2 to the National Monument.

3 (4) COOPERATIVE AGREEMENTS.—In carrying
4 out this Act, the Secretary may make grants to, or
5 enter into cooperative agreements with, State, tribal,
6 and local governmental entities and private entities
7 to conduct research, develop scientific analyses, and
8 carry out any other initiative relating to the restora-
9 tion or conservation of the National Monument.

10 (f) FISH AND WILDLIFE.—Nothing in this Act af-
11 fects the jurisdiction of the State of California with re-
12 spect to fish and wildlife located on public land in the
13 State, except that the Secretary, after consultation with
14 the California Department of Fish and Wildlife, may des-
15 ignate zones in the National Monument where, and peri-
16 ods when, hunting shall not be allowed for reasons of pub-
17 lic safety, administration, or public use and enjoyment.

18 (g) MOTORIZED AND MECHANIZED VEHICLES.—

19 (1) IN GENERAL.—Except where needed for ad-
20 ministrative purposes or to respond to an emer-
21 gency, the use of motorized and mechanized vehicles
22 on lands within the National Monument shall be per-
23 mitted only on roads and trails designated for their
24 use.

1 (2) ADDITIONAL REQUIREMENT.—In developing
2 the management plan required by this section, and
3 to the extent consistent with this section, the Sec-
4 retary, for lands under jurisdiction of Forest Serv-
5 ice, shall incorporate the motor vehicle use maps. In
6 developing the management plan (and making any
7 subsequent amendment to the management plan),
8 the Secretary shall explicitly analyze and docu-
9 ment—

10 (A) each instance in which the require-
11 ments of this section or other applicable law
12 makes it necessary to alter motorized route des-
13 ignations reflected in the motor vehicle use
14 maps; and

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

18 (h) ACQUISITION AND INCORPORATION OF LANDS
19 AND INTERESTS.—

20 (1) AUTHORITY.—The Secretary may acquire
21 non-Federal land within the exterior boundaries of
22 the National Monument only through exchange, do-
23 nation, or purchase from a willing seller.

1 (2) MANAGEMENT.—Any land or interest in
2 land that is located within the National Monument
3 that is acquired by the United States shall—

4 (A) become part of the National Monu-
5 ment; and

6 (B) be managed in accordance with this
7 Act.

8 (i) WITHDRAWAL.—Subject to valid existing rights,
9 all Federal land within the National Monument is with-
10 drawn from—

11 (1) entry, appropriation, or disposal under the
12 public land laws;

13 (2) location, entry, and patent under the mining
14 laws; and

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

17 (A) minerals; and

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

20 (j) LIMITED CONVEYANCE AUTHORITY.—The Sec-
21 retary may authorize the conveyance of Federal land with-
22 in the National Monument if—

23 (1) the purpose for which the land is to be con-
24 veyed is consistent with the purposes specified in
25 section 3(b);

1 (2) the conveyance would benefit the National
2 Monument and is in the public interest, as deter-
3 mined by the Secretary; and

4 (3) the conveyance is made in accordance with
5 applicable law (including regulations).

6 (k) GRAZING.—

7 (1) EXISTING LOCATIONS.—Livestock grazing
8 within the National Monument, where established
9 before the date of the enactment of this Act, shall
10 be permitted to continue subject to all applicable
11 laws and regulations.

12 (2) ADDITIONAL GRAZING.—Livestock grazing
13 within the National Monument, where not estab-
14 lished before the date of the enactment of this Act,
15 shall be—

16 (A) permitted only to the extent that such
17 grazing is consistent with the purposes specified
18 in section 3(b); and

19 (B) subject to all applicable laws and regu-
20 lations.

21 (3) TARGETED GRAZING.—The Secretary may
22 issue annual targeted grazing permits for purposes
23 of the control of noxious weeds, fire suppression, or
24 to provide other ecological benefits consistent with
25 the purposes specified in section 3(b).

1 (l) WILDLAND FIRE OPERATIONS.—Nothing in this
2 section prohibits the Secretary, in cooperation with other
3 Federal, State, and local agencies, as appropriate, from
4 conducting wildland fire operations in the National Monu-
5 ment consistent with the purposes specified in section
6 3(b).

7 (m) HORSES.—Subject to any terms and conditions
8 determined to be necessary by the Secretary, nothing in
9 this Act precludes horseback riding in, or the entry of rec-
10 reational or commercial saddle or pack stock into, the Na-
11 tional Monument where such use is consistent with the
12 purposes specified in section 3(b) and other applicable
13 laws and regulations.

14 **SEC. 6. BERRYESSA SNOW MOUNTAIN NATIONAL MONU-**
15 **MENT ADVISORY COUNCIL.**

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

21 (b) DUTIES.—The advisory council shall advise the
22 Secretaries with respect to the preparation and implemen-
23 tation of the management plan for the National Monu-
24 ment.

1 (c) APPLICABLE LAW.—The advisory council shall be
2 subject to—

3 (1) the Federal Advisory Committee Act (5
4 U.S.C. App.);

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

7 (3) all other applicable law.

8 (d) MEMBERS.—The advisory council shall include 16
9 members, to be appointed by the Secretaries, of whom,
10 to the extent practicable—

11 (1) one member shall be appointed after consid-
12 ering the recommendations of the Colusa County
13 Board of Supervisors;

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

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

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

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

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

4 (7) one member shall be appointed after consid-
5 ering the recommendations of the Yolo County
6 Board of Supervisors;

7 (8) one member shall be appointed after consid-
8 ering the recommendations of the head of the Cali-
9 fornia Resources Agency;

10 (9) one member shall be appointed to represent
11 Native American Tribes; and

12 (10) seven members shall reside in, or within
13 reasonable proximity to, the counties specified in
14 paragraphs (1) through (7) with backgrounds that
15 reflect—

16 (A) the purposes specified in section 3(b);
17 and

18 (B) the interest of persons affected by the
19 planning and management of the National
20 Monument, including persons representing the
21 agricultural, private land-ownership, environ-
22 mental, recreational, tourism, or other non-Fed-
23 eral land interests.

24 (e) REPRESENTATION.—The Secretaries shall ensure
25 that the membership of the advisory council is fairly bal-

1 anced in terms of the points of view represented and the
2 functions to be performed by the advisory council.

3 (f) TERMS.—

4 (1) STAGGERED TERMS.—Members of the advi-
5 sory council shall be appointed for terms of three
6 years, except that, of the members first appointed,
7 five of the members shall be appointed for a term
8 of one year and five of the members shall be ap-
9 pointed for a term of two years.

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

13 (3) VACANCY.—A vacancy on the advisory
14 council shall be filled in the same manner as the
15 original appointment.

16 (g) QUORUM.—A quorum shall be eight members of
17 the advisory council. The operations of the advisory coun-
18 cil shall not be impaired by the fact that a member has
19 not yet been appointed as long as a quorum has been at-
20 tained.

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

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

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

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

6 (2) on such later date as the Secretaries con-
7 sider appropriate.

8 **SEC. 7. WATER.**

9 Nothing in this Act—

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

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

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

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

21 (5) relinquishes or reduces any water rights re-
22 served or appropriated by the United States in the
23 State of California on or before the date of enact-
24 ment of this Act.

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