

114TH CONGRESS
1ST SESSION

S. 393

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2015

Mr. REID (for Mrs. BOXER (for herself and Mrs. FEINSTEIN)) 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 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.**

4 This Act may be cited as the “Berryessa Snow Moun-
5 tain National Monument Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVISORY COUNCIL.**—The term “advisory
9 council” means the Berryessa Snow Mountain Na-

1 tional Monument Advisory Council established under
2 section 6(a).

3 (2) MANAGEMENT PLAN.—The term “manage-
4 ment plan” means either a new plan or an amend-
5 ment to an existing plan developed for the National
6 Monument under section 5(c).

7 (3) MOTOR VEHICLE USE MAP.—

8 (A) IN GENERAL.—The term “motor vehi-
9 cle use map” means each map prepared by the
10 Forest Service with respect to authorized motor
11 vehicle use within the Mendocino National For-
12 est and entitled “Motor Vehicle Use Map,
13 Mendocino National Forest”.

14 (B) INCLUSION.—The term “motor vehicle
15 map” includes periodic revisions of a map de-
16 scribed in subparagraph (A).

17 (4) NATIONAL MONUMENT.—The term “Na-
18 tional Monument” means the Berryessa Snow Moun-
19 tain National Monument established by section 3(a).

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

22 (A) the Secretary of Agriculture, with re-
23 spect to land under the jurisdiction of the Sec-
24 retary of Agriculture; and

1 (B) the Secretary of the Interior, with re-
 2 spect to land under the jurisdiction of the Sec-
 3 retary 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 (7) STATE.—The term “State” means the State
 8 of California.

9 **SEC. 3. ESTABLISHMENT OF BERRYESSA SNOW MOUNTAIN**
 10 **NATIONAL MONUMENT, CALIFORNIA.**

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

14 (b) PURPOSE.—The purpose of the National Monu-
 15 ment is to conserve, protect, and enhance for the benefit
 16 and enjoyment of present and future generations the eco-
 17 logical, scenic, wildlife, recreational, cultural, historic, nat-
 18 ural, educational, and scientific resources of the land in-
 19 cluded in the National Monument.

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

1 (d) LEGAL DESCRIPTIONS; CORRECTIONS OF ER-
2 RORS.—

3 (1) IN GENERAL.—As soon as practicable, but
4 not later than 2 years after the date of enactment
5 of this Act, the Secretaries shall prepare a final map
6 and legal descriptions of the National Monument.

7 (2) SUBMISSION.—As soon as practicable after
8 the date on which the map and legal descriptions are
9 prepared under paragraph (1), the Secretaries shall
10 submit to the Committee on Energy and Natural
11 Resources of the Senate and the Committee on Nat-
12 ural Resources of the House of Representatives the
13 map and legal descriptions prepared under that
14 paragraph.

15 (3) PUBLIC AVAILABILITY.—The map and legal
16 descriptions prepared under paragraph (1) shall be
17 available for public inspection at appropriate offices
18 of the Bureau of Land Management and the Forest
19 Service.

20 (4) LEGAL EFFECT.—The map and legal de-
21 scriptions prepared under paragraph (1) shall have
22 the same force and effect as if included in this Act,
23 except that the Secretaries may correct clerical and
24 typographical errors in the map and legal descrip-
25 tions.

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

2 (a) NON-FEDERAL LAND AND INTERESTS.—

3 (1) NO REQUIREMENT OF PUBLIC ACCESS.—

4 Nothing in this Act requires the owner of non-Fed-
5 eral land to allow public access to private property.

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

9 (b) ACCESS.—The Secretary shall continue to provide
10 historical and adequate access to private inholdings in the
11 National Monument.

12 (c) BUFFER ZONES.—

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

16 (2) ACTIVITIES OUTSIDE OF NATIONAL MONU-
17 MENT.—The fact that any activities or uses outside
18 the boundary of the National Monument can be seen
19 or heard within the National Monument shall not
20 preclude the activities or uses outside the boundary
21 of the National Monument.

22 **SEC. 5. MANAGEMENT OF FEDERAL LAND IN NATIONAL**
23 **MONUMENT.**

24 (a) BASIS OF MANAGEMENT.—

25 (1) APPLICABLE LAWS.—The Secretary shall
26 manage the National Monument in a manner that

1 conserves, protects, and enhances the natural re-
2 sources and values of the National Monument, in ac-
3 cordance with—

4 (A) this Act;

5 (B) the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1701 et seq.),
7 with respect to land managed by the Director of
8 the Bureau of Land Management;

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

11 (D) the Act of June 17, 1902 (32 Stat.
12 388, chapter 1093);

13 (E) other laws (including regulations) ap-
14 plicable to the National Forest System, with re-
15 spect to land managed by the Chief of the For-
16 est Service; and

17 (F) other applicable law (including regula-
18 tions).

19 (2) RESOLUTION OF CONFLICTS.—If there is a
20 conflict between a provision of this Act and a provi-
21 sion of a law described in paragraph (1), the more
22 restrictive provision shall control.

23 (b) USES.—

24 (1) IN GENERAL.—The Secretary shall allow
25 only such uses of the National Monument as the

1 Secretary determines would further the purposes de-
2 scribed in section 3(b).

3 (2) TRIBAL CULTURAL USES.—Nothing in this
4 Act enlarges or diminishes the rights of any Indian
5 tribe.

6 (3) RECREATIONAL USES.—The Secretary shall
7 continue to authorize, maintain, and enhance the
8 recreational uses of the National Monument, includ-
9 ing hunting, fishing, camping, hiking, hang gliding,
10 sightseeing, nature study, horseback riding, rafting,
11 mountain biking and motorized recreation on au-
12 thorized routes, and other recreational activities, if
13 the Secretary determines that the recreational use is
14 consistent with the purposes described in section
15 3(b), this section, other applicable law (including
16 regulations), and applicable management plans.

17 (c) MANAGEMENT PLAN.—

18 (1) IN GENERAL.—Not later than 3 years after
19 the date of enactment of this Act, the Secretaries
20 shall develop a comprehensive plan for the protection
21 and management of the Federal land included within
22 the National Monument that fulfills the purposes de-
23 scribed in section 3(b).

24 (2) REQUIREMENTS.—The management plan
25 shall—

1 (A) describe the appropriate uses and
2 management of the National Monument;

3 (B) identify short-term and long-term
4 management actions for the National Monu-
5 ment;

6 (C) prioritize management actions identi-
7 fied under subparagraph (B), based on pro-
8 jected availability of resources;

9 (D) include a weed management compo-
10 nent (including use of grazing as appropriate)
11 to guide noxious weed control efforts and activi-
12 ties;

13 (E) include a habitat restoration oppor-
14 tunity component;

15 (F) include a recreational opportunity en-
16 hancement component;

17 (G) include a native fish passage and habi-
18 tat quality improvement component;

19 (H) include a component that addresses
20 public safety and environmental cleanup issues
21 associated with illegal marijuana production
22 within the National Monument; and

23 (I) identify areas outside of designated wil-
24 derness in which nonmotorized recreation would
25 be emphasized.

1 (3) PUBLIC PARTICIPATION AND SPECIAL CON-
2 SIDERATIONS.—In developing the management plan,
3 to the extent consistent with this section, the Secre-
4 taries—

5 (A) shall solicit extensive public input;

6 (B) shall take into consideration any infor-
7 mation developed in studies of the land within
8 the National Monument;

9 (C) shall assess available climate change
10 information pertinent to the National Monu-
11 ment;

12 (D) shall include standards and prac-
13 tices—

14 (i) to ensure the preservation of wild-
15 life corridors; and

16 (ii) to facilitate species migration;

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

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

23 (G) 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) CONSULTATION WITH ADVISORY COUN-
4 CIL.—In implementing the management plan and in
5 considering any recommendations from the advisory
6 council, the Secretaries shall consult with the advi-
7 sory council on a regular basis.

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

15 (d) FISH AND WILDLIFE.—Nothing in this Act af-
16 fects the jurisdiction of the State with respect to fish and
17 wildlife located on public land in the State, except that
18 the Secretary, after consultation with the State Depart-
19 ment of Fish and Wildlife, may designate zones in the Na-
20 tional Monument in which, and periods during which,
21 hunting shall not be allowed for reasons of public safety,
22 administration, or public use and enjoyment.

23 (e) MOTORIZED AND MECHANIZED VEHICLES.—

24 (1) IN GENERAL.—Except as needed for admin-
25 istrative purposes or to respond to an emergency,

1 the use of motorized and mechanized vehicles on
2 land within the National Monument shall be per-
3 mitted only on roads and trails designated for such
4 use.

5 (2) ADDITIONAL REQUIREMENT.—In developing
6 the management plan required under subsection (c),
7 to the extent consistent with this section, the Sec-
8 retary shall incorporate the motor vehicle use maps
9 with respect to land under the jurisdiction of the
10 Chief of the Forest Service.

11 (3) REQUIRED ANALYSES.—In developing the
12 management plan (and making any subsequent
13 amendment to the management plan) under sub-
14 section (c), the Secretary shall explicitly analyze and
15 document—

16 (A) each instance in which the require-
17 ments of this section or other applicable law
18 (including regulations) necessitates alterations
19 to the motorized route designations described in
20 the motor vehicle use maps; and

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

23 (f) ACQUISITION AND INCORPORATION OF LAND AND
24 INTERESTS.—

1 (1) AUTHORITY.—The Secretary may acquire
2 non-Federal land within the boundaries of the Na-
3 tional Monument only through exchange, donation,
4 or purchase from a willing seller.

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

8 (A) become part of the National Monu-
9 ment; and

10 (B) be managed in accordance with this
11 Act.

12 (g) WITHDRAWAL.—

13 (1) IN GENERAL.—Subject to valid existing
14 rights and except as provided in paragraph (2), all
15 Federal land within the National Monument is with-
16 drawn from—

17 (A) entry, appropriation, or disposal under
18 the public land laws;

19 (B) location, entry, and patent under the
20 mining laws; and

21 (C) leasing or disposition under all laws re-
22 lating to—

23 (i) minerals; and

1 (ii) operation of the mineral leasing,
2 mineral materials, and geothermal leasing
3 laws.

4 (2) LIMITED CONVEYANCE.—The Secretary
5 may authorize the conveyance of Federal land within
6 the National Monument if—

7 (A) the purpose for which the land is to be
8 conveyed is consistent with the purposes speci-
9 fied in section 3(b);

10 (B) the conveyance would benefit the Na-
11 tional Monument and is in the public interest,
12 as determined by the Secretary; and

13 (C) the conveyance is made in accordance
14 with applicable law (including regulations).

15 (h) GRAZING.—

16 (1) EXISTING LOCATIONS.—Livestock grazing
17 within the National Monument, where established
18 before the date of enactment of this Act, shall be
19 permitted to continue subject to applicable law (in-
20 cluding regulations).

21 (2) ADDITIONAL GRAZING.—Livestock grazing
22 within the National Monument, where not estab-
23 lished before the date of enactment of this Act, shall
24 be—

1 (A) permitted only to the extent that the
2 grazing is consistent with the purposes de-
3 scribed in section 3(b); and

4 (B) subject to applicable law (including
5 regulations).

6 (3) TARGETED GRAZING.—The Secretary may
7 issue annual targeted grazing permits for purposes
8 of the control of noxious weeds, fire suppression, or
9 to provide other ecological benefits consistent with
10 the purposes described in section 3(b).

11 (i) WILDLAND FIRE OPERATIONS.—Nothing in this
12 section prohibits the Secretary, in cooperation with other
13 Federal, State, and local agencies, as appropriate, from
14 conducting wildland fire operations in the National Monu-
15 ment consistent with the purposes described in section
16 3(b).

17 (j) HORSES.—Subject to any terms and conditions
18 determined to be necessary by the Secretary, nothing in
19 this Act precludes horseback riding in, or the entry of rec-
20 reational or commercial saddle or pack stock into, the Na-
21 tional Monument, if the use is consistent with the pur-
22 poses described in section 3(b) and other applicable law
23 (including regulations).

1 **SEC. 6. BERRYESSA SNOW MOUNTAIN NATIONAL MONU-**
2 **MENT ADVISORY COUNCIL.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretaries shall
5 establish an advisory council for the National Monument,
6 to be known as the “Berryessa Snow Mountain National
7 Monument Advisory Council”.

8 (b) DUTIES.—The advisory council shall advise the
9 Secretaries with respect to the preparation and implemen-
10 tation of the management plan.

11 (c) APPLICABLE LAW.—The advisory council shall be
12 subject to—

13 (1) the Federal Advisory Committee Act (5
14 U.S.C. App.);

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

17 (3) all other applicable law.

18 (d) MEMBERS.—The advisory council shall be com-
19 posed of 16 members, to be appointed by the Secretaries,
20 of whom, to the maximum extent practicable—

21 (1) 1 member shall be appointed after consid-
22 ering the recommendations of the Lake County
23 Board of Supervisors;

24 (2) 1 member shall be appointed after consid-
25 ering the recommendations of the Napa County
26 Board of Supervisors;

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

4 (4) 1 member shall be appointed after consid-
5 ering the recommendations of the Mendocino County
6 Board of Supervisors;

7 (5) 1 member shall be appointed after consid-
8 ering the recommendations of the Solano County
9 Board of Supervisors;

10 (6) 1 member shall be appointed after consid-
11 ering the recommendations of the Glenn County
12 Board of Supervisors;

13 (7) 1 member shall be appointed after consid-
14 ering the recommendations of the Colusa County
15 Board of Supervisors;

16 (8) 1 member shall be appointed after consid-
17 ering the recommendations of the head of the Cali-
18 fornia Resources Agency;

19 (9) 1 member shall be appointed to represent
20 Indian tribes; and

21 (10) 7 members shall—

22 (A) reside in, or within reasonable prox-
23 imity to, Yolo County, Napa County, Mendocino
24 County, Solano County, Glenn County, Colusa
25 County, or Lake County, California; and

1 (B) have backgrounds that reflect—

2 (i) the purposes described in section
3 3(b); and

4 (ii) the interest of persons affected by
5 the planning and management of the Na-
6 tional Monument, including persons rep-
7 resenting agricultural, private landowners,
8 environmental, recreational, tourism, or
9 other non-Federal land interests.

10 (e) REPRESENTATION.—The Secretaries shall ensure
11 that the membership of the advisory council is fairly bal-
12 anced in terms of—

13 (1) the points of view represented by the mem-
14 bers of the advisory council; and

15 (2) the functions to be performed by the advi-
16 sory council.

17 (f) TERMS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), a member of the advisory council shall be
20 appointed for a term of 3 years.

21 (2) INITIAL MEMBERS.—Notwithstanding para-
22 graph (1), of the members first appointed to the ad-
23 visory council—

24 (A) 4 members shall be appointed for a
25 term of 1 year; and

1 (B) 4 members shall be appointed for a
2 term of 2 years.

3 (3) REAPPOINTMENT.—A member may be re-
4 appointed to serve on the advisory council on the ex-
5 piration of the term of the member.

6 (4) VACANCY.—A vacancy on the advisory
7 council shall be filled in the same manner as the
8 original appointment of the member.

9 (g) QUORUM.—

10 (1) IN GENERAL.—A quorum of the advisory
11 council shall be 8 members.

12 (2) EFFECT.—If quorum has otherwise been at-
13 tained, the operation of the advisory council shall
14 not be impaired by the fact that a member has not
15 yet been appointed.

16 (h) CHAIRPERSON AND PROCEDURES.—The advisory
17 council shall—

18 (1) elect a chairperson of the advisory council;
19 and

20 (2) establish such rules and procedures for the
21 advisory council as the advisory council determines
22 to be necessary or desirable.

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

1 (j) TERMINATION.—The advisory committee shall
2 terminate on the later of—

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

6 (2) the date that the Secretaries determine to
7 be 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;

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

24 (6) impairs the ability of the Bureau of Rec-
25 lamation and any managing partners of the Bureau

1 of Reclamation to operate, maintain, or manage
2 Monticello Dam, Lake Berryessa, and other Solano
3 Project facilities in accordance with the purposes of
4 the project;

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

9 (8) affects the use of motorized or non-
10 motorized watercraft (including personal, commer-
11 cial, and recreational watercraft) on Lake Berryessa.

○