

Union Calendar No. 489

106TH CONGRESS
2^D SESSION

H. R. 1751

[Report No. 106-831]

To establish the Carrizo Plain National Conservation Area in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1999

Mrs. CAPPS (for herself, Mr. THOMAS, Mr. DOOLEY of California, Mr. LEWIS of California, Mr. FILNER, Ms. LOFGREN, and Mr. LANTOS) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 7, 2000

Additional sponsor: Mr. FARR of California

SEPTEMBER 7, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 11, 1999]

A BILL

To establish the Carrizo Plain 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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Carrizo Plain National*
3 *Conservation Area Act of 2000”.*

4 **SEC. 2. FINDINGS.**

5 *The Congress finds the following:*

6 *(1) The public lands administered by the Bureau*
7 *of Land Management in the State of California with-*
8 *in the Carrizo Plain contain the last remnants of the*
9 *once vast San Joaquin Valley grasslands that covered*
10 *a large expanse of central California.*

11 *(2) As a remnant ecosystem, these lands provide*
12 *the best remaining contiguous habitat for a number*
13 *of State or federally listed endangered species or*
14 *threatened species, including the San Joaquin kit fox,*
15 *the blunt-nosed leopard lizard, the giant kangaroo*
16 *rat, and the San Joaquin antelope squirrel, and nu-*
17 *merous other federally or State listed or sensitive*
18 *plant and animal species. Many other important spe-*
19 *cies of native wildlife inhabit the area, such as*
20 *pronghorn antelope and tule elk.*

21 *(3) In addition to its biological diversity,*
22 *Carrizo Plain contains nationally significant cultural*
23 *and historical sites which are very important to in-*
24 *igenous peoples in the area for religious and tradi-*
25 *tional cultural purposes.*

1 (4) *The Carrizo Plain area also contains one of*
2 *the best and most visible exposures of the geologically*
3 *unique San Andreas fault, which is the boundary be-*
4 *tween the Pacific Plate (on the west) which moves*
5 *northward relative to the North American Plate (on*
6 *the east) and has and will continue to play a critical*
7 *role in the evolution and future of California.*

8 (5) *The Carrizo Plain offers unique research, in-*
9 *terpretive, and educational opportunities, and signifi-*
10 *cant recreation opportunities for the public.*

11 (6) *Since 1985, the Carrizo Plain has been coop-*
12 *eratively managed by the Bureau of Land Manage-*
13 *ment, the California Department of Fish and Game,*
14 *and The Nature Conservancy, each of which owns a*
15 *part of the Carrizo Plain and all of which work close-*
16 *ly together in a manner that makes jurisdictional dif-*
17 *ferences among them nearly transparent.*

18 (7) *A cooperative management plan has been*
19 *prepared for the Carrizo Plain by the Bureau of*
20 *Land Management, the California Department of*
21 *Fish and Game, and The Nature Conservancy, with*
22 *full public involvement, that sets the stage for long-*
23 *term joint management of the area for public use and*
24 *enjoyment.*

1 **(b) AREA DESCRIBED.**—

2 **(1) BOUNDARY MAP.**—*The area referred to in*
3 *subsection (a) consists of approximately 250,000 acres*
4 *of lands and waters, and interests therein, as gen-*
5 *erally depicted on the map entitled “Boundary Map,*
6 *Carrizo Plain National Conservation Area”, dated*
7 *February 1999.*

8 **(2) LEGAL DESCRIPTION.**—*As soon as prac-*
9 *ticable after the date of the enactment of this Act, the*
10 *Secretary shall file a legal description of the conserva-*
11 *tion area with the Committee on Resources of the*
12 *House of Representatives and with the Committee on*
13 *Energy and Natural Resources of the Senate. Such*
14 *legal description shall have the same force and effect*
15 *as if included in this Act, subject to paragraph (3).*

16 **(3) REVISIONS AND CORRECTIONS.**—*The Sec-*
17 *retary may—*

18 **(A)** *make minor revisions in the boundary*
19 *of the conservation area; and*

20 **(B)** *correct clerical and typographical er-*
21 *rors in the map and legal description referred to*
22 *in paragraphs (1) and (2), respectively.*

23 **(4) PUBLIC AVAILABILITY.**—*The Secretary shall*
24 *keep the map and legal description referred to in*
25 *paragraphs (1) and (2), respectively, on file and*

1 *available for public inspection in the offices of the Di-*
2 *rector in the District of Columbia and in Sacramento*
3 *and Bakersfield, California.*

4 **SEC. 4. MANAGEMENT OF THE CONSERVATION AREA.**

5 *(a) IN GENERAL.—The Secretary, acting through the*
6 *Director, shall manage the public lands within the con-*
7 *servation area in a manner that conserves, protects, and*
8 *enhances its resources and values in accordance with this*
9 *Act, and pursuant to the Federal Land Policy and Manage-*
10 *ment Act of 1976 (43 U.S.C. 1701 et seq.), and in accord-*
11 *ance with all applicable laws and the management plan.*

12 *(b) USES.—The Secretary shall allow only such uses*
13 *of the conservation area as the Secretary finds will further*
14 *the purposes for which the conservation area is designated.*

15 *(c) VEHICULAR USE.—Use of motorized vehicles or*
16 *mechanized transport in the conservation area is prohib-*
17 *ited, except—*

18 *(1) where needed for administrative purposes or*
19 *to respond to an emergency; or*

20 *(2) on roads and trails that—*

21 *(A) existed as of May 11, 1999; and*

22 *(B) are specifically designated for such use*
23 *as part of the management plan revised pursu-*
24 *ant to subsection (g).*

1 (d) *HUNTING AND FISHING.*—*Hunting and fishing*
2 *shall be permitted within the conservation area in accord-*
3 *ance with applicable laws and regulations of the United*
4 *States and the State of California; except that the Sec-*
5 *retary, after consultation with the California Department*
6 *of Fish and Game, may issue regulations designating zones*
7 *where and establishing periods when no hunting or fishing*
8 *shall be permitted for reasons of public safety, administra-*
9 *tion, or public use and enjoyment.*

10 (e) *GRAZING.*—*Livestock grazing within the conserva-*
11 *tion area shall be conducted in a manner that is compatible*
12 *with the purposes for which the conservation area is estab-*
13 *lished. The management plan revised pursuant to sub-*
14 *section (g) shall specify resource objectives to be met through*
15 *grazing within the conservation area.*

16 (f) *INTERPRETIVE SITES.*—*The Secretary may estab-*
17 *lish, in cooperation with other public or private entities as*
18 *the Secretary may consider appropriate, interpretive sites*
19 *that are minimal in scope to meet administrative and vis-*
20 *itor needs of the conservation area. Any facilities for such*
21 *sites shall be designed to protect cultural, historic, biologic,*
22 *scientific, and esthetic values of the conservation area.*

23 (g) *REVIEW AND REVISION OF MANAGEMENT PLAN.*—
24 *The Secretary of the Interior, in cooperation with the Direc-*

1 *tor, the California Department of Fish and Game, affected*
2 *landowners, and The Nature Conservancy—*

3 *(1) shall, by not later than 1 year after the date*
4 *of the enactment of this Act, review the management*
5 *plan referred to in section 9(4) and make such revi-*
6 *sions in that plan as are necessary to ensure that it*
7 *is consistent with the this Act and with the conserva-*
8 *tion, enhancement, and protection of the conservation*
9 *area; and*

10 *(2) may from time to time thereafter make such*
11 *revisions as are necessary to ensure that consistency.*

12 *(h) GIFTS.—The Secretary may accept, receive, hold,*
13 *administer, and use any gift, devise, or bequest, absolutely*
14 *or in trust, of real or personal property, including any in-*
15 *come from or interest in property or any funds, for manage-*
16 *ment of the conservation area for the purposes for which*
17 *the conservation area is established under section 3(a).*

18 *(i) FUNDING ACCOUNT.—*

19 *(1) IN GENERAL.—To fund management activi-*
20 *ties for the conservation area, there is established in*
21 *the Treasury a separate account to be known as the*
22 *Carizzo Plain National Conservation Area Manage-*
23 *ment Fund.*

24 *(2) CONTENTS.—The account shall consist of—*

1 (A) amounts received as fees for activities
2 in the conservation area;

3 (B) amounts received by the United States
4 as a gift, devise, or bequest authorized by sub-
5 section (h); and

6 (C) amounts appropriated to the account.

7 (3) *USE.*—Amounts in the account shall be
8 available to the Secretary for management of the con-
9 servation area pursuant to the purposes for which the
10 conservation is established under section 3(a).

11 (j) *ADVISORY COUNCIL.*—

12 (1) *ESTABLISHMENT.*—The Secretary shall estab-
13 lish a Carrizo Plain National Conservation Area Ad-
14 visory Council to advise the Secretary with respect to
15 preparation and implementation of the management
16 plan pursuant to subsection (g). The Advisory Coun-
17 cil shall conform to the requirements of the Federal
18 Advisory Committee Act (88 Stat. 770; 5 U.S.C.
19 App.) and the Federal Land Policy and Management
20 Act of 1976 (43 U.S.C. 1701 et seq.).

21 (2) *REPRESENTATION.*—The Advisory Council
22 shall consist of 15 members to be appointed by the
23 Secretary. The members shall be persons with local
24 and regional involvement as well as recognized back-

1 *grounds in areas directly related to the purposes for*
2 *which the conservation area is designated.*

3 **SEC. 5. LAND ACQUISITION.**

4 *(a) LAND ACQUISITION.—The Secretary may acquire*
5 *lands and interests therein within the conservation area by*
6 *donation, by exchange, or by purchase with the consent of*
7 *the owner thereof.*

8 *(b) MANAGEMENT.—Lands or interests therein within*
9 *the conservation area so acquired by the United States*
10 *shall, after the date of the enactment of this Act, be incor-*
11 *porated into and managed as part of the conservation area.*

12 **SEC. 6. WITHDRAWAL; MINERAL DEVELOPMENT.**

13 *(a) WITHDRAWAL.—Subject to valid existing rights, all*
14 *Federal lands within the conservation area, including all*
15 *lands or interests acquired by the United States after the*
16 *date of enactment of this Act, are hereby withdrawn from*
17 *all forms of entry, appropriation, or disposal under the*
18 *public land laws and from location, entry, and patent*
19 *under the mining laws of the United States.*

20 *(b) MINERAL DEVELOPMENT.—*

21 *(1) IN GENERAL.—Except as provided in para-*
22 *graph (2), mineral development may occur in the con-*
23 *servation area pursuant to the Act of February 25,*
24 *1920 (30 U.S.C. 181 et seq.; popularly known as the*
25 *Mineral Leasing Act), and laws supplementary there-*

1 to, or the Act of July 31, 1947 (30 U.S.C. 601 et seq.;
2 popularly known as the Materials Act of 1947), and
3 laws supplementary thereto, only to the extent that
4 development is consistent with the management plan.

5 (2) *STATE AND PRIVATE LANDS AND INTERESTS*
6 *NOT AFFECTED.*—*This subsection shall not affect any*
7 *State or privately owned lands or interests in lands.*

8 **SEC. 7. COOPERATIVE AGREEMENTS.**

9 *The Secretary may, consistent with the management*
10 *plan, enter into any cooperative agreements or shared man-*
11 *agement arrangements with any person for the purposes of*
12 *management, interpretation, and research of the conserva-*
13 *tion area's resources.*

14 **SEC. 8. NATIVE AMERICAN USES.**

15 (a) *NATIVE AMERICAN USES.*—*The Secretary shall en-*
16 *sure nonexclusive access to and use of the public lands in*
17 *the conservation area by Native Americans for traditional*
18 *cultural and religious purposes consistent with the Amer-*
19 *ican Indian Religious Freedom Act (42 U.S.C. 1996).*

20 (b) *TEMPORARY CLOSURE.*—*To implement this sec-*
21 *tion, the Secretary may from time to time temporarily close*
22 *to general public use any specific areas of public lands in*
23 *the conservation area in order to protect the privacy of Na-*
24 *tive American religious activities in such areas. Any such*
25 *closure shall be made in such manner as will affect the*

1 *smallest practicable area for the minimum period necessary*
2 *for such purposes.*

3 **SEC. 9. DEFINITIONS.**

4 *In this Act:*

5 (1) *CONSERVATION AREA.*—*The term “conserva-*
6 *tion area” means the Carrizo Plain National Con-*
7 *servation Area designated under section 3(a).*

8 (2) *CALIFORNIA DEPARTMENT OF FISH AND*
9 *GAME.*—*The term “California Department of Fish*
10 *and Game” means the public entity within the State*
11 *of California’s Resources Agency established by the*
12 *laws of the State of California to administer the fish*
13 *and wildlife resources in the State on behalf of the*
14 *people of California.*

15 (3) *DIRECTOR.*—*The term “Director” means the*
16 *Director of the Bureau of Land Management.*

17 (4) *MANAGEMENT PLAN.*—*The term “manage-*
18 *ment plan” means the management plan developed*
19 *cooperatively by the Bureau of Land Management,*
20 *the California Department of Fish and Game, and*
21 *The Nature Conservancy, entitled “The Carrizo Plain*
22 *Natural Area Management Plan” and dated Novem-*
23 *ber 1996, as such plan may be revised by the Sec-*
24 *retary under section 4(b).*

1 (5) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of the Interior.*

3 (6) *THE NATURE CONSERVANCY.*—*The term “The*
4 *Nature Conservancy” means the nonprofit organiza-*
5 *tion established under laws of the State of Virginia*
6 *and doing business in that name.*

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