

114TH CONGRESS
2D SESSION

H. R. 4521

To transfer recreational management authority for Lake Berryessa in the State of California from the Bureau of Reclamation to the Bureau of Land Management, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2016

Mr. THOMPSON of California (for himself, Mr. BECERRA, Mr. BENISHEK, Mr. BERA, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BOUSTANY, Mr. BRADY of Pennsylvania, Mr. BRADY of Texas, Ms. BROWNLEY of California, Mr. BUCHANAN, Mr. CALVERT, Mr. CÁRDENAS, Mr. CARNEY, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. COHEN, Mr. COLE, Mr. CONNOLLY, Mr. CONYERS, Mr. COOK, Mr. COOPER, Mr. COSTA, Mr. CRENSHAW, Mr. CROWLEY, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Mr. DENT, Ms. EDWARDS, Ms. ESHOO, Ms. ESTY, Mr. FARR, Mr. FATAH, Mr. FITZPATRICK, Mr. GARAMENDI, Mr. GRIJALVA, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, Mr. SESSIONS, Ms. SEWELL of Alabama, Mr. SHIMKUS, Ms. SINEMA, Mr. SIRES, Ms. SLAUGHTER, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Mr. TIBERI, Ms. TITUS, Mr. TONKO, Mr. VARGAS, Mr. WALZ, Ms. MAXINE WATERS of California, Mr. WESTMORELAND, Ms. WILSON of Florida, Mr. YOUNG of Alaska, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ENGEL, Ms. GABBARD, Mr. GRAYSON, Mr. HECK of Washington, Mr. HIMES, Mr. KEATING, Mr. KENNEDY, Mr. KILMER, Ms. KUSTER, Mr. LEVIN, Mr. LEWIS, Mrs. LOWEY, Mr. NEAL, Mr. HASTINGS, Mr. HONDA, Mr. HUFFMAN, Mr. HUNTER, Mr. ISRAEL, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KING of New York, Mr. LAMALFA, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LATTA, Ms. LEE, Mr. LOBIONDO, Ms. LOFGREN, Mr. LOWENTHAL, Mr. BEN RAY LUJÁN of New Mexico, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCNERNEY, Mr. MEEHAN, Ms. MENG, Ms. MOORE, Mr. MURPHY of Florida, Mrs. NAPOLITANO, Mr. NOLAN, Mr. NUNES, Mr. O'ROURKE, Mr. PASCRELL, Mr. PERLMUTTER, Ms. PINGREE, Mr. POCAN, Mr. POE of Texas, Mr. POLIS, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mr. RUIZ, Ms. LINDA T. SÁNCHEZ of California, Mr.

SHERMAN, Mr. VAN HOLLEN, Mr. VEASEY, Mr. VELA, Ms. VELÁZQUEZ, Mr. YARMUTH, Ms. BONAMICI, Ms. DELBENE, Ms. BASS, Ms. JUDY CHU of California, Ms. HAHN, Mr. HIGGINS, Mr. KIND, Mr. MCGOVERN, Mr. PETERS, Mr. PETERSON, Mr. SMITH of Washington, Mr. VISCLOSKY, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mrs. CAPPES, Mr. DEFazio, Mr. KILDEE, Mrs. BEATTY, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. DEUTCH, Ms. FRANKEL of Florida, Mr. HOYER, Ms. JACKSON LEE, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To transfer recreational management authority for Lake Berryessa in the State of California from the Bureau of Reclamation to the Bureau of Land Management, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Lake Berryessa Recreation Enhancement Act of 2016”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.
- Sec. 4. Establishment of Lake Berryessa Recreation Area.
- Sec. 5. Management of Recreation Area.
- Sec. 6. Concessions permits and agreements.
- Sec. 7. Continued authorities of Commissioner of Reclamation.
- Sec. 8. Existing authorizations.

8 **SEC. 2. FINDINGS; PURPOSES.**

9 (a) FINDINGS.—Congress finds that—

10 (1) the Monticello Dam—

1 (A) was authorized by the Reclamation
2 Project Act of 1939 (53 Stat. 1187);

3 (B) resulted in the formation of Lake
4 Berryessa; and

5 (C) is operated by the Bureau of Reclama-
6 tion;

7 (2) Lake Berryessa—

8 (A) covers approximately 28,915 acres of
9 surface water and land;

10 (B) has 165 miles of shoreline;

11 (C) has a 2,000-acre wildlife area on the
12 east side;

13 (D) is located less than 100 miles from
14 both Sacramento and San Francisco, Cali-
15 fornia; and

16 (E) has become an important regional
17 recreation destination; and

18 (3) the recreational use at Lake Berryessa gen-
19 erates tourism that is important to local economies.

20 (b) PURPOSES.—The purposes of this Act are—

21 (1) to provide diverse, high-quality recreational
22 facilities and services on Lake Berryessa and the
23 surrounding lands;

24 (2) to conserve the natural, scenic, scientific,
25 historic, and other resource values contributing to

1 the public use and enjoyment of that land and
2 water;

3 (3) to promote cooperation between the Federal
4 Government and private entities to manage that ex-
5 ceptional resource; and

6 (4) to establish the Lake Berryessa Recreation
7 Area and transfer administrative jurisdiction over
8 certain Federal land for management as public lands
9 by the Bureau of Land Management as part of that
10 area.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) DAM.—The term “Dam” means—

14 (A) the Monticello Dam; and

15 (B) any facility relating to the Monticello
16 Dam.

17 (2) RECREATION AREA.—The term “Recreation
18 Area” means the Lake Berryessa Recreation Area
19 designated by section 4(a).

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (4) STATE.—The term “State” means the State
23 of California.

1 **SEC. 4. ESTABLISHMENT OF LAKE BERRYESSA RECRE-**
2 **ATION AREA.**

3 (a) ESTABLISHMENT.—Subject to valid existing
4 rights, the approximately _____ acres of land adminis-
5 tered by the Bureau of Reclamation that is underlying or
6 adjacent to Lake Berryessa and is identified as “_____”
7 on the map dated _____, including any improvements
8 thereon, are hereby established as the Lake Berryessa
9 Recreation Area.

10 (b) TRANSFER OF ADMINISTRATIVE JURISDIC-
11 TION.—Administrative jurisdiction over the Recreation
12 Area is transferred from the Bureau of Reclamation to
13 the Bureau of Land Management.

14 (c) TRANSFER OF OWNERSHIP OF PERSONAL PROP-
15 erty.—The Bureau of Reclamation may transfer to the
16 Bureau of Land Management, without compensation, ad-
17 ministrative jurisdiction over items of personal property
18 used in the administration of the Recreation Area.

19 **SEC. 5. MANAGEMENT OF RECREATION AREA.**

20 (a) IN GENERAL.—Subject to valid existing rights,
21 the Secretary shall manage and administer the Recreation
22 Area in accordance with this Act, sections 601 through
23 604 of Public Law 93–493, and the laws (including regu-
24 lations) applicable to land under the administrative juris-
25 diction of the Bureau of Land Management.

26 (b) COMPREHENSIVE MANAGEMENT PLAN.—

1 (1) IN GENERAL.—The Secretary shall develop
2 a management plan for the administration and man-
3 agement of the Recreation Area.

4 (2) DEVELOPMENT OF MANAGEMENT PLAN.—
5 For purposes of this Act, the Secretary may use or
6 adopt, in whole or part—

7 (A) the recreational use plan adopted by
8 the Bureau of Reclamation on June 2, 2006, or
9 may develop a new management plan; and

10 (B) any concessions planning or environ-
11 mental documents prepared by or for the Bu-
12 reau of Reclamation for the Recreation Area.

13 (3) NEPA.—The decision to use or adopt, in
14 whole or part, any document referenced in para-
15 graph (2) shall not constitute a major Federal action
16 for the purposes of the National Environmental Pol-
17 icy Act of 1969 (42 U.S.C. 4321 et seq.). This deci-
18 sion is not subject to judicial review.

19 (4) APPLICABILITY.—Nothing in this Act re-
20 quires an immediate revision or amendment to any
21 plan for the Recreation Area.

22 (5) RECREATIONAL SAFETY AND SECURITY.—
23 Subject to paragraph (5), the Secretary of the Inte-
24 rior may establish guidelines and restrictions on rec-

1 recreational uses to ensure the safety and security of
2 recreational users in Recreational Area.

3 (c) FUNDING.—For the purposes of managing and
4 administering the Recreation Area during a transition pe-
5 riod not to exceed five years after the date of enactment
6 of this Act, the Secretary may transfer funds from the
7 Bureau of Reclamation to the “Bureau of Land Manage-
8 ment-Management of Lands and Resources” account, to
9 remain available until expended, for the administration the
10 Recreation Area.

11 (d) RECREATIONAL USES.—Nothing in this Act or
12 the comprehensive management plan for the Recreation
13 Area shall prohibit historical or existing authorized rec-
14 reational uses, including motorized use, from occurring in
15 the Recreation Area.

16 **SEC. 6. CONCESSIONS PERMITS AND AGREEMENTS.**

17 (a) IN GENERAL.—The Secretary is authorized to
18 issue recreation concession permits, including at the
19 Recreation Area, to allow a third party to provide facilities
20 and services to visitors on lands and waters managed by
21 the Bureau of Land Management in support of outdoor
22 recreational opportunities in accordance with an applicable
23 land use plan. Any such permit shall not constitute a con-
24 tract for the procurement of goods and services for the
25 benefit of the government or otherwise.

1 (b) COMPENSATION TO THE GOVERNMENT.—Each
2 permit issued under this section shall provide for monetary
3 compensation, including franchise fees, to the Federal
4 Government for the rights and privileges provided.

5 (c) REGULATIONS.—The Secretary shall promulgate
6 regulations to facilitate the implementation of this section.

7 (d) REVENUES.—Revenues collected under this sec-
8 tion shall be deposited into an account in the Treasury,
9 and shall remain available until expended for managing
10 and enhancing the public lands at the specific area where
11 the revenues are collected.

12 (e) EXISTING AGREEMENTS AT LAKE BERRYESSA
13 RECREATION AREA.—

14 (1) CONTINUATION OF AGREEMENTS.—Facili-
15 ties and services provided in the Recreation Area
16 under existing recreation concessions and recreation
17 lease agreements with the Bureau of Reclamation,
18 including agreements for campgrounds and marinas,
19 may continue pursuant to the terms and conditions
20 of each agreement.

21 (2) EXTENSION OF AGREEMENTS.—The Sec-
22 retary may extend an existing recreation concessions
23 and recreation lease agreement at the Recreation
24 Area after expiration for a period not to exceed 3

1 years to allow continuation of services during the
2 transition.

3 (3) REDUCTION IN FEDERAL COSTS.—To re-
4 duce Federal costs in administering this subsection,
5 the issuance of new agreements or concession per-
6 mits for activities within the Recreation Area that
7 have been considered and permitted by the Bureau
8 of Reclamation under previous analysis, that are
9 similar to existing uses, or that are not inconsistent
10 with approved uses and will not substantially in-
11 crease the use of an area, shall not constitute a
12 major Federal action for the purposes of the Na-
13 tional Environmental Policy Act of 1969 (42 U.S.C.
14 4321 et seq.).

15 **SEC. 7. CONTINUED AUTHORITIES OF COMMISSIONER OF**
16 **RECLAMATION.**

17 (a) IN GENERAL.—The Commissioner of Reclama-
18 tion shall continue to administer and operate—

19 (1) the Dam; and

20 (2) any power facility relating to the Dam.

21 (b) EFFECTS.—Nothing in this Act or any subse-
22 quent management plan shall—

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

1 Berryessa, and other Solano Project facilities in ac-
2 cordance with authorized purposes;

3 (2) affect the use or allocation, in existence on
4 the date of the enactment of this Act, of any water,
5 water right, or interest in water;

6 (3) affect any vested absolute or decreed condi-
7 tional water right in existence on the date of the en-
8 actment of this Act, including any water right held
9 by the United States;

10 (4) affect any interstate water compact in exist-
11 ence on the date of the enactment of this Act;

12 (5) authorize or impose any new reserved Fed-
13 eral water rights;

14 (6) relinquish or reduce any water rights re-
15 served or appropriated by the United States in the
16 State on or before the date of the enactment of this
17 Act; or

18 (7) modify, change, or supersede any water con-
19 tract or agreements approved or administered by the
20 Bureau of Reclamation or Solano County Water
21 Agency or Solano Irrigation District.

22 **SEC. 8. EXISTING AUTHORIZATIONS.**

23 (a) IN GENERAL.—Except as otherwise provided in
24 this Act, nothing in this Act affects any authorization in
25 effect as of the date of the enactment of this Act made

1 by any department or agency of the Federal Government
2 for the use of land or water located in the Recreation Area
3 (referred to in this section as an “existing authorization”).

4 (b) ASSUMPTION OF EXISTING AUTHORIZATION.—

5 Not later than 1 year after the date of the enactment of
6 this Act, the Secretary shall assume the administration
7 of any existing authorization, with such revisions as nec-
8 essary to align the authorization with existing law and
9 policies of the Bureau of Land Management.

10 (c) RENEWAL OF EXISTING AUTHORIZATION.—The

11 renewal of any existing authorization shall be made in ac-
12 cordance with such terms and conditions as the Secretary
13 may prescribe.

○