

106TH CONGRESS
1ST SESSION

H. R. 1751

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Carrizo Plain National
5 Conservation Area Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The public lands administered by the Bu-
9 reau of Land Management in the State of California
10 within the Carrizo Plain contain the last remnants

1 of the once vast San Joaquin Valley grasslands that
2 covered a large expanse of central California.

3 (2) As a remnant ecosystem, these lands pro-
4 vide the best remaining contiguous habitat for a
5 number of State or federally listed endangered spe-
6 cies or threatened species, including the San Joa-
7 quin kit fox, the blunt-nosed leopard lizard, the
8 giant kangaroo rat, and the San Joaquin antelope
9 squirrel, and numerous other federally or State list-
10 ed or sensitive plant and animal species. Many other
11 important species of native wildlife inhabit the area,
12 such as pronghorn antelope and tule elk.

13 (3) In addition to its biological diversity,
14 Carrizo Plain contains nationally significant cultural
15 and historical sites which are very important to in-
16 digenous peoples in the area for religious and tradi-
17 tional cultural purposes.

18 (4) The Carrizo Plain area also contains one of
19 the best and most visible exposures of the geologi-
20 cally unique San Andreas fault, which is the bound-
21 ary between the Pacific Plate (on the west) which
22 moves northward relative to the North American
23 Plate (on the east) and has and will continue to play
24 a critical role in the evolution and future of Cali-
25 fornia.

1 (5) The Carrizo Plain offers unique research,
2 interpretive, and educational opportunities, and sig-
3 nificant recreation opportunities for the public.

4 (6) Since 1985, the Carrizo Plain has been co-
5 operatively managed by the Bureau of Land Man-
6 agement, the California Department of Fish and
7 Game, and The Nature Conservancy, each of which
8 owns a part of the Carrizo Plain and all of which
9 work closely together in a manner that makes juris-
10 dictional differences among them nearly transparent.

11 (7) A cooperative management plan has been
12 prepared for the Carrizo Plain by the Bureau of
13 Land Management, the California Department of
14 Fish and Game, and The Nature Conservancy, with
15 full public involvement, that sets the stage for long-
16 term joint management of the area for public use
17 and enjoyment.

18 (8) This management plan is based on the
19 agencies' joint primary mission as set forth in the
20 plan to "manage the Carrizo Plain . . . so indige-
21 nous species interact within a dynamic and fully
22 functioning ecosystem in perpetuity while conserving
23 unique natural and cultural resources and maintain-
24 ing opportunities for compatible scientific, cultural,
25 social, and recreational activities". In this context,

1 and under the basic principles of multiple use and
2 sustained yield, other resource uses, such as live-
3 stock grazing and recreation use, are allowed under
4 the management plan in the conservation area if
5 they are managed in a manner compatible with that
6 primary mission.

7 **SEC. 3. ESTABLISHMENT OF THE NATIONAL CONSERVA-**
8 **TION AREA.**

9 (a) ESTABLISHMENT AND PURPOSES.—To preserve
10 the nationally significant biological, geological, cultural,
11 and recreation values found in the Carrizo Plain, Cali-
12 fornia, as an enduring legacy of our heritage, and to se-
13 cure for future generations the opportunity to experience
14 those values in an environment rich in biological diversity
15 and natural beauty, the area described in subsection (b)
16 is hereby designated as the Carrizo Plain National Con-
17 servation Area.

18 (b) AREA DESCRIBED.—

19 (1) BOUNDARY MAP.—The area referred to in
20 subsection (a) consists of approximately 250,000
21 acres of lands and waters, and interests therein, as
22 generally depicted on the map entitled “Boundary
23 Map, Carrizo Plain National Conservation Area”,
24 dated February 1999.

1 (2) **LEGAL DESCRIPTION.**—As soon as prac-
2 ticable after the date of the enactment of this Act,
3 the Secretary shall file a legal description of the con-
4 servation area with the Committee on Resources of
5 the House of Representatives and with the Com-
6 mittee on Energy and Natural Resources of the Sen-
7 ate. Such legal description shall have the same force
8 and effect as if included in this Act, subject to para-
9 graph (3).

10 (3) **REVISIONS AND CORRECTIONS.**—The Sec-
11 retary may—

12 (A) make minor revisions in the boundary
13 of the conservation area; and

14 (B) correct clerical and typographical er-
15 rors in the map and legal description referred
16 to in paragraphs (1) and (2), respectively.

17 (4) **PUBLIC AVAILABILITY.**—The Secretary
18 shall keep the map and legal description referred to
19 in paragraphs (1) and (2), respectively, on file and
20 available for public inspection in the offices of the
21 Director in the District of Columbia and in Sac-
22 ramento and Bakersfield, California.

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

24 (a) **IN GENERAL.**—The Secretary, acting through the
25 Director, shall manage the public lands within the con-

1 servation area in accordance with all applicable laws and
2 the management plan.

3 (b) REVIEW AND REVISION OF MANAGEMENT
4 PLAN.—The Secretary of the Interior, in cooperation with
5 the Director, the California Department of Fish and
6 Game, affected landowners, and The Nature
7 Conservancy—

8 (1) shall, by not later than 1 year after the date
9 of the enactment of this Act, review the management
10 plan referred to in section 9(4) and make such revi-
11 sions in that plan as are necessary to ensure that it
12 is consistent with the this Act and with the con-
13 servation, enhancement, and protection of the con-
14 servation area; and

15 (2) may from time to time thereafter make
16 such revisions as are necessary to ensure that con-
17 sistency.

18 (c) GIFTS.—The Secretary may accept, receive, hold,
19 administer, and use any gift, devise, or bequest, absolutely
20 or in trust, of real or personal property, including any in-
21 come from or interest in property or any funds, for man-
22 agement of the conservation area for the purposes for
23 which the conservation area is established under section
24 3(a).

25 (d) FUNDING ACCOUNT.—

1 (1) IN GENERAL.—To fund management activi-
2 ties for the conservation area, there is established in
3 the Treasury a separate account to be known as the
4 Carizzo Plain National Conservation Area Manage-
5 ment Fund.

6 (2) CONTENTS.—The account shall consist of—

7 (A) amounts received as fees for activities
8 in the conservation area;

9 (B) amounts received by the United States
10 as a gift, devise, or bequest authorized by sub-
11 section (c); and

12 (C) amounts appropriated to the account.

13 (3) USE.—Amounts in the account shall be
14 available to the Secretary for management of the
15 conservation area pursuant to the purposes for
16 which the conservation is established under section
17 3(a).

18 **SEC. 5. LAND ACQUISITION.**

19 (a) LAND ACQUISITION.—The Secretary may acquire
20 nongovernment, privately owned lands and interests there-
21 in within the conservation area by donation, by exchange,
22 or by purchase with the consent of the owner thereof.

23 (b) MANAGEMENT.—Lands or interests therein with-
24 in the conservation area so acquired by the United States
25 shall, after the date of the enactment of this Act, be incor-

1 porated into and managed as part of the conservation
2 area.

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

4 (a) WITHDRAWAL.—Subject to valid existing rights,
5 all Federal lands within the conservation area, including
6 all lands or interests acquired by the United States after
7 the date of enactment of this Act, are hereby withdrawn
8 from all forms of entry, appropriation, or disposal under
9 the public land laws and from location, entry, and patent
10 under the mining laws of the United States.

11 (b) MINERAL DEVELOPMENT.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), mineral development may occur in the
14 conservation area pursuant to the Act of February
15 25, 1920 (30 U.S.C. 181 et seq.; popularly known
16 as the Mineral Leasing Act), and laws supple-
17 mentary thereto, or the Act of July 31, 1947 (30
18 U.S.C. 601 et seq.; popularly known as the Mate-
19 rials Act of 1947), and laws supplementary thereto,
20 only to the extent that development is consistent
21 with the management plan.

22 (2) STATE AND PRIVATE LANDS AND INTER-
23 ESTS NOT AFFECTED.—This subsection shall not af-
24 fect any State or privately owned lands or interests
25 in lands.

1 **SEC. 7. COOPERATIVE AGREEMENTS.**

2 The Secretary may, consistent with the management
3 plan, enter into any cooperative agreements or shared
4 management arrangements with any person for the pur-
5 poses of management, interpretation, and research of the
6 conservation area's resources.

7 **SEC. 8. NATIVE AMERICAN USES.**

8 (a) NATIVE AMERICAN USES.—The Secretary shall
9 ensure nonexclusive access to and use of the public lands
10 in the conservation area by Native Americans for tradi-
11 tional cultural and religious purposes consistent with the
12 American Indian Religious Freedom Act (42 U.S.C.
13 1996).

14 (b) TEMPORARY CLOSURE.—To implement this sec-
15 tion, the Secretary may from time to time temporarily
16 close to general public use any specific areas of public
17 lands in the conservation area in order to protect the pri-
18 vacy of Native American religious activities in such areas.
19 Any such closure shall be made in such manner as will
20 affect the smallest practicable area for the minimum pe-
21 riod necessary for such purposes.

22 **SEC. 9. DEFINITIONS.**

23 In this Act:

24 (1) CONSERVATION AREA.—The term “con-
25 servation area” means the Carrizo Plain National
26 Conservation Area designated under section 3(a).

1 (2) CALIFORNIA DEPARTMENT OF FISH AND
2 GAME.—The term “California Department of Fish
3 and Game” means the public entity within the State
4 of California’s Resources Agency established by the
5 laws of the State of California to administer the fish
6 and wildlife resources in the State on behalf of the
7 people of California.

8 (3) DIRECTOR.—The term “Director” means
9 the Director of the Bureau of Land Management.

10 (4) MANAGEMENT PLAN.—The term “manage-
11 ment plan” means the management plan developed
12 cooperatively by the Bureau of Land Management,
13 the California Department of Fish and Game, and
14 The Nature Conservancy, entitled “The Carrizo
15 Plain Natural Area Management Plan” and dated
16 November 1996, as such plan may be revised by the
17 Secretary under section 4(b).

18 (5) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (6) THE NATURE CONSERVANCY.—The term
21 “The Nature Conservancy” means the nonprofit or-
22 ganization established under laws of the State of
23 Virginia and doing business in that name.

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