

CARRIZO PLAIN NATIONAL CONSERVATION AREA ACT OF  
2000

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SEPTEMBER 7, 2000.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 1751]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1751) to establish the Carrizo Plain National Conservation Area in the State of California, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The public lands administered by the Bureau of Land Management in the State of California within the Carrizo Plain contain the last remnants of the once vast San Joaquin Valley grasslands that covered a large expanse of central California.

(2) As a remnant ecosystem, these lands provide the best remaining contiguous habitat for a number of State or federally listed endangered species or threatened species, including the San Joaquin kit fox, the blunt-nosed leopard lizard, the giant kangaroo rat, and the San Joaquin antelope squirrel, and numerous other federally or State listed or sensitive plant and animal species. Many other important species of native wildlife inhabit the area, such as pronghorn antelope and tule elk.

(3) In addition to its biological diversity, Carrizo Plain contains nationally significant cultural and historical sites which are very important to indigenous peoples in the area for religious and traditional cultural purposes.

(4) The Carrizo Plain area also contains one of the best and most visible exposures of the geologically unique San Andreas fault, which is the boundary between the Pacific Plate (on the west) which moves northward relative to the

North American Plate (on the east) and has and will continue to play a critical role in the evolution and future of California.

(5) The Carrizo Plain offers unique research, interpretive, and educational opportunities, and significant recreation opportunities for the public.

(6) Since 1985, the Carrizo Plain has been cooperatively managed by the Bureau of Land Management, the California Department of Fish and Game, and The Nature Conservancy, each of which owns a part of the Carrizo Plain and all of which work closely together in a manner that makes jurisdictional differences among them nearly transparent.

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

(8) This management plan is based on the agencies' joint primary mission as set forth in the plan to "manage the Carrizo Plain . . . so indigenous species interact within a dynamic and fully functioning ecosystem in perpetuity while conserving unique natural and cultural resources and maintaining opportunities for compatible scientific, cultural, social, and recreational activities". In this context, and under the basic principles of multiple use and sustained yield, other resource uses, such as livestock grazing and recreation use, are allowed under the management plan in the conservation area if they are managed in a manner compatible with that primary mission.

### SEC. 3. ESTABLISHMENT OF THE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—To preserve the nationally significant biological, geological, cultural, and recreation values found in the Carrizo Plain, California, as an enduring legacy of our heritage, and to secure for future generations the opportunity to experience those values in an environment rich in biological diversity and natural beauty, the area described in subsection (b) is hereby designated as the Carrizo Plain National Conservation Area.

(b) AREA DESCRIBED.—

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

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a legal description of the conservation area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if included in this Act, subject to paragraph (3).

(3) REVISIONS AND CORRECTIONS.—The Secretary may—

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

(B) correct clerical and typographical errors in the map and legal description referred to in paragraphs (1) and (2), respectively.

(4) PUBLIC AVAILABILITY.—The Secretary shall keep the map and legal description referred to in paragraphs (1) and (2), respectively, on file and available for public inspection in the offices of the Director in the District of Columbia and in Sacramento and Bakersfield, California.

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

(a) IN GENERAL.—The Secretary, acting through the Director, shall manage the public lands within the conservation area in a manner that conserves, protects, and enhances its resources and values in accordance with this Act, and pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and in accordance with all applicable laws and the management plan.

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

(c) VEHICULAR USE.—Use of motorized vehicles or mechanized transport in the conservation area is prohibited, except—

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

or

(2) on roads and trails that—

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

(B) are specifically designated for such use as part of the management plan revised pursuant to subsection (g).

(d) HUNTING AND FISHING.—Hunting and fishing shall be permitted within the conservation area in accordance with applicable laws and regulations of the United States and the State of California; except that the Secretary, after consultation with

the California Department of Fish and Game, may issue regulations designating zones where and establishing periods when no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(e) **GRAZING.**—Livestock grazing within the conservation area shall be conducted in a manner that is compatible with the purposes for which the conservation area is established. The management plan revised pursuant to subsection (g) shall specify resource objectives to be met through grazing within the conservation area.

(f) **INTERPRETIVE SITES.**—The Secretary may establish, in cooperation with other public or private entities as the Secretary may consider appropriate, interpretive sites that are minimal in scope to meet administrative and visitor needs of the conservation area. Any facilities for such sites shall be designed to protect cultural, historic, biologic, scientific, and esthetic values of the conservation area.

(g) **REVIEW AND REVISION OF MANAGEMENT PLAN.**—The Secretary of the Interior, in cooperation with the Director, the California Department of Fish and Game, affected landowners, and The Nature Conservancy—

(1) shall, by not later than 1 year after the date of the enactment of this Act, review the management plan referred to in section 9(4) and make such revisions in that plan as are necessary to ensure that it is consistent with the this Act and with the conservation, enhancement, and protection of the conservation area; and

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

(h) **GIFTS.**—The Secretary may accept, receive, hold, administer, and use any gift, devise, or bequest, absolutely or in trust, of real or personal property, including any income from or interest in property or any funds, for management of the conservation area for the purposes for which the conservation area is established under section 3(a).

(i) **FUNDING ACCOUNT.**—

(1) **IN GENERAL.**—To fund management activities for the conservation area, there is established in the Treasury a separate account to be known as the Carrizo Plain National Conservation Area Management Fund.

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

- (A) amounts received as fees for activities in the conservation area;
- (B) amounts received by the United States as a gift, devise, or bequest authorized by subsection (h); and
- (C) amounts appropriated to the account.

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

(j) **ADVISORY COUNCIL.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a Carrizo Plain National Conservation Area Advisory Council to advise the Secretary with respect to preparation and implementation of the management plan pursuant to subsection (g). The Advisory Council shall conform to the requirements of the Federal Advisory Committee Act (88 Stat. 770; 5 U.S.C. App.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) **REPRESENTATION.**—The Advisory Council shall consist of 15 members to be appointed by the Secretary. The members shall be persons with local and regional involvement as well as recognized backgrounds in areas directly related to the purposes for which the conservation area is designated.

#### **SEC. 5. LAND ACQUISITION.**

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

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

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

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

(b) **MINERAL DEVELOPMENT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), mineral development may occur in the conservation area pursuant to the Act of February 25, 1920 (30 U.S.C. 181 et seq.; popularly known as the Mineral Leasing Act), and laws supplementary thereto, or the Act of July 31, 1947 (30 U.S.C. 601 et seq.; popu-

larly known as the Materials Act of 1947), and laws supplementary thereto, only to the extent that development is consistent with the management plan.

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

#### SEC. 7. COOPERATIVE AGREEMENTS.

The Secretary may, consistent with the management plan, enter into any cooperative agreements or shared management arrangements with any person for the purposes of management, interpretation, and research of the conservation area's resources.

#### SEC. 8. NATIVE AMERICAN USES.

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

(b) TEMPORARY CLOSURE.—To implement this section, the Secretary may from time to time temporarily close to general public use any specific areas of public lands in the conservation area in order to protect the privacy of Native American religious activities in such areas. Any such closure shall be made in such manner as will affect the smallest practicable area for the minimum period necessary for such purposes.

#### SEC. 9. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term “conservation area” means the Carrizo Plain National Conservation Area designated under section 3(a).

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

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

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

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

(6) THE NATURE CONSERVANCY.—The term “The Nature Conservancy” means the nonprofit organization established under laws of the State of Virginia and doing business in that name.

#### PURPOSE OF THE BILL

The purpose of H.R. 1751 is to establish the Carrizo Plain National Conservation Area in the State of California, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Carrizo Plain is the remnant of the once-great San Joaquin grasslands that covered central California. The plain is habitat for a variety of wildlife, including many endangered and threatened species. Many scientific and religious sites are also located in the region. The purpose of H.R. 1751 is to preserve the unique ecosystem of the Carrizo Plain while also allowing for numerous scientific, cultural and recreational activities to continue.

The Carrizo Plain National Conservation Area will consist of approximately 250,000 acres. The land shall be administered by the Secretary of the Interior acting through the Bureau of Land Management (BLM). A cooperative management plan has been prepared by the BLM, California Department of Fish and Game, and the Nature Conservancy. It was developed with full public involvement, and sets the stage for long-term public use and enjoyment.

H.R. 1751 provides a one year time period for necessary revisions to the plan so that it is consistent with this bill.

Under H.R. 1751, privately held land within the Conservation Area shall only be acquired by donation, exchange or purchase. Lands or interests in lands held by the government after the date of enactment shall be incorporated into the area. Funds to support this bill will be attained through fees and appropriations from the federal government.

#### COMMITTEE ACTION

H.R. 1751 was introduced by Congresswoman Lois Capps (D-CA) on May 11, 1999. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands and to the Subcommittee on Energy and Mineral Resources. On May 4, 2000, the Subcommittee on National Parks and Public Lands held a hearing on the bill. On July 26, 2000, the Resources Committee met to consider the bill. Both Subcommittees were discharged from further consideration of the bill by unanimous consent. An amendment in the nature of a substitute was offered by Congressman James V. Hansen (R-UT), which restructured the management plan of the Area. The amendment was adopted by voice vote. No further amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.*—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill will provide for the collection and spending of federal receipts of less than \$100,000 annually.

3. *Government Reform Oversight Findings.*—Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and rec-

ommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate*.—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 5, 2000.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1751, the Carrizo Plain National Conservation Area Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 1751—Carrizo Plain National Conservation Area Act of 1999*

Summary: CBO estimates that implementing H.R. 1751 would cost \$18 million over the 2001–2005 period, assuming appropriation of the necessary amounts. Because the bill would affect direct spending and receipts, pay-as-you-go procedures would apply. We estimate, however, that any such impacts would total less than \$500,000 in any given year. H.R. 1751 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 1751 would establish the Carrizo Plain National Conservation Area on about 250,000 acres of land in California. The bill would direct the Secretary of the Interior to manage the public lands within that area in accordance with an existing management plan and would establish a separate account in the Treasury for that purpose. In addition to amounts appropriated to that account, the bill would authorize the Secretary to retain and spend, without further appropriation, fees collected by the federal government for activities in the area as well as any gifts, bequests, or donations received by the Secretary. Finally, H.R. 1751 would authorize the Secretary to acquire nonfederal land within the proposed conservation area by donation, exchange, or purchase from a willing seller.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1751 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION <sup>1</sup>					
Estimated authorization level .....	3	4	5	5	1
Estimated outlays .....	3	3	5	5	2

<sup>1</sup> H.R. 1751 also would affect direct spending and receipts, but by less than \$500,000 a year.

**Basis of estimate:** For this estimate, CBO assumes that H.R. 1751 will be enacted near the start of fiscal year 2001. We also assume that the necessary funds will be appropriated starting in that year and that outlays will follow the historical spending pattern for similar activities. Based on information from the Bureau of Land Management (BLM), CBO estimates that implementing H.R. 1751 would cost \$18 million over the 2001–2005 period, assuming appropriation of the necessary amounts. We also estimate that H.R. 1751 would affect direct spending and receipts, but by less than \$500,000 annually.

#### *Spending subject to appropriation*

Based on information from BLM, CBO estimates that establishing and managing the proposed conservation area would cost \$6 million over the 2001–2005 period. That amount includes the estimated costs of adding staff and administrative services to the area, upgrading and maintaining existing infrastructure and facilities, establishing new interpretive sites, and operating an advisory committee.

H.R. 1751 would authorize the Secretary to acquire nonfederal lands within the boundary of the proposed conservation area. According to the agency, the management plan identified in the bill has targeted about 33,000 acres for acquisition. Based on information from BLM regarding the estimated value of those lands, we estimate that purchasing them would cost \$12 million over the 2001–2005 period.

#### *Direct spending and revenues*

H.R. 1751 would authorize the Secretary to retain and spend, without further appropriation, any fees received for activities within the proposed conservation area. Because the Secretary does not have such authority under current law, enacting this provision would increase direct spending by the amount of those fees. According to the agency, the lands to be included in the proposed area produce less than \$100,000 annually in offsetting receipts from rental and royalty payments from oil and gas producers, permits for rights-of-way and communication sites, and recreation fees. Thus, CBO estimates that authorizing the Secretary to spend those receipts would increase direct spending by less than \$100,000 each year. We estimate that other provisions of H.R. 1751 would not have a significant impact on direct spending.

H.R. 1751 would allow the Secretary to accept gifts, bequests, and donations for the purposes of managing the proposed conservation area. These amounts would be recorded in the budget as governmental receipt (revenues) and the use of any such amounts under this bill would be direct spending. Based on information from BLM, however, CBO estimates that such donations would not be significant in any year.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Pay-as-you-go procedures would apply to H.R. 1751, but CBO estimates that there would be no significant impact on direct spending or receipts in any year.

Intergovernmental and private-sector impact: H.R. 1751 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt State, local, or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

