

# Union Calendar No. 527

113TH CONGRESS  
2D SESSION

# H. R. 4166

[Report No. 113-696]

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2014

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 22, 2014

Additional sponsors: Mr. YOUNG of Alaska, Mr. ROGERS of Michigan, Mr. FITZPATRICK, Ms. LOFGREN, Mr. CLEAVER, Mr. CARSON of Indiana, Mr. CROWLEY, Mr. CAPUANO, Mr. NOLAN, Mr. DOGGETT, Mr. HOYER, Mr. SCHOCK, Mr. HIMES, Mr. SCOTT of Virginia, Mr. SHERMAN, Mr. DEFazio, Ms. LEE of California, Mr. PETERS of California, Ms. MCCOLLUM, Mrs. BACHMANN, Mr. PALLONE, Ms. LORETTA SANCHEZ of California, Mrs. NEGRETE MCLEOD, Mr. HUFFMAN, Mr. KEATING, Mr. SWALWELL of California, Mr. KENNEDY, Mr. LOWENTHAL, Mr. RUPPERSBERGER, Ms. MATSUI, Ms. TSONGAS, Mr. PETERSON, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Ms. ESTY, Ms. ESTY, Mr. BOUSTANY, Mr. BISHOP of New York, Mr. MICHAUD, Mr. CICILLINE, Mr. ISRAEL, Mr. VAN HOLLEN, Mr. FARR, Mr. HASTINGS of Florida, Mr. CONNOLLY, Mr. YARMUTH, Mr. THOMPSON of Pennsylvania, Mr. BLUMENAUER, Mr. PERLMUTTER, Mr. GARAMENDI, Mr. COURTNEY, Mr. GALLEGO, Mr. CASTRO of Texas, Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Ms. KUSTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Mr. CARNEY, Mr. BARROW of Georgia, Mr. ENYART, Mr. NEAL, Mr. CUELLAR, Mr. COOPER, Mr. BISHOP of Georgia, Ms. FRANKEL of Florida, Ms. SLAUGHTER, Mr. LEVIN, Mr. DANNY K. DAVIS of Illinois, Mr. RANGEL, Ms. HAHN, Mr. PASCRELL, Mr. MCDERMOTT, Mr. LEWIS, Mr. GERLACH, Mr. BARBER, Ms. DEGETTE, Mr. TONKO, Mr. VEASEY, Mr. GARCIA, Mr. HIGGINS, Mr. OWENS, Mr. VELA, Mr. MAFFEI, Mr. WAXMAN, Mr. SCHRADER, Mr. BROUN of Georgia, Mr. JONES, Mr.

GUTIÉRREZ, Mr. JOHNSON of Georgia, Ms. PINGREE of Maine, Mr. SESSIONS, Mr. CALVERT, Mr. CUMMINGS, Mr. NUNES, Mr. GOWDY, Mr. CONYERS, Mr. CÁRDENAS, Mr. RAHALL, Ms. SCHAKOWSKY, Mr. O’ROURKE, Mr. COSTA, Ms. SPEIER, Mr. PETERS of Michigan, Mr. DEUTCH, Mr. MURPHY of Florida, Ms. ESHOO, Ms. CHU, Mr. TIBERI, Mr. GRIFFIN of Arkansas, Mr. LATTA, Ms. FUDGE, Mrs. MCCARTHY of New York, Mr. COOK, Mr. MORAN, Mr. KIND, Mr. SHIMKUS, Mr. BUCHANAN, Mr. BRADY of Texas, Mr. BENISHEK, Mr. GARY G. MILLER of California, Mr. DENHAM, Mr. SCHIFF, Mrs. CAPPS, Mrs. DAVIS of California, Mr. HORSFORD, Ms. KELLY of Illinois, Ms. WATERS, Ms. CLARK of Massachusetts, Mrs. BEATTY, Mr. LOBIONDO, Mr. KING of New York, Mrs. BROOKS of Indiana, Mr. HUNTER, Ms. HANABUSA, Mr. VARGAS, Mr. KILDEE, Ms. VELÁZQUEZ, Mr. MILLER of Florida, Mr. WESTMORELAND, Mr. TAKANO, Mr. ENGEL, Mr. HECK of Washington, Ms. ROYBAL-ALLARD, Mr. BARLETTA, Ms. LINDA T. SÁNCHEZ of California, Mr. BUTTERFIELD, Mr. PAYNE, Mr. KILMER, Mr. DINGELL, Mr. TERRY, Ms. WASSERMAN SCHULTZ, Mr. SCHNEIDER, Mr. BECERRA, Mr. RUIZ, Mr. HONDA, Mr. HOLT, Ms. BASS, Ms. KAPTUR, Mr. RUSH, Mr. LARSON of Connecticut, Mr. DAVID SCOTT of Georgia, Mr. WOLF, Ms. DELBENE, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. GRIJALVA, Mr. CAMPBELL, Mr. WOMACK, Mr. SMITH of Washington, Mr. PRICE of North Carolina, Ms. SINEMA, Mr. DELANEY, Ms. BONAMICI, Mr. POLIS, Mr. LARSEN of Washington, Mr. LANGEVIN, Ms. GABBARD, Mr. BERA of California, Mr. VISCLOSKEY, Mr. WELCH, Ms. JACKSON LEE, Ms. SEWELL of Alabama, Ms. DELAURO, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. FATTAH, Mr. RYAN of Ohio, Mr. WALZ, Mr. ELLISON, Mr. MCGOVERN, Mr. BRALEY of Iowa, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LOEBSACK, Ms. SHEA-PORTER, Mr. BRADY of Pennsylvania, Mr. SIRES, Mr. RICHMOND, Mr. DOYLE, Mr. TIERNEY, Ms. CASTOR of Florida, Mrs. LOWEY, Mr. BEN RAY LUJÁN of New Mexico, Mr. PASTOR of Arizona, Ms. TITUS, Ms. MENG, Ms. MOORE, Mr. MCINTYRE, Mr. GRAYSON, Mr. SERRANO, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. BROWN of Florida, Ms. WILSON of Florida, Ms. CLARKE of New York, Ms. EDWARDS, Mr. POCAN, Mr. MEEKS, Mr. POE of Texas, Mr. COLE, Mr. CRENSHAW, Mr. DENT, Mr. BILIRAKIS, Mr. MEEHAN, Mr. HANNA, Mr. COHEN, and Mr. LAMALFA

DECEMBER 22, 2014

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 March 6, 2014]

# **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 2014”.*

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. Transfer of administrative jurisdiction.*

*Sec. 5. Management of Recreation Area.*

*Sec. 6. Continued authorities of Commissioner of Reclamation.*

*Sec. 7. Existing authorizations.*

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

9 (a) *FINDINGS.*—*Congress finds that—*

10 (1) *the Monticello Dam—*

11 (A) *was authorized by the Reclamation*  
12 *Project Act of 1939 (53 Stat. 1187);*

13 (B) *resulted in the formation of Lake*  
14 *Berryessa; and*

15 (C) *is operated by the Bureau of Reclama-*  
16 *tion;*

17 (2) *Lake Berryessa—*

18 (A) *covers approximately 28,915 acres of*  
19 *surface water and land;*

20 (B) *has 165 miles of shoreline;*

21 (C) *has a 2,000 acre wildlife area on the*  
22 *east side;*

1                   (D) is located less than 100 miles from both  
2                   Sacramento, California and San Francisco,  
3                   California; and

4                   (E) has become an important regional  
5                   recreation destination; and

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

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

9                   (1) to provide diverse, high quality recreational  
10                  facilities and services on the water and land sur-  
11                  rounding Lake Berryessa;

12                  (2) to conserve the natural, scenic, scientific, his-  
13                  toric, economic, recreational, and other resource val-  
14                  ues contributing to the public use and enjoyment of  
15                  that land and water;

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

19                  (4) to authorize the Secretary to manage certain  
20                  resources under the Bureau of Land Management;  
21                  and

22                  (5) to transfer administrative jurisdiction over  
23                  certain Federal land for management as a unit of the  
24                  Bureau of Land Management.

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *DAM.*—*The term “Dam” means—*

4 (A) *the Monticello Dam; and*

5 (B) *any facility relating to the Monticello*  
6 *Dam.*

7 (2) *RECREATION AREA.*—*The term “Recreation*  
8 *Area” means the Lake Berryessa Recreation Area des-*  
9 *ignated by section 4(a).*

10 (3) *SECRETARY.*—*The term “Secretary” means*  
11 *the Secretary of the Interior.*

12 (4) *STATE.*—*The term “State” means the State*  
13 *of California.*

14 **SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

15 (a) *ESTABLISHMENT.*—*Subject to valid existing rights,*  
16 *there is established the Lake Berryessa Recreational Area,*  
17 *the boundaries of which are described in subsection (c). In*  
18 *administering the Recreation Area, the Secretary shall*  
19 *not—*

20 (1) *diminish the levels of day-use occupancy,*  
21 *short-term occupancy and annual occupancy as set*  
22 *forth in the recreational use plan adopted by the Bu-*  
23 *reau of Reclamation on June 2, 2006, for the Recre-*  
24 *ation Area;*

25 (2) *diminish motorized boating or alter the*  
26 *“Water Surface Zoning and Restrictions” developed*

1        *under Action 17 of the 1993 Recreation Area Manage-*  
2        *ment Plan Record of Decision and continued in the*  
3        *recreational use plan adopted by the Bureau of Rec-*  
4        *lamation on June 2, 2006, for the Recreation Area;*

5            *(3) close trails or limit recreational hiking and*  
6        *equine access to trails on lands in the Recreation*  
7        *Area; and*

8            *(4) negatively impact hunting, fishing, shooting*  
9        *sports, or trapping on the lands and waters within*  
10       *the boundaries of the Recreation Area.*

11        *(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—*  
12       *Administrative jurisdiction over the Federal land described*  
13       *in subsection (c), including any improvements thereon, is*  
14       *transferred from the Bureau of Reclamation to the Bureau*  
15       *of Land Management for administration of the Recreation*  
16       *Area.*

17        *(c) DESCRIPTION OF LAND.—The land referred to in*  
18       *subsection (a) is the approximately 30,221 acres of land ad-*  
19       *ministered by the Bureau of Reclamation that is underlying*  
20       *or adjacent to Lake Berryessa and identified as “Lake*  
21       *Berryessa Reclamation Lands Solono Project” on the map*  
22       *dated September 15, 2014.*

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

24        *(a) IN GENERAL.—Subject to the authority of the Sec-*  
25       *retary under section 6, the Secretary shall manage the*



1 *Recreation Area in accordance with sections 601 through*  
2 *604 of Public Law 93–493.*

3 (b) *APPLICABLE LAW.*—*Subject to valid existing*  
4 *rights, the Secretary shall administer the Recreation Area*  
5 *in accordance with laws (including regulations) applicable*  
6 *to units of the public lands of the Bureau of Land Manage-*  
7 *ment.*

8 (c) *WATERS.*—*Nothing in this Act—*

9 (1) *affects the use or allocation, in existence on*  
10 *the date of the enactment of this Act, of any water,*  
11 *water right, or interest in water;*

12 (2) *affects any vested absolute or decreed condi-*  
13 *tional water right in existence on the date of the en-*  
14 *actment of this Act, including any water right held*  
15 *by the United States;*

16 (3) *affects any interstate water compact in exist-*  
17 *ence on the date of the enactment of this Act;*

18 (4) *authorizes or imposes any new reserved Fed-*  
19 *eral water rights;*

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

24 (6) *impairs the ability of the Bureau of Rec-*  
25 *lamation and its managing partners to operate,*

1       *maintain, or manage Monticello Dam and other So-*  
2       *lano Project facilities in accordance with the purposes*  
3       *of such project; or*

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

8       (d) *EXISTING AGREEMENTS.—To benefit the interests*  
9       *of the public, the Secretary shall act in accordance with*  
10       *any agreement in existence on the date of the enactment*  
11       *of this Act, including those with any organization for the*  
12       *management of—*

13             (1) *campgrounds located in the Recreation Area;*

14             (2) *marinas located in the Recreation Area;*

15             (3) *lodging facilities located in the Recreation*  
16       *Area;*

17             (4) *food and beverage services located in the*  
18       *Recreation Area; and*

19             (5) *boating and boat rental facilities located in*  
20       *the Recreation Area.*

21       (e) *ADOPTION OF RECREATIONAL USE PLAN.—To*  
22       *manage the Recreation Area, the Secretary shall adopt and*  
23       *use the recreational use plan adopted by the Bureau of Rec-*  
24       *lamation on June 2, 2006, for the Recreational Area. The*  
25       *adoption of this plan shall not constitute a major federal*

1 *action for the purposes of the National Environmental Pol-*  
2 *icy Act of 1969 (42 U.S.C. 4321 et seq.). This action is*  
3 *not subject to judicial review.*

4 **SEC. 6. CONTINUED AUTHORITIES OF COMMISSIONER OF**  
5 **RECLAMATION.**

6 *Nothing in this Act or any subsequent management*  
7 *plan shall impair the ability of the Bureau of Reclamation*  
8 *and its managing partners to operate, maintain, or manage*  
9 *Monticello Dam, Lake Berryessa, and other Solano Project*  
10 *facilities in accordance with that project's authorized pur-*  
11 *poses. The Commissioner of Reclamation shall continue to*  
12 *administer and operate—*

13 *(1) the Dam; and*

14 *(2) any power facility relating to the Dam.*

15 **SEC. 7. EXISTING AUTHORIZATIONS.**

16 *(a) IN GENERAL.—Except as provided in subsections*  
17 *(b) and (c), nothing in this Act affects any authorization*  
18 *in effect as of the date of the enactment of this Act made*  
19 *by any department or agency of the Federal Government*  
20 *for the use of land or water located within the Recreation*  
21 *Area (referred to in this section as an “existing authoriza-*  
22 *tion”).*

23 *(b) ASSUMPTION OF EXISTING AUTHORIZATION.—Not*  
24 *later than 1 year after the date of the enactment of this*  
25 *Act, the Secretary shall assume the administration of any*

1 *existing authorization, with such revisions as necessary to*  
2 *align the authorization with existing law and policies of*  
3 *the Bureau of Land Management.*

4       *(c) RENEWAL OF EXISTING AUTHORIZATION.—The re-*  
5 *newal of any existing authorization shall be made in ac-*  
6 *cordance with such terms and conditions as the Secretary*  
7 *may prescribe.*



Union Calendar No. 527

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4166**

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## **A BILL**

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DECEMBER 22, 2014

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