

112TH CONGRESS  
1ST SESSION

# S. 173

To establish the Sacramento River National Recreation Area in the State of California.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the Sacramento River National Recreation Area in the State of California.

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 “Sacramento River Na-  
5       tional Recreation Area Act of 2011”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **ADVISORY COUNCIL.**—The term “Advisory  
9       Council” means the Sacramento River National

1 Recreation Area Advisory Council established by sec-  
2 tion 5(a).

3 (2) MANAGEMENT PLAN.—The term “manage-  
4 ment plan” means the management plan for the  
5 Recreation Area prepared under section 4(c).

6 (3) RECREATION AREA.—The term “Recreation  
7 Area” means the Sacramento River National Recre-  
8 ation Area.

9 (4) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Interior.

11 (5) STATE.—The term “State” means the State  
12 of California.

13 **SEC. 3. ESTABLISHMENT OF SACRAMENTO RIVER NA-**  
14 **TIONAL RECREATION AREA.**

15 (a) IN GENERAL.—To conserve, protect, and enhance  
16 the landscape described in subsection (b) in order to pro-  
17 mote the outstanding recreational, ecological, geological,  
18 scenic, cultural, and historic resources, fish and wildlife  
19 values, and other resources of the landscape, there is es-  
20 tablished the Sacramento River National Recreation Area  
21 in the State, to be managed by the Secretary.

22 (b) BOUNDARIES.—The Recreation Area shall consist  
23 of approximately 17,869 acres of Federal land in Tehama  
24 County and Shasta County, California, adjacent to the  
25 Sacramento River, lower Battle Creek, and lower Paynes

1 Creek, as generally depicted on the map entitled “Sac-  
2 ramento River National Recreation Area” and dated Feb-  
3 ruary 2, 2010.

4 (c) MAP.—

5 (1) IN GENERAL.—As soon as practicable, but  
6 not later than 3 years, after the date of enactment  
7 of this Act, the Secretary shall submit a map and  
8 legal description of the Recreation Area to—

9 (A) the Committee on Energy and Natural  
10 Resources of the Senate; and

11 (B) the Committee on Natural Resources  
12 of the House of Representatives.

13 (2) EFFECT.—The map and legal description  
14 submitted under paragraph (1) shall have the same  
15 force and effect as if included in this Act, except  
16 that the Secretary may correct any clerical and typo-  
17 graphical errors in the map and legal description.

18 (3) AVAILABILITY.—Copies of the map sub-  
19 mitted under paragraph (1) shall be on file and  
20 available for public inspection in—

21 (A) the Office of the Director of the Bu-  
22 reau of Land Management; and

23 (B) the appropriate office of the Bureau of  
24 Land Management in California.

1 (d) INCLUSION IN NATIONAL LANDSCAPE CON-  
2 SERVATION SYSTEM.—The Recreation Area shall be in-  
3 cluded in the National Landscape Conservation System.

4 **SEC. 4. MANAGEMENT.**

5 (a) IN GENERAL.—The Secretary shall manage the  
6 Recreation Area to further the purposes described in sec-  
7 tion 3(a), in accordance with—

8 (1) this Act;

9 (2) the Federal Land Policy and Management  
10 Act of 1976 (43 U.S.C. 1701 et seq.); and

11 (3) any other applicable law.

12 (b) USES.—The Secretary shall only allow uses of the  
13 Recreation Area that would further the purposes for which  
14 the area is designated, as described in section 3(a).

15 (c) RECREATION AREA MANAGEMENT PLAN.—

16 (1) IN GENERAL.—Not later than 3 years after  
17 the date of enactment of this Act, the Secretary  
18 shall submit a comprehensive plan for the long-range  
19 protection and management of the Recreation Area  
20 to—

21 (A) the Committee on Energy and Natural  
22 Resources of the Senate; and

23 (B) the Committee on Natural Resources  
24 of the House of Representatives.

1           (2) CONTENTS OF PLAN.—The management  
2 plan—

3           (A) shall describe the appropriate uses and  
4 management of the Recreation Area in accord-  
5 ance with this Act;

6           (B) may incorporate any appropriate deci-  
7 sions, as determined by the Secretary, in ac-  
8 cordance with this Act, that are contained in  
9 any management or activity plan for the area  
10 completed before the date of enactment of this  
11 Act;

12           (C) may incorporate appropriate wildlife  
13 habitat management plans or other plans pre-  
14 pared for the land within or adjacent to the  
15 Recreation Area before the date of enactment of  
16 this Act, in accordance with this Act;

17           (D) shall include a monitoring and enforce-  
18 ment strategy;

19           (E) shall be prepared in consultation  
20 with—

21           (i) the Sacramento River National  
22 Recreation Area Advisory Council;

23           (ii) appropriate Federal, State, and  
24 local agencies (including Tehama County  
25 and Shasta County, California);

1 (iii) adjacent landowners; and

2 (iv) other stakeholders; and

3 (F) may use information developed under  
4 any studies of land within or adjacent to the  
5 Recreation Area carried out before the date of  
6 enactment of this Act.

7 (d) ACQUISITION OF PROPERTY.—

8 (1) IN GENERAL.—The Secretary may acquire  
9 land adjacent to the National Recreation Area by  
10 purchase from willing sellers, donation, or exchange.

11 (2) MANAGEMENT.—Any land acquired under  
12 paragraph (1) shall be managed in accordance  
13 with—

14 (A) the Federal Land Policy and Manage-  
15 ment Act of 1976 (43 U.S.C. 1701 et seq.);

16 (B) this Act; and

17 (C) any other applicable law (including  
18 regulations).

19 (3) IMPROVED ACCESS.—The Secretary may ac-  
20 quire, through voluntary sale, donation, exchange, or  
21 easement, land or interest in land to improve public  
22 safety in providing access to the Recreation Area.

23 (e) PRIVATE PROPERTY.—

24 (1) ACCESS TO PRIVATE PROPERTY.—

1           (A) IN GENERAL.—The Secretary shall  
2           provide landowners adequate access to  
3           inholdings within the Recreation Area.

4           (B) INHOLDINGS.—For access purposes,  
5           private land adjacent to the Recreation Area to  
6           which there is no other practicable access ex-  
7           cept through the Recreation Area shall be man-  
8           aged as an inholding.

9           (2) USE OF PRIVATE PROPERTY.—Nothing in  
10          this Act affects the ownership, management, or  
11          other rights relating to any non-Federal land (in-  
12          cluding any interest in any non-Federal land).

13          (3) BUFFER ZONES.—Nothing in this Act cre-  
14          ates a protective perimeter or buffer zone around  
15          any area designated as a Recreation Area by this  
16          Act.

17          (4) VALID RIGHTS.—Nothing in this Act affects  
18          any easements, rights-of-way, and other valid rights  
19          in existence on the date of enactment of this Act.

20          (f) WATER RIGHT EXCLUSION.—Nothing in this  
21          Act—

22                 (1) shall constitute or be construed to con-  
23                 stitute either an express or implied reservation by  
24                 the United States of any water or water rights with

1 respect to the land designated as a National Recre-  
2 ation Area by section 3(a); or

3 (2) shall affect any water rights existing on the  
4 date of enactment of this Act.

5 (g) HUNTING AND FISHING.—Nothing in this Act—

6 (1) limits hunting or fishing; or

7 (2) affects the authority, jurisdiction, or respon-  
8 sibility of the State to manage, control, or regulate  
9 fish and resident wildlife under State law (including  
10 regulations), including the regulation of hunting or  
11 fishing on public land managed by the Bureau of  
12 Land Management.

13 (h) MOTORIZED VEHICLES.—Except in cases in  
14 which motorized vehicles are needed for administrative  
15 purposes or to respond to an emergency, the use of motor-  
16 ized vehicles on public land in the Recreation Area shall  
17 be permitted only on routes designated by the manage-  
18 ment plan for the use of motorized vehicles.

19 (i) MOTORIZED BOATS.—

20 (1) IN GENERAL.—Nothing in this Act restricts  
21 the use of motorized boats on the Sacramento River.

22 (2) REGULATION.—Tehama County and Shasta  
23 County, California, and the California Department  
24 of Boating and Waterways shall retain authority to

1 regulate motorized boating for the purpose of ensur-  
2 ing public safety and environmental protection.

3 (j) GRAZING.—In the Recreation Area, the grazing  
4 of livestock in areas in which grazing is allowed as of the  
5 date of enactment of this Act shall be allowed to continue,  
6 consistent with—

7 (1) this Act;

8 (2) the Federal Land Policy and Management  
9 Act of 1976 (43 U.S.C. 1701 et seq.); and

10 (3) any regulations promulgated by the Sec-  
11 retary, acting through the Director of the Bureau of  
12 Land Management.

13 (k) WITHDRAWAL.—Subject to valid existing rights,  
14 all Federal land within the Recreation Area is withdrawn  
15 from—

16 (1) all forms of entry, appropriation, and dis-  
17 posal under the public land laws;

18 (2) location, entry, and patenting under the  
19 mining laws; and

20 (3) operation of the mineral leasing, mineral  
21 materials, and geothermal leasing laws.

1 **SEC. 5. SACRAMENTO RIVER NATIONAL RECREATION AREA**  
2 **ADVISORY COUNCIL.**

3 (a) ESTABLISHMENT.—There is established an advi-  
4 sory council to be known as the “Sacramento River Na-  
5 tional Recreation Area Advisory Council”.

6 (b) PURPOSE.—The purposes of the Advisory Council  
7 are—

8 (1) to ensure public involvement in the manage-  
9 ment of the Recreation Area;

10 (2) to provide advice and recommendations to  
11 the Secretary relating to the development, implemen-  
12 tation, and amendment of the management plan;  
13 and

14 (3) to improve collaborative relationships among  
15 persons and entities interested in the management of  
16 the Recreation Area.

17 (c) COMPOSITION OF COUNCIL.—The Advisory Coun-  
18 cil shall consist of 11 members, of whom—

19 (1) 3 members shall be appointed by the Sec-  
20 retary, based on recommendations from the Board  
21 of Supervisors of Tehama County, to represent  
22 Tehama County, California;

23 (2) 1 member shall be appointed by the Sec-  
24 retary, based on recommendations from the Board  
25 of Supervisors of Shasta County, to represent Shas-  
26 ta County, California;

1           (3) 1 member shall be appointed by the Sec-  
2           retary to represent the conservation community that  
3           is carrying out conservation activities in or near the  
4           Recreation Area;

5           (4) 1 member shall be appointed by the Sec-  
6           retary from the livestock grazing community in or  
7           near the Recreation Area;

8           (5) 1 member shall be appointed by the Sec-  
9           retary to represent Indian tribes in or near the  
10          Recreation Area; and

11          (6) 4 members shall be appointed by the Sec-  
12          retary to represent different sectors of the recreation  
13          community that are carrying out activities in or near  
14          the Recreation Area.

15          (d) TERMS.—

16           (1) IN GENERAL.—Except as provided in para-  
17           graph (3), a member of the Advisory Council shall  
18           be appointed to a term of 4 years.

19           (2) REAPPOINTMENT.—A member of the Advi-  
20           sory Council may be reappointed to additional 4-year  
21           terms.

22           (3) INITIAL TERM.—Of the members initially  
23           appointed to the Advisory Council—

24           (A) 5 shall be appointed for a term of 2  
25           years; and

1 (B) 6 shall be appointed for a term of 4  
2 years.

3 (e) CHAIRPERSON.—

4 (1) IN GENERAL.—The Advisory Council shall  
5 elect a member of the Advisory Council to serve as  
6 chairperson of the Advisory Council.

7 (2) TERM.—The chairperson of the Advisory  
8 Council shall serve for a term of 1 year.

9 (3) REELECTION.—The chairperson may be re-  
10 elected for additional 1-year terms.

11 (f) CONSULTATION WITH SECRETARY.—The Sec-  
12 retary shall consult with the Advisory Council on a peri-  
13 odic basis to discuss matters relating to the development  
14 and implementation of the management plan for the  
15 Recreation Area.

16 (g) MEETINGS.—

17 (1) IN GENERAL.—The Advisory Council shall  
18 meet—

19 (A) at the call of the Secretary; but

20 (B) not less than—

21 (i) 4 times annually while the man-  
22 agement plan is being developed, unless a  
23 majority of members of the Advisory Coun-  
24 cil determine the meetings to be unneces-  
25 sary; and

1 (ii) not less than annually after the  
2 management plan is completed.

3 (2) PUBLIC ACCESS.—All meetings of the Advi-  
4 sory Council shall be open to the public.

5 (3) PUBLIC COMMENTS.—During meetings, the  
6 Advisory Council shall provide interested persons a  
7 reasonable opportunity to comment on the manage-  
8 ment of the Recreation Area.

9 (4) NOTICE.—The Secretary shall provide ap-  
10 propriate notice of the time, date, and location of  
11 each meeting of the Advisory Council.

12 (h) COMPENSATION.—Members of the Advisory  
13 Council shall serve without pay.

14 (i) TERMINATION.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (2), the Advisory Council shall terminate on  
17 the date that is 20 years after the date of enactment  
18 of this Act.

19 (2) EXCEPTION.—The Secretary may, at the re-  
20 quest of the Advisory Council, extend the authority  
21 of the Advisory Council beyond the date specified in  
22 paragraph (1).

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out

3 this Act such sums as are necessary.

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