

## Calendar No. 622

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### BERRYESSA SNOW MOUNTAIN NATIONAL MONUMENT EXPANSION

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DECEMBER 12, 2022.—Ordered to be printed

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Mr. MANCHIN, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 4080]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 4080), to modify the boundary of the Berryessa Snow Mountain National Monument to include certain Federal land in Lake County, California, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of S. 4080 is to modify the boundary of the Berryessa Snow Mountain National Monument to include certain Federal land in Lake County, California.

#### BACKGROUND AND NEED

Berryessa Snow Mountain National Monument was established in 2015 by Presidential Proclamation 9298 under the authority of the Antiquities Act. The 330,000 acre National Monument is managed jointly by the Bureau of Land Management and the Forest Service, and provides for outdoor recreational opportunities, important habitat for fish and wildlife, and contains significant cultural and historic resources that are significant to over two dozen federally recognized tribes.

S. 4080 would add over 3,900 acres of Federal land to the National Monument, known as Walker Ridge (which would be re-

named to Molok Luyak, or “Condor Ridge” in the Patwin language), adjacent to the existing National Monument boundary.

#### LEGISLATIVE HISTORY

S. 4080 was introduced by Senators Padilla and Feinstein on April 25, 2022. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 4080 on June 7, 2022.

Representative Garamendi introduced a companion bill, H.R. 6366, in the House of Representatives on January 10, 2022. The House Committee on Natural Resources’ Subcommittee on National Parks, Forests, and Public Lands held a hearing on the bill on March 1, 2022.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 21, 2022, by a voice vote of a quorum present, recommends that the Senate pass S. 4080. Senator Lee asked to be recorded as voting no.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 provides the bill’s short title, the “Berryessa Snow Mountain National Monument Expansion Act.”

##### *Sec. 2. Definitions*

Section 2 defines key terms used in the bill.

##### *Sec. 3. National Monument expansion*

*Section 3(a)* expands boundary of Berryessa Snow Mountain National Monument to include the adjacent 3,925-acre Walker Ridge (Molok Luyuk) parcel in Lake County, CA administered by Bureau of Land Management (BLM).

*Subsection (b)* authorizes the Secretary to make correction to the map, requires the map to be publicly available on BLM website, and the map shall have the same force as if included in the Act.

*Subsection (c)* directs Secretary of the Interior to administer the added Walker Ridge (Molok Luyuk) parcel in accordance with Presidential Proclamation 9298 (which established Berryessa Snow Mountain National Monument), and other applicable laws and regulations.

##### *Sec. 4. Management plan*

*Section 4 (a)* requires Secretary of the Interior and the Secretary of Agriculture to jointly develop a comprehensive management plan within 1 year of enactment in accordance with the Presidential Proclamation 9298.

*Subsection (b)* requires federal land management agencies to consult with federally recognized tribes in developing the management plan and its implementation.

*Subsection (c)* requires the management plan to include parameters for continued, meaningful engagement with federally recognized tribes for implementation of the management plan.

*Subsection (d)* states that nothing in this Act affects fire mitigation or suppression activities.

*Sec. 5. Agreements and partnerships*

*Section 5* requires the federal land management agencies, to the maximum extent practicable and in accordance with applicable laws, to enter into cooperative agreements and collaborative partnerships regarding the management of the National Monument, if requested by affected federally recognized tribe. Each of the listed federal laws or presidential/secretarial orders provides an existing authority for such cooperative management with federally recognized tribes.

*Sec. 6. Designation of Condor Ridge (Molok Luyuk) in Lake and Colusa Counties, California*

*Section 6(a)* renames Walker Ridge in both Lake and Colusa Counties to “Condor Ridge (Molok Luyuk)” in the Patwin language and the English translation of that name.

*Subsection (b)* requires any reference to the property in laws, maps, regulations, documents or other records to be “Condor Ridge (Molok Luyuk).”

*Subsection (c)* requires the Board of Geographic Names to develop a map and legal description of the property in consultation with Bureau of Land Management and recognized tribes, and to be able to correct technical errors. Requires the map to available for the public on the agencies’ websites.

COST AND BUDGETARY CONSIDERATIONS

On November 21, 2022, the Congressional Budget Office provided a table entitled “Summary Estimates of Legislation Ordered Reported” by the Committee during the 117th Congress. The table states that:

“CBO estimates that enacting S. 4080 would have an insignificant effect on direct spending and no effect on revenues over the 2023–2032 period. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.”

Separately in the table, CBO estimates the “insignificant effect on direct spending” as “between zero and \$500,000” and the revenues as “0.”

The table is posted at [www.cbo.gov](http://www.cbo.gov).

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 21, 2022.*

Hon. JOE MANCHIN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects and mandates information for some of the legislation that has been ordered reported by the Senate Committee on Energy and Natural Resources during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 4080. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 4080, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 4080, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimonies provided by the Department of the Interior and the Department of Agriculture at the June 7, 2022, hearing on S. 4080 follows:

STATEMENT OF NADA WOLFF CULVER, DEPUTY DIRECTOR,  
POLICY & PROGRAMS, BUREAU OF LAND MANAGEMENT,  
U.S. DEPARTMENT OF THE INTERIOR

S. 4080, Berryessa Snow Mountain National Monument Expansion Act S. 4080, Berryessa Snow Mountain National Monument Expansion Act, would add approximately 3,900 acres of land managed by the BLM to the Berryessa Snow Mountain National Monument in Lake County, California. Befitting the area's cultural significance to the many Tribes in this region, the bill renames the area commonly known as "Walker Ridge" to Condor Ridge, or Molok Luyuk in the Patwin language. The bill directs the Board of Geographic Names and the BLM to formally change all references in law, map, regulation, or other records to reflect the name change.

The bill (Section 4) also directs the BLM and the USFS to complete a comprehensive management plan for the National Monument within one year of enactment. It requires the agencies to consult with affected Federally recognized Indian Tribes on the development of the monument plan and to establish parameters for continued meaningful engagement in subsequent management decisions.

Finally, S. 4080 (Section 5) provides opportunities for the BLM and the USFS to enter into cooperative agreements and other financial partnership instruments with Federally recognized Indian Tribes for management of the National Monument.

#### ANALYSIS

The Berryessa Snow Mountain National Monument was established by President Obama's Presidential Proclamation 9298 on July 10, 2015, in order to protect its rich biodiversity, including rare endemic species, unique serpentine outcrops, relic prairies, and riparian habitats. In addition to providing essential habitat for fish and wildlife, the area is important for scientific study, prehistoric and historic preservation, and exceptional outdoor recreational opportunities. The lands within the national monument are some of the most scenic in northern California, ranging from rolling oak-studded hillsides to steep canyons and ridgelines with expansive views. These lands retain deep cultural significance for roughly two dozen Federally recognized Indian Tribes who inhabited them for at least the last 11,000 years.

Encompassing more than 330,000 acres of public land, the Berryessa Snow Mountain National Monument is jointly managed by the BLM (approximately 133,000 acres) and the USFS (approximately 197,000 acres). The addition of Molok Luyuk to the Berryessa Snow Mountain National Monument as outlined in S. 4080 aligns with the Administration's conservation goals, and the Department supports the bill.

The BLM would like to work with the Sponsor on a few modifications including extending the timeframe outlined in S. 4080 to complete the comprehensive management plan for the monument. The BLM notes that thoughtful and deliberative land use planning efforts can take 24 several years to complete, including public involvement and fulfilling requirements under the NEPA and each agencies' planning regulations. Including more achievable timelines would allow for robust public comment and coordination with Tribes through the planning process.

The Department appreciates the bill's direction to continue to work with Federally recognized tribes for the management of the National Monument. Since its establishment, both the BLM the USFS have worked to carefully manage the objects and values identified in Presidential Proclamation 9298. The agencies have held several community conversations to gather public input and build a shared vision for stewardship of the monument, including a workshop held in January with the Yocha Dehe Wintun Nation, where the BLM discussed projects and possible collaboration with the Tribe. Additionally, the BLM has created and filled a new Tribal Liaison position in California to facilitate consultation and collaboration with Tribes.

The BLM notes this aspect of the bill aligns with the Administration's efforts to strengthen opportunities for Tribal engagement in the management of Federal lands. In January 2021, President Biden established his commitment to strengthen nation-to-nation relationships in his Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships. Consultation and collaboration are essential for Tribal governments to shape decisions for the protection of sacred sites and traditional cultural properties, conservation of native plants and wildlife, recreation, and other uses and values of the monument.

Furthermore, President Biden recently built upon this commitment in announcing that the Department the USDA created the "Tribal Homelands Initiative." Through a joint Secretarial Order 3403, the two Departments codified a policy to facilitate agreements with Tribes to collaborate in the co-stewardship of Federal lands and waters. Moreover, the Departments have also entered into a memorandum of understanding signed by eight agencies, which will increase collaboration with Tribes to ensure stewardship and access to sites, and incorporate traditional ecological knowledge into management, treatment, and protection procedures. The Administration recognizes and affirms that the United States' trust and treaty obligations are an integral part of each Department's responsibilities for managing Federal lands.

TESTIMONY OF CHRISTOPHER FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE

S. 4080, the "Berryessa Snow Mountain National Monument Expansion Act" would expand the boundary of the Berryessa Snow Mountain National Monument to include the Walker Ridge (Molok Luyuk) Addition, which is approximately 3,925 acres of Federal land administered by the U.S. Department of the Interior's Bureau of Land Management (BLM) in Lake County, California. The Secretary of the Interior would administer the Walker Ridge (Molok Luyuk) Addition as part of the expanded Berryessa Snow Mountain National Monument.

The proposed Walker Ridge (Molok Luyuk) Addition would be managed by the Department of the Interior (DOI). As such, USDA defers comments on inclusion of these lands into the Berryessa Snow Mountain National Monument to the Secretary of the Interior.

The Mendocino National Forest has completed its administrative requirements for their Land Management Plan pertaining to protection of objects of interest identified in the executive proclamation of the Berryessa Snow Mountain National Monument. Because the proposed Walker Ridge (Molok Luyuk) Addition is solely on BLM-managed lands, the Forest Service would likely remain administratively complete in its tasks.

However, if additional work is needed to update the joint Monument management plan, the USDA would like to work with the bill sponsors and the Subcommittee to extend the timeframe from one year to three years to develop or update the joint USDA/DOI comprehensive Monument management plan and consult with affected Indian Tribes. Since 2018, 98 percent of the Mendocino National Forest has burned. The Forest is focusing staff resources on fire recovery, hazard abatement, fuels treatments and ecosystem recovery of the forest and the Monument.

The USDA is committed to the management and protection of the dramatic geology, remarkable biological diversity, rich cultural history, and plentiful recreation opportunities in the Berryessa Snow Mountain National Monument. The USDA is also committed to our partnerships with DOI and BLM, affected Indian Tribes, and local communities in managing this unique resource. To accomplish the intent of this Act and ensure we have a comprehensive and updated Monument management plan with Tribal consultation, USDA would like to work with the bill sponsors and the Subcommittee to address the specific concern noted in our testimony regarding extending the timeline to update this plan.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

