

117TH CONGRESS
2D SESSION

S. 4669

To establish the Western Riverside National Wildlife Refuge, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Mrs. FEINSTEIN (for herself and Mr. PADILLA) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To establish the Western Riverside National Wildlife Refuge,
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 “Western Riverside Na-
5 tional Wildlife Refuge Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADDITIONAL RESERVE LANDS.**—The term
9 “additional reserve lands” means the conserved
10 habitat totaling approximately 153,000 acres that

1 are needed to meet the goals and objectives of the
2 Conservation Plan, of which—

3 (A) 56,000 acres are Federal and State ac-
4 quisition and mitigation for State Permittees;
5 and

6 (B) 97,000 acres were contributed by local
7 Permittees.

8 (2) CONSERVATION PLAN.—The term “Con-
9 servation Plan” means the Western Riverside Coun-
10 ty Multiple Species Habitat Conservation Plan per-
11 mitted by the United States Fish and Wildlife Serv-
12 ice on June 22, 2004.

13 (3) COUNTY.—The term “County” means Riv-
14 erside County, California.

15 (4) INDIAN TRIBE.—The term “Indian Tribe”
16 has the meaning given the term in section 4 of the
17 Indian Self-Determination and Education Assistance
18 Act (25 U.S.C. 5304).

19 (5) MAP.—The term “Map” means the map en-
20 titled “Western Riverside National Wildlife Refuge
21 Acquisition Boundary as proposed by the Western
22 Riverside National Wildlife Refuge Act” and dated
23 May 25, 2022.

24 (6) PERMITTEE.—The term “Permittee” means
25 an entity identified as a permittee in the incidental

1 take permit issued under section 10 of the Endan-
2 gered Species Act of 1973 (16 U.S.C. 1539) that is
3 associated with the Conservation Plan.

4 (7) REGIONAL CONSERVATION AUTHORITY.—
5 The term “Regional Conservation Authority” means
6 the Western Riverside County Regional Conservation
7 Authority.

8 (8) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior, acting through the Di-
10 rector of the United States Fish and Wildlife Serv-
11 ice.

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

14 (10) URBAN PARTNERSHIP.—The term “Urban
15 Partnership” means a place-based partnership, es-
16 tablished in accordance with United States Fish and
17 Wildlife Service policy, to be carried out on partner-
18 owned land, including the Urban Bird Treaties Pro-
19 gram, Urban Wildlife Refuge Partnerships, and
20 other partnership programs of the United States
21 Fish and Wildlife Service.

22 (11) URBAN WILDLIFE REFUGE.—The term
23 “Urban Wildlife Refuge” means a unit of the Na-
24 tional Wildlife Refuge System that is managed con-

1 sistent with the Urban Wildlife Conservation Pro-
 2 gram of the United States Fish and Wildlife Service.

3 (12) WILDLIFE HABITAT.—The term “wildlife
 4 habitat” means the combination of food, water, shel-
 5 ter, or space that meet the needs of wildlife, includ-
 6 ing wildlife corridors, which are features of the land-
 7 scape that provide ecological connectivity and allow
 8 for native species movement or dispersal as identi-
 9 fied—

10 (A) by the Secretary; or

11 (B) in section 3.2.3 of the Conservation
 12 Plan.

13 (13) WILDLIFE REFUGE.—The term “Wildlife
 14 Refuge” means the Western Riverside National
 15 Wildlife Refuge established under section 3(a).

16 **SEC. 3. ESTABLISHMENT OF WESTERN RIVERSIDE NA-**
 17 **TIONAL WILDLIFE REFUGE.**

18 (a) ESTABLISHMENT.—On the first acquisition by, or
 19 transfer to, the Secretary of any land, water, or any inter-
 20 est in land or water under subsection (h), the Secretary
 21 shall establish a unit of the National Wildlife Refuge Sys-
 22 tem, to be known as the “Western Riverside National
 23 Wildlife Refuge”.

24 (b) PURPOSES.—The purposes of the Wildlife Refuge
 25 are—

1 (1) to conserve, manage, and restore fish, wild-
2 life, plants, and their habitats for the benefit of
3 present and future generations of individuals in the
4 United States; and

5 (2) to support the conservation, recovery, and
6 protection of—

7 (A) species listed as threatened species or
8 endangered species under—

9 (i) the Endangered Species Act of
10 1973 (16 U.S.C. 1531 et seq.); or

11 (ii) the California Endangered Species
12 Act (Chapter 1.5 of Division 3 of the Cali-
13 fornia Fish and Game Code); and

14 (B) covered species listed under the Con-
15 servation Plan.

16 (c) USES.—The uses of the Wildlife Refuge shall in-
17 clude—

18 (1) providing, to the extent compatible with the
19 purposes described in subsection (b) and pursuant to
20 the National Wildlife Refuge System Administration
21 Act of 1966 (16 U.S.C. 668dd et seq.)—

22 (A) opportunities for scientific research,
23 environmental education, and fish and wildlife-
24 oriented recreation; and

1 (B) improved access to nature for commu-
2 nities; and

3 (2) engaging communities in fish and wildlife
4 conservation, restoration, education, recreation, and
5 outreach activities through the pursuit of Urban
6 Partnerships.

7 (d) URBAN WILDLIFE REFUGE.—The Wildlife Ref-
8 uge shall be administered as an Urban Wildlife Refuge.

9 (e) NOTIFICATION OF ESTABLISHMENT.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date on which the Wildlife Refuge is established
12 under subsection (a), the Secretary shall publish in
13 the Federal Register notice of the establishment of
14 the Wildlife Refuge.

15 (2) MAP.—The notice published by the Sec-
16 retary under paragraph (1) shall include the Map.

17 (f) ACQUISITION BOUNDARY.—

18 (1) IN GENERAL.—The acquisition boundary of
19 the Wildlife Refuge shall be coterminous with the
20 boundary depicted on the Map.

21 (2) BOUNDARY REVISIONS.—The Secretary may
22 make such minor revisions to expand the acquisition
23 boundary established under paragraph (1), as may
24 be appropriate—

1 (A) to achieve the purposes of the Wildlife
2 Refuge described in subsection (b); or

3 (B) to facilitate the acquisition of property
4 for the Wildlife Refuge under subsection (h).

5 (g) ADMINISTRATION OF WILDLIFE REFUGE.—

6 (1) IN GENERAL.—On the establishment of the
7 Wildlife Refuge under subsection (a), the Secretary
8 shall administer all land, water, and any interest in
9 land or water that have been acquired by, or trans-
10 ferred to, the Secretary under subsection (h) for in-
11 clusion in the Wildlife Refuge in accordance with—

12 (A) the National Wildlife Refuge System
13 Administration Act of 1966 (16 U.S.C. 668dd
14 et seq.); and

15 (B) subsection (b).

16 (2) COOPERATIVE AGREEMENTS WITH RESPECT
17 TO NON-FEDERAL LAND.—The Secretary may enter
18 into cooperative agreements or other instruments, as
19 appropriate, with the State, the County, the Re-
20 gional Conservation Authority, or any other entity or
21 person—

22 (A) for the management, in a manner con-
23 sistent with this section, of land that is—

(i) owned by the State, the County, the Regional Conservation Authority, or any other entity or person; and

(ii) located within the acquisition boundary of the Wildlife Refuge established under subsection (f);

(B) to promote public awareness of the natural resources of the area governed by the Conservation Plan; or

(C) to encourage public participation in the conservation of resources in the Wildlife Refuge.

(3) EASEMENTS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Any property acquired by, or transferred to, the Secretary for inclusion in the Wildlife Refuge under subsection (h) shall be subject to any valid and existing right that existed on the property before the property was acquired by, or transferred to, the Secretary under that subsection.

(B) SAVINGS CLAUSE.—Subject to compatibility requirements under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), nothing in this Act precludes the establishment of a new utility facility

or right-of-way (including instream sites, routes, and areas) within the Wildlife Refuge if such a facility or right-of-way, as applicable, is necessary for public health and safety, electricity and water supply, or other utility services.

(h) ACQUISITION AND TRANSFERS OF LAND AND WATER FOR THE WILDLIFE REFUGE.—

(1) ACQUISITIONS.—

(A) IN GENERAL.—The Secretary may acquire, by donation, purchase, or exchange, land, water, or any interest in land or water (including conservation easements) within the acquisition boundary of the Wildlife Refuge established under subsection (f) that will achieve, in the determination of the Secretary, the purposes of the Wildlife Refuge described in subsection (b).

(B) LAND, WATER, AND INTERESTS OWNED BY THE STATE.—Land, water, and any interests in land or water owned by the State, the County, or the Western Riverside County Regional Conservation Authority may only be acquired by donation.

(C) ACQUISITION OF ADDITIONAL RESERVE LANDS.—

1 (i) IN GENERAL.—In order to support
 2 the responsibilities of the Federal Govern-
 3 ment, as described in the Conservation
 4 Plan, the Secretary shall give priority to,
 5 when acquiring land, water, or any interest
 6 in land or water (including conservation
 7 easements) under subparagraph (A), addi-
 8 tional reserve lands within the acquisition
 9 boundary of the Wildlife Refuge estab-
 10 lished under subsection (f).

11 (ii) PRIORITY.—In acquiring addi-
 12 tional reserve lands under clause (i), the
 13 Secretary shall give priority to additional
 14 reserve lands—

15 (I) located within criteria cells
 16 identified on the Map; and

17 (II) that have not been acquired
 18 by a Permittee, before the date of en-
 19 actment of this Act, for the purpose
 20 of satisfying the conservation obliga-
 21 tions of the Permittee under the Con-
 22 servation Plan.

23 (2) TRANSFERS.—

24 (A) ASSESSMENT.—Not later than 1 year
 25 after the date of enactment of this Act, the

1 head of any Federal department or agency, in-
2 cluding any agency within the Department of
3 the Interior, that has jurisdiction of any Fed-
4 eral property located within the acquisition
5 boundary of the Wildlife Refuge established
6 under subsection (f) shall submit to the Sec-
7 retary an assessment of whether the property
8 would be consistent with the purposes of the
9 Wildlife Refuge described in subsection (b).

10 (B) REQUIREMENTS.—Any assessment
11 submitted to the Secretary under subparagraph
12 (A) shall include—

13 (i) parcel descriptions and best exist-
14 ing land surveys for the property;

15 (ii) a list of existing special reserva-
16 tions designations or purposes of the prop-
17 erty;

18 (iii) an inventory of—

19 (I) all known or suspected haz-
20 ardous substance contamination of the
21 property;

22 (II) any facilities on the prop-
23 erty; and

24 (III) any surface water or
25 groundwater on the property;

(iv) the status of withdrawal of the property from—

(I) the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(II) sections 2319 through 2344 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 22 et seq.); and

(v)(I) a recommendation relating to whether the property would be consistent with the purposes of the Wildlife Refuge described in subsection (b); and

(II) the reasons supporting that recommendation.

(C) TRANSFER DETERMINATION.—

(i) IN GENERAL.—Not later than 180 days after the date on which the Secretary receives an assessment submitted under subparagraph (A), the Secretary shall determine whether the property described in that assessment shall be transferred to the Secretary for inclusion in the Wildlife Refuge.

(ii) PROPERTY ACCEPTED FOR INCLUSION.—If the Secretary accepts the trans-

1 fer of a property described in an assess-
 2 ment submitted under subparagraph (A),
 3 that property shall be transferred to the
 4 Secretary for inclusion in the Wildlife Ref-
 5 uge without fee or reimbursement.

6 (iii) PROPERTY REJECTED FOR IN-
 7 CLUSION.—

8 (I) IN GENERAL.—If the Sec-
 9 retary rejects the transfer of a prop-
 10 erty described in an assessment sub-
 11 mitted under subparagraph (A), that
 12 property shall not be transferred to
 13 the Secretary for inclusion in the
 14 Wildlife Refuge.

15 (II) CONSULTATION.—If the
 16 property is not transferred to the Sec-
 17 retary under subclause (I), the Sec-
 18 retary may consult with the head of
 19 the department or agency that sub-
 20 mitted the assessment under subpara-
 21 graph (A)—

22 (aa) to further deliberate
 23 whether that property is con-
 24 sistent with the purposes of the

1 Wildlife Refuge described in sub-
2 section (b); and

3 (bb) to determine what man-
4 agement activities can be taken
5 for the Secretary to approve the
6 eventual transfer of that property
7 for inclusion in the Wildlife Ref-
8 uge.

9 (III) INCLUSION.—If, on further
10 deliberation between the Secretary
11 and the head of the department or
12 agency under subclause (II), the Sec-
13 retary accepts the transfer of the ap-
14 plicable property, that property shall
15 be transferred to the Secretary for in-
16 clusion in the Wildlife Refuge in ac-
17 cordance with clause (ii).

18 (D) ADDITIONAL TRANSFERS.—The Sec-
19 retary, on completion of reviewing assessments
20 submitted by the head of any Federal depart-
21 ment or agency, including any agency within
22 the Department of the Interior, under subpara-
23 graph (A), may commence additional assess-
24 ments in accordance with subparagraphs (B)
25 and (C) if the Secretary determines that—

1 (i) any Federal department or agency,
2 including any agency within the Depart-
3 ment of the Interior, has, or has acquired,
4 jurisdiction over any Federal property lo-
5 cated within the acquisition boundary of
6 the Wildlife Refuge established under sub-
7 section (f); or

8 (ii) property rejected by the Secretary
9 under subparagraph (C)(iii) has been re-
10 mediated and may now be suitable for in-
11 clusion in the Wildlife Refuge.

12 (E) PUBLIC ACCESS.—If property trans-
13 ferred to the Secretary under this paragraph al-
14 lows for public access at the time of transfer,
15 that access shall be maintained, unless that ac-
16 cess, as determined by the Secretary—

17 (i) would be incompatible with the
18 purposes of the Wildlife Refuge described
19 in subsection (b) or the National Wildlife
20 Refuge System Administration Act of 1966
21 (16 U.S.C. 668dd et seq.);

22 (ii) would jeopardize public health or
23 safety; or

24 (iii) must be limited due to emergency
25 circumstances.

1 (3) TRIBAL CULTURAL AND RELIGIOUS USES.—

2 No acquisition or transfer of property under this
3 subsection shall modify or revoke existing access to,
4 or use by, affected Indian Tribes, unless that use or
5 access, as determined by the Secretary—

6 (A) would be incompatible with the pur-
7 poses of the Wildlife Refuge described in sub-
8 section (b) or the National Wildlife Refuge Sys-
9 tem Administration Act of 1966 (16 U.S.C.
10 668dd et seq.);

11 (B) would jeopardize public health or safe-
12 ty; or

13 (C) must be limited due to emergency cir-
14 cumstances.

15 (4) SAVINGS CLAUSE.—Nothing in this sub-
16 section exempts or relieves a Permittee from the ob-
17 ligations of the Permittee under the Conservation
18 Plan or any associated permit.

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