

**The History of the Creation of the Berryessa Snow Mountain National Monument:
The Ultimate Political Perversion of the Antiquities Act**

By Peter Kilkus (6/20/17)

The Twisted Ten-Year Political Path From a Modest Nature Area Partnership to a Local Blue Ridge Berryessa National Conservation Area to a Large Disjointed Berryessa Snow Mountain National Conservation Area to an Incoherent Berryessa Snow Mountain National Monument.

Is it the “Dumbest National Monument in the United States”? An objective review of the process by which it was created and the final formal designation suggests the answer is YES. I personally support the creation of legitimate national monuments, but this is not that. Being part of the ten year political process that led to its creation convinced me that in many situations the Antiquities Act is being abused. The Berryessa Snow Mountain National Monument is a perfect case study of this abuse.

The Antiquities Act states that National Monuments should contain “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” and be “the smallest area compatible with the proper care and management of the objects to be protected.”

As specified in the Omnibus Public Land Management Act of 2009 the National Landscape Conservation System (NLCS), which includes National Conservation Areas and National Monuments, was established in order to “conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.”

Congressman Mike Thompson and proponents of the Berryessa Snow Mountain National Conservation Area, knowing that Congressman Thompson’s highly unpopular H.R.1025 - Berryessa Snow Mountain National Conservation Area Act would never pass Congress, bypassed the voters and had the President declare a vast stretch of northern California a National Monument simply by a stroke of his pen.

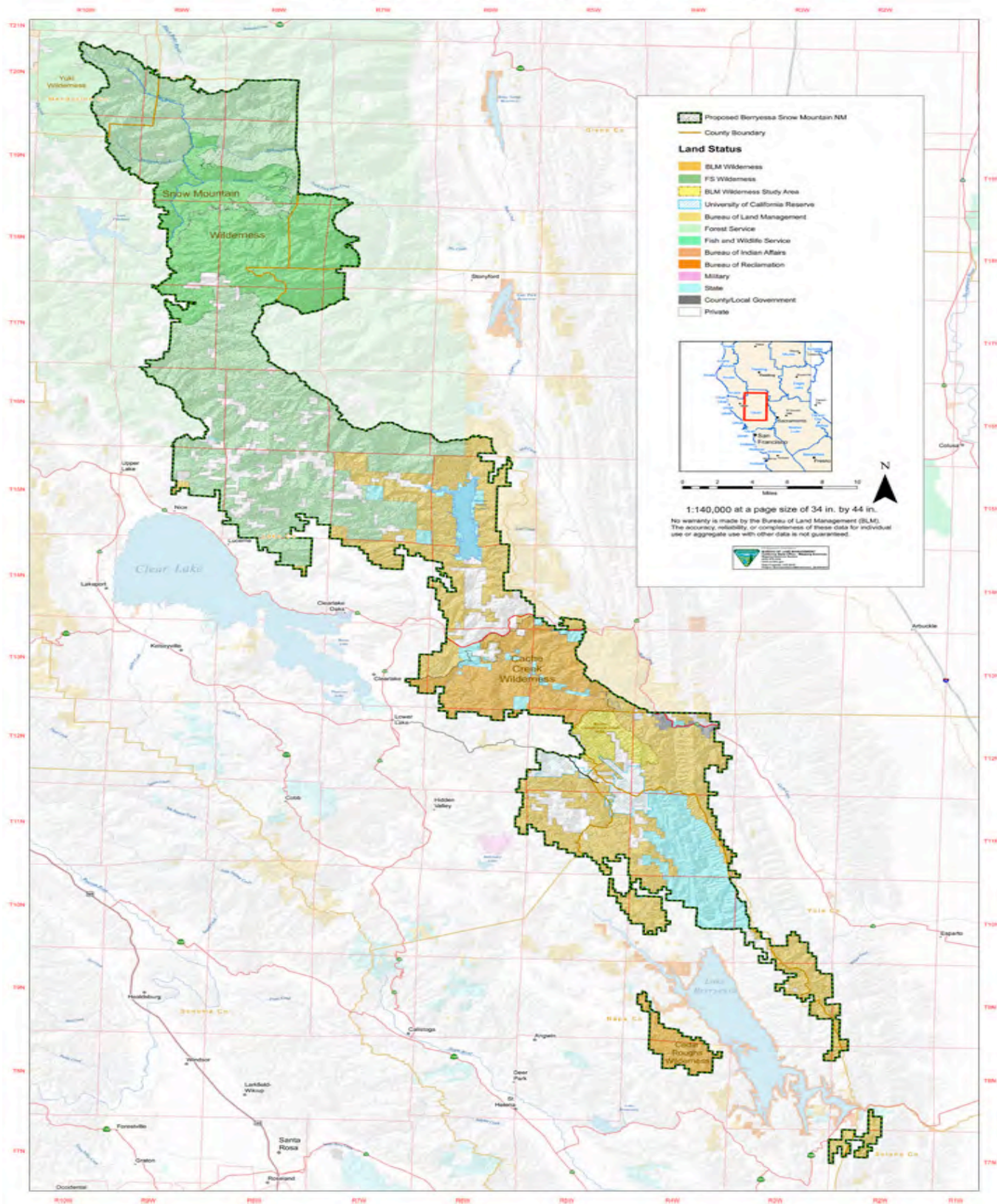
The original proposal for some form of federal designation for a small part of Northern California ballooned into an attempt to create large conglomerate National Conservation Area stretching across most of Northern California. When the NCA proposal met strong resistance by local governments and citizens groups, it could not move forward on its own merits. The strategy of the proponents then turned to having President Obama create a National Monument in the final days of his presidency. They succeeded.

One of the silliest things about the Berryessa Snow Mountain National Monument proposal is not just its name but the map itself. Lake Berryessa is not even geographically connected on the map to the rest of the National Monument which stretches far into Northern California. The "National Monument" doesn't even include the whole Snow Mountain Wilderness nor even most of the Mendocino National Forest. The reason is political, not ecological. The Glenn and Colusa County supervisors strongly opposed the original NCA.

Berryessa Snow Mountain National Monument

February 4, 2015

This map prepared at the request of Representative Mike Thompson



Background

In early 2006, the non-profit organization Tuleyome began a discussion of a possible federal National Conservation Area designation for the Blue Ridge Berryessa Natural Area (BRBNA).

The BRBNA NCA proposal stirred the ire of the local business and residential communities because it appeared to be another nail in the coffin of a once thriving recreation area. People were actually furious with the federal government's (Bureau of Reclamation) handling of the Lake Berryessa Visitor Services Plan process which resulted in the destruction of family recreation at the lake. They distrusted the basic motives behind the BRBNA NCA proposal.

At that time the arguments against a federal designation seemed strong. The arguments were:

Based on the lack of compelling evidence for its need, the Berryessa Snow Mountain region should not become a National Monument because it does not even come close to any of the criteria required for that designation. It should not become an NCA either, especially if it includes Lake Berryessa, because it does not meet basic NCA criteria.

1. It does not meet the basic standard of "nationally significant" as defined in the Act, especially with the inclusion of Lake Berryessa.
2. It is geographically and ecologically incoherent, unlike many of the existing NCAs. It consists of two separate regions – Lake Berryessa to the south and the Mendocino National Forest to the north – but only half of the Mendocino National Forest because of strong opposition from the Glenn and Colusa County Boards of Supervisors.
3. Lake Berryessa is not a nationally significant landscape, nor is it ecologically significant. It is a man-made lake serving as an agricultural resource, drinking water resource, and recreational resource – in that order of priority.
4. The land around Lake Berryessa has been significantly disturbed for decades by human use, construction, and grazing. It is typically unremarkable oak woodlands and grasslands, as exist throughout California.
5. The economic benefit arguments are bogus and do not stand up to scrutiny. There are dozens of so-called "gateway communities" surrounding this NCA. They cannot all benefit from modest visitation increases.
6. The NCA will not add any facilities at Lake Berryessa. There are hundreds of new campsites, RV sites, and lodging units in the plans already approved by Reclamation.
7. The NCA is too large and encompasses too much private property. The majority of the residents and private property owners in the Lake Berryessa region opposed this NCA.
8. Since most of the land in the proposed NCA is already owned and protected by public agencies, why is an NCA necessary at all?

In the spring of 2007, Tuleyome hosted a meeting of agency representatives and key interested parties to discuss their proposed Blue Ridge Berryessa National Conservation Area proposal. Soon after, a decision was made to bring representatives from the Las Cienegas NCA in New Mexico to a Partnership meeting. The idea was simply to give partners an introduction to the concept of an NCA through first hand contact with those who had been through the experience of establishing and managing an NCA.

In retrospect this was the public launching of the proposal, though at the time the Partnership did not see it that way. As it turned out, this meeting nevertheless raised significant confusion in the minds of the BRBNA partners and landowners in attendance as to the Partnership's identity and role and the real value of an NCA designation.

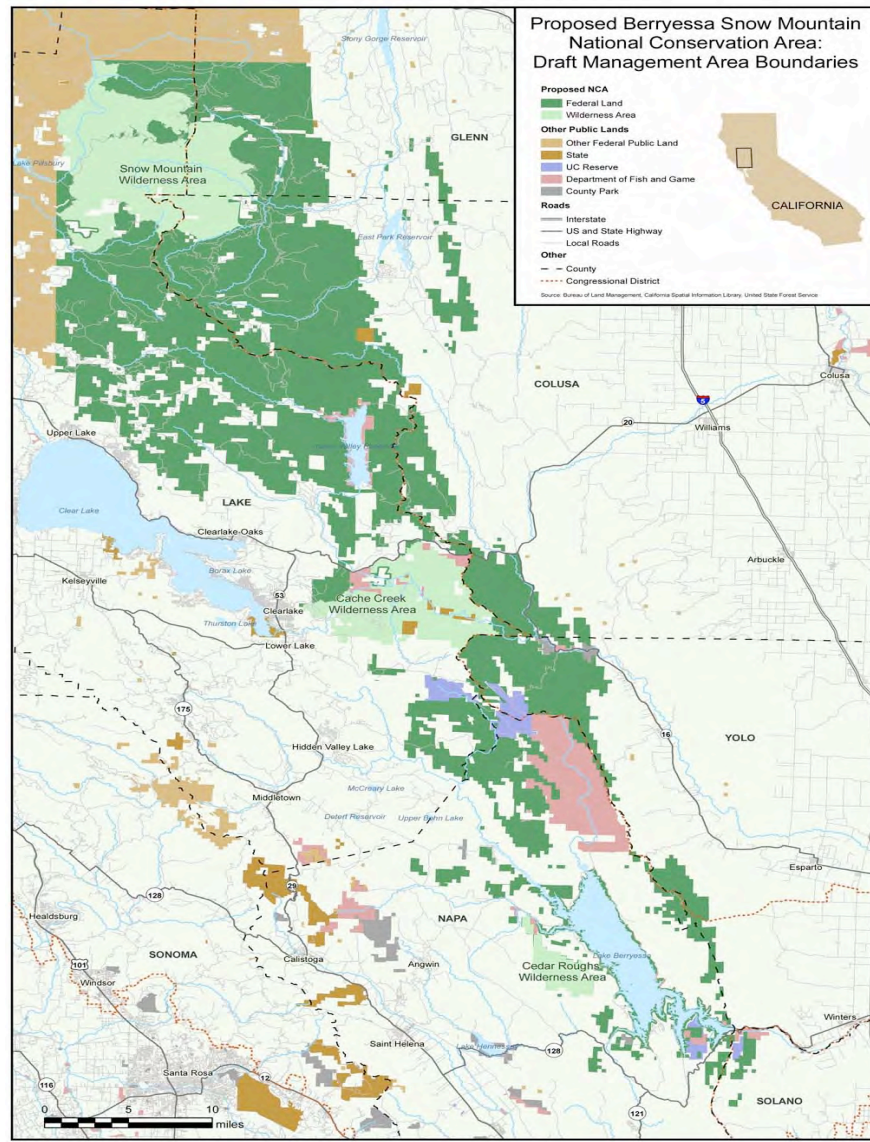
Moreover, it resulted in drawing the attention of those suspicious of any regional conservation programs that include private land. Elected officials were asked to weigh in and a Colusa County based agricultural advocacy group called the Family Water Alliance became aware of the Partnership – and soon both the Partnership and Tuleyome began receiving calls and letters expressing concern over the NCA proposal as well as the broader mission of public/private conservation efforts.

After a thorough analysis documented in a February, 2008 BRBNA report titled: ‘Federal Designation For The BRBNA: A Summary Of Viewpoints And Issues’, the BRBNA decided to remain a neutral party to the effort, because it was a consensus-based organization and many members opposed the NCA.

Some report findings:

- The most pressing needs for the Lake Berryessa region are funding for management, mandated and structured coordination among public agencies, and a funded incentive program for private landowners for coordinated management.
- The potential benefits for private land and landowners are uncertain. There is no precedent and no clear mechanism for landowners having more than an advisory role for the NCA as a whole. The concept of a “cooperative management area” for private land needs to be more fully articulated and examined to determine what it has to offer.
- Earmarks from state propositions cannot be counted upon for funding because there is no precedent for including federal designations such as NCAs.
- The proposed designation is a lightning rod for many landowners simply because it is a federal designation that provokes fear of government control and for some because it is associated with past battles for wilderness and wild & scenic river designations.
- There are not many instances of NCAs/Monuments where private land (included in the boundaries of designations) has been well integrated into the management of the designated region.
- Landowners are united in their fury over management neglect on public land in the region.
- An NCA is not needed to provide more coordination. BLM currently has their CRMP (Coordinated Resource Management Program) and RAC (Resource Advisory Council), which allow for input from stakeholders. Audubon’s Landowner Stewardship Program has been very effective at bringing landowners and agencies together to carry out projects. The BRBNA provides an ample forum for landowners and agencies to meet.

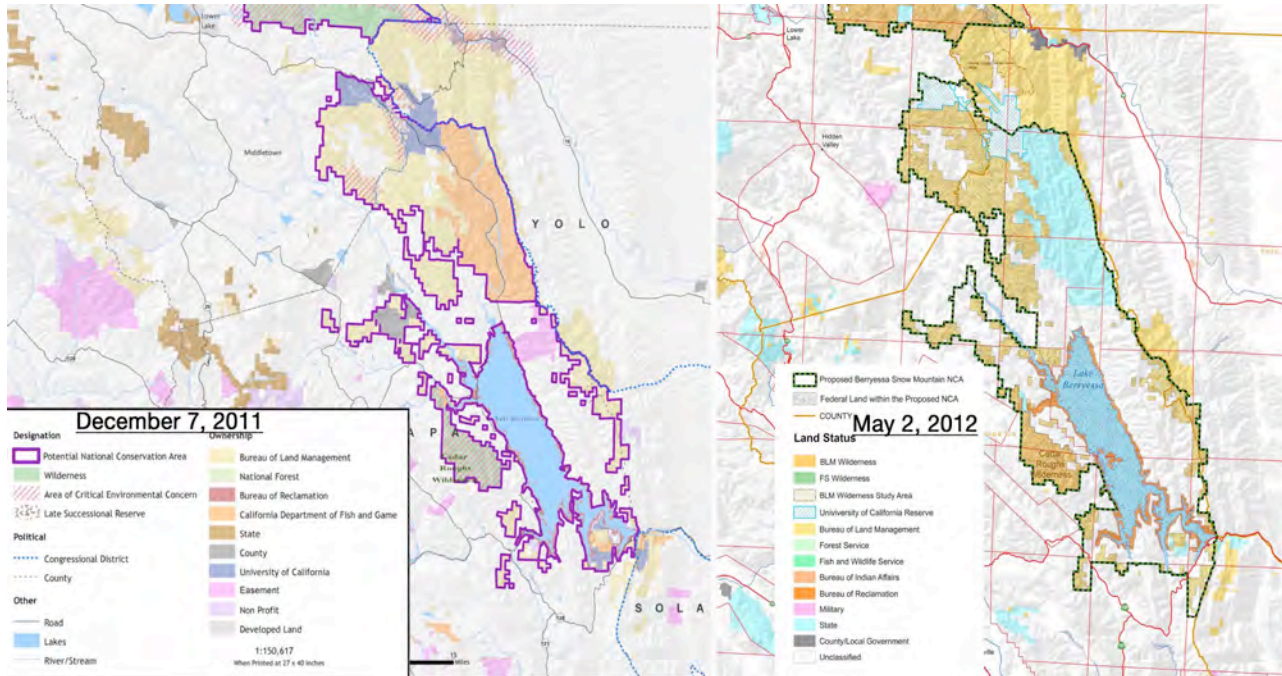
After their rejection by the BRBNA, Tuleyome regrouped and came back with a proposal for a new huge Berryessa Snow Mountain National Conservation Area. Along with the original BRBNA area the new NCA proposal included a 2008 map below showing the inclusion of huge swaths of land up into the Snow Mountain area of the Mendocino National Forest.



The 2008 NCA map above changed after strong opposition to the new NCA by the Family Water Alliance and unanimous NO votes by the Boards of Supervisors of Glenn and Colusa Counties. This time Tuleyome decided to focus only on Congressman Thompson's district assuming him to be sympathetic to their proposal. They produced a new map for the NCA in 2011, eliminating the half of the Mendocino National Forest that was located within Glenn and Colusa Counties.

The 2011 map below never received wide circulation. In fact, Tuleyome kept the 2008 map up on their web site until late in July, 2012. They finally replaced it with the 2011 map. And although Congressman Thompson (and Senator Boxer) had already submitted bills to create this NCA which referred to a map dated May 2, 2012, the map itself had never been released. That is until persistence broke through resistance and a local Berryessa Highlands resident was able to pry the map from Congressman Thompson's office.

The May 2, 2012 map below was submitted to Congress with the NCA bills, and continued that odd change. Was the eastern half of the Mendocino National Forest less important than the western half? Or was this simply a politically-expedient decision? This map greatly expanded the lands in the NCA to include private property, towns, and residential developments.



The differences between the last two maps raised concerns with all residents and property owners in the Lake Berryessa area. Some private property advocates pointed to other government takeovers of private lands. They believed the NCA designation literally put a dark cloud over a massive area, inclusive of extensive private property such as ranches, subdivisions, towns and outlying rural areas. These would be classified as inholdings, essentially properties destined for federal acquisition, either by federal purchase or forcing people to leave under oppressive circumstances.

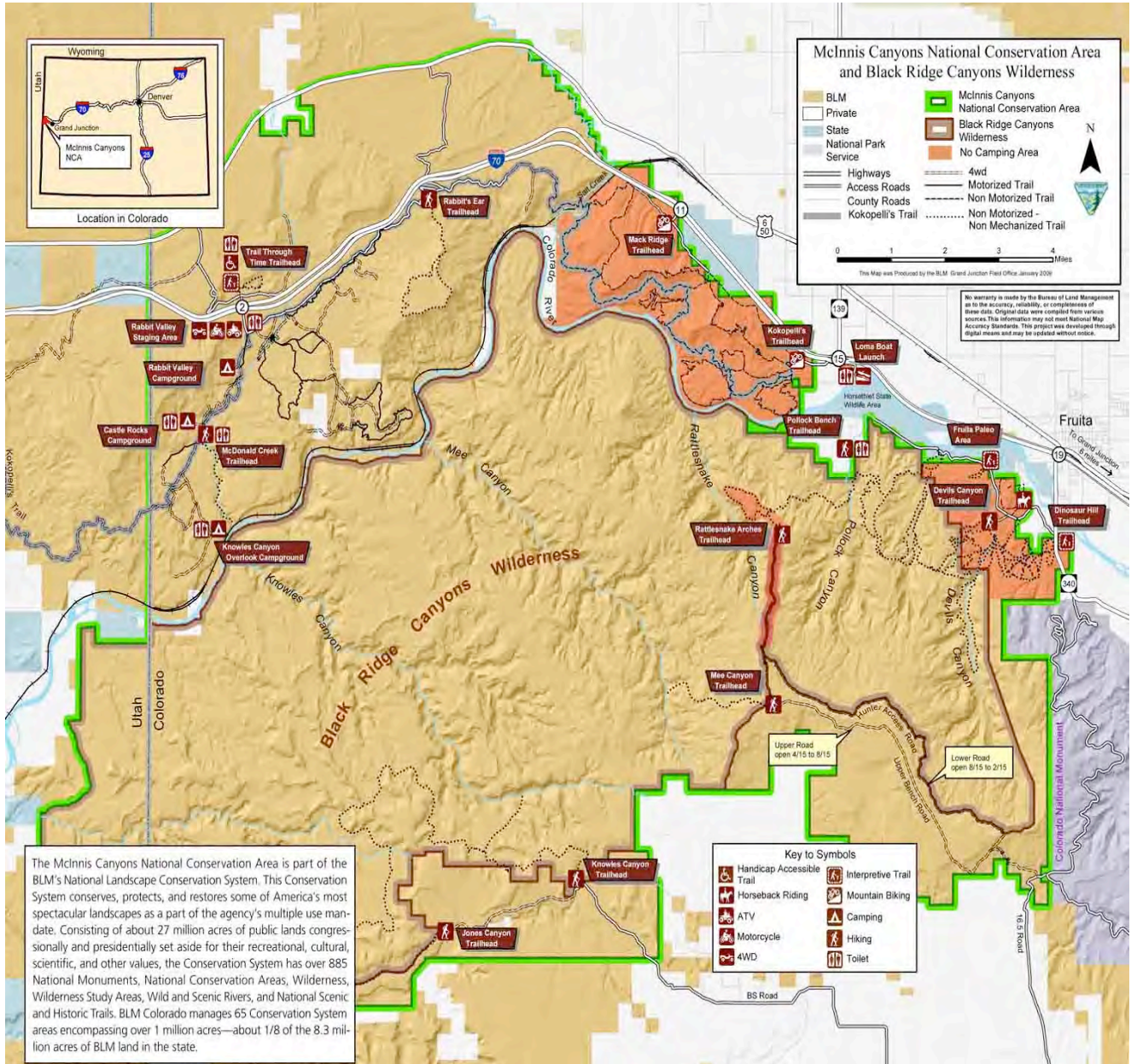
The Size, Shape, and Purpose of the Berryessa Snow Mountain NCA Negates Its Legitimacy Under the National Landscape Conservation System Guidelines

The proposed Berryessa Snow Mountain NCA encompassed 321,000 acres of Federal public lands – which would make it one of the largest in the NCLS. However, the NCA map boundary also included thousands of acres of state, county, local, and private land.

While pieces of the Berryessa Snow Mountain NCA may be “nationally significant”, as a whole it does not meet that standard. If not especially “nationally-significant” shouldn’t an NCA be at least geographically coherent? Many other NCAs appear to be. Some examples are given below.

A unique “nationally significant” NCA is the McInnis Canyons National Conservation Area located in the high desert canyon country of western Colorado and eastern Utah, McInnis Canyons National Conservation Area consists of approximately 123,430 acres of BLM-administered land near Grand Junction, Colorado.

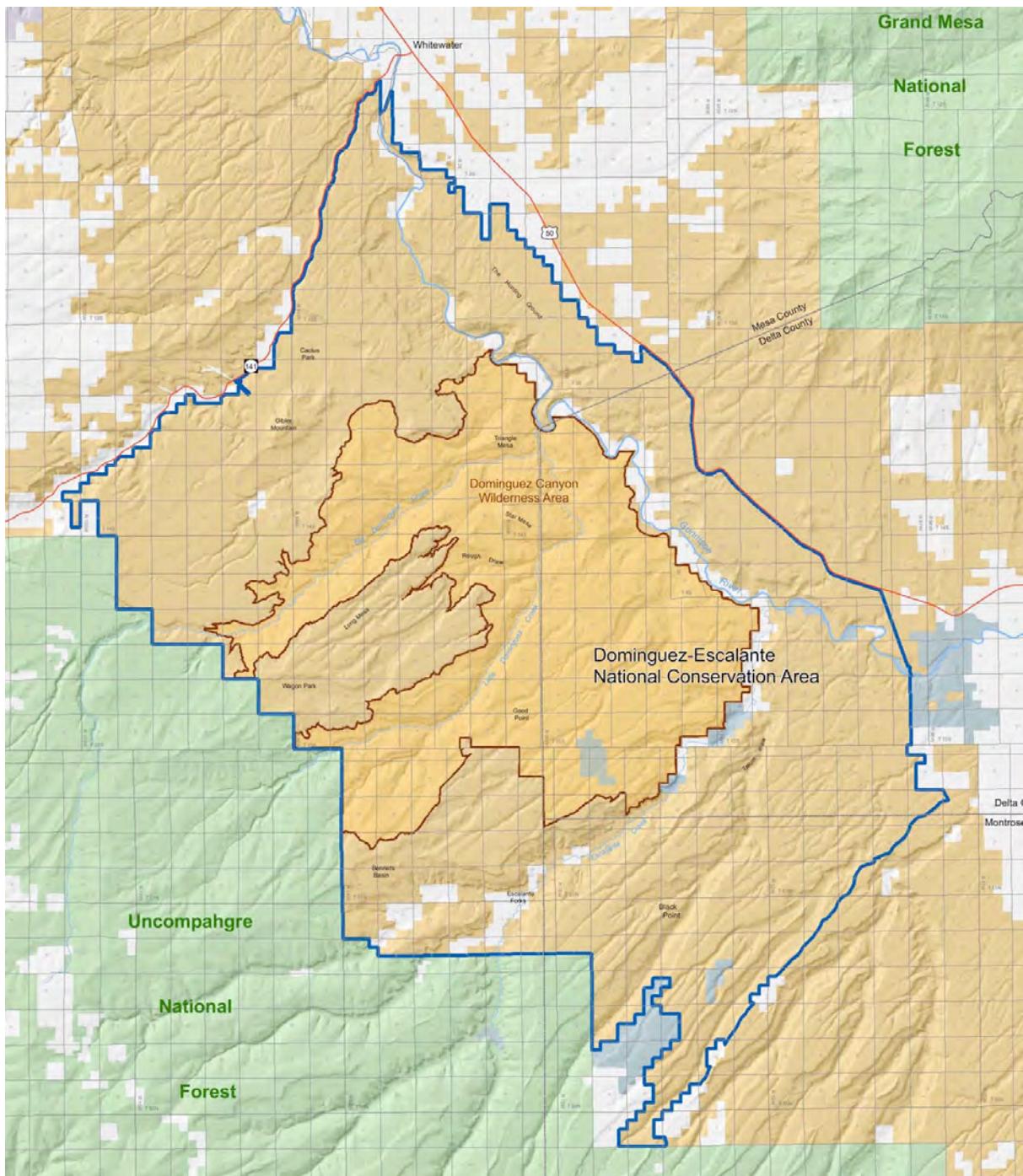
Among its unique natural resources are the more than 75,000 acres of the Black Ridge Canyons Wilderness, which includes the second-largest concentration of natural arches in North America. Internationally important fossils have been uncovered during more than a century of excavation. Pictograph and petroglyph sites abound, and the Old Spanish Trail, once referred to as the “longest, crookedest, most arduous mule route in the history of America,” runs through the NCA. This NCA appears to meet the “nationally significant” designation and is geographically coherent.



Even California's King Range National Conservation Area (NCA), which covers only 68,000 acres and extends along 35 miles of coastline between the mouth of the Mattole River and Sinkyone Wilderness State Park meets the nationally significant requirement makes more geographic sense than the Berryessa Snow Mountain NCA. The remote region is known as California's Lost Coast, and is only accessed by a few back roads. The recreation opportunities here are as diverse as the landscape. The Douglas-fir peaks attract hikers, hunters, campers and mushroom collectors, while the coast beckons to surfers, anglers, beachcombers, and abalone divers to name a few.



One of the largest nationally significant NCAs, the Dominguez-Escalante NCA, encompasses 209,610 acres of BLM-managed land in Mesa, Delta and Montrose counties in western Colorado. Within the NCA, 66,280 acres make up the Dominguez Canyon Wilderness Area. Known for their scenic value, these lands are popular for those wanting to see the spectacular canyon country of the Uncompahgre Plateau. Red-rock canyons and sandstone bluffs hold geological and paleontological resources spanning 600 million years, as well as many cultural and historic sites. Ute Tribes today consider these pinyon-juniper covered lands an important connection to their ancestral past. Although large, this NCA is also nationally significant and makes geographic sense.



The conclusion must be that the proposed Berryessa Snow Mountain NCA was not nationally significant, especially the Lake Berryessa region, and did not make geographical sense. Changing its designation to a national monument does not change the fact that it does not meet the criteria of a national monument.

Lake Berryessa is not “nationally significant” enough to rate an NCA designation. It is not even an especially important environmental resource. This is a man-made lake that did not exist before 1958. It is an agricultural resource, drinking water resource, and a recreation resource – in that order. The lands around it have been significantly disturbed by construction and grazing for decades. Ecologically, the land is interesting but not critical to the existence of any species.

The water has no significant indigenous species, although some native fish from the old Putah Creek – Town of Monticello days still survive. Fish are stocked in Lake Berryessa by the Department of Fish and Game for human recreation – not for conservation.

Political Step 1: National Conservation Area Designation Defeated

Congressman Thompson’s highly unpopular H.R.1025 - Berryessa Snow Mountain National Conservation Area Act died in Congress, but...

Political Step 2: Side-Step the Democratic Process, Create a National Monument

Protection Sought for Scenic California Region, Associated Press, Dec. 18, 2014

WASHINGTON — A contingent of California environmental groups, business representatives and politicians will use a visit Friday from Interior Secretary Sally Jewell to push for permanent protection of some 350,000 acres of picturesque federal land near the state's famous wine country.

Congress declined this session to pass legislation from Democratic Rep. Mike Thompson that would have designated the land as a national conservation area, and companion legislation by U.S. Sen. Barbara Boxer also faltered. That prompted Thompson and other supporters to push the Obama administration to act on its own and designate it a national monument.

The difference revolves primarily around who does the authorizing. Congress approves new national conservation areas, while presidents can protect wildland and historical sites as national monuments.

Officials said the practical effect is the same — permanent protection of federal land that can lead to greater recreational opportunities but also restrictions on new mining and other commercial activities.

Lake Berryessa, already popular with water skiers, anglers and house boaters, would not be included in the national monument designation because it is not of historic or scientific value, an aide to Thompson said.

President Barack Obama already has shown his willingness to designate federal lands in California as national monuments when Congress declines to offer additional protections.”

Political Step 3: Confuse the Public

Proponents of the BSMNM orchestrated a propaganda blitz in the media. But were there any basic standards for proposals such as this? Does the loudest voice get to create a National Monument? Is anyone monitoring how and why the maps are drawn? Can Congress influence the process in some way by publicizing its shortcomings?

Congressman Thompson's public meeting in support of a Berryessa Snow Mountain National Monument was simply staged political theater choreographed down to the detail of bussing in supporters from remote locations to small children reading letters to the Secretary of the Interior about their wonderful outdoor activities in the region.

As cute as the kids were, their comments were irrelevant to the issue of a National Monument since their experiences would not change in the future. They were visiting completely protected areas that would continue to exist whether part of a National Monument or not.

Valid scientific arguments were made about the uniqueness of some of the plant ecology in the area. But most of those biological "hot spots" are already protected as part of federal land. Private land would not be included in a National Monument so protecting those "hot spots" on private land would require negotiation with property owners. This is already an ongoing project that is part of the agenda of Blue Ridge Berryessa Partnership and UC Davis.

At times the meeting reached heights of political satire worthy of a Saturday Night Live skit. But fundamental issues were never addressed.

Most opponents of this proposal agreed with Yolo County Supervisor Matt Rexroad, who voted against a resolution endorsing a national monument designation. He was quoted in a New York Times article: "He said the federal government already administers all the land, which makes it easy to stop any unwanted commercial development. He said he has never seen proof the designation is necessary."

The Boards of Supervisors of Glen and Colusa Counties strongly opposed this designation, which is apparently why Cong. Thompson excluded parts of the Snow Mountain Wilderness Area and half of the Mendocino National Forest from his proposal since they are geographically part of the two opposing counties.

Political theater without any substance is not a way to run a democracy, especially when it can potentially negatively affect so many people.

Lake Berryessa Removed From Berryessa Snow Mountain National Monument, Finally

The hard work of many in lobbying against the BSMNM had results. The latest official map removed Lake Berryessa and its shoreline from the National Monument designation!

The other change to the map was to be expected. The western parts of Glenn and Colusa counties have been put back on the map - including the rest of Snow Mountain Wilderness and the Mendocino National Forest. The National Monument designation can be created by a simple stroke of the president's pen. This makes the previous strong opposition to the designation by Glenn and Colusa counties politically irrelevant to the outcome. Democracy in action?

Ironically, the new National Monument map and designation will have little or no effect on the economy of Winters - and especially not on Napa County. The Winters Chamber of Commerce paid good money for a flawed economic analysis that now has absolutely no relevance to the debate. The main benefit to Winters and other local communities is and always has been the re-opening of the Lake Berryessa resorts.

There never was a \$50 million dollar benefit from the National Monument. Few people bothered to read the report details. The report shows \$50M as a best case estimate spread over 10 years - and dishonestly included the new Lake Berryessa redevelopment which would occur with or without the Nation Monument name.

The bottom line is that if Lake Berryessa alone opened for business the way it was, the financial benefits would far outstrip anything that could possibly accrue to the WHOLE NATIONAL MONUMENT based on a name change. But more importantly, using economic benefits as a criteria for creating a National Monument is dishonest. National Monuments ARE NOT created to be economic benefits to rural communities but to

“conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.”

What formal process exists to make sure that National Monument designations actually meet the real requirements of the Antiquities Act?

Prediction: If enacted, the Berryessa Snow Mountain National Monument will deserve the title of “The Dumbest National Monument in the United States”