



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** November 10, 2015
From: Jennifer Heim, Special Projects Manager **Item No:** 5
Town Manager's Office
Subject: ADOPT RESOLUTION NO. 2015-41, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY SUPPORTING THE CALIFORNIA MINERALS, OFF-ROAD RECREATION AND CONSERVATION ACT

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council adopt the attached Resolution No. 2015-41, a Resolution of the Town Council of the Town of Apple Valley in support of The California Minerals, Off-Road Recreation and Conservation Act.

SUMMARY:

On October 1, 2015, Rep. Paul Cook (R-Apple Valley) introduced HR 3668, The California Minerals, Off-Road Recreation and Conservation Act. The bill would expand certain off-highway vehicle recreation areas, designate certain public lands as wilderness administered by the Bureau of Land Management, expand the Death Valley National Park Wilderness and the San Gorgonio Wilderness in San Bernardino National Forest and establish the Mojave Trails Special Management Area.

The Mojave Trails Special Management Area would be designated in an area south of the existing Mojave Preserve and northeast of the Twentynine Palms Marine Corps Air Ground Combat Center. This designation protects existing mining operations and allows for future mining exploration as long as mining projects never exceed ten (10) percent of the total acreage. It would also prevent the installation of any industrial-scale renewable energy projects. The bill would also protect from development any lands within the management area donated to the federal government for conservation purposes.

This bill also establishes five (5) new National Off-Highway Vehicle Recreation Areas in Spangler Hills, El Mirage, Rasor, Dumont Dunes, and Stoddard Valley, together creating the first system of National Off-Highway Vehicle (OHV) Recreation Areas in the nation. Additionally, it re-designates Johnson Valley as a National Off-Highway Vehicle

Recreation Area and expands it by nearly 20,000 acres. This bill affords additional protections to OHV users and ensures that these areas cannot be closed administratively. In total, this legislation preserves a total of 300,000 acres for OHV recreational use.

Additionally, this bill protects many desert landscapes in pristine areas and in areas of particular environmental value. The Black Lava Butte and Flat Top Mesa area north of Yucca Valley would be designated as an Area of Critical Environmental Concern. This will protect the scenic vistas and historic Native American cultural sites from industrial-scale energy projects. It would also establish the Sand to Snow National Monument covering approximately 140,000 acres of federal land near Morongo Valley. The vast majority of this exists as part of the San Gorgonio Wilderness or the Big Morongo Canyon Preserve between the Joshua Tree National Park and the San Bernardino National Forest in San Bernardino and Riverside Counties.

BACKGROUND:

In February 2015, Senator Dianne Feinstein (D-Calif.) introduced S 414, The California Desert Conservation and Recreation Act of 2015. In April, the Apple Valley Town Council adopted Resolution 2015-10 in support of S 414.

On August 3, 2015, Senator Feinstein sent a letter to President Obama requesting he use his authority under the Antiquities Act of 1906 to designate three (3) new national monuments: Mojave Trails, Sand to Snow and Castle Mountains. The Senator has indicated however she prefers to address the protection of these areas legislatively.

Both bills seek to protect and conserve the vast beauty, recreational opportunities and natural resources the Mojave Desert provides; however, the two (2) bills offer differing approaches to some mining and recreation issues, as well as the assignment of certain land designations and management. A map and detailed comparison of both bills is attached hereto as Attachment "A".

ATTACHMENTS:

1. Resolution No. 2015-41
2. 2015 California Minerals, Off-Road Recreation and Conservation Act Overview

RESOLUTION NO 2015-41

A RESOLUTION OF THE TOWN OF APPLE VALLEY IN SUPPORT OF THE CALIFORNIA MINERALS, OFF-ROAD RECREATION AND CONSERVATION ACT

WHEREAS, the California Desert Conservation Area is worth protecting with a balanced approach that reaffirms our commitment to protecting and managing the resources of our beautiful deserts, mountains, and forests; and

WHEREAS, the California Minerals, Off-Road Recreation, and Conservation Act advances our priority of protecting the landscapes today and for decades to come while taking care of the economic and recreational needs of our community and constituents; and

WHEREAS, this proposal addresses the needs of our off-highway vehicle recreation areas by designating six (6) national OHV recreation areas and protecting over 300,000 acres in San Bernardino County, making this the largest expansion of federally-recognized OHV areas in American history; and

WHEREAS, this proposal protects mineral exploration and mining in the Mojave Trails Special Management Area providing jobs and prosperity for Californians residing in the desert; and

WHEREAS, our pristine desert, mountains, and forests will be protected for ourselves and future generations to enjoy; and

WHEREAS, whether it is the stunning petroglyphs of Black Lava Butte and Flat Top Mesa, the amazing biodiversity of the San Bernardino Mountains and Desert in Sand to Snow Monument, or the stark beauty of the Mojave desert wilderness, our landscapes are worthy of protection; and

WHEREAS, we firmly believe that when our lands are not managed effectively, we waste taxpayer money instead of producing tangible benefits; and

WHEREAS, Congressman Paul Cook introduced The California Minerals, Off-Road Recreation and Conservation Act, as a balanced approach to conserving our national treasures with the guiding principle for public land use must be local control; and

WHEREAS, this legislation will protect the local economy as well our national treasures;

NOW, THEREFORE, BE IT RESOLVED that the Town of Apple Valley endorses and supports The California Minerals, Off-Road Recreation, and Conservation Act.

AND FURTHERMORE, the Town of Apple Valley will transmit this signed Resolution to the Office of Congressman Paul Cook and Senator Dianne Feinstein who represent us in Congress.

APPROVED and **ADOPTED** by the Town Council this 10th day of November, 2015.

Larry Cusack, Mayor

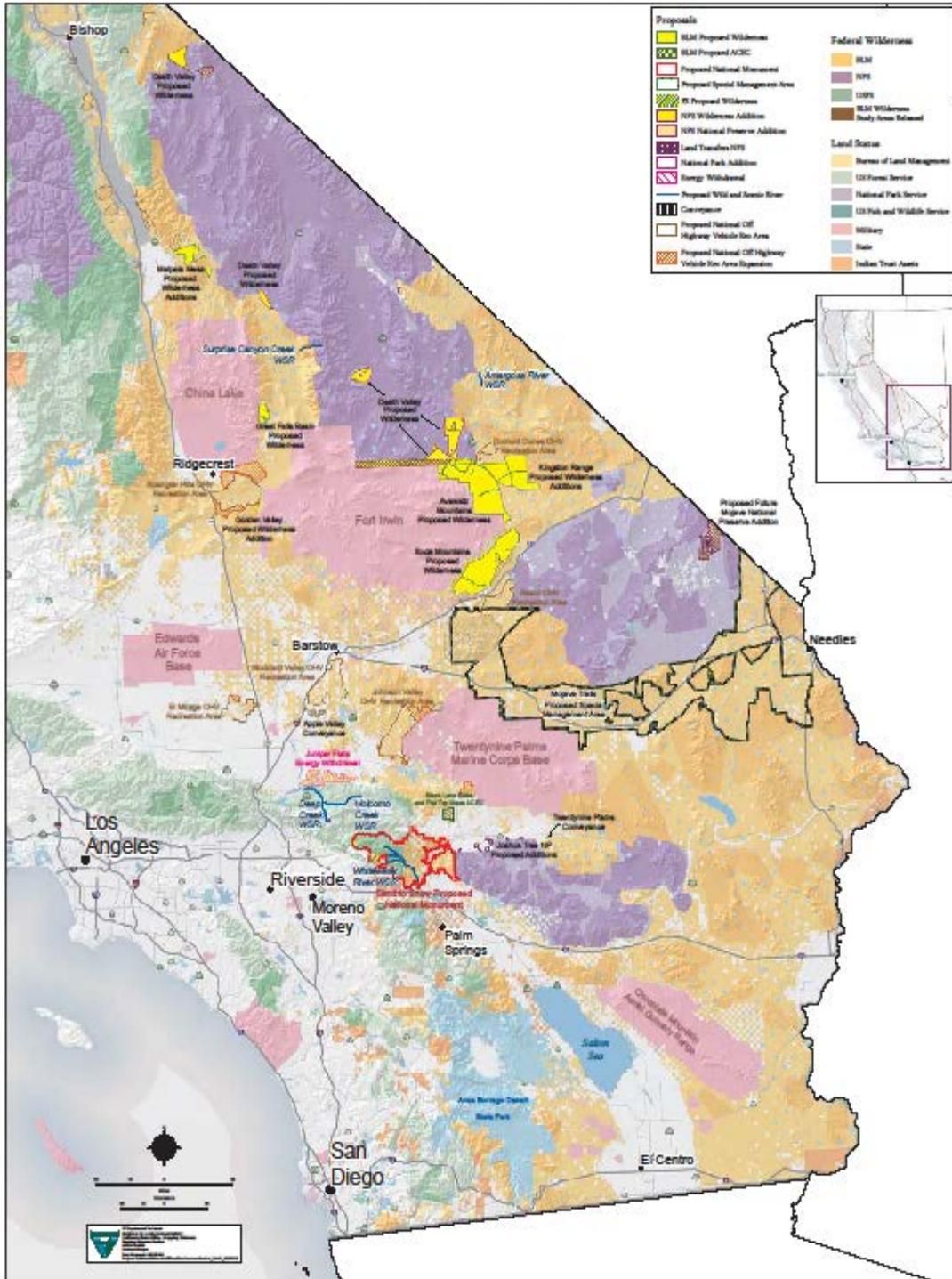
ATTEST:

La Vonda M-Pearson, Town Clerk

ATTACHMENT A

2015 California Minerals, Off-Road Recreation, and Conservation Act Overview October 22, 2015

This map prepared at the request of Representative Paul Cook



	FEINSTEIN BILL	COOK BILL
Bill Title	California Desert Conservation and Recreation Act	California Minerals, Off-road Recreation and Conservation Act
Mojave Trails	<ul style="list-style-type: none"> -Designates 965,000 acres of Mojave Trails as a National Monument. -The monument would be closed to renewable energy development. -Permits the construction of transmission lines to facilitate the development of renewable energy in adjacent sites. -Provides solar energy companies with potential projects currently proposed inside the monument boundaries to relocate to federal solar energy zones being developed by the Department of the Interior. -No new mining would be allowed, although existing operations could continue. -Off-Highway Vehicles would continue to be allowed on designated routes and trails, although the routes and trails are not explicitly denoted in the bill or on the map. -Establishes an advisory committee to develop the management plan comprised of representatives from local, state and federal government, conservation and recreation groups, and local Native American tribes. 	<ul style="list-style-type: none"> -Designates 965,000 acres of Mojave Trails as a Special Management Area (SMA). -The SMA would be closed to renewable energy development. -Permits the construction of transmission lines to facilitate the development of renewable energy in adjacent sites. -Provides solar energy companies with potential projects currently proposed inside the monument boundaries to relocate to federal solar energy zones being developed by the Department of the Interior. -New mining would be allowed, although permitted mining could never exceed 10% of the total acreage of the Special Management Area. Land donated to the federal government for conservation purposes since 1995 would also be protected. -Existing mining would also be protected and allowed to continue. -It would explicitly designate over 1,200 miles of roads and trails for Off-Highway Vehicle use. -Includes “no-net loss” language for trails and roads to prevent closures. -It would include language consolidating the environmental reviews for the trestle bridges on Route 66. -The management of the Mojave Trails SMA would be modeled on the management for Vinagre Wash SMA.

<p>Sand to Snow National Monument</p>	<p>-Sand to Snow National Monument (Approximately 141,000 acres) would be established. -It would include private land north of Highway 62 where a gun club is located. -It includes a parcel of land owned by the city of Banning in its wilderness area.</p>	<p>-Sand to Snow National Monument (Approximately 140,000 acres) would be established. -It would exclude private land north of Highway 62 where the gun club is located. -It would also exclude the parcel owned by the city of Banning. -It would include language preventing the Monument designation from interfering with the construction of a radio tower in the Morongo Gorge (although the project would still have to comply with existing law). -It would provide for land swaps that would ensure access to private inholdings.</p>
<p>Wilderness</p>	<p>Six new BLM wilderness areas would be designated (250,380 acres):</p> <ul style="list-style-type: none"> -Awawatz Mountains (87,700 acres) -Golden Valley (7,690 acres) -Kingston Range (53,320 acres) -Soda Mountains (79,900 acres) -Grass Valley (13,890 acres) -Great Falls Basin (7,870 acres) <p>Six new wilderness areas within Death Valley National Park would be designated:</p> <ul style="list-style-type: none"> -North Eureka Valley (11,496 acres) -Ibex (23,650 acres) -Panamint Valley (4,807 acres) -Warm Springs (10,485 acres) -Axe Head (8,638 acres) -Bowling Alley (32,520 acres) <p>One wilderness area is expanded in the San Bernardino National Forest (7,100 acres).</p>	<p>Six new BLM wilderness areas would be designated (249,090 acres):</p> <ul style="list-style-type: none"> -Awawatz Mountains (91,800 acres) -Golden Valley (1,260 acres) -Kingston Range (53,320 acres) -Soda Mountains (79,980 acres) -Malpais Mesa (14,810 acres) -Great Falls Basin (7,920 acres) <p>Six new wilderness areas within Death Valley National Park would be designated:</p> <ul style="list-style-type: none"> -North Eureka Valley (11,496 acres) -Ibex (23,650 acres) -Panamint Valley (4,807 acres) -Warm Springs (10,485 acres) -Axe Head (8,638 acres) -Bowling Alley (28,923 acres) <p>One wilderness is expanded in the San Bernardino National Forest (5,570 Acres).</p>

Wilderness Study Area Release	<p>Approximately 120,000 Acres of Wilderness Study Area would be released across 6 areas:</p> <ul style="list-style-type: none"> -Cady Mountains -Kingston Range -Avawatz Mountain -Death Valley 17 -Great Falls Basin -Soda Mountains 	<p>Approximately 154,000 Acres of Wilderness Study Area would be released across 12 areas:</p> <ul style="list-style-type: none"> -Cady Mountains -Kingston Range -Avawatz Mountain -Soda Mountains -Great Falls Basin -Death Valley 17 -White Mountains -Crater -Symmes Creek -Independence -Southern Inyo -Cerro Gordo
Off-Highway Vehicles	<p>Feinstein’s bill would designate 5 Off-Highway Vehicle Recreation Areas:</p> <ul style="list-style-type: none"> -Spangler Hills -El Mirage -Stoddard Valley -Razor -Dumont Dunes <p>Two of these areas would have study areas for expansion:</p> <ul style="list-style-type: none"> -El Mirage (680 acres) -Spangler Hills (41,000 acres) <p>Johnson Valley would be studied for expansion, but no specific area would be designated.</p>	<p>Cook’s bill would designate 6 National Off-Highway Vehicle Recreation Areas:</p> <ul style="list-style-type: none"> -Spangler Hills -El Mirage -Stoddard Valley -Razor -Dumont Dunes -Johnson Valley <p>Three of these areas would be expanded:</p> <ul style="list-style-type: none"> -El Mirage (680 acres) -Spangler Hills (41,000 acres) -Johnson Valley (19,393 acres)
Castle Mountain Mine	<ul style="list-style-type: none"> -Adds 21,000 acres of the “Castle Mountain” area immediately to the Mojave National Preserve. -Adds the remaining 8,000 acres to the Mojave National Preserve after the completion of all mining as certified by the Secretary of the Interior or if the mine has not become operational within 10 years. 	<ul style="list-style-type: none"> -Adds approximately 12,000 acres of the “Castle Mountain” area to the Mojave National Preserve immediately. -The remainder of the “Castle Mountain” area would be added after the completion of mining as certified by the Secretary of the Interior or if the mine has not become operational within 20 years.
Joshua Tree National Park	<ul style="list-style-type: none"> -Adds approximately 4,500 acres to Joshua Tree National Park -Allows the park to acquire the Visitor Center in Joshua Tree. 	<ul style="list-style-type: none"> -Adds approximately 4,500 acres to Joshua Tree National Park -Allows the park to acquire the visitor center in Joshua Tree.

	-Approximately 1,600 acres out of that would be Mojave Desert Land Trust Land donated to the park (Private lands becoming public).	-The BLM would be required to sell off approximately 1,600 acres of land before it could acquire the approximately 1,600 acres of Mojave Desert Land Trust Land or the visitor center. -This would prevent any net increase in Federal Land ownership.
Death Valley National Park	-Adds approximately 39,000 acres to Death Valley National Park.	-Adds approximately 35,000 acres to Death Valley National Park.
Wild, Scenic, and Recreational Rivers	Designates 5 Wild, Scenic, and Recreational Rivers: -Deep Creek -Holcomb Creek -Whitewater -Amargosa -Surprise Canyon	Designates 5 Wild, Scenic, and Recreational Rivers: -Deep Creek -Holcomb Creek -Whitewater -Amargosa -Surprise Canyon -Includes language requested by Inyo County ensuring continued access to the Chris Wicht Camp near Surprise Canyon.
Black Lava Butte/Flat Top Mesa	-Designates Black Lava Butte and Flat Top Mesa as an Area of Critical Environmental Concern.	-Designates Black Lava Butte and Flat Top Mesa as an Area of Critical Environmental Concern.
Vinagre Wash Special Management Area	-Designates the Vinagre Wash Special Management Area in Imperial County.	-Designates the Vinagre Wash Special Management Area in Imperial County. -Includes "no-net loss" language.
Land Conveyances/Transfers	-Transfers 3,500 acres to Imperial County for the Holtville Airport and 934 acres to California as part of the Anza Forest.	-Transfers 3,500 acres to Imperial County for the Holtville Airport -Transfers 934 acres to California as part of the Anza-Borrego Forest. -Transfers 4,600 acres to the City of Apple Valley for an OHV Park. -Transfers 11,000 acres to Imperial County for an OHV Park. -Transfers approximately 80 acres to the City of Twentynine Palms.
Native Groundwater Supplies	-Prohibits the Department of the Interior from processing rights-of-way applications for nearby projects that are likely to use	-No language.

	more groundwater than is naturally restored to the local aquifer each year.	
Juniper Flats	-No Language	-Prohibits renewable energy development on approximately 28,000 acres of land at Juniper Flats.
Renewable Energy Permits	-Includes a title expediting renewable energy permitting procedures nationwide and establish a revenue sharing formula.	-No language.
Wildlife Management (Guzzlers)	-No language.	-Includes language to facilitate the installation of guzzlers for Bighorn Sheep.
Limitation on Antiquities Act	-No language.	-Includes language that would prevent the President from designating any national monuments on any land included in an OHV area, future park expansion, or special management area.
Prohibited Uses of Donated and Acquired Land	-Prohibits the use of donated or acquired land for development, mining, off-highway vehicle use, grazing, military training, or other surface disturbing activities within the California Desert Conservation Area. -Allows limited exceptions in cases where it is deemed in the public interest and comparable lands are purchased/donated as mitigation. -Authorizes the Secretary of the Interior to accept easements/deed restrictions on donated lands within the California Desert Conservation Area in the future.	-Authorizes the Secretary of the Interior to accept easements/deed restrictions on donated lands within the California Desert Conservation Area in the future. -The Mojave Trails SMA language includes a prohibition on mining on any lands donated for conservation purposes since 1995.
Tribal Uses and Interests	-Requires the Secretary to ensure access for tribal cultural activities within national parks, monuments, wilderness, and others designated within the bill. -Requires the Secretary to develop a cultural resources	-Requires the Secretary to ensure access for tribal cultural activities within national parks, monuments, wilderness, and others designated within the bill. -Requires the Secretary to develop a cultural resources

	management plan to protect a sacred tribal trail along the Colorado River between southern Nevada and the California-Baja border.	management plan to protect a sacred tribal trail along the Colorado River between southern Nevada and the California-Baja border.
Military Training Activities	-Ensures the right of the Department of Defense to conduct low-level overflights over wilderness, national parks, and national monuments.	-Ensures the right of the Department of Defense to conduct low-level overflights over wilderness, national parks, and national monuments.
Climate Change and Wildlife Corridors	-Requires the Department of the Interior to study the impact of climate change on California desert species migration, incorporate their results and recommendations into land use management plans, and consider the study's findings when making decisions granting rights of way for projects on public lands.	-No language
California State School Land	-Requires the Department of Interior to work with the state to complete the exchange of approximately 370,000 acres of state school lands located in the California desert over the next 10 years.	-Requires the Department of Interior to work with the state to complete the exchange of approximately 370,000 acres of state school lands located in the California desert over the next 10 years.
Alabama Hills National Scenic Area	-Designates 18,610 acres of BLM land as the Alabama Hills National Scenic Area. -Takes 132 acres of land into trust for the Long Pine Paiute-Shoshone reservation.	-Cook has this as a separate bill-HR 496.