

**Statement of
U.S. Department of the Interior**

**House Committee on Natural Resources
Subcommittee on Federal Lands
H.R. 857, California Off-Road Recreation & Conservation Act
February 6, 2018**

Thank you for the opportunity to testify on H.R. 857, the California Off-Road Recreation and Conservation Act. This bill, which amends the California Desert Protection Act of 1994 (CDPA, Public Law 103-433), provides direction for the future management of Federal lands within the California Desert Conservation Area (CDCA).

The Department of the Interior (Department) recognizes the work of Congressman Cook and other members of the California delegation to attempt to address a wide array of resource issues and management concerns in the California desert. Secretary Zinke, through Secretarial Order 3347, has pledged to expand access to America's public lands and increase hunting, fishing, and recreational opportunities nationwide. In addition, Secretary Zinke is focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor. The Department supports the goals of H.R. 857 that are consistent with the Secretary's priorities and would like to work with Congress to ensure effective implementation of those overall goals.

As a matter of policy, the Department supports Congressional action to resolve issues relating to existing wilderness study areas (WSAs), and we welcome opportunities to further those efforts. However, we also want to ensure that designating new wilderness areas on public lands that are outside of existing WSAs is the most appropriate land management tool, and that such designations would not unnecessarily impede public access or limit outdoor recreational opportunities.

The Department would like the opportunity to work with the sponsors and the Subcommittee to address a number of concerns outlined in this statement. Finally, we defer to the Department of Agriculture and the Department of Defense regarding provisions in the bill concerning the lands and interests they administer.

Because of the complexity of this legislation and the importance of these issues to the Department, this statement will address each of the bill's provisions individually.

Background

The CDCA contains over 25 million acres and includes 16 million acres of public lands administered by the Department. It was singled out for special management in the Federal Land Policy and Management Act of 1976 (FLPMA). Section 601 of FLPMA recognized the unique location of the CDCA, which is adjacent to the major metropolitan areas of southern California and over 20 million residents. This location has always meant that the management of the CDCA must consider the public's desire for recreational activities, public access, energy development, rights-of-way, conservation, and other important uses. The CDCA Plan of 1980

and its associated amendments were vast in their scale, ambitious in their goals, and designed to accommodate a variety of uses and users.

By the early 1990s, increased development pressures on the desert and new public awareness led many to believe that further measures were necessary to adequately conserve the special places of the California desert. After careful deliberation and an extensive public process, Congress in 1994 enacted the CDPA, which established Death Valley and Joshua Tree National Parks and the Mojave National Preserve, designated wilderness, and provided strong protections for traditional cultural uses of the area by various Tribes. The areas conserved by the CDPA serve as invaluable natural and recreational resources for the people of the California desert and the nearby Los Angeles metropolitan area.

H.R. 857

H.R. 857 creates three new wilderness areas and expands two existing Wilderness Areas; expands wilderness in Death Valley National Park, and releases portions of six Wilderness Study Areas (WSAs). The bill also establishes the Alabama Hills National Scenic Area; expands three units of the National Park System; and establishes six National Off-Highway Vehicle (OHV) Recreation Areas, along with other miscellaneous provisions.

Wilderness

Section 1301 would designate the approximately 92,000-acre Avawatz Mountains Wilderness, the approximately 8,000-acre Great Falls Basin Wilderness, and the approximately 80,000-acre Soda Mountains Wilderness. In addition, this section would expand the existing Golden Valley Wilderness by approximately 1,300 acres, the Kingston Range Wilderness by approximately 53,300 acres, and Death Valley National Park Wilderness by approximately 92,000 acres. The Department notes that the lands proposed for wilderness designation by H.R. 857 generally serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, horseback riding, and other forms of outdoor recreation in the California desert.

Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The WSAs included in the proposed wilderness designations have been pending final resolution by Congress since 1994. The Department, therefore, supports Congress settling the status of these lands, which would provide certainty to public land users in the California desert.

Pursuant to the priorities outlined by Secretary Zinke, we would welcome the opportunity to work with the sponsors and the Subcommittee to ensure that wilderness designation on public lands outside of existing WSAs is the most appropriate mechanism to adequately protect these areas. Alternative management approaches could conserve sensitive resources while still accommodating other uses and activities permitted on BLM-managed lands.

If Congress opts to proceed with designation of these lands as wilderness, we would like to work on some management language modifications in section 1302 to ensure that the BLM and the NPS retain the flexibility to coordinate on cross-boundary issues. A provision that the Department would recommend adding to section 1301 is the conversion of an approximately 1-

acre area from designated wilderness to designated potential wilderness. This area, known as the Mormon Peak Communication Area, serves as a major communications hub for the Death Valley National Park community. We would like to see it identified as potential wilderness until such time that a technological alternative becomes available to the present system.

Section 1303 proposes to release approximately 90,000 acres of BLM-managed public lands from WSA status, allowing these areas to be managed according to the existing BLM land use plans. As discussed above, we support this provision. These lands are small portions of WSAs that were not designated wilderness by this or previous legislation.

National Park System Additions

At Mojave National Preserve, 25 acres would be transferred from the BLM to the NPS. The NPS owns a maintenance facility situated on this parcel. No additional maintenance costs for the NPS would be incurred through the transfer.

At Joshua Tree National Park, approximately 2,900 acres of BLM land would be transferred to the NPS. An additional approximately 1,600 acres would be donated by the Mojave Desert Land Trust. These lands, which are contiguous to several places along the northern boundary of the park, would help provide a more cohesive, logical northern boundary and ensure the protection of primary wildlife corridors that run through the park and adjoining public lands in the Mojave Desert.

The NPS would also be authorized to acquire and administer the Joshua Tree Visitor Center, currently located outside the park boundary and owned by the Joshua Tree National Park Association. The Association currently leases the structure to the NPS, and lack of permanent Federal property ownership prevents the park from making basic repairs or enhancements to the visitor center. Purchasing the structure would save the NPS annual rental expenses.

Although these land transfers would be beneficial to both NPS and BLM over the long term, we are concerned that a significant majority of the lands to be transferred to NPS under this bill has not been investigated for environmental conditions. These lands include areas that have been subject to mining, military operations, and other uses that may have created contamination necessitating cleanup. The Department recommends amending this section of the bill to ensure consistency with Departmental policy and the Comprehensive Environmental Response, Compensation, and Liability Act, and to require that prior to the transfer of any of the above-described lands to the NPS, they be fully investigated for any contamination in accordance with applicable environmental due diligence standards and that any contamination be remediated.

National Off-Highway Vehicle Recreation Areas

Section 1501 designates six National OHV Recreation Areas totaling over 190,000 acres on BLM-managed public lands. The Department is committed to expanding access to public lands and increasing recreation opportunities nationwide. As such, we strongly support each of these designations as they would provide congressionally designated areas for this popular recreational activity in the California desert. The Department notes that the Dumont Dunes, El Mirage, Razor, Spangler Hills, Stoddard Valley, and Johnson Valley National OHV Recreation Areas would be consistent with BLM management goals for these areas. We would like to work with

the sponsors and the Subcommittee on amendments to this section to address management discretion for commercial uses, consistency in naming, the requirement for additional planning activities, timeframes, and a technical modification related to a proposed transmission project that has been voluntarily withdrawn by the applicant.

Alabama Hills National Scenic Area

Sections 1601 through 1607 establish the Alabama Hills National Scenic Area, which would encompass approximately 19,000 acres of BLM-managed public lands and would be administered as a unit of the BLM's National Conservation Lands. These sections also provide for the transfer of about 56 acres of U.S. Forest Service land to the BLM and direct that 132 acres of Federal land be taken into trust for the benefit of the Lone Pine Paiute-Shoshone Reservation. The Alabama Hills contain unique geologic features that have attracted photographers, cinematographers, and recreationists for generations. The area provides stunning views of Mount Whitney and the Sierra Nevada Mountains and has spectacular natural arches, rolling hills, and vibrant wildflowers. The Alabama Hills also serve as a backdrop for iconic Hollywood movies and remains a popular location for commercial filming.

The Department's understanding is that Congressman Cook, Senators Feinstein and Harris, and their staffs have worked to assemble a diverse coalition of stakeholders, including Inyo County, the Lone Pine Chamber of Commerce, the Lone Pine Paiute-Shoshone Tribe, local business owners, and other key stakeholders, to reach consensus on the management and conservation of this area.

The Department supports the protection of the Alabama Hills, and we appreciate the sponsors' work to address various concerns in previous iterations of this proposal. We would, however, like to work with the sponsors and Subcommittee on language to ensure consistency with management of other units of protected BLM lands and to address other minor technical issues.

Miscellaneous Provisions

Section 1702 establishes certain restrictions on the use of acquired or donated lands within the CDCA. The Department does not necessarily object to these restrictions, which we understand are related to various plans and agreements made under Federal and State laws, but we would like to work with the sponsors to ensure consistency with other existing agreements and requirements, to provide for discretion and public input, and to ensure technical accuracy.

Section 1703 provides for access by members of Indian tribes and requires the Secretary to develop a Tribal Cultural Resources Management Plan for the Xan Kwatchan Trail network. The Department notes that the development of this plan could require competition for existing resources. We would like to work with the sponsors on technical modifications that we believe could aid implementation.

Section 1704 would transfer the Federal reversionary interest in certain lands and minerals to the Metropolitan Water District of Southern California. All costs associated with this conveyance would be the responsibility of the Metropolitan Water District. The BLM, as a matter of both policy and practice, and in accordance with FLPMA, generally requires receipt of fair market value for public lands or interests transferred out of public ownership. This serves to ensure that

taxpayers are fairly compensated for the removal of public lands from Federal ownership. The Department supports the goal of conveying the reversionary interest outlined in this section. As with previous such proposals, we recommend amending the legislation to ensure the payment of fair market value for the reversionary interest. However, the Department recognizes that there may be circumstances, as determined by Congress, in which the public benefits of a proposed transfer outweigh financial considerations. We would also like to work with the sponsors and Subcommittee on amendments to address issues of technical clarity.

Section 4 requires the Secretary to work with the California State Lands Commission to develop a process for exchange of State parcels within the new conservation designations. The Department has no objection to this process but would like to work with the sponsors on minor modifications to ensure it is consistent with existing authorities.

Section 5 amends the Wild and Scenic Rivers Act (16 U.S.C. 1274[a]) by adding segments of five rivers to the National Wild and Scenic River System. Three of these segments, the Amargosa River, Surprise Canyon Creek, and Whitewater River, cross public lands managed by the BLM and the NPS. All three of these are important riparian areas in the deserts of southern California and provide habitat for a number of threatened, endangered, and sensitive species. We would, however, welcome the opportunity to work with the sponsors and the Subcommittee to ensure that wild and scenic river designation is the best mechanism for protecting such resources. Alternative management approaches could conserve sensitive resources while still accommodating other uses and activities permitted on BLM-managed lands. If Congress opts to add these segments to the National Wild and Scenic River System, we would like to work with the Subcommittee on technical issues, including correcting what we believe is an error in the legal description for some proposed segments.

Section 6 contains a number of conforming amendments, some of which could significantly impact management of areas designated under the bill. Generally, the Department supports the bill's language to avoid establishment of buffer zones but like to work with the sponsors on some technical modifications to the language. We would also like to work with the sponsors on a clarifying amendment to the Juniper Flats provision.

Conclusion

The Department recognizes the work of members of the California delegation on H.R. 857 and supports certain goals of the bill that align with the Secretary's priorities of expanding access to and recreational opportunities on public lands. We would like to work with the sponsors and the Subcommittee on a number of substantive and technical modifications to the bill as it moves through the legislative process.