



**OHMVR COMMISSION MEETING  
Folsom, CA 95630**

**October 28, 2015**

**STAFF REPORT:** Comparison of the California Desert Conservation and Recreation Act of 2015 (S.414), and the California Minerals, Off-Road Recreation, and Conservation Act (HR 3668)

**STAFF:** Katie Metraux, Associate Park and Recreation Specialist

**SUBJECT:** Proposal to draft a letter in support of S.414, HR 3668, or both bills

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**Summary**

Senator Dianne Feinstein introduced the California Desert Conservation and Recreation Act of 2015 (S.414) on February 9, 2015. S.414 was referred to the Senate Committee of Energy and Natural Resources at that time. Congressman Paul Cook introduced a companion bill, the California Minerals, Off-Road Recreation, and Conservation Act (HR 3668) on October 1, 2015, which was referred to the House Committee on Natural Resources.

S.414 makes amendments to the California Desert Protection Act of 1994 and both bills affect public land within the California Desert Conservation Area (CDCA). S.414 and HR 3668 have the potential to preserve and enhance off-highway vehicle (OHV) recreation within the CDCA through the designation of national OHV recreation areas including Dumont Dunes, El Mirage, Razor, Spangler Hills, and Stoddard Valley OHV Recreation Areas. Additionally, these bills designate six new BLM wilderness areas; release land within Wilderness Study Areas; expand a National Preserve and National Park System lands; designate Wild, Scenic, and Recreational rivers; designate an Area of Critical Environmental Concern; establish a Special Management Area and a National Monument; specify land withdrawals, exchanges, and conveyances, and other purposes.

**Discussion**

S.414 and HR 3668 protect and enhance OHV recreation with the CDCA. This section compares and contrasts aspects of both bills.

***Designation of OHV Recreation Areas***

Both bills designate five existing OHV recreation areas as permanent National Off-Highway Recreation Areas in the CDCA.

S.414:

1. Dumont Dunes National OHV Recreation Area (7,630 acres)
2. Razor National OHV Recreation Area (23,910 acres)
3. Stoddard Valley National OHV Recreation Area (40,110 acres)
4. El Mirage National OHV Recreation Area (14,930 acres)
  - a. 680 acres would be a study area for expansion
5. Spangler Hills National OHV Recreation Area (56,140 acres)
  - a. 41,000 acres would be a study area for expansion

Under S.414, Johnson Valley National OHV Recreation Area would be studied for expansion, but does not designate acreage.

HR 3668:

1. Dumont Dunes National OHV Recreation Area (7,630 acres)
2. Razor National OHV Recreation Area (23,910 acres)
3. Stoddard Valley National OHV Recreation Area (40,110 acres)
4. El Mirage National OHV Recreation Area (15,610 acres)
  - a. includes the 680 acres from S.414 and does not propose a study area for expansion
5. Spangler Hills National OHV Recreation Area (93,610 acres)
  - a. includes the 41,000 acres from S.414 and does not propose a study area

Under HR 3668, Johnson Valley National OHV Recreation Area would be re-designated as a National OHV Recreation Area and would be expanded by 19,993 acres.

***Other OHV Components***

Both bills allow OHV recreation on BLM designated routes within the Sand to Snow National Monument, and the Vinagre Wash Special Management Area. In addition, HR 3668 includes “no-net loss” of the total mileage of roads and trails that allow motorized recreation within the Vinagre Wash Special Management Area. S.414 allows OHV recreation on designated routes within the bill’s proposed Alabama Hills National Scenic Area.

S.414 designates Mojave Trails as a National Monument while HR 3668 establishes it as a Special Management Area. Both bills designate 965,000 acres for Mojave Trails. In addition, HR 3668 establishes a “no net loss” of the total designated route mileage that allows motorized recreation. According to Congressman Cook’s Executive Summary of HR 3668, Mojave Trails Special Management Area would add approximately 1,400 miles of designated routes for OHV recreation. HR 3668 allows new mining while S.414 does not, although existing mining would be allowed in S.414. Both bills limit commercial enterprises in the Mojave Trails area.

HR 3668 includes a transfer of 4,630 acres to the town of Apple Valley to designate a Apple Valley Off-Highway Vehicle Recreation Area.

### **Recent Actions**

The Senate subcommittee on Public Lands, Forests, and Mining held a hearing about S.414 on October 8, 2015. On August 3, 2015, Senator Feinstein sent a letter to President Obama requesting he use his authority under the Antiquities Act to designate the national monuments in this bill. The Senator hosted a public meeting on October 13, 2015, to discuss the proposed national monument designations.

S.414 text is available at [www.congress.gov/bill/114th-congress/senate-bill/414/text](http://www.congress.gov/bill/114th-congress/senate-bill/414/text).  
HR 3668 text is available at [www.congress.gov/bill/114th-congress/house-bill/3668/text](http://www.congress.gov/bill/114th-congress/house-bill/3668/text).

### **Commission Action**

The Commission may:

1. Draft a letter in support of the California Desert Conservation and Recreation Act of 2015 (S.414)
2. Draft a letter in support of the California Minerals, Off-Road Recreation, and Conservation Act (HR 3668)
3. Draft a letter in support of both bills
4. Take no action

### **Attachments**

S.414 and HR 3668 Comparison Chart

#### **Note:**

Detailed maps related to S.414 bill are available at [www.feinstein.senate.gov/public/index.cfm/desert-bill-maps](http://www.feinstein.senate.gov/public/index.cfm/desert-bill-maps)

Detailed maps related to HR 3668 are available at [cook.house.gov/CMORCA](http://cook.house.gov/CMORCA)

Comparison of Legislative Text

	FEINSTEIN BILL	COOK BILL
<b>Bill Component</b>	<b>California Desert Conservation and Recreation Act (S.414)</b>	<b>California Minerals, Off-road Recreation and Conservation Act (HR 3668)</b>
<b>National OHV Recreation Areas</b>	<p>Designates five National OHV Recreation Areas:</p> <ul style="list-style-type: none"> <li>• Spangler Hills</li> <li>• El Mirage</li> <li>• Stoddard Valley</li> <li>• Razor</li> <li>• Dumont Dunes</li> </ul> <p>Johnson Valley is already a National OHV Recreation Area, and is not included in the list</p> <p>Two of these areas would have study areas for expansion:</p> <ul style="list-style-type: none"> <li>• El Mirage (680 acres)</li> <li>• Spangler Hills (41,000 acres)</li> <li>• Johnson Valley would be studied for expansion, but no specific area would be designated.</li> </ul> <p>The BLM would amend or develop new management plans for National Off-Highway Vehicle Recreation Areas to preserve and enhance OHV recreation</p> <p>Prohibits commercial development in National OHV Recreation Areas except for energy transport facilities, rights-of-way, and related telecommunication facilities</p> <p>Allows the use of wildlife guzzlers in OHV recreation areas</p>	<p>Designates six National OHV Recreation Areas:</p> <ul style="list-style-type: none"> <li>• Spangler Hills</li> <li>• El Mirage</li> <li>• Stoddard Valley</li> <li>• Razor</li> <li>• Dumont Dunes</li> </ul> <p>Johnson Valley would be re-designated and expanded as a National OHV Recreation Area</p> <p>Three of these areas would be expanded upon enactment of this bill:</p> <ul style="list-style-type: none"> <li>• El Mirage (expanded by 680 acres)</li> <li>• Spangler Hills (expanded by 41,000 acres)</li> <li>• Johnson Valley (expanded by 19,393 acres)</li> </ul> <p>The BLM would amend or develop new management plans for National Off-Highway Vehicle Recreation Areas to preserve and enhance OHV recreation</p> <p>Prohibits commercial development in National OHV Recreation Areas except for energy transport facilities, rights-of-way, and related telecommunication facilities</p> <p>Allows the use of wildlife guzzlers in OHV recreation areas</p>
<b>Mojave Trails</b>	<p>Designates Mojave Trails as a National Monument</p> <p>Allows OHV recreation on designated routes</p> <p>Closes the monument to renewable energy development</p>	<p>Designates 965,000 acres of Mojave Trails as a Special Management Area (SMA)</p> <p>Allows OHV recreation on designated routes and allows for the designation of additional routes</p> <p>Closes the SMA to renewable energy development</p>

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Bill Component	California Desert Conservation and Recreation Act (S.414)	California Minerals, Off-road Recreation and Conservation Act (HR 3668)
<b>Mojave Trails (Cont.)</b>	<p>Permits the construction of transmission lines to facilitate the development of renewable energy in adjacent sites</p> <p>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</p> <p>Does not allow new mining</p> <p>Allows continuation of existing mining operations</p>	<p>Permits the construction of transmission lines to facilitate the development of renewable energy in adjacent sites</p> <p>Provides solar energy companies with potential projects currently proposed inside the SMA boundaries to relocate to federal solar energy zones being developed by the Department of the Interior</p> <p>Allows new mining, although permitted mining would not exceed 10% of the total acreage of the SMA</p> <p>Allows continuation of existing mining operations</p>
	<p>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</p> <p>The BLM would amend or develop new management plans to:</p> <ul style="list-style-type: none"> <li>• Provide for conservation and protect of the monument</li> <li>• Authorize continued recreation, including OHV recreation on designated routes</li> <li>• Address the designation and maintenance of roads and trails and consider connecting trails on other adjacent public land</li> <li>• Address regional fire management planning</li> <li>• Establish a visitor center</li> <li>• Provide for maintenance and rights of way to energy transport systems</li> </ul> <p>No Language</p> <p>No Language</p>	<p>No Language</p> <p>No Language</p> <p>Protects land donated to the federal government since 1995 for conservation purposes</p> <p>Includes “no-net loss” language for the total mileage of open routes available to OHV use</p>

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<b>Bill Component</b>	<b>California Desert Conservation and Recreation Act (S.414)</b>	<b>California Minerals, Off-road Recreation and Conservation Act (HR 3668)</b>
<b>Mojave Trails (Cont.)</b>	No Language  No Language	Includes language consolidating the environmental reviews for the trestle bridges on Route 66  Models the Mojave Trails SMA management after Vinagre Wash SMA management
<b>Sand to Snow National Monument</b>	Designates the Sand to Snow National Monument  Includes private land north of Highway 62 where a gun club is located  Allows OHV recreation on designated routes  The BLM would amend or develop new management plans to: <ul style="list-style-type: none"> <li>• Provide for conservation and protect of the monument</li> <li>• Authorize continued recreation, including OHV recreation on designated routes</li> <li>• Address the designation and maintenance of roads and trails and consider connecting trails on other adjacent public land</li> <li>• Address regional fire management planning</li> <li>• Establish a visitor center</li> <li>• Provide for maintenance and rights of way to energy transport systems</li> </ul> Includes a parcel of land owned by the City of Banning in its wilderness area  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	Designates the Sand to Snow National Monument  Excludes private land north of Highway 62 where the gun club is located  Allows OHV recreation on designated routes  The BLM would amend or develop new management plans to: <ul style="list-style-type: none"> <li>• Provide for conservation and protect of the monument</li> <li>• Authorize continued recreation, including OHV recreation on designated routes</li> <li>• Address the designation and maintenance of roads and trails and consider connecting trails on other adjacent public land</li> <li>• Address regional fire management planning</li> <li>• Establish a visitor center</li> <li>• Provide for maintenance and rights of way to energy transport systems</li> <li>• Permits the rights of way for energy transport facilities</li> </ul> Excludes the parcel owned by the City of Banning  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

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Bill Component	California Desert Conservation and Recreation Act (S.414)	California Minerals, Off-road Recreation and Conservation Act (HR 3668)
	<p>No Language</p> <p>No Language</p>	<p>Includes language preventing the Monument designation from interfering with the construction of a radio tower in the Morongo Gorge (the project would comply with existing law)</p> <p>Provides for land swaps that would ensure access to private inholdings</p>
<b>Wilderness Areas</b>	<p>Designates six new BLM wilderness areas (250,380 acres):</p> <ul style="list-style-type: none"> <li>• Avawatz Mountains (87,700 acres)</li> <li>• Golden Valley (7,690 acres)</li> <li>• Kingston Range (53,320 acres)</li> <li>• Soda Mountains (79,990 acres)</li> <li>• Grass Valley (13,890 acres)</li> <li>• Great Falls Basin (7,870 acres)</li> </ul> <p>Designates six new wilderness areas within Death Valley National Park:</p> <ul style="list-style-type: none"> <li>• North Eureka Valley (11,496 acres)</li> <li>• Ibex (23,650 acres)</li> <li>• Panamint Valley (4,807 acres)</li> <li>• Warm Springs (10,485 acres)</li> <li>• Axe Head (8,638 acres)</li> <li>• Bowling Alley (32,520 acres)</li> </ul> <p>Expands one wilderness area in the San Bernardino National Forest (7,141 acres)</p>	<p>Designates six new BLM wilderness areas (249,090 acres):</p> <ul style="list-style-type: none"> <li>• Avawatz Mountains (91,800 acres)</li> <li>• Golden Valley (1,260 acres)</li> <li>• Kingston Range (53,320 acres)</li> <li>• Soda Mountains (79,980 acres)</li> <li>• Malpais Mesa (14,810 acres)</li> <li>• Great Falls Basin (7,920 acres)</li> </ul> <p>Designates six new wilderness areas within Death Valley National Park:</p> <ul style="list-style-type: none"> <li>• North Eureka Valley (11,496 acres)</li> <li>• Ibex (23,650 acres)</li> <li>• Panamint Valley (4,807 acres)</li> <li>• Warm Springs (10,485 acres)</li> <li>• Axe Head (8,638 acres)</li> <li>• Bowling Alley (28,923 acres)</li> </ul> <p>Expands one wilderness area in the San Bernardino National Forest (5,570 Acres)</p>
<b>Wilderness Study Area Release</b>	<p>Releases Wilderness Study Areas across six areas:</p> <ul style="list-style-type: none"> <li>• Cady Mountains</li> <li>• Kingston Range</li> <li>• Avawatz Mountain</li> <li>• Death Valley 17</li> <li>• Great Falls Basin</li> <li>• Soda Mountains</li> </ul>	<p>Releases Wilderness Study Areas across 12 areas:</p> <ul style="list-style-type: none"> <li>• Cady Mountains</li> <li>• Kingston Range</li> <li>• Avawatz Mountain</li> <li>• Death Valley 17</li> <li>• Great Falls Basin</li> <li>• Soda Mountains</li> </ul>

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		<ul style="list-style-type: none"> <li>• White Mountains</li> <li>• Crater</li> <li>• Symmes Creek</li> <li>• Independence</li> <li>• Southern Inyo</li> <li>• Cerro Gordo</li> </ul>
<b>Wilderness Study Area Release (Cont.)</b>	No language	Includes treatment of cherry-stemmed roads and prohibits closure, access to, or travel restrictions on cherry-stemmed roads
<b>Vinagre Wash Special Management Area</b>	<p>Designates the Vinagre Wash Special Management Area in Imperial County (approximately 81,880 acres)</p> <p>Allows recreational activities including OHV use on routes</p> <p>Allows temporary closure or permanent reroute of routes to prevent or allow for restoration of resource damage, to protect tribal cultural resources, to address public safety concerns, or as required by law</p> <p>Allows for the designation of additional routes for OHV recreation</p> <p>Allows for the potential inclusion of wilderness areas:</p> <ul style="list-style-type: none"> <li>• Indian Pass Additions (10,860 acres)</li> <li>• Milpitas Wash Potential Wilderness (17,250 acres)</li> <li>• Buzzards Peak Potential Wilderness (11,840 acres)</li> <li>• Palo Verde Mountains Potential Wilderness (9,350 acres)</li> </ul>	No language

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<b>Bill Component</b>	<b>California Desert Conservation and Recreation Act (S.414)</b>	<b>California Minerals, Off-road Recreation and Conservation Act (HR 3668)</b>
	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	
<b>Joshua Tree National Park</b>	Adds approximately 4,500 acres to Joshua Tree National Park; approximately 1,600 acres of which would be Mojave Desert Land Trust Land donated to the park  Allows the park to acquire the visitor center in Joshua Tree National Park	Adds approximately 4,500 acres to Joshua Tree National Park; approximately 1,600 acres of which would be Mojave Desert Land Trust Land donated to the park  Allows the park to acquire the visitor center in Joshua Tree National Park
<b>Mojave National Preserve</b>	Adds 21,025 acres to the Mojave National Preserve  Future additions to the Mojave National Preserve would include 8,000 acres of BLM land known as Castle Mountain Mine Area.  Castle Mountain Mine Area would become part of the preserve 10 years after mining activities have ceased	Adds 14,750 acres to the Mojave National Preserve  Future additions to the Mojave National Preserve would include 13,250 acres of BLM land known as Castle Mountain Mine Area.  Adds the remainder of the Castle Mountain Mine Area after the completion of mining as certified by the Secretary of the Interior or if the mine has not become operational within 20 years
<b>Death Valley National Park</b>	Adds approximately 39,369 acres to Death Valley National Park	Adds approximately 35,000 acres to Death Valley National Park
<b>Wild, Scenic, and Recreational Rivers</b>	Designates 5 Wild, Scenic, and Recreational Rivers: <ul style="list-style-type: none"> <li>• Deep Creek</li> <li>• Holcomb Creek</li> <li>• Whitewater</li> <li>• Amargosa</li> <li>• Surprise Canyon</li> </ul> <hr/> No Language	Designates 5 Wild, Scenic, and Recreational Rivers: <ul style="list-style-type: none"> <li>• Deep Creek</li> <li>• Holcomb Creek</li> <li>• Whitewater</li> <li>• Amargosa</li> <li>• Surprise Canyon</li> </ul> <hr/> Includes language requested by Inyo County ensuring continued access to the Chris Wicht Camp near Surprise Canyon

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<b>Black Lava Butte/Flat Top Mesa</b>	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
<b>Juniper Flats</b>	No Language	Prohibits renewable energy development on approximately 28,000 acres of land at Juniper Flats
<b>Land Conveyances and Transfers</b>	Transfers 3,500 acres to Imperial County for the Holtville Airport  Transfers 934 acres of BLM land in San Diego County known as Table Mountain Wilderness to Anza Borrego Desert State Park	Transfers 4,600 acres to the Town of Apple Valley for the Apple Valley OHV Recreation Area  Transfers approximately 80 acres to the City of Twentynine Palms
<b>Alabama Hills National Scenic Area</b>	Designates 18,610 acres of BLM land as the Alabama Hills National Scenic Area  Requires the development of a long-term management plan  Allows OHV recreation on designated routes  Takes 132 acres of land into trust for the Long Pine Paiute-Shoshone reservation  Allows existing commercial permits for guided recreational opportunities	See HR 496 for the companion bill
<b>California State School Land</b>	Requires the Department of Interior to work with the state to complete the exchange 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 state school lands located in the California desert over the next 10 years
<b>Limitation on Antiquities Act</b>	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

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<b>Bill Component</b>	<b>California Desert Conservation and Recreation Act (S.414)</b>	<b>California Minerals, Off-road Recreation and Conservation Act (HR 3668)</b>
<b>Prohibited Uses of Donated and Acquired Land</b>	<p>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</p> <p>Allows limited exceptions in cases where it is deemed in the public interest and comparable lands are purchased/donated as mitigation</p> <p>Authorizes the Secretary of the Interior to accept easements/deed restrictions on donated lands within the California Desert Conservation Area in the future</p>	<p>Authorizes the Secretary of the Interior to accept easements/deed restrictions on donated lands within the California Desert Conservation Area in the future</p> <p>Includes a prohibition on mining on any lands donated for conservation purposes since 1995</p>
<b>Tribal Uses and Interests</b>	<p>Requires the Secretary to ensure access for tribal cultural activities within national parks, monuments, wilderness, and others designated within the bill</p> <p>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</p>	<p>Requires the Secretary to ensure access for tribal cultural activities within national parks, monuments, wilderness, and others designated within the bill</p> <p>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</p>
<b>Military Training Activities</b>	<p>Ensures the right of the Department of Defense to conduct low-level overflights over wilderness, national parks, and national monuments</p>	<p>Ensures the right of the Department of Defense to conduct low-level overflights over wilderness, national parks, and national monuments</p>
<b>Climate Change and Wildlife Corridors</b>	<p>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</p>	<p>No language</p>

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<b>Native Groundwater Supplies</b>	Prohibits the Department of the Interior from processing rights-of-way applications for nearby projects that are likely to use more groundwater than is naturally restored to the local aquifer each year	No language
<b>Development of Renewable Energy on Public Land</b>	Creates the Renewable Energy Resource Conservation Fund to help facilitate the processing of renewable energy permits on federal lands. Includes protection of wildlife habitat, wildlife corridors, water resources, and recreational access to federal lands	No language