

Committee on Natural Resources

Rob Bishop Chairman
Markup Memorandum

May 11, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Brandon Miller
Subcommittee on Federal Lands (x67736)

Mark-Up: **H.R. 857 (Rep. Paul Cook)**, To provide for conservation and enhanced recreation activities in the California Desert Conservation Area, and for other purposes.
May 16, 2018, 10:15am; 1324 Longworth House Office Building

H.R. 857, “California Off-Road Recreation and Conservation Act”

Summary of the Bill

H.R. 857, introduced by Representative Paul Cook (R-CA-08), would designate six existing administrative off-highway vehicle areas as “National Off-Highway Vehicle Recreation Areas” constituting the first system of National Off-Highway Vehicle (OHV) Recreation Areas in the nation. The bill would preserve more than 150,000 acres for permanent OHV use, and offers more than 50,000 additional acres for study and potential future inclusion into the System. Additionally, the bill designates approximately 330,000 acres of new wilderness, releases approximately 85,000 acres of Wilderness Study Area back into multiple use, creates a new National Scenic Area, and designates 77 miles of new Wild and Scenic Rivers.

Cosponsors

Rep. Pete Aguilar [D-CA-31]

Background

President Clinton signed into law the California Desert Protection Act of 1994 (Public Law 103-433), which established the Mojave National Preserve, the Death Valley National Park and Joshua Tree National Park. It also created over 7 million acres of wilderness in the California desert, which stretches across millions of acres of the southeastern corner of the State. Since then, there have been numerous legislative efforts to apply additional federal land protections in this area, including the designation of additional wilderness, national monuments, and expansion of existing National Parks. In the 114th Congress, Senator Dianne Feinstein (D-CA) introduced S. 414, the California Desert Conservation and Recreation Act of 2015, a bill that amends and updates the California Desert Protection Act of 1994 and reflects similar bills introduced in previous Congresses. S. 414 would have created two new national monuments, designated approximately 349,000 acres as wilderness, and expanded Death Valley National Park, Joshua Tree National Park and the Mojave National Preserve.

Rather than pursue the legislative process, Senator Feinstein asked the Obama Administration in August 2015 to use its authority under the Antiquities Act of 1906 to unilaterally designate three national monuments in the California desert - the Mojave Trails National Monument, Sand to Snow National Monument, and Castle Mountains National Monument - without Congressional approval.¹ The following October, Senator Feinstein, the Department of the Interior, and Department of Agriculture hosted one public meeting on the prospect of designating these areas as national monuments, as well as other management priorities for the California desert area.

In response to concerns raised regarding this monument strategy, Representative Paul Cook worked with local communities and stakeholders to craft alternative legislation which attempted to balance the environmental protection of the desert's landscapes with recreational and other multiple-use activities that have occurred in the region for decades. The result was H.R. 3668, the California Minerals, Off-Road Recreation, and Conservation Act. It was the subject of a Federal Lands Subcommittee hearing in December 2015, but no further legislative action was taken in the 114th Congress. On February 12, 2016, President Obama designated three new national monuments, encompassing nearly 1.75 million acres in the Southern California desert.

H.R. 857 seeks to balance many of the environmental and recreationalist concerns that have remained in the wake of the Obama designation. The bill creates the first system of OHV recreation in the nation by setting aside nearly 150,000 acres across six areas to enhance and protect OHV activity. The bill also releases approximately 121,000 acres of Wilderness Study Areas, allowing for broader management of such lands. Additionally, as part of a compromise between OHV and environmental groups, H.R. 857 designates approximately 330,000 acres of new wilderness, creates a new National Scenic Area, and establishes 77 miles of new Wild and Scenic Rivers. Much of the wilderness designated under the bill is contained within a National Park or a Wilderness Study Area.

The Subcommittee on Federal Lands held a legislative hearing on H.R. 857 on February 6, 2018.

Support for the Legislation

Advocates for Access to Public Lands
Alabama Hills Stewardship Group
American Motorcyclist Association
American Sand Association
Americans for Responsible Recreational Access
The City of Bishop, CA
Bishop Area Chamber of Commerce and Visitors Bureau
Blue Ribbon Coalition, Inc.
California Wilderness Coalition
Eastern Sierra 4X4 Club
Friends of the Inyo

¹ Letter from Sen. Dianne Feinstein (D-CA) to President Barack Obama requesting designation of three National Monuments in California. August 3, 2015.

Inyo County Board of Supervisors
Inyo County Superintendent of Schools
Lone Pine Chamber of Commerce
Lone Pine Paiute-Shoshone Reservation
Motorcycle Industry Council
National Off-Highway Vehicle Conservation Council
Pew Charitable Trusts
Recreational Off-Highway Vehicle Association
San Bernardino County
Specialty Equipment Market Association
Specialty Vehicle Institute of America.

Major Provisions/Analysis of H.R. 857

Sec. 2. California Off-Road Recreation and Conservation.

- Designates approximately 330,000 acres of wilderness in the California desert, 88,000 acres of which is primarily within Joshua Tree National Park and 180,000 acres of which is currently a Wilderness Study Area. This section also releases approximately 85,000 acres of Wilderness Study Areas back into multiple use, and ensures that “cherry-stemmed” roads within wilderness remain open to motorized access.
- Adds approximately 40,000 acres to the National Park System. Approximately 35,000 acres of land would be added to Death Valley National Park, 25 acres would be added to Mojave National Preserve, and approximately 4,500 acres would be added to Joshua Tree National Park.
- Designates six existing administrative off-highway vehicle areas as “National Off-Highway Vehicle Recreation Areas,” creating the first system of national OHV Recreation Areas in the nation. These include Dumont Dunes, El Mirage, Rasor, Spangler Hills, Stoddard Valley, and Johnson Valley (a total of more than 150,000 acres dedicated to OHV recreation), and designates an additional 51,980 acres of previously disturbed land for study and potential inclusion into the System.
- Designates 18,610 acres of Bureau of Land Management (BLM) land as the “Alabama Hills National Scenic Area” and includes the area in the National Landscape Conservation System.
- Takes 132 acres of federal land into trust for the Lone Pine Paiute-Shoshone Tribe and prohibits gaming on the land.
- Ensures access to areas designated under the Act by tribes for traditional cultural and religious purposes, including the ability of a tribe to request the Secretary of the Interior to temporarily close any designated area to protect the privacy of traditional cultural and religious activities by members of a tribe or Indian religious community.

- Requires the development and implementation of a tribal cultural resources management plan to identify, protect, and conserve cultural resources of Indian tribes associated with the Xam Kwatchan Trail network.

Sec. 3. Visitor Center.

- Authorizes the National Park Service to acquire up to five acres of land for a Joshua Tree National Park Visitor Center.

Sec. 4. California State School Land.

- Allows BLM revenue from surplus land exchange and disposal to fund the purchase of California State school trust land.

Sec. 5. Designation of Wild and Scenic Rivers.

- Designates 77 miles of new wild, scenic, and recreational rivers under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.). The designations affect the Amargosa River, Surprise Canyon Creek, Deep Creek, and the Whitewater River.

Sec. 6. Conforming Amendments.

- Makes conforming amendments and prevents the creation of buffer zones around new wilderness areas.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Administration's position is currently unknown.

Anticipated Amendments

Congressman Cook will offer an amendment that will include technical and clarifying changes recommended following consultation with the Department of the Interior.

[Effect on Current Law \(Ramseyer\)](#)