



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** June 13, 2017
From: Lori Lamson, Assistant Town Manager **Item No:** 5
Subject: SUPPORT LETTER TO CONGRESSMAN PAUL COOK SUPPORTING
THE DESERT COMMUNITY LANDS ACT (H.R. BILL 2365) FOR THE
APPLE VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA
CONVEYANCE CONTAINED WITHIN THE LEGISLATION

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

RECOMMENDED ACTION:

Support H.R. 2365 and designate the Mayor to sign the attached letter on behalf of the Town.

SUMMARY:

The Desert Community Lands Act (H.R. 2365) includes language that will convey current Federal lands controlled by the Bureau of Land Management (BLM) to the Town of Apple Valley for the continual use of off-highway vehicle (OHV) recreation purposes. Congressman Cook introduced this bill on May 8, 2017 to the Natural Resources Committee. The Bill was moved to the Sub-Committee for Federal Lands on May 11, 2017. It is anticipated that this bill will move out of Sub-Committee and Committee by July, prior to the August break.

BACKGROUND:

This land, approximately 6,000 acres, is located to the north of the Town of Apple Valley limits within the County off the unimproved area of Stoddard Wells Road, east of Dale Evans Parkway. This area is frequently identified as the "Blow Out" area and has been heavily used by OHV users for decades. It is a popular place for camping, riding and racing (both individually and in large groups). As a result of this long-standing recreational use, large portions of the Conveyance Area are denuded of habitat and route proliferation is high.

The California Desert Conservation Area Plan, as amended, included the Conveyance Area in the Northern Lucerne Wildlife Linkage Area of Critical Environmental Concern (ACEC). The purpose of the ACEC is to protect sensitive species and provide landscape connectivity. However, due to the heavy recreational use that has occurred in the area, it is unlikely that the Conveyance Area supports populations of sensitive species and provides landscape connectivity that the ACEC was created to protect.

In addition, the ACEC designation will require a substantial financial commitment to restore the habitat values to the area to meet the ACEC's prescribed goals. It will also require substantial funds to enforce the ACEC's designation and require closing the area to recreational use to achieve the ACEC's management objectives. Such a closure will force recreational users into neighboring areas that exhibit higher biological values. Diverting users to new areas that are comparatively less impacted will ultimately cause greater impacts to the habitat and the sensitive species that the ACEC is intended to protect.

No change is proposed to the nearby Stoddard Valley OHV Area. The Town is seeking to preserve recreational opportunities that are enjoyed by residents and visitors to the area. It will work with OHV users and other recreation groups to continuing existing recreational uses while maintaining habitat and biological values also enjoyed by users

FISCAL IMPACT:

Not applicable at this time. Costs for improvements and maintenance to this area will be included within the Multi-Species Habitat Conservation Plan. This plan which will be in draft form by the end of 2017, will include a fee for new development that will contribute towards the management of these conveyance areas.

ATTACHEMENTS:

1. HR 2365
2. Conveyance Map

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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To convey certain Federal land in California to Apple Valley, California,
Twentynine Palms, California, Barstow, California, and Victorville, California.

IN THE HOUSE OF REPRESENTATIVES

Mr. COOK introduced the following bill; which was referred to the Committee
on

A BILL

To convey certain Federal land in California to Apple Valley,
California, Twentynine Palms, California, Barstow, Cali-
fornia, and Victorville, California.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Desert Community
5 Lands Act”.

6 **SEC. 2. CONVEYANCE FOR APPLE VALLEY OFF-HIGHWAY**

7 **VEHICLE RECREATION AREA.**

8 (a) DEFINITIONS.—In this section:

1 (1) TOWN.—The term “Town” means the town
2 of Apple Valley, California.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (b) CONVEYANCE OF FEDERAL LAND TO TOWN.—

6 (1) CONVEYANCE REQUIRED.—Not later than 5
7 years after the date of the enactment of this Act, the
8 Secretary shall convey to the Town, without consid-
9 eration, all right, title, and interest of the United
10 States in and to the surface estate of the approxi-
11 mately 4,630 acres of land generally depicted as
12 “Proposed Conveyance Area” on the entitled “Con-
13 veyance to Town of Apple Valley” and dated June
14 1, 2015. Such land shall be known and designated
15 as the “Apple Valley Off-Highway Vehicle Recre-
16 ation Area”.

17 (2) EXISTING RIGHTS AND MINERAL ESTATE.—
18 The conveyance under this subsection—

19 (A) is subject to valid existing rights; and

20 (B) does not include the mineral estate.

21 (c) USE OF CONVEYED LAND.—

22 (1) IN GENERAL.—The land conveyed under
23 subsection (b) may be used by the Town for any
24 public purpose authorized in paragraph (2), con-
25 sistent with the Act of June 14, 1926 (commonly

1 known as the Recreation and Public Purposes Act;
2 43 U.S.C. 869 et seq.).

3 (2) AUTHORIZED PURPOSES.—The purposes of
4 the conveyance under subsection (b) are to allow the
5 Town to use the conveyed land to provide—

6 (A) a suitable location for the establish-
7 ment of a centralized off-road vehicle recreation
8 park;

9 (B) the public with opportunities for off-
10 road vehicle recreation, including a location for
11 races, competitive events, training and other
12 commercial services that directly support a cen-
13 tralized off-road vehicle recreation area and
14 Town park; and

15 (C) a designated area and facilities that
16 would discourage unauthorized use of off-high-
17 way vehicles in areas that have been identified
18 by the Federal Government, the State of Cali-
19 fornia, or the County as containing environ-
20 mentally sensitive land.

21 (3) DISPOSAL PROHIBITED.—The land con-
22 veyed under subsection (b) may not be disposed of
23 by the Town without the approval of the Secretary.

24 (d) MANAGEMENT PLAN.—The Secretary may de-
25 velop a special management plan for the Apple Valley Off-

1 Highway Vehicle Recreation Area to enhance the safe use
2 of off-highway vehicles for recreational purposes.

3 **SEC. 3. CONVEYANCE TO CITY OF TWENTYNINE PALMS,**
4 **CALIFORNIA.**

5 (a) CONVEYANCE REQUIRED.—Not later than 1 year
6 after the date of the enactment of this Act, the Secretary
7 of the Interior shall convey to the city of Twentynine
8 Palms, California, without consideration, all right, title,
9 and interest of the United States in and to the surface
10 estate of the land generally depicted as “Proposed Convey-
11 ance to Twentynine Palms” on the map entitled “Pro-
12 posed Conveyance to Twentynine Palms” and dated Sep-
13 tember 18, 2015.

14 (b) EXISTING RIGHTS AND MINERAL ESTATE.—The
15 conveyance under this section—

16 (1) is subject to valid existing rights; and

17 (2) does not include the mineral estate.

18 **SEC. 4. CONVEYANCE TO CITY OF BARSTOW, CALIFORNIA.**

19 (a) CONVEYANCE REQUIRED.—Not later than 1 year
20 after the date of the enactment of this Act, the Secretary
21 of the Interior shall convey to the city of Barstow, Cali-
22 fornia, without consideration, all right, title, and interest
23 of the United States in and to the surface estate of the
24 land generally depicted as “Proposed Conveyance” on the

1 map entitled “Proposed Conveyance to the City of Bar-
2 stow” and dated January 13, 2017.

3 (b) EXISTING RIGHTS AND MINERAL ESTATE.—The
4 conveyance under this section—

5 (1) is subject to valid existing rights; and

6 (2) does not include the mineral estate.

7 **SEC. 5. CONVEYANCE TO CITY OF VICTORVILLE, CALI-**
8 **FORNIA.**

9 (a) CONVEYANCE REQUIRED.—Not later than one
10 year after the date of the enactment of this Act, the Sec-
11 retary of the Interior shall convey to the City of
12 Victorville, California, without consideration, all right,
13 title, and interest of the United States in and to the sur-
14 face estate of the land generally depicted as “Proposed
15 Conveyance” on the map entitled “Proposed Conveyance
16 to the City of Victorville” and dated April 25, 2017.

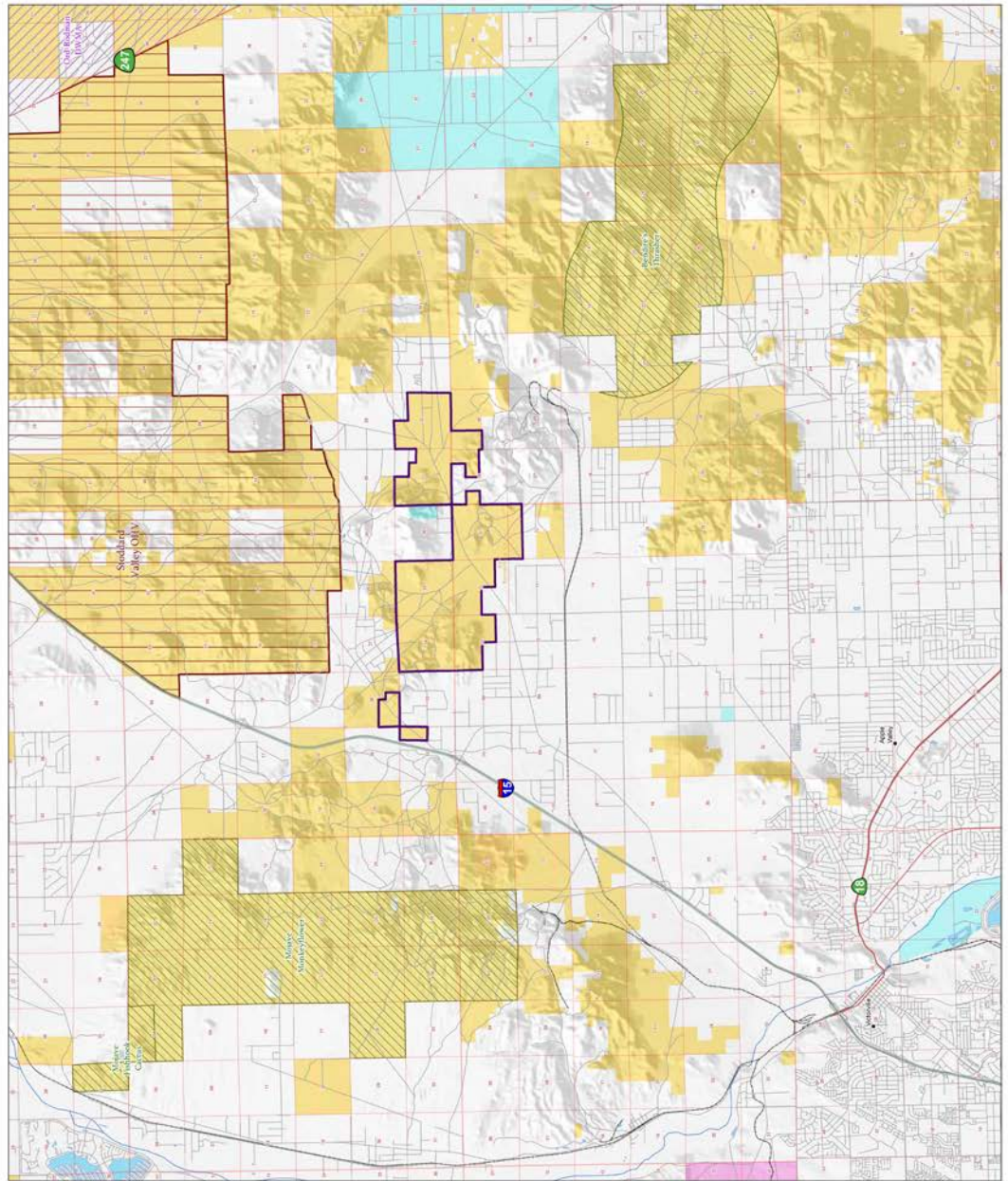
17 (b) EXISTING RIGHTS AND MINERAL ESTATE.—The
18 conveyance under this subsection—

19 (1) is subject to valid existing rights; and

20 (2) does not include the mineral estate.

**Conveyance to Town of Apple Valley
June 1, 2015**

This map prepared at the request of Representative Paul Cook



- Proposed Conveyance Area
- ADIC
- DWMA
- QIV Area
- Railroads
- Land Status
- Areas of Land Management
- Department of Defense
- State
- Private Unclassified

