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**TESTIMONY OF THE CALIFORNIA ASSOCIATION OF 4 WHEEL DRIVE
CLUBS
IN OPPOSITION OF S. 2921, THE CALIFORNIA DESERT PROTECTION ACT
OF 2010
Before the Senate Energy and Natural Resources Committee
May 20th 2010**

As presented by Harry Baker, Vice President of the California Association of 4 Wheel Drive Clubs.

The California Association of 4 Wheel Drive Clubs is opposed to S. 2921. We oppose legislation that restricts the public's access to public lands. We oppose the creation of new National Monuments and Wilderness areas that withdraw lands from public access and close existing routes. We oppose the creation of new Wilderness areas that do not meet the standards of the Wilderness Act of 1964, which established the National Wilderness Preservation System. We oppose legislation that attempts to close any area or route of travel without verification of the economic impact to the area. And we oppose legislation that proposes to use public lands for development on private land.

The California Association of Four Wheel Drive Clubs, a state wide organization, is the largest organization of its type in the United States. It was founded in 1959 and has over 50 years of service to the recreating public. The Association works to maintain access to public lands and promotes responsible use of those lands. Our members come from all walks of life and economic circumstances. We represent families and individuals, virtually anyone that uses a vehicle, including the handicapped, to access public land be it for work, recreation, sightseeing, trail head access, film making, or just relaxing.

We are joined in these efforts and in this opposition by the California Off Road Vehicle Association whose members recently voted to oppose to this Legislation. We have also received petitions containing more than 6000 signatures from individuals that use public lands stating their opposition to this bill. Copies of the petitions have been provided electronically for the record and are available from our office.

This proposed legislation, S. 2921 the California Desert Protection Act of 2010, will limit or curtail those activities or access, by creating new National Monuments, by setting aside land for Wilderness, by designating a Special Management Area, by transferring BLM managed land to the National Park Service and by using public lands as mitigation for development on private lands. It will have a severe impact on the local communities, desert residents, hunters, property owners, miners, wildlife and off-road recreational enthusiasts. The American taxpayer will be tasked with paying for the enormous cost for the provisions in this bill.

This legislation is really about changing the classification of public land, to please special interest groups, and not because these lands present an opportunity to protect a special environment.

The proposed new National monuments, The Mojave Trails National Monument, 941,000 acres and the Sand to Snow National Monument, 134,000 acres, will block Alternative Energy and Natural Resource development in prime areas that has been identified for potential use. They will block future growth and development and or will create hardships for any community or individuals in the area of the monuments. The bill proposes to take land that was purchased by the federal government, with no caveats, and protect it from development for a special interest group and thereby eliminating other groups from using it. Any and all land that is taken out of exploration, recovery or production of natural resources makes us more dependent on other areas and even foreign countries, like China, for our future needs.

Proponents will say that all current uses can continue should these Monuments be approved but we know from experience that this is not the case. In places like the Carrizo Plains National Monument in California and the Escalante National Monument in Utah and in other National Monuments, access has been limited, roads have been closed and time honored historic uses such as grazing and mining have been eliminated. This legislation does call for a new management plan for this area that will set new regulations for the use of the land within the monuments. We are very concerned that while this legislation calls for the continued management of the land by the BLM, the management could very easily be changed to the National Park Service and thereby increase the cost of managing the land and change the regulations that would govern it.

This proposed bill would increase the areas that are wilderness in the California Desert District, which already has more than 9 million acres of Wilderness. While some of these proposed areas are currently Wilderness Study Areas, there is additional land being included as wilderness which in our opinion is an attempt to further restrict alternative energy development and curtail any future development of mining, expansion of military bases or any other types of land use. These new wilderness areas would be on lands managed by the National Park Service, the U.S. Forest Service and the Bureau of Land Management. Much of the land that is proposed for wilderness does not meet the criteria for designation as set forth in the Wilderness Act of 1964 which established the National Wilderness Preservation System. There are more that 14 million acres of Wilderness in California and we believe that enough is enough.

There is language in the legislation that certain Off Highway Vehicle (OHV) areas, but not all of the OHV areas in the Desert District, will be congressionally protected, but there is no guarantee that this language will remain in the bill and it has been stated by Senator Feinstein's staff that the Environmental community is adamantly opposed to having these areas congressionally designated. There is nothing in the legislation that would require that the OHV areas would remain as unrestricted cross country travel "open" areas. There is a requirement for new management plans to be developed or the existing plans to be reviewed. We object to the language in the bill that would restrict the amount of acreage that can be set aside for OHV use. The largest OHV area, proposed

for designation is the Johnson Valley OHV area, which although being considered is not fully protected. It is under study for possible expansion by the Twentynine Palms Marine Base, should this expansion occur it would severely impact the amount of acreage available for recreational use. We believe that a deal has been made with the Marines to facilitate their expansion into Johnson Valley, with little concern for the impact that this would have on the desert communities of Johnson Valley and Lucerne Valley. A Marine Base expansion into the Johnson Valley area will devastate the local economy, create a hardship on, and have a severe impact on the way of life of those citizens living in the surrounding area. While we support National Defense and the Marines with their need for training, if expansion is required, we believe that an expansion to the east would be best. It would have the least impact on the citizens and still enable the Marines to complete their mission.

The 74,000 acres being added to the National Parks, are now managed by the BLM as limited use areas. Do we really need to transfer this land to the National Park Service at this time of economic decline and incur the added cost of managing that land by the Park service? It seems to us that this is not a prudent use of the tax payer's money.

A Special Management Area, of 76,000 acres, is proposed of which 49,000 acres will be managed as potential Wilderness. Again we see this as an attempt to lock up more land in the guise of protection, to block out alternative energy, other natural resource development and public access. This special management area and potential wilderness is also catering to a special interest group which wants the land removed from potential development.

This legislation also calls for the setting aside of a minimum of 200,000 acres of land, in no specified areas, as mitigation for alternative energy development on private land. Why should public land be used to mitigate development on private land? We believe that this action, should it be approved, will further erode the public's access to public lands. Alternative energy development should be encouraged on private land but not at the expense of public lands.

This proposed legislation is about more than vehicle use, alternative energy and National Monuments, it is about limiting public access to public lands, catering to special interests, removing land from potential alternative energy development, blocking the military from further expansion for national defense needs, and ignoring the economic impact to the surrounding areas. This proposed legislation is using the terms; conservation, recreation, special management areas and renewable energy to push a goal of locking up the California Desert and ultimately all public lands to all forms of entry and use.

We cannot support legislation which has been conceived and championed by special interest groups as being what the majority of Californians need, or wants and supports

We respectfully request that field hearings be held in the areas that would be affected by this legislation to allow the local communities and desert visitors to have their voices heard, and that all the current and cumulative financial ramifications be fully examined.

ANALYSIS OF S. 2921 THE CALIFORNIA DESERT PROTECTION ACT OF 2010

Senate Bill 2921 submitted by Senator Feinstein is a Wilderness bill. It was initially written, as stated by the Senators staff, by the California Wilderness Coalition to increase the amount of Wilderness in the California Desert. Currently there are over 9 million acres designated as Wilderness. This proposed legislation will increase the amount of Wilderness acreage, set aside land as National Monuments and as mitigation areas, and remove land from potential development.

What is Wilderness and what can be done in a Wilderness Area?

The Wilderness Act of 1964 states that “Wilderness is where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain”. Wilderness further excludes all forms of motorized and mechanized equipment with exception to the American Disabilities Act. There can be no type of development in a Wilderness area including roads and structures

Senate Bill 2921 as currently written contains the following;

WILDERNESS

Designates approximately 250,000 acres of BLM limited access land as Wilderness in addition to the already designated 9 million acres in the California Desert District.

Avawatz Mountains Wilderness 86,614 acres.

Increases acreage of WSA and moves Wilderness boundary to Highway 127 right of way.

Golden Valley Wilderness 21,633 acres.

Great Falls Basin Wilderness 7,871 acres.

Kingston Range Wilderness 53,321 acres.

Increases acreage of WSA and moves Wilderness boundary to Highway 127 right of way.

Soda Mountains Wilderness 79,376 acres.

Releases acreage for power transmission corridor on west side and pulls back boundary on south and east.

Designates as Wilderness approximately 36,600 acres of BLM land and transfers the land to Death Valley National Park.

Bowling Alley Wilderness 30,264 acres.

Crater Area Wilderness 6,400 acres.

Designates as Wilderness in the proposed Sand to Snow National Monument 7,141 acres of San Bernardino National Forest.

San Gorgonio Wilderness Addition 7,141 acres.

Allows some roads and trails that exist today to be cherry stemmed in the new proposed Wilderness areas.

SPECIAL MANAGEMENT AREA

Designates the Vinagre Wash Special Management Area of approximately 74,714 acres.

Indian Pass Wilderness Addition Proposed 9,160 acres.

Milpitas Wash Wilderness Area Proposed 17,436 acres.

Buzzard Peak Wilderness Area Proposed 13,647 acres.

Palo Verde Mountain Additions Proposed 8,090 acres.

NATIONAL PARK ADDITIONS

Adds approximately an additional 13,000 acres to Death Valley National Park.
Non Wilderness areas.

Adds approximately 30,000 acres to the Mojave National Preserve.
Castle Mountains addition.

Adds approximately 2,900 acres to Joshua Tree National Park.

MOJAVE TRAILS NATIONAL MONUMENT

Establishes the Mojave Trails National Monument

941,000 acres.

Along the I-40 and Route 66 corridors from approximately 35 miles east of Barstow almost to the Colorado River and north to the Nevada State line.

Includes the Cady Mountains WSA.

Excludes any future development including but not limited to alternative energy and mining.

Will limit motorized activities.

Enclosed within the monument but not counted as part of the 941,000 acres are 4 existing Wilderness areas totaling 125,123 acres.

Land in the proposed Twentynine Palms Marine Base expansion study area not included in the expansion would be included in the proposed new MTNM.

SAND TO SNOW NATIONAL MONUMENT

Establishes the Sand to Snow National Monument

134,000 acres in both BLM and National Forest managed land.

Includes new Wilderness addition.

OFF_HIGHWAY VEHICLE RECREATION AREAS

Designates 5 existing Off Highway Vehicle Areas.

El Mirage OHV Recreation Area 25,600 acres.

Rasor OHV Recreation Area 22,400 acres.

Spangler Hills OHV Recreation Area 62,080 acres.

Stoddard Valley OHV Recreation Area 54,400 acres.

Johnson Valley OHV Recreation Area 189,000 acres.

Subject to the study of an expansion of the Twentynine Palms Marine Base, which expansion alternatives include taking all of the current Johnson Valley OHV area within the study area, to taking none of it.

Nothing in the language of the bill indicates that the OHV Recreation Areas will remain as open areas.

Existing OHV area management plans will have to be amended or new management plans will have to be developed

OHV Recreation Areas accumulative acreage can not exceed amount that is designated at time of enactment of this bill.

ADDITIONALLY S. 2921 will;

Establish an Endangered Species Mitigation Zone of more than 200,000 acres to off set the development of private land for alternative energy.

Limit any potential increase in the OHV areas to the current acreage.

Prohibit use of donated or acquired lands from development, mining, off highway vehicle use, grazing and military use.

Designate as wild and scenic 76 miles of the Deep Creek and Whitewater Rivers and the Surprise Canyon Creek.

Address specific concerns of dealing with; State Land Exchanges, Military Activities, Tribal Uses and Interests, and Renewable Energy Permitting.

Senate Bill 2921 closes existing routes of travel by creating; unwarranted Wilderness areas, designating two new National Monuments, a Special Management area, and creating a minimum 200,000 acre Mitigation Zone.

S. 2921 will close public access to public lands.

There are over 16 million acres of Wilderness in California when is it enough?

Harry Baker