

# **California Desert Protection Act of 2010**

## **Bill Summary**

### **Title I: California Desert Conservation and Recreation**

#### **Sec 101: Amendments to the California Desert Protection Act of 1994**

##### **Title XIII: Mojave Trails National Monument.**

- Establishes a national monument managed by the Bureau of Land Management (BLM) protecting 941,000 acres of federal land between Joshua Tree National Park and the Mojave Preserve along historic Route 66 in San Bernardino County.
- Protects approximately 266,000 acres of land that were donated to or purchased by the federal government over the last decade for conservation.
- Maintains existing recreation uses, including hunting, vehicular travel on existing open roads and trails, grazing, camping, horseback riding, rock collecting, etc.
- Permits the construction of transmission lines to facilitate the transfer of renewable energy generated in the California desert and adjacent states.
- 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.
- Establishes an advisory committee to develop the management plan for the monument. The committee will be comprised of representatives from local, state and federal government, conservation and recreation groups, and local Native American tribes.

##### **Title XIV: Sand to Snow National Monument**

- Establishes a national monument covering approximately 134,000 acres of federal land between Joshua Tree National Park and the San Bernardino National Forest in San Bernardino and Riverside counties.
- Maintains existing recreation uses, including hunting, vehicular travel on existing open roads and trails, camping, horseback riding, rock collecting, etc.
- The monument would be jointly managed by the BLM and the Forest Service with management guidance from an advisory committee comprised of local, state and federal government, conservation and recreation groups, and local Native American tribes.

### **Title V: Wilderness**

- Designates approximately 250,000 acres in five BLM Wilderness Study Areas near Fort Irwin as wilderness as well as portions of Death Valley National Park (90,000 acres) and the San Bernardino National Forest (4,300 acres).
- Releases approximately 126,000 acres in the Cady and Soda Mountains that were designated wilderness study areas in the 1994 California Desert Protection Act, thereby allowing vehicular access to these areas.

### **Title VI: Vinagre Wash Special Management Area**

- Designates a “special management area” covering a total of 76,000 acres in eastern Imperial County in order to conserve, protect and enhance plant and wildlife management as well as nationally significant ecological, recreational, archeological, and cultural resources. The area also contains approximately 49,000 acres of potential wilderness and approximately 12,000 acres of former private land donated to the federal government for conservation.
- Permitted uses would be hiking, camping, mountain biking, sightseeing, hunting, off-highway vehicle use on designated routes and horseback riding. Prohibited uses would include new mining, permanent roads, commercial uses, or activities that would preclude the potential wilderness areas from becoming wilderness in the future.

### **Title VII: National Park System Additions**

- Adds approximately 74,000 acres of land to the National Park System, including:
  - Death Valley: Approximately 41,000 acres, including a narrow strip of land between the southern boundary of the park (31,000 acres known as the “Bowling Alley”) and Ft. Irwin that was designated a wilderness study area by the Desert Protection Act and a former mining area (6,400 acres known as the “Crater Area”) in the north that is entirely surrounded by park wilderness.
  - Mojave Preserve: Almost 30,000 acres on the northeastern corner of the park known as Castle Mountain, which was left out of the Desert Protection Act due to mining which has now ceased.
  - Joshua Tree: Approximately 2,900 acres in multiple small parcels of BLM land on the northern boundary of the park that have been identified for disposal.

### **Title XVIII: Off-Highway Vehicle Recreation Areas**

- Designates four existing, administratively designated off-highway vehicle areas in San Bernardino County as permanent off-highway vehicle recreation areas. Land management would remain as it exists today, but the BLM would be

given discretion whether to require a new site specific management plan or simply modify its existing desert-wide management plan.

- BLM lands in Johnson Valley that are not needed for the for the expansion of the Marine Corps Air Ground Combat Center would become part of the Johnson Valley Off-Highway Vehicle Recreation Area..
- Requires the Secretary to conduct a study to determine what, if any, lands adjacent to these recreation areas would be suitable for inclusion and authorizes the Department to do so.

## **Title XIX: Miscellaneous**

### **Section 1901: State land transfers and exchanges.**

- Requires the Department of Interior to work with the state to complete the exchange of approximately 370,000 acres of state school lands located in California desert over the next ten years. Small isolated parcels of state land in wilderness, national parks and monuments would be exchanged for federal lands elsewhere that could potentially provide the state with viable sites for renewable energy development, off-highway vehicle recreation or other commercial purposes.
- Transfers 934 acres currently designated as a BLM wilderness study area to Anza Borrego State Park to be managed as state wilderness, which surrounds it on three sides.
- Requires the Department of the Interior to work with local government to potentially transfer BLM lands for municipal infrastructure needs.

### **Section 1902: Ensures continued military training activities.**

- Ensures the right of the Department of Defense to conduct low-level overflights over wilderness, national parks and national monuments.

### **Section 1903: Climate change and wildlife corridors.**

- 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.

### **Section 1904: Prohibited uses of donated and acquired land.**

- Prohibits the use of donated or acquired lands for development, mining, off-highway vehicle use (except designated routes), grazing, military training and other surface disturbing activities. This prohibition would apply only to public lands within the California Desert Conservation Area.

- The Secretary of the Interior is authorized to make limited exceptions in cases where it is deemed in the public interest. Comparable lands would have to be purchased and donated to the federal government as mitigation for lost acreage.
- Authorizes the Secretary to accept easements and deed restrictions on donated lands within the California Desert Conservation Area in the future.

**Section 1905: Tribal uses and interests.**

- Requires the Secretary to ensure access for tribal cultural activities within national parks, monuments, wilderness and other designated within the bill.
- 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.

**Section 520: Native groundwater supplies.**

- Protects the Mojave Preserve’s native groundwater supplies by prohibiting 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.

**Section 102: Wild and scenic rivers.**

- Designates 76 miles of wild and scenic rivers, including Deep Creek and the Whitewater River in and near the San Bernardino National Forest and the Amargosa River and Surprise Canyon Creek near Death Valley National Park.

**Title II: Desert Renewable Energy Permitting**

**Section 201: Authorizing Renewable Energy Permitting Office funding and specifying uses for funds generated by renewable development.** This section would authorize the Department of the Interior to:

- Fund its new Renewable Energy Permitting Offices with revenues in the existing BLM Permit Processing Improvement Fund, which can currently only be used for Oil and Gas permitting.
- Establish new memoranda of understanding with states to expedite permitting of renewable energy projects.
- Use the BLM Permit Processing Improvement Fund to expedite Fish and Wildlife Service permits for renewable energy proposals on private lands.
- Use 50 percent of income generated from renewable energy projects on Federal Land to (1) replenish the BLM Permit Processing Improvement Fund, (2) increase the size of the Federal Land and Water Conservation Fund, and (3)

establish a fund for the purpose of reclaiming any abandoned renewable energy project sites.

- Return the remaining 50 percent of income to state and county governments for the purpose of improving permitting and increasing conservation.

**Section 202: Establishes a process to eliminate the backlog of renewable energy development proposals on Federal Land.** This section would establish deadlines on both Federal agencies and applicants to expedite the environmental review of renewable energy development proposals, to prioritize development proposals in which the developer makes significant progress, and to turn down ill conceived and speculative proposals. Applicants who fail to meet deadlines will be rejected in favor of developers who make progress on their sites. The Bureau of Land Management would replace its first-come, first-serve permit review process with a process that would give priority to renewable energy developers who have (1) completed their biological and cultural studies, (2) submitted an accepted development plan and a plan for securing necessary water, and (3) applied for an interconnection to the power grid. The Secretary of the Interior has used similar criteria to declare renewable energy proposals on a permitting “fast track.”

**Section 203: Establish a coordinated plan to develop renewable energy on Federal Land.** This section would require the Bureau of Land Management, the Department of Defense, and the U.S. Forest Service to undertake Programmatic Environmental Impact Statements of renewable energy potential on Federal land, with the goal of identifying zones where renewable energy production is in the public interest, and where environmental approval of renewable energy projects can be expedited.

**Section 204: Requires the Department of Defense (DoD) to Study Renewable Energy Potential.** This section would instruct the DoD to study the viability of developing a renewable energy program on Southwest military bases. Military bases in California and Nevada have thousands of disturbed acres which cannot be used for training and may be good places for renewable energy development. Base leaders are working to develop renewable energy as a result of a DoD goal to generate 25 percent of all energy from renewable sources by 2025. But the efforts are not coordinated, and this study would focus personnel on this matter formally.

**Section 205: Pilot Program to Establish Endangered Species Mitigation Zones:** In order to better coordinate endangered species protection and reduce barriers to shifting development from Federal land to private land, renewable energy developers proposing to develop private lands would contribute money to an endowed fund that

would be used to better manage, in perpetuity, habitat for desert tortoise and other endangered or threatened species on at least 200,000 acres of specified public lands. Recent research indicates that, especially for protection of the Desert Tortoise, better and more active management of existing federal land is a more effective way to protect the species than acquiring additional mitigation acres in an uncoordinated manner. BLM would adopt a management plan for each zone in consultation with the Fish & Wildlife Service and an expert advisory panel.

**Section 206: Bonding:** Developers proposing renewable energy projects on Federal land would be required to purchase and hold a bond to fund the eventual clean up and restoration of projects proposed on public lands.

**Section 207: Clarify Permitting Requirements for Temporary Weather Measurement Equipment:** This section would permit the Bureau of Land Management to expedite the permitting of wind and solar measurement devices.

**Section 208: Report:** The Secretary of the Interior shall have to report regularly to Congress on progress permitting renewable energy projects on public lands.

**Section 209: Establish loan guarantees and grants for advanced technology and underground transmission lines.** New technologies could upgrade the capacity of the electricity transmission grid without requiring the permitting and construction of massive new towers. Newly designed higher capacity wires can be strung from existing towers, and new technologies allow for more cost effective underground transmission. However, utilities resist deploying these new technologies because they are not yet proven and they remain more expensive. By providing support for these innovations, grants and loan guarantees would help prove these emerging technologies in a cost effective public-private partnership.