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**PO Box 1057  
Lakeside, CA 92040  
619-508-8840**

**CFWDA Natural Resources Consultant - John Stewart**

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NRC South Report

**Desert Monuments by Proclamation** - The big news of the month is the 1.8 million acres of southern California desert land set aside by Presidential Proclamation as three monuments. Given existing factors in the desert area that are yet to be resolved, this does not provide a bright future for motorized recreation.

First, a brief review of the competing factors. The Desert Renewable Energy Conservation Plan was signed in November. I filed a protest on behalf of Cal4Wheel of that decision document. The DRECP is stated to be a "programmatic" document and provide guidance for assisting in future land use decisions. I believe the DRECP exceeded the bounds of a "programmatic" document by establishing new land classification, assigning yet to be determined land boundaries as the most restrictive use, determining future ground disturbances based on existing ground disturbance, and establishing criteria that limits future travel management decisions.

In addition to DRECP, the West Mojave Travel Analysis is yet to be concluded. The initial preferred alternative would have been good for OHV by bringing several thousand miles of unclassified routes into the system. These are routes that have existed on the ground, some pre-dating World War II. And, the WEMO Travel Analysis includes lands that are now within the new Mojave Trails National Monument.

A quick review of the proclamation reveals the following relevant language the will refers to motorized use. For example, the Mojave proclamation expressly provides that:

"Except for emergency or authorized administrative purposes, motorized vehicle use in the monument shall be permitted only on roads existing as of the date of this proclamation.

Non-motorized mechanized vehicle use shall be permitted only on roads and trails designated for their use consistent with the care and management of the objects identified above. The Secretary shall prepare a transportation plan that designates the roads and trails where motorized or non-motorized mechanized vehicle use will be permitted."

<https://www.whitehouse.gov/the-press-office/2016/02/12/presidential-proclamation-establishment-castle-mountains-national>

<https://www.whitehouse.gov/the-press-office/2016/02/12/presidential-proclamation-establishment-sand-snow-national-monument>

<https://www.whitehouse.gov/the-press-office/2016/02/12/presidential-proclamation-establishment-mojave-trails-national-monument>

Department of Interior has compiled a FAQ and provides in that document further insight:

“The proclamation allows for motorized vehicle use on roads existing as of the date of the Proclamation and includes exceptions for emergency or authorized administrative purposes.

The Proclamation also limits non-motorized mechanized vehicle use (e.g. mountain biking) to trails designated for their use, but it allows for the agencies to designate new routes. Currently, in the portions of the monument that are designated as ACECs or are part of the San Bernardino National Forest, motorized use is restricted to designated roads and trails.”

<https://www.doi.gov/sites/doi.gov/files/uploads/California%20Monuments%20Q%20and%20A.pdf>

While it appears that OHV activity will be allowed, keep in mind that OHV activity will be limited to stere-legal vehicles only. And, a route is existing as of the date of the Proclamation does not exist unless it is designated.

And, WEMO Travel Analysis will be constrained and may not include existing routes within the monument boundaries that are not already designated. While the proclamation does “allow for the agencies to designate new routes”, any such designation will be delayed until the completion of a monument plan.

So, the desert will remain in a state of dis-array awaiting the final results of the DRECP protests, WEMO Travel Analysis, and monument plan creation.

**Flat-tailed horned lizard** - At their Feb 10 meeting the Fish and Game Commission approved the Department's request for a six month extension to complete the status report and peer review process for the petition to list the flat-tailed horned lizard as an endangered species.

**OHMVR Program Re-authorization** - The OHMVR Program is due for re-authorization which must be in place by January 1, 2018. It is a subject of many rumors and speculation. There are changes expected in the program and there are potential organizational changes. Deputy Director Chris Conlin has resigned and there is no immediate replacement. Indications from the Governor's Office that a new Deputy Director is a high priority.

**Carnegie SVRA Draft GP/EIR** - The OHMVR Commission meeting in Tracy, CA featured the final opportunity for comment on the Draft General Plan and Draft Environmental Impact Statement for Carnegie SVRA. The original 1500 acre park has been expanded with land acquisitions of about 3400 acres -- over 15 years ago. The state mandated general plan is in the final stages. The combination General Plan and EIR is a “programatic” document. A “programatic” document provides guidelines for how the SVRA will be managed to support the mission of the

OHMVR program — provide OHV opportunity in a responsible and sustainable manner for current and future generations.

Public comment covered more than three hours with the expected vitriol from Sierra Club and CBD and others — a lot of emotion and a lot of non-relevant facts. What is clear, people do not understand the purpose of a general plan nor the CEQA process.

CEQA - California Environmental Quality Act applies. While similar to NEPA (National Environmental Policy Act), CEQA requires impacts to be disclosed. It does not require analysis and mitigation alternatives. The emotional slant ignores that specific legal tenet that the focus of the general plan/EIR is towards the management of and SVRA.

At this point in time, the Commission needs to hold a public hearing and certify and adopt the general plan. That starts a 30 day appeal clock. Provided protests are resolved and there is no litigation, the implementation of the plan can begin.

Expected next steps...

The Division will review public comments received and incorporate any substantive comments in the final document. The Commission will review, certify, and accept the final document at a future meeting; expected within 6 months.

There has been good volunteer response from Carnegie Forever and Bay Area Riders Forum, along with a few others. Bureaucratic steps are being followed.

There is a high probability the final plan will be litigated...

**Ocotillo Wells SVRA Draft GP/EIR** - The draft has not been released for public comment. As such, the plan has not been released for public comment. It is expected within the coming months.

**Stoddard Wells OHV Area** - OHV interests have been advised there is a pending wind energy application which may impact Stoddard Wells. Details are few and a meeting with the project applicant has been scheduled for Mar 14.

**Johnson Valley OHV Area** - There will be a 30 day closure of the shared use area of Johnson Valley OHV Area during the month of August. Representatives from the Marine Corps and the Bureau of Land Management will host a Resource Management Group meeting about land use in the Johnson Valley area at the Lucerne Valley Community Center, April 2 from 10 a.m. - 12 p.m.