



# Town of Apple Valley

A Better Way of Life

**Statement of Lori Lamson  
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San Bernardino County, California**

**Before the  
Subcommittee on Federal Lands  
Committee on Natural Resources  
U.S. House of Representatives  
May 17, 2018**

**H.R. 2365 (Rep. Paul Cook), To convey certain Federal land in California to Apple Valley, California, Twentynine Palms, California, Barstow, California, and Victorville, California. “Desert Community Lands Act.”**

Good afternoon. Thank you, Chairman McClintock, Ranking Member Hanabusa, and members of the committee for the opportunity to testify on H.R. 2365, the “Desert Community Lands Act”, and thank you Congressman Cook for sponsoring this important legislation.

My name is Lori Lamson. I am the Assistant Town Manager for the Town of Apple Valley, California. I have overseen land use planning in Apple Valley for 15 years and worked in local government planning for 27 years. I have strong understanding and experience in balancing community needs (including economic growth, jobs, and recreation) with natural resource needs and conservation.

Apple Valley is located in the high desert of San Bernardino County (County) in the West Mojave Desert and has a population of 74,000 people. The Town is located in the heart of the greater Victor Valley Region, which has a population well over 450,000 (*See Attachment 1. Regional Location Map*). Many of these residents locate in the high desert because of the proximity to large open space areas to recreate and enjoy the extreme beauty of the Mojave Desert.

I am pleased to be here today to support H.R. 2365, which proposes to convey approximately 4,600 acres of Bureau of Land Management (BLM) land to the Town of Apple Valley for the purpose of creating a local Off-Highway Vehicle (OHV) park. The conveyance of this land for the purposes described in the bill plays a significant role in the conservation efforts the Town and County have been working on for over ten years.

The Town and the County have been working in partnership since 2007 to prepare the Apple Valley Multi-Species Habitat Conservation Plan and Natural Communities Conservation Plan (MSHCP/NCCP or Plan).

*In order to comply with the requirements of Section 10 of the Endangered Species Act, a MSHCP is required to receive an Incidental Take Permit to impact listed species on private property. An MSHCP is a planning document that ensures that the anticipated take of a listed species will be avoided, minimized, and mitigated by conserving the habitat upon which the species depend, thereby contributing to the recovery of the species as a whole.*

*A NCCP is largely the state counterpart to the federal MSHCP. It provides a means of complying with the Natural Community Conservation Planning Act (NCCPA) and securing take authorization of listed species from the State.*

The MSHCP/NCCP Plan Area is comprised of approximately 222,367 acres (347 square miles) and includes private, federal, and state lands (See Attachment 2. Apple Valley MSHCP/NCCP Plan Area). The Plan will address the conservation of five federally protected species, one of which is the desert tortoise. The Town is the lead agency for developing the MSHCP/NCCP and for implementation of the Plan, once it is finalized and approved. Throughout the planning process the Town has worked closely with the County, the U.S. Fish and Wildlife Service (USFWS), the Bureau of Land Management (BLM), the California Department of Fish and Wildlife (CDFW), local stakeholders, and the public to ensure the Plan meets community needs within the Plan area, conserves natural resources, and complies with federal and state environmental regulations and policy. In addition, the Town has participated in other planning processes in the Mojave Desert including the Desert Renewable Energy Conservation Plan (DRECP).

The Plan provides important linkages across the landscape that will ultimately connect approximately 6.5 million acres of federally designated conservation lands (See Attachment 3. Federally Designated Conservation Connections). It allows for the implementation of local development that supports jobs, housing, and infrastructure on private land, while preserving important natural resources and complying with federal and state environmental laws over its 30-year Permit Term. The Plan seeks to balance development, recreation, and conservation within both the Town's incorporated boundaries and the County unincorporated area.

Federal lands make up a third of the MSHCP/NCCP Plan area. These lands are primarily designated for conservation or are considered general public lands. Recreation is a predominant use on these federal lands and there are many types of recreational opportunities within the Plan Area (hiking, horseback riding, camping, geocaching, photography, rock hounding, mountain biking, rock climbing, and OHV use). The Plan will establish a partnership with the BLM to assist with management of federal lands within its conservation areas. This partnership will include collaborating on planning activities, conducting management actions, and funding agreed upon management activities.

For more than 50 years the Proposed Conveyance Area in H.R. 2365 has been popular for high intensity riding, camping, staging, and other off-highway vehicle related activities. In total, the “off-road” area consists of approximately 6,000 acres of public and private land, of which approximately 4,600 are federal lands managed by BLM.

Currently, large portions of this area are denuded of vegetation and dirt has been moved with tractors and small equipment to create tracks for off-highway vehicle use and campgrounds. Areas where habitat still exists are heavily crisscrossed with trails and routes that are highly traveled (*See Attachment 4. Photos of Proposed Conveyance Area*). On a weekend, outside of the hot summer, it is typical to see 500 – 1,000 users in this historically impacted area.

Both the Town and County recognize this area as important to the local community and region. The MSHCP/NCCP proposes to continue this use as part of the recreation element of the Plan. However, due to a conflict in land use designations with the DRECP, we may not be able to do so. This is the issue I am here to discuss with you today.

When the DRECP began in 2009, the Town was asked by the State and Federal environmental agencies to trail the DRECP planning effort to ensure consistency between the information in the two plans. The Final DRECP Land Use Plan Amendment (LUPA), which was adopted in 2016 on BLM lands only, established 4.2 million acres of conservation lands and established 388,000 acres of Development Focus Areas (DFAs) for renewable energy projects.

Despite the poor condition of the proposed conveyance lands and their heavy use for decades by locals and visitors to the desert for off-road recreation, the Conveyance Area was designated as an Area of Critical Environmental Concern (ACEC) under the DRECP. The purpose of the ACEC under the DRECP is to protect the existing biological values, including habitat quality, populations of sensitive species, and landscape connectivity—which the Conveyance Area does not exhibit. With the exception of the proposed land conveyance, the other ACECs established by the DRECP in the MSHCP/NCCP Plan Area are consistent with the Town’s proposed conservation areas (*See Attachment 5. Proposed Conveyance Area with Linkage Overlays*).

Due to the size of the DRECP, which is 22.5 million acres, models used to describe the environmental resources and land use in the Mojave Desert are at a 40,000-foot level and do not always accurately reflect the condition and value of habitat of what is truly on the ground. The Town’s MSHCP/NCCP is 1/10<sup>th</sup> of the size of the DRECP, giving the Town the ability to ground truth actual ground conditions and uses. The conveyance area proposed by Congressman Cook is one such area where on the ground conditions do not align with the values ascribed by the DRECP models. Restoration of this disturbed conveyance land may not ever succeed at restoring the values needed to align with the ACEC’s described purpose, regardless of how much money and time is

invested. That doesn't account for the cost of enforcement to remove the generational repetitive OHV user from the area.

The Town raised this conflict many times with BLM staff, including the former State Director and high-level state and federal DRECP planning staff to no avail. We toured the conveyance area with these individuals where they verbally committed to understanding this issue and promised to keep the area out of the ACEC. The Town also submitted formal comments on the DRECP raising the issue, which was not addressed in the final document. The DRECP did not provide adequate mechanisms to address these types of on the ground issues at a local level and the LUPA designations adopted are rigid and allow no flexibility.

The MSHCP/NCCP's Linkage Design includes the area directly to the north of the conveyance area and overlaps the southernmost portion of the Stoddard Valley OHV area (*See Attachment 6. Photos of High Quality Habitat in Area North of Proposed Conveyance*). The Town's linkage was developed by examining the Plan Area for areas with higher habitat values. Stoddard Valley OHV Area exhibits these values due to users staying predominantly on trails. Creosote bushes in this area, are about 6 feet tall making it difficult and not ideal to venture off trail. It is important to note that no change is proposed by the MSHCP/NCCP to the Stoddard Valley OHV Area.

A main objective of this Proposed Conveyance is to keep heavy OHV use in the areas that are already highly impacted and to maintain/reduce the level of impact to the areas of better habitat by working with users to stay on route and implementing other multiple use management practices that restore impacts to habitat while maintaining recreation. 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 continue existing uses while managing for the Plan's habitat and biological values.

An objective of the Plan is to establish a partnership with BLM to assist them in achieving their mandate to allow multiple uses including conservation of the desert tortoise habitat on BLM lands and to establish a Linkage Design comprised of public and private lands that serves as a conservation corridor. The proposed conveyance area is located south of an identified east/west linkage for many species including the Desert Tortoise. It is critical that this linkage be maintained, managed, and restored to allow for movement of species through this corridor. Providing off-highway vehicle enthusiasts with a recreation area that they are already using will greatly help to reduce impacts to higher quality habitat areas and is crucial in the success of the Linkage Design developed through the local MSHCP/NCCP process.

The Town is prepared to submit the Public Review Draft of the MSHCP/NCCP to the USFWS, CDFW and BLM on July 31, 2018. Timing of this conveyance is crucial to the success of this plan. The Town is very concerned that the BLM partnership the Plan is built upon, will force the Town and the County to be responsible for restoring and

managing lands within the Proposed Conveyance Area as an ACEC. The cost to try and accomplish this task will be prohibitive and success will be unachievable. Implementation of the DRECP's ACEC designation here will also cause the removal of a historic recreational area at the risk of degrading good quality habitat.

We believe the Proposed Conveyance is a common-sense solution that brings value and benefit to the community and the environment. It supports the conservation strategy of the Town's MSHCP/NCCP and the goals and objectives of the DRECP ensuring that our natural resources are protected and conserved. And, it reflects the values of the community by balancing the conservation of the desert with necessary economic and recreational needs. The Town will be able to develop a management plan for the conveyance area that provides for events, safety training, and other activities, as well as, apply for California OHV grants and other funding that will enhance OHV recreation in this area.

The Town has engaged many stakeholders over the years and has support of the local community, the California Department of Fish and Wildlife, and the County of San Bernardino.

Thank you for the opportunity to come before you today. I welcome your questions and comments.

# Attachment 1. Regional Location Map

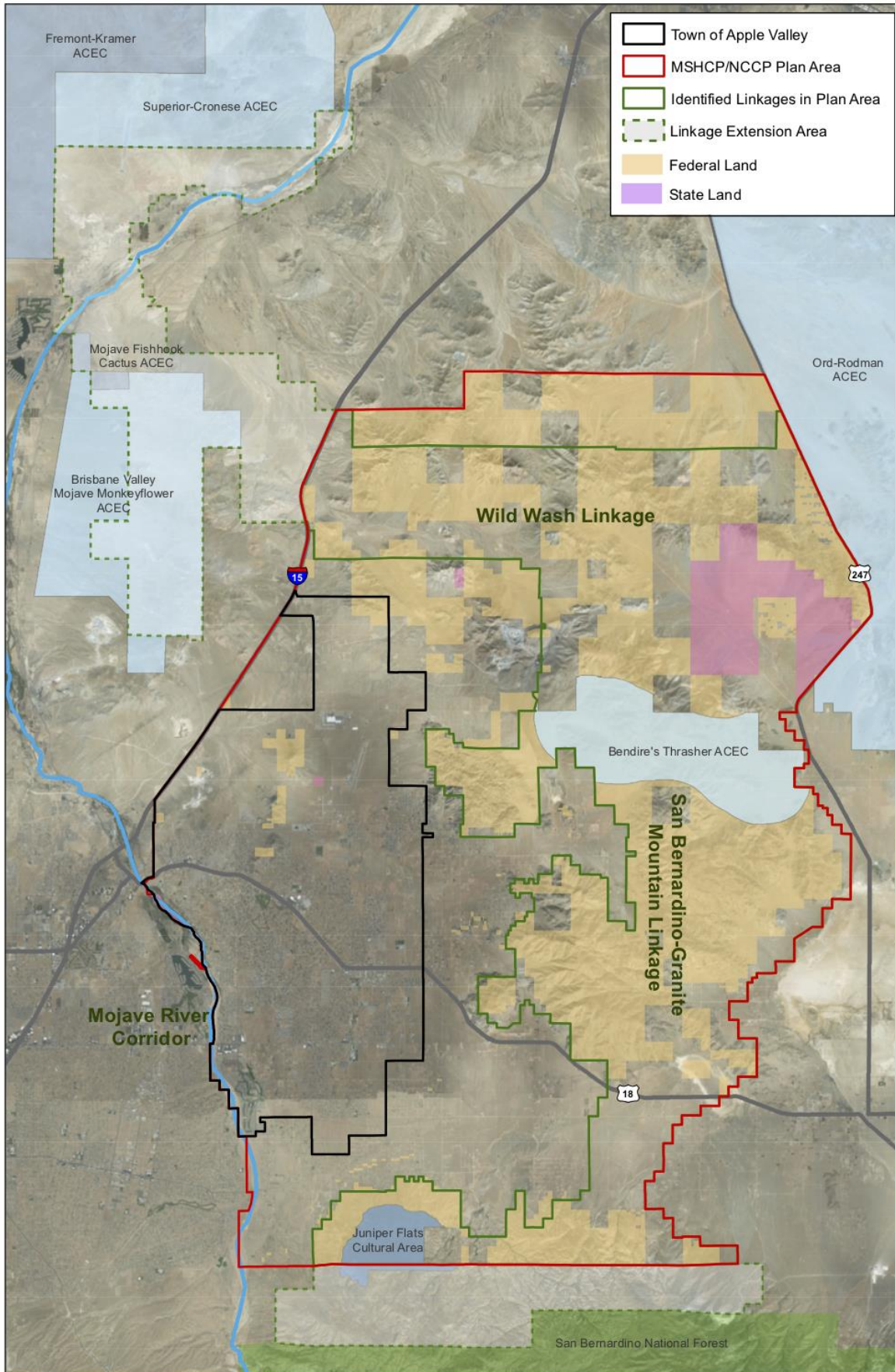


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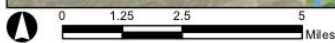
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## Regional Location Map Town of Apple Valley MSHCP/NCCP

# Attachment 2. Apple Valley MSHCP/NCCP Plan Area



- Town of Apple Valley
- MSHCP/NCCP Plan Area
- Identified Linkages in Plan Area
- Linkage Extension Area
- Federal Land
- State Land

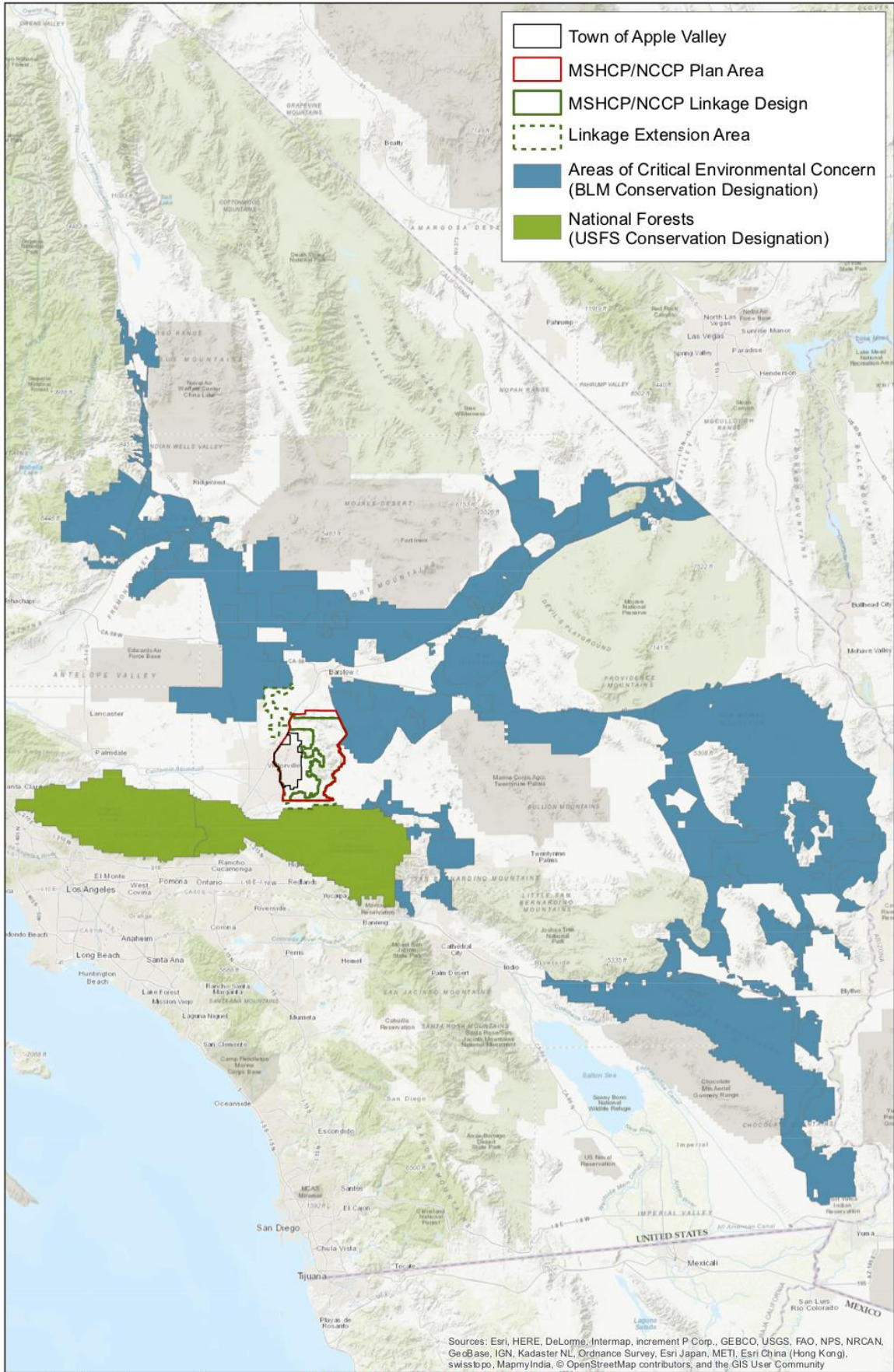


ADMINISTRATIVE DRAFT 5/12/2018

APPLE VALLEY MSHCP/NCCP

Apple Valley MSHCP/NCCP Plan Area

# Attachment 3. Federally Designated Conservation Connections



**ADMINISTRATIVE DRAFT 10/25/2017**

APPLE VALLEY MSHCP/NCCP

**Federally Designated Conservation Connections**



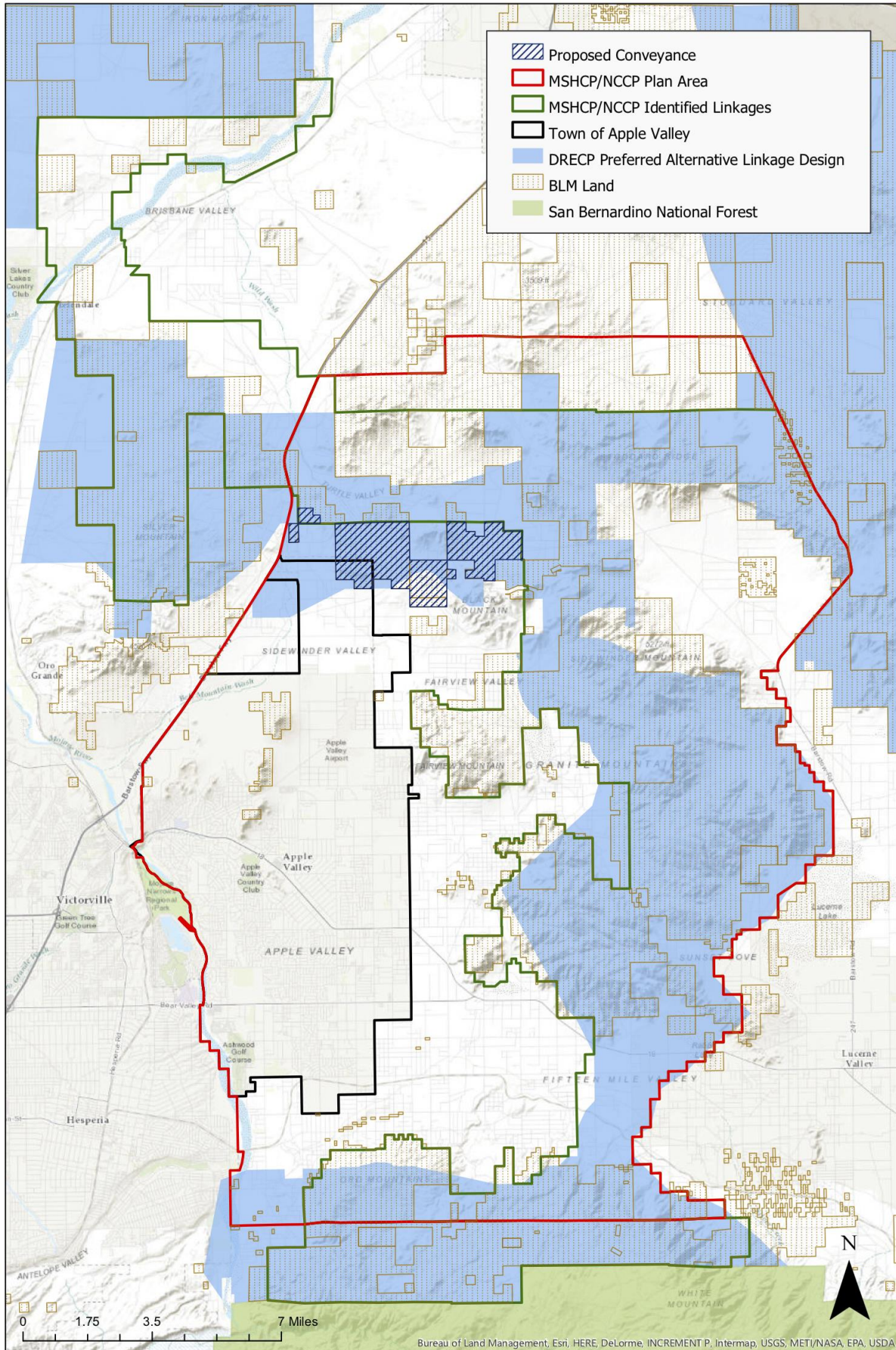
## Attachment 4. Photos of Proposed Conveyance Area



## Attachment 4. Photos of Proposed Conveyance Area



# Attachment 5. Proposed Conveyance Area with Linkage Overlays



**ADMINISTRATIVE DRAFT**

**Attachment 6. Photos of High Quality Habitat in Area North of Proposed Conveyance**

