

# Committee on Natural Resources

Rob Bishop Chairman  
Markup Memorandum

June 8, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Brandon Miller and Leah Baker  
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **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.  
**June 13, 2018, 10:15 AM; 1324 Longworth House Office Building**

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## H.R. 2365, “Desert Community Lands Act”

### Summary of the Bill

H.R. 2365, introduced by Representative Paul Cook (R-CA-08), directs the Department of the Interior (DOI) to convey the surface estate of specified federal land to the Town of Apple Valley, to be known and designated as the Apple Valley Off-Highway Vehicle Recreation Area. It also directs DOI to convey parcels of land to the municipalities of Twentynine Palms, Victorville, and Barstow.

### Cosponsors

None.

### Background

Like many cities and towns in the California desert, the communities of Apple Valley, Barstow, Twentynine Palms, and Victorville are set amidst an extensive land ownership pattern dominated by the federal government. In some cases, these federally-managed lands provide tremendous opportunity for outdoor recreation, such as off-highway vehicle use. In other cases, they are impeding the surrounding communities from responding to the pressures of population growth and fostering economic development. To meet key economic, community development, and recreation needs, H.R. 2365 would convey parcels of land currently managed by the Bureau of Land Management (BLM) to local governments.

H.R. 2365 would require that DOI convey to the Town of Apple Valley approximately 4,630 acres of BLM-managed land located north and east of the town center. The conveyance would occur within five years of enactment, would be subject to valid existing rights, and would not include subsurface interests. The lands conveyed would be managed by the town as the Apple Valley Off-Highway Vehicle Recreation Area and would be used for off-road vehicles, competitive races, training and other recreation. According to town officials, lands conveyed are already heavily used by off-road vehicles and managing this use will allow the town to meet

obligations set forth in a Multi-Species Habitat Conservation Plan/Community Conservation Plan.<sup>1</sup>

H.R. 2365 would also require that DOI convey to the city of Twentynine Palms approximately 80 acres located east of the city. The conveyance would occur within one year of enactment. Conveyed land would be subject to valid existing rights and would exclude subsurface interests. The parcel is located adjacent to an area known as the 29 Palms Motorsports Arena, which annually hosts the Hilltoppers Motorcycle Club Grand Prix, with draws more than 1200<sup>2</sup> racers and 5000 attendees<sup>3</sup>. According to local officials, the conveyed land will allow for more publicly accessible race events, which will bring much-needed economic stimulus to the area.

H.R. 2365 would require DOI to convey to the City of Barstow approximately 320 acres of BLM-managed land located entirely within the incorporated city limits. The conveyance would occur within one year of enactment, would be subject to valid existing rights, and would exclude subsurface interests. According to city officials, the parcel would contribute to improved vehicular circulation and reduced traffic congestion by allowing for secondary access to a key town center. This parcel is located adjacent to the I-15 freeway and its commercial development is estimated to bring in as much as \$1,000,000 annually in sales tax revenue for the city. According to City Manager Charles Mitchell, the parcel “is one of the most important pieces of vacant property in Barstow and its acquisition and development would be highly beneficial to [the] economically distressed community.”<sup>4</sup>

Finally, H.R. 2365 would require DOI to convey to the city of Victorville approximately 3,200 acres located either within the city limits or its sphere of influence. The conveyance would occur within one year of enactment, conveyed land would be subject to valid existing rights, and it would exclude subsurface interests. According to city officials, the conveyance would contribute to the Victorville’s master plan, which is designed to respond to projected population growth and serve as a transit hub between a planned high-speed passenger rail network connecting southern Californian communities to Las Vegas, Nevada. Other conveyed parcels would be used for wastewater treatment, increased transportation access, and light industrial development.<sup>5</sup>

The Subcommittee on Federal Lands held a legislative hearing on H.R. 2365 on May 17, 2018.

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<sup>1</sup> Letter from Scott Nassif, Town of Apple Valley Mayor, to Representative Paul Cook (June 13, 2017).

<sup>2</sup> *Hilltoppers Motorcycle Club*, <http://hilltoppersmc.com/> (last visited May 3, 2018).

<sup>3</sup> Letter from John E. Cole, City of Twentynine Palms Mayor, to Representative Paul Cook (May 18, 2017).

<sup>4</sup> Letter from Charles C. Mitchell, Barstow City Manager, to Representative Paul Cook (May 23, 2017).

<sup>5</sup> Letter from Gloria Garcia, City of Victorville Mayor, to Natural Resources Committee Chairman Rob Bishop (May 17, 2017).

## **Major Provisions/Analysis of H.R. 2365**

**Section 2, Conveyance for Apple Valley Off-Highway Vehicle Recreation Area.** This section requires that no later than five years from enactment, the Secretary of the Interior conveys to the Town of Apple Valley, California, approximately 4,600 acres of land to be known as the Apple Valley Off-Highway Vehicle Recreation Area. Conveyed lands would be subject to valid existing rights and would not include the underlying mineral estate. Conveyed lands would be used by Apple Valley for any public purpose related to the establishment of an off-road vehicle recreation park; the provision of off-road vehicle recreation, including races and competitive events; and the designation of an area to discourage unauthorized use of OHVs in areas that contain environmentally sensitive land. Lands conveyed are prohibited from disposal by the town, unless approved by the Secretary of the Interior.

**Section 3. Conveyance to City of Twentynine Palms, California.** This section requires that no later than one year from enactment, the Secretary of the Interior conveys to the city of Twentynine Palms, California, approximately 80 acres of land, which would be subject to valid existing rights and would not include the underlying mineral estate.

**Section 4. Conveyance to City of Barstow, California.** This section requires that no later than one year from enactment, the Secretary of the Interior conveys to the city of Barstow, California, approximately 320 acres of land, which would be subject to valid existing rights and would not include the underlying mineral estate.

**Section 5. Conveyance to City of Victorville, California.** This section requires that no later than one year from enactment, the Secretary of the Interior conveys to the city of Victorville, California, approximately 3,200 acres of land, which would be subject to valid existing rights and would not include the underlying mineral estate.

### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

### **Administration Position**

The Administration's position is currently unknown.

### **Anticipated Amendments**

One amendment is anticipated to make technical corrections; remove a provision regarding the Department of the Interior preparing a management plan for the parcel to be conveyed to the Town of Apple Valley, and clarify valid existing rights on the parcel to be conveyed to the City of Victorville.

### **Effect on Current Law (Ramsever)**

None.