



## OHMVR COMMISSION MEETING Upper Lake, CA 95485

February 28, 2014

**STAFF REPORT:** Legislative Update

**STAFF:** Tina L. Williams, OHMVR Division Superintendent of Public Relations and Communications

**SUBJECT:** Update on Johnson Valley OHV Area

---

### Summary

United States Congress has reached a decision on the expansion of the Twentynine Palms Marine Corps Air Ground Combat Center into neighboring Johnson Valley OHV Area. As part of the 2014 National Defense Authorization Act (H.R. 3304), Johnson Valley was designated by Congress as the “Johnson Valley National Off-Highway Vehicle Recreation Area” under the continued management of the U.S. Bureau of Land Management (BLM), and the United States Marine Corps (USMC) will expand the Twentynine Palms Marine Base into a portion of Johnson Valley.

The decision divides the current Johnson Valley OHV area into three land areas that have been designated for specific types of use (see Attachment 1):

- Johnson Valley OHV Area (approximately 43,431 acres)
- Shared Use Area (approximately 53,000 acres) additional 3,000 acres of private and state lands is being acquired for annexation into this area for a total of approximately 56, 000 acres
- Exclusive Military Use area (approximately 79,000 acres)

Total acreage for the Johnson Valley OHV Area and Shared Use Area would be approximately 100,000 acres. The Shared Use Area would be available for public access at least 10 months of the year.

### Discussion

Johnson Valley is a popular OHV recreation area administered by the BLM Barstow Field Office. At approximately 188,000 acres, the Johnson Valley OHV Area is the largest OHV area in California. The Johnson Valley OHV Area was a product of the landmark 1980 Desert Conservation Area Plan. In 1992, the BLM developed a Recreation Management Plan for Johnson Valley OHV Area.

In 2008, the USMC originally expressed an interest in acquiring all, or a portion of, the Johnson Valley OHV Area to meet training requirements for a large-scale training range facility. The USMC prepared a National Environmental Policy Act Environmental Impact Statement in support of the land acquisition.

On December 26, 2013 the President signed the 2014 National Defense Authorization Act (NDAA) transferrining approximately 79,000 acres from the Bureau of Land Management (BLM) to the Secretary of the Navy for exculsive military use. The 2014 National Defense Authorization Act includes language describing the division and designation of the Johnson Valley OHV Area:

***HR 3304 National Defense Authorization Act for Fiscal Year 2014***

*Sec. 2941. Withdrawal and reservation of public land*

*Sec. 2942. Management*

*Sec. 2943 Public Access*

*Sec. 2944 Resource Management*

*Sec. 2945. Designation of Johnson Valley National Off-Highway Vehicle Recreation Area.*

*Sec. 2946. Duration*

**Commission Action**

For information only

**Attachments**

Attachment 1: MCAGCC 29 Palms Expansion Map

Attachment 2: HR 3304, Sections 2941-2946

**West Study Area Lands**

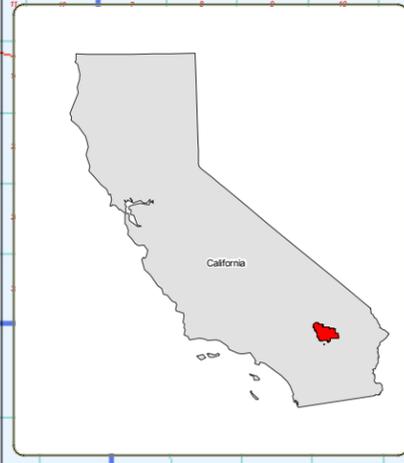
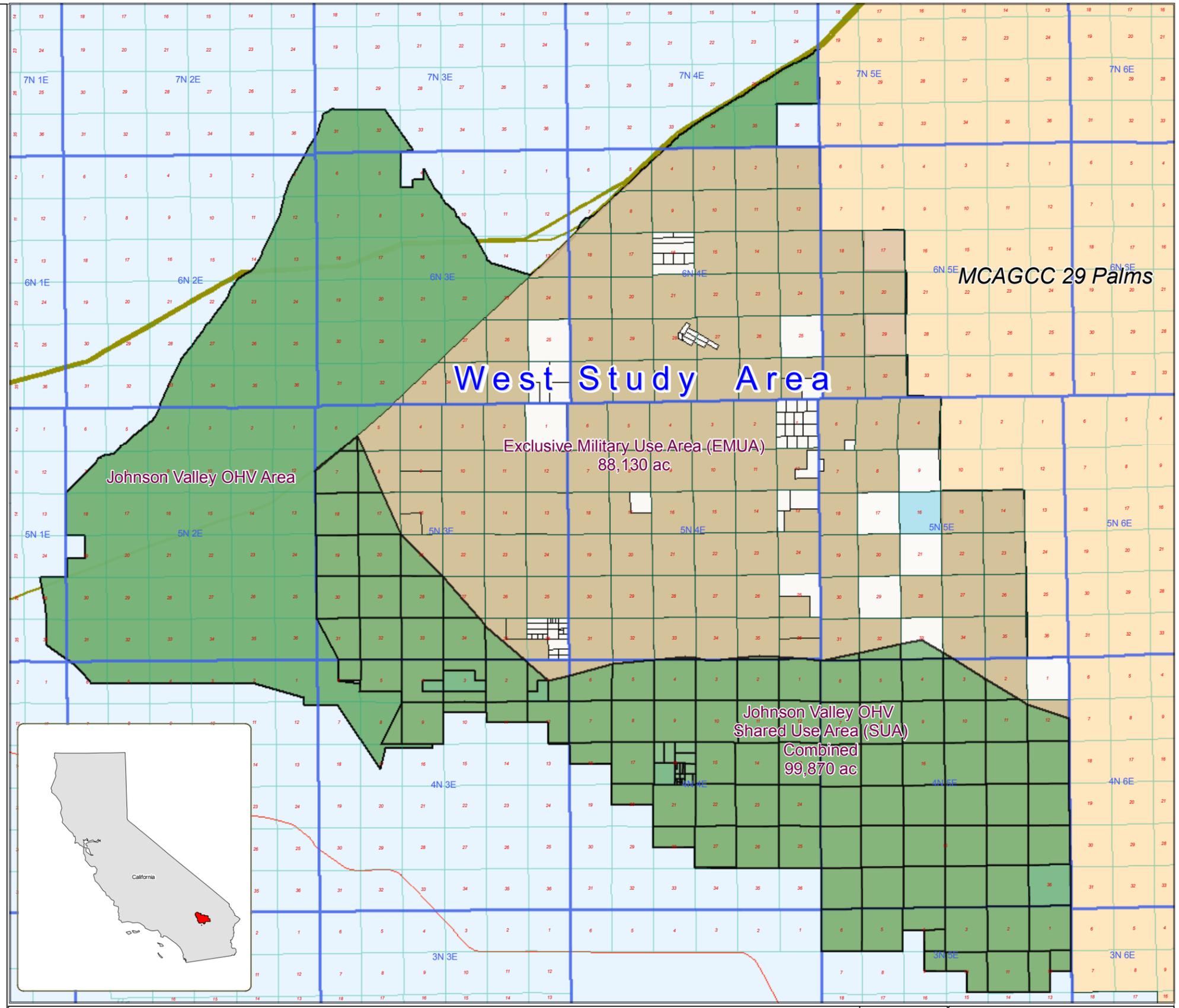
Exclusive Military Use Area  
Total 88,130 ac

Johnson Valley OHV Area  
43,431 ac

Shared Use Area  
56,439 ac

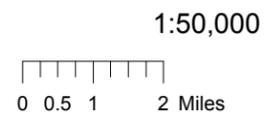
**Johnson Valley OHV Area & Shared Use Area**

Total Area = 99,870 ac



**Legend**

- Johnson Valley OHV Area
- Existing Base
- BLM Lands Proposed Withdrawal
- State Owned Parcels
- Johnson Valley OHV Area & SUA
- Privately Owned Parcels
- So Cal Edison Transmission Lines



1:50,000

**MCAGCC 29 Palms Expansion Map  
"Johnson Valley Off Highway  
Vehicle Recreation Area"**



Prepared by NAVFAC SW Real Estate  
By: Chuck Colwell (Central IPT)  
For: MCAGCC 29 Palms  
Date: 2 Dec 2013  
File Name: MCAGCC OHV Line 120513

(H) Procedures for scheduling of the removal of unexploded ordnance.

(d) **EXISTING MEMORANDUM OF AGREEMENT.**—Until the date on which the agreement under subsection (c) becomes effective, the compatible joint use of the land withdrawn and reserved by section 2931 shall be governed, to the extent compatible, by the terms of the 2005 Memorandum of Agreement among the Montana Army National Guard, Graymont Western US, Inc., and the Bureau of Land Management.

**SEC. 2934. GRAZING.**

(a) **ISSUANCE AND ADMINISTRATION OF PERMITS AND LEASES.**—The Secretary of the Interior shall manage the issuance and administration of grazing permits and leases, including the renewal of permits and leases, on the public land withdrawn by section 2931, consistent with all applicable laws (including regulations) and policies of the Secretary of the Interior relating to the permits and leases.

(b) **SAFETY REQUIREMENTS.**—With respect to any grazing permit or lease issued after the date of enactment of this Act for land withdrawn by section 2931, the Secretary of the Interior and the Secretary of the Army shall jointly establish procedures that—

(1) are consistent with Department of the Army explosive and range safety standards; and

(2) provide for the safe use of the withdrawn land.

(c) **ASSIGNMENT.**—With the agreement of the Secretary of the Army, the Secretary of the Interior may assign the authority to issue and to administer grazing permits and leases to the Secretary of the Army, except that the assignment may not include the authority to discontinue grazing on the land withdrawn by section 2931.

**SEC. 2935. PAYMENTS IN LIEU OF TAXES.**

The land withdrawn by section 2931 is deemed to be entitlement land for purposes of chapter 69 of title 31, United States Code.

**SEC. 2936. DURATION OF WITHDRAWAL AND RESERVATION.**

The withdrawal and reservation of public land made by section 2931 shall terminate on March 31, 2039.

## **Subtitle C—Marine Corps Air Ground Combat Center Twentynine Palms, Cali- fornia**

**SEC. 2941. WITHDRAWAL AND RESERVATION OF PUBLIC LAND.**

(a) **WITHDRAWAL.**—Subject to valid existing rights and except as otherwise provided in this subtitle, the public land (including interests in land) described in subsection (b), and all other areas within the boundary of the land depicted on the map described in such subsection that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(b) **DESCRIPTION OF LAND.**—The public land (including interests in land) referred to in subsection (a) is the Federal land comprising

approximately 150,928 acres in San Bernardino County, California, generally depicted on the map titled “MCAGCC 29 Palms Expansion Map-Johnson Valley Off Highway Vehicle Recreation Area”, dated December 5, 2013, and filed in accordance with section 2912, which is divided into the following two areas:

(1) The Exclusive Military Use Area (in this subtitle referred to as the “Exclusive Military Use Area”), consisting of the following two areas:

(A) One area to the west of the Marine Corps Air Ground Combat Center, consisting of approximately 78,993 acres.

(B) One area south of the Marine Corps Air Ground Combat Center, consisting of approximately 18,704 acres.

(2) The Shared Use Area (in this subtitle referred to as the “Shared Use Area”), consisting of approximately 53,231 acres.

(c) RESERVATION FOR SECRETARY OF THE NAVY; PURPOSES.—The Exclusive Military Use Area is reserved for use by the Secretary of the Navy for the following purposes:

(1) Sustained, combined arms, live-fire, and maneuver field training for large-scale Marine air ground task forces.

(2) Individual and unit live-fire training ranges.

(3) Equipment and tactics development.

(4) Other defense-related purposes that are—

(A) consistent with the purposes described in the preceding paragraphs; and

(B) authorized under section 2914.

(d) RESERVATION FOR SECRETARY OF THE INTERIOR; PURPOSES.—The Shared Use Area is reserved—

(1) for use by the Secretary of the Navy for the purposes described in subsection (c); and

(2) for use by the Secretary of the Interior for the following purposes:

(A) Public recreation—

(i) during any period in which the land is not being used for military training; and

(ii) as determined to be suitable for public use.

(B) Natural resources conservation.

(e) ADJUSTMENT.—The boundary of the Exclusive Military Use Area at Emerson Ridge provided in subsection (b)(1) shall be located in such a manner so as to ensure access to the pass northwest of the ridge for purposes described in subsection (d).

**SEC. 2942. MANAGEMENT OF WITHDRAWN AND RESERVED LAND.**

(a) MANAGEMENT BY THE SECRETARY OF THE NAVY; CONDITION.—

(1) IN GENERAL.—Except as provided in subsection (b), during the period of withdrawal and reservation of land made by section 2941, the Secretary of the Navy shall manage the land withdrawn and reserved by such section for the purposes described in subsection (c) of such section in accordance with—

(A) an integrated natural resources management plan prepared and implemented under title I of the Sikes Act (16 U.S.C. 670a et seq.);

(B) subtitle A and this subtitle;

(C) a programmatic agreement between the Marine Corps and the California State Historic Preservation Officer

regarding operation, maintenance, training, and construction at the United States Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California; and

(D) any other applicable law.

(2) LIVE-FIRE TRAINING.—The boundary of the Exclusive Military Use Area described in section 2941 shall be clearly identified before the Exclusive Military Use Area is used for any live-fire military training. The Secretary of the Navy shall ensure the military boundary is maintained.

(b) MANAGEMENT BY THE SECRETARY OF THE INTERIOR; EXCEPTION.—

(1) SECRETARY OF THE INTERIOR MANAGEMENT.—

(A) IN GENERAL.—Except as provided in paragraph (2), during the period of withdrawal and reservation of land made by section 2941, the Secretary of the Interior shall manage the Shared Use Area.

(B) APPLICABLE LAW.—During the period of the management by the Secretary of the Interior under this paragraph, the Secretary of the Interior shall manage the Shared Use Area for the purposes described in subsection (d) of section 2941 in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(2) SECRETARY OF THE NAVY MANAGEMENT.—

(A) EXCEPTION.—Twice a year during the period of withdrawal and reservation of land by this section, there shall be a 30-day period during which the Secretary of the Navy shall—

(i) manage the Shared Use Area; and

(ii) exclusively use the Shared Use Area for military training purposes.

(B) APPLICABLE LAW.—During the period of the management by the Secretary of the Navy under this paragraph, the Secretary of the Navy shall manage the Shared Use Area for the purposes described in subsection (c) of section 2941 in accordance with—

(i) an integrated natural resources management plan prepared and implemented in accordance with title I of the Sikes Act (16 U.S.C. 670a et seq.);

(ii) subtitle A and this subtitle;

(iii) the programmatic agreement described in subsection (a)(3); and

(iv) any other applicable law.

(C) LIMITATION.—The Secretary of the Navy shall prohibit the firing of dud-producing ordnance into the Shared Use Area.

(c) IMPLEMENTATION AGREEMENT.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy shall enter into a written agreement to implement the management responsibilities of the respective Secretaries with respect to the Shared Use Area.

(2) COMPONENTS.—The agreement entered into under paragraph (1)—

(A) shall be of a duration that is equal to the period of the withdrawal and reservation of land under section 2941;

(B) may be amended from time to time;

(C) may provide for the integration of the management plans required of the Secretary of the Interior and the Secretary of the Navy;

(D) may provide for delegation, to civilian law enforcement personnel of the Department of the Navy, of the authority of the Secretary of the Interior to enforce laws relating to protection of natural and cultural resources and fish and wildlife; and

(E) may provide for the Secretary of the Interior and the Secretary of the Navy to share resources so as to most efficiently and effectively manage the Shared Use Area.

(3) LINKAGE.—The Secretary of the Interior shall ensure access is provided between the two non-contiguous Johnson Valley Off-Highway Vehicle Recreation Area parcels described in section 2945.

(d) MILITARY TRAINING.—

(1) NOT CONDITIONAL.—Military training within the Shared Use Area shall not be conditioned on—

(A) the existence of, or precluded by the lack of, a recreation management plan or land use management plan for the area developed and implemented by the Secretary of the Interior; or

(B) the existence of any legal or administrative challenge to such a recreation management plan or land use plan.

(2) MANAGEMENT.—

(A) USE AGREEMENT.—The Secretary of the Interior shall enter into an agreement with the Secretary of the Navy within one year of the date of the enactment of this Act for the exclusive use by the Marine Corps of two company objective areas, each measuring approximately 300 meters square (approximately 22 acres), located inside the boundaries of the Shared Use Area and totaling approximately 44 acres. These areas will be closed to all public access for the period of the withdrawal specified in section 2946. The purpose of this agreement will be to accommodate the construction, maintenance, modification, and use of these areas for the purposes identified in section 2941(c).

(B) RANGE MANAGEMENT.—Small, static, short-range explosives may be used in the two company objective areas described in subparagraph (A). Explosives that fail to function in the company objective areas will be immediately identified and located, training will temporarily halt, and on-scene explosive ordnance disposal personnel will render the munition safe before training resumes. Existing Marine Corps range safety policies and procedures as identified in Marine Corps Order 3570.1X will be followed to ensure all munitions are rendered safe and the area will again be swept after the training exercise by qualified personnel to further ensure no hazards remain.

(C) ACCESS.—The Shared Use Area shall be managed in a manner that does not compromise the ability of the Navy to conduct military training in such area.

**SEC. 2943. PUBLIC ACCESS.**

(a) IN GENERAL.—Notwithstanding section 2913, the Exclusive Military Use Area shall be closed to all public access unless otherwise authorized by the Secretary of the Navy.

(b) PUBLIC RECREATIONAL USE.—

(1) IN GENERAL.—The Shared Use Area shall be open to public recreational use during the period in which the area is under the management of the Secretary of the Interior, if there is a determination by the Secretary of the Navy that the area is suitable for public use.

(2) DETERMINATION.—A determination of suitability under paragraph (1) shall not be withheld without a specified reason.

(c) UTILITIES.—Nothing in this subtitle prohibits the construction, operation, maintenance, inspection, and access to existing or future utility facilities located within a utility right of way in existence on the date of the enactment of this Act.

**SEC. 2944. RESOURCE MANAGEMENT GROUP.**

(a) ESTABLISHMENT.—The Secretary of the Navy and the Secretary of the Interior, by agreement, shall establish a Resource Management Group for the land withdrawn and reserved by section 2941 to be comprised of representatives of the Department of the Interior and the Department of the Navy.

(b) DUTIES.—

(1) IN GENERAL.—The Resource Management Group shall—

(A) develop and implement a public outreach plan to inform the public of the land uses changes and safety restrictions affecting the land withdrawn and reserved by section 2941; and

(B) advise the Secretary of the Interior and the Secretary of the Navy with respect to the issues associated with the multiple uses of the Shared Use Area.

(2) SITING PROCESS.—The Resource Management Group shall determine the location of the company objective areas. In siting the two areas, the Resource Management Group will seek information from representatives of relevant State agencies, Off Highway Vehicle and other recreation interest groups, and environmental advocacy groups. The Resource Management Group shall consider potential recreational and conservation uses of the area when making their location determination.

(c) MEETINGS.—The Resource Management Group shall—

(1) meet at least once a year; and

(2) solicit input from relevant State agencies, private off-highway vehicle interest groups, event managers, environmental advocacy groups, and others relating to the management and facilitation of recreational use within the Shared Use Area.

**SEC. 2945. JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.**

(a) DESIGNATION.—There is hereby designated the “Johnson Valley Off-Highway Vehicle Recreation Area”, consisting of—

(1) 43,431 acres (as depicted on the map referred to in subsection (b) of section 2941) of the existing Bureau of Land Management-designated Johnson Valley Off-Highway Vehicle

Area that is not withdrawn and reserved for defense-related uses by such section; and

(2) The Shared Use Area.

(b) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable Federal law (including regulations) and this subtitle, any authorized recreation activities and use designation in effect on the date of enactment of this Act and applicable to the Johnson Valley Off-Highway Vehicle Recreation Area may continue, including casual off-highway vehicular use and recreation.

(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Johnson Valley Off-Highway Vehicle Recreation Area (other than the Shared Use Area, which is being managed in accordance with the other provisions of this subtitle) in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) any other applicable law.

(d) TRANSIT.—In coordination with the Secretary of the Interior, the Secretary of the Navy may authorize transit through the Johnson Valley Off-Highway Vehicle Recreation Area for defense-related purposes supporting military training (including military range management and management of exercise activities) conducted on the land withdrawn and reserved by section 2941.

**SEC. 2946. DURATION OF WITHDRAWAL AND RESERVATION.**

The withdrawal and reservation of public land made by section 2941 shall terminate on March 31, 2039.

**Subtitle D—White Sands Missile Range,  
New Mexico, and Fort Bliss, Texas**

**SEC. 2951. WITHDRAWAL AND RESERVATION OF PUBLIC LAND.**

(a) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in subsection (b) is withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in subsection (a) consists of approximately 5,100 acres of land depicted as “Parcel 1” on the map entitled “White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal”, dated April 3, 2012, and filed in accordance with section 2912.

(c) RESERVATION.—The Federal land described in subsection (b) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 27, 1952 (17 Fed. Reg. 4822).

**SEC. 2952. GRAZING.**

(a) ISSUANCE AND ADMINISTRATION OF PERMITS AND LEASES.—The Secretary of the Interior shall manage the issuance and administration of grazing permits and leases, including the renewal of permits and leases, on the public land withdrawn by section 2951, consistent with all applicable laws (including regulations)