



THE WILDLANDS CONSERVANCY

California Energy Commission

DOCKETED

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TN # 75306

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February 23, 2015

Karen Douglas
Commissioner
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Charlton H. Bonham
Director
California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

James G. Kenna
State Director, California State Office
Bureau of Land Management
2800 Cottage Way
Sacramento, CA 95825

Ren Lohofener
Regional Director, Region 8
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

docket@energy.ca.gov

Re: DRECP DEIS Comments

Dear Commissioner Douglas, Director Bonham, Director Kenna and Director Lohofener,

Thank you for the opportunity to comment on the Draft Desert Renewable Energy Conservation Plan (DRECP). The Wildlands Conservancy (TWC) strongly supports goals for renewable energy production and utilization in California, as long as it protects its unique and sensitive resources in the California Desert Conservation Area (CDCA).

General Comments

The Wildlands Conservancy supports the concept of the Desert Renewable Energy Conservation Plan (DRECP) as a way to use landscape-level planning to facilitate development of renewable energy projects on disturbed and private lands, while simultaneously providing lasting conservation for species, natural communities and ecological processes in the California deserts. For that reason, TWC continues to participate and comment on the planning process; however we have several significant concerns that will determine our future position on the plan.

The decisions made in this 20 to 30 year plan will affect an ecosystem that supports organisms that live much longer than this plan will exist. Native desert plants within the



DRECP boundary live for many hundreds to thousands of years, if left undisturbed, including but not limited to: ancient creosote bushes and clonal rings, ironwood trees, California junipers, and Mojave yucca clonal rings, as well as their life-long fungal root partners that sequester and hold carbon dioxide underground in concrete “pools” of caliche. These long-lived desert plants are capable of providing hundreds to thousands of generations of wildlife with food, shelter, and nesting sites in their single lifetime. These same ancient plants, with their underground mycorrhizal root partners, can also continue to sequester CO₂ from our atmosphere for many generations of humans if they are allowed to remain living and intact across the expanse of deserts currently proposed for development in some Development Focus Areas (DFAs). The plants work for our benefit long after proposed energy facilities would have outlived their usefulness. No added resources are needed to support these ancient desert plants and their host root partners that consistently sequester carbon dioxide without assistance year after year. We feel these natural carbon sequestration mechanisms in the desert have not been adequately considered and accounted for in the Draft DRECP given the proposed DFAs in the Johnson and Lucerne Valley areas, eastern Riverside County and the study areas in the central and eastern Mojave.

For 20 years The Wildlands Conservancy has been an important partner to BLM completing strategic land acquisitions to create wildlife and ecological connectivity between various protected areas and conservation lands. To date TWC has purchased over 660,000 acres in the California desert including 30,000 acres that we continue to manage as preserves for ecological and wildlife connectivity from the Sonoran and Mojave deserts to the peaks of the San Bernardino Mountains. These preserves are important corridors for species moving up and down slope as well as east-west from conservation lands through riparian habitat into the San Bernardino National Forest. They also provide habitat for several listed and new species to science, including the newly described San Bernardino Linanthus (*Linanthus bernardinus*) within the plan area and multiple newly named insect species.

Landscape level connectivity and the durable conservation of those connected lands, are key components that must be maximized and enhanced throughout the DRECP planning area to maintain ecological functioning and species persistence and recovery. Maintaining and restoring landscape level connectivity is essential to the regular movement of individuals and populations seeking food, water, shelter, mates, etc., as well as for seasonal migration and recolonization after catastrophic events and environmental stressors. Therefore it is imperative that the plan maintain and enhance north-south, east-west and elevational connectivity to adequately meet the goals of the DRECP and allow desert species to migrate and adapt under additional stressors from climate change. For the reasons above and throughout this letter, we continue to urge the Renewable Energy Action Team (REAT)

agencies to adopt and embrace the precautionary principle of “no regrets” as outlined in the Independent Science Advisors report.

Catellus and the proposed National Monuments

The Wildlands Conservancy has a vested interest in renewable energy development being proposed on federal lands within the California desert region. TWC raised \$45 million in private funds to assist with the purchase and subsequent donation of approximately 630,000 acres of checker-boarded land (Catellus) in the desert, rich in natural, cultural, historic and recreational resource values.

Appendix X of the Draft DRECP contains information and maps of the Catellus lands TWC purchased and donated to the Bureau of Land Management (BLM). We greatly appreciate the separate appendix and the maps provided but have concerns about the data used for Catellus acreages and mapping. Our records indicate there are multiple areas where Catellus sections are not accurately depicted on the maps and request a comparison with the appropriate BLM department to reconcile any discrepancies. In the narrative of Section X.1 there is reference to “Catellus Agreement Lands” which appears to be a named subset of the Catellus lands donated to BLM. We would like clarification on this matter as all of the lands TWC donated to BLM for the conservation of natural and cultural resources and recreational values were not intended to be proposed for industrial development. (See attachments A, B, and C).

In February 2015, United States Senator Dianne Feinstein introduced the California Desert Conservation and Recreation Act (CDCRA) that includes the proposed Mojave Trails and Sand to Snow National Monuments. The Mojave Trails National Monument (MTNM) will preserve 941,000 acres of Bureau of Land Management land in California's most beloved desert and protect a major landscape linkage between Joshua Tree National Park, Mojave National Preserve and BLM wilderness areas, protecting important desert species habitat and connectivity for desert Bighorn, desert tortoise, Mojave fringe-toed lizard, and other sensitive desert species. Additionally, the monument will preserve unique geological features and lava flows, one of the largest cactus gardens in the California desert, rare fossil beds, irreplaceable recreational values, and the internationally-known and culturally-important historic Route 66, the Mother Road.

The stretch of Route 66 from Barstow to Needles is the longest undeveloped remaining stretch of the Mother Road in the country and must remain as such. In 2008, the World Monuments Fund designated Route 66, along with such world heritage sites as Machu Picchu and Shanghai, as a threatened resource on their *Watch List of 100 Most Endangered Sites*. In its March 2009 issue, *Smithsonian* magazine recognizes Route 66 as one of the "15 Must-See Endangered Cultural Treasures."

We oppose and request the removal of the Future Analysis Area (FFA) in the Cadiz Valley in the Preferred Alternative and the variance lands in Alternative 4 in the Cadiz Valley.

The FAA would be detrimental to the native desert landscape views from Route 66 and the proposed MTNM. It would negatively impact the ecological and wildlife connectivity, from Joshua Tree National Park, the Sheephole Mountains Wilderness and the Mojave National Preserve, a main motivation of TWC's Catellus purchase and donation. The proposed FFA is surrounded by existing and proposed conservation and historic designations including the adjacent proposed MTNM; BLM ACEC, NLCS, National Historic Landmarks, Wilderness Areas; and the Mojave National Preserve.

The new CDCRA of 2015 includes boundary changes to MTNM. Of special note is the addition of BLM lands south of Ludlow and adjacent to the Twenty-nine Palms US Marine Air Ground Combat Center. **For this reason we oppose any consideration for development and the DFA designation in Alternative 2 and 4 and recommend that the REAT agencies extend the conservation designations of ACEC and NLCS to include the above BLM lands in the Ludlow area.**

The proposed 134,000-acre Sand to Snow National Monument (SSNM) rises from the Sonoran Desert floor up to southern California's tallest alpine peak, Mount San Geronio at 11,503 feet. National monument status will elevate the protection of one of California's most diverse landscapes, as well as protect wildlife corridors between the San Bernardino Mountains, San Jacinto Mountains and Joshua Tree National Park. It includes the headwaters of southern California's longest river, the Santa Ana River, as well as the headwaters of the Whitewater River, which is simultaneously proposed for Wild and Scenic River designation. The proposed SSNM represents the convergence of coastal, mountain and desert ecotones and may be one of the most biologically diverse plant representations in North America. The Wildlands Conservancy privately acquired and donated 32,000 acres in this region to enhance federal landscape linkages and protection.

Durability of Conservation Lands

Given that TWC has been forced to spend the last 8 years utilizing its limited staff and financial resources to protect lands it previously protected just over a decade ago, we have grave concerns about BLM's commitment and track record to manage the proposed conservation lands in the DRECP as such for the length of the impacts from renewable energy development permitted under the plan. Our experience has demonstrated that administrative intent and assurances are insufficient for the protection of conservation lands in the California deserts.

The issue of durability of conservation designations needs to be adequately resolved for the DRECP to meet the standards of the Natural Community Conservation Planning Act (NCCP). To accomplish this we propose the REAT agencies and the BLM clarify and strengthen management prescriptions for NLCS lands and ACECs and identify the species, landscape processes, cultural resources, and other features for which the lands are being conserved.

We recommend the REAT agencies analyze in detail the various durability tools that the BLM can utilize in the final DRECP to meet the conservation management goals and legal requirements of the plan and publish the analysis in a Supplemental Draft.

Phasing the DRECP

Throughout the DRECP process stakeholders have continued to request that the DRECP be a phased plan. This would have numerous benefits for all stakeholders and for the resources in the CA desert. It would provide assurances for agencies, developers, local government, utilities and environmental groups by prioritizing DFAs that had been vetted for lower natural, cultural, recreational and community impacts. It would allow the agencies and stakeholders to further study areas of the desert for which there is a current lack of scientific data to make informed management decisions about and provide a reasonable strategy to assess cumulative impacts and monitoring and adaptive management frameworks. Phasing would also allow for changes in technology and technology trends to further mature, reducing the irreversible impacts of widespread development and expansive DFAs to the desert.

Phasing could be done multiple ways. For example DFAs could be designated in a Phase 1 and Phase 2 approach with a trigger to initiate the acceptance of applications in the second phase. Alternatively DFAs could themselves be phased where initially a sub region or portion of a DFA was open to development applications upon plan approval and again at a later trigger additional acreage in the study DFA could become available for applications.

In a sense the wildlife agencies have already helped to identify a framework for phasing by assigning take limits to various DFAs within the Draft DRECP EIS.

We recommend that the REAT team publish an analysis in a supplemental document outlining how the DRECP could be phased.

Energy Calculator and 20,000 MW Planning Target

It is important that the REAT continue to monitor the renewable energy projects and programs state-wide and update and revise the DRECP assumptions during this planning process. There has been intense focus and pressure from Federal and State administrations to site utility scale renewable energy in the CA desert. While there are notable energy resources in the desert, they also exist outside of the plan boundary including the Central

Valley and rooftops in sunny areas state-wide. To date several projects on both public and private land have been permitted and/or built since the December 31, 2010 cut-off date for the DRECP. There have been changes in technology, trends, and statewide progress of distributed generation and rooftop solar toward renewable energy targets since the DRECP planning process began and the last Energy Calculator was published in July 2012.

There were several unverifiable assumptions made by the REAT agencies that contributed to the 20,000MW target used in all of the DRECP alternatives. While we recognize that assumptions will be made in a projected 30 year planning process like the DRECP we object to all the alternatives utilizing the same assumptions and planning targets for MW output from the plan boundary. Furthermore many of these assumptions are outdated and track previous trends and political preferences in technologies.

TWC feels it is appropriate and necessary for the CA Energy Commission to revise the Energy Calculator to include MWs from permitted and built projects to date and back those figures out of the planning targets.

Refinements to DFAs

Due to the sensitive, irreplaceable resources and iconic treasures in the California deserts and the near permanence of most development impacts on the desert, we must be extremely judicious about where we agree to place DFAs. Vast expanses of ancient plants will undoubtedly be destroyed where facilities are built, perhaps removing more CO₂ sequestration capability than any future power facility would be able to provide on balance. The Wildlands Conservancy appreciates the significant staff and scientific resources that coordinated to propose the Draft conservation designations and DFAs, but additional refinements are needed to reduce significant irreversible impacts on the desert.

Johnson and Lucerne Valleys':

The proposed Johnson Valley DFA includes some of the oldest creosote plants discovered in the Mojave Desert to date. The Soggy Dry Lake Creosote Rings ACEC was designated to protect creosote rings that have been estimated to reach over 10,000 years of age. Even the average age of individual creosote bushes in this unique plant assemblage is likely well over 600 years old, well beyond the projected life of this plan. The contribution of these ancient creosote bushes to our global carbon sequestration equation is just now becoming more fully appreciated and understood. Deep-rooted, long-lived desert plants have been documented to sequester CO₂ along the hyphae of their connected mycorrhizal root partners, and the longer lived the plants, the more they contribute to the long-term sequestration of CO₂ from the atmosphere. Besides risking damage or destruction of clonal creosote rings that have garnered focused international scientific attention, earned special designation by BLM, and won approval by Congress for inclusion in an ACEC, the loss of millennia-old plants that began growing right after our last ice age in order to install a short-term

technology would be a tragic loss of heritage, ecological stability, and long-term environmental benefit.

The current DFA boundaries in Lucerne and Johnson Valleys' would likely have significant negative impacts for desert tortoise. The DFAs cut off important tortoise linkages and cross into critical habitat and important recovery units from the Desert Tortoise Recovery Plan (see Defenders of Wildlife comments for more detail).

Lastly, communities in the Morongo Basin and Lucerne Valley area successfully opposed the proposed Green Path North Transmission Project and Black Lava Butte Wind Project because of the impacts to: sensitive habitat, view sheds, existing public and private conservation investments, property value losses, and economic tourism from the Morongo Basin to beyond Lucerne Valley. We oppose any DFA designation in the Morongo Basin and adjacent to the newly proposed Black Lava Butte ACEC and recommend any variance lands be removed in these areas.

The community of Lucerne Valley previously proposed an area for solar development and we recommend the REAT agencies collaborate with the community and San Bernardino County to refine the DFA.

We oppose the Development Focus Area (DFA) in the preferred Alternative and Alternatives 2-4 just south of Johnson Valley OHV Area and recommend a significant reduction and refinement of the Lucerne Valley DFA. This area is surrounded by other conservation and recreation designations and due to unusual plant assemblages and resources should be added to the ACEC and NLCS system for BLM.

Ludlow

As previously mentioned The Wildlands Conservancy opposes the proposed DFA's in Alternative 2 near Ludlow and requests the maps be updated to reflect the most recent boundaries of the proposed MTNM. We recommend these lands be added to the NLCS system and also request the variance lands for that area be removed as mapped in Alternative 4.

Soda Mountain

TWC supports the agency decision to designate the Soda Mountain's north of Interstate 15 for conservation in the Preferred Alternative. This decision supports protection for one of the most important restorable desert bighorn sheep connectivity corridors in the Mojave desert. We recommend that this area be withdrawn from any variance or DFA designations and that alternatively projects be considered in the Daggett triangle.

Riverside County

The primary DFA is the Riverside East SEZ from the BLM's Solar Energy Program. This DFA is the key transition zone between the Mojave and the Sonoran desert ecoregions, and provides habitat and connectivity for species such as desert tortoise, Mojave fringe-toed lizard and bighorn sheep. Additionally, this area is important for natural communities such as microphyll woodland, sand dunes and the sand transport areas that support them. In order to ensure the long-term viability of these important habitat connections and overall habitat intactness, this DFA should be refined by widening the proposed corridors through the DFA. Avoidance of microphyll woodland is paramount to protecting this unique and important natural community and we do **not** recommend these areas for development.

Future Analysis and Special Study Areas:

Please see our above comment asking for the removal of the Cadiz Valley FFA.

We recommend removal of Silurian Valley Special Analysis Area due to sensitive resources, golden eagles habitat, bighorn and wildlife connectivity, visual resources and community tourism industries.

Special Recreation Management Areas

The DRECP creates over three million acres of new "Special Recreation Management Areas" and "Extensive Recreation Management Areas." We have expressed concern for the overlap of the SRMA designation on the proposed Mojave Trails and Sand to Snow National Monuments and request the removal of that designation on the monuments. These monuments are being designated for their unique biological and cultural resources and not only for recreational values.

In general with regards to the SRMA/ERMA designations we request that the BLM:

- Clarify/emphasize that in the event of overlap, the more protective management prescriptions apply (e.g., ACEC or NCL provisions over SRMAs).
- Address the need for stronger recreation/travel management prescriptions at the DRECP Plan level to ensure that conservation goals and other resource protection goals are met and impacts from recreation are minimized in the SRMA and ERMA areas.
- Exclude from proposed SRMAs all areas where recreation, particularly OHV recreation, may prevent the DRECP from meeting its species conservation objectives.

Undesignated Lands

There are 1.3 million acres of Undesignated Lands under the Preferred Alternative including 709,000 acres of public lands. It is unclear how these decisions were made, and what if any criteria was used. Many of the areas in this category include important biological, scenic, recreational and cultural resources. We recommend the agencies re-analyze the areas seriously consider including the following areas in the conservation reserve design based upon their biological and ecological significance. Specifically, we recommend the following areas become proposed conservation areas (ACEC and, or NLCS) and managed primarily for species conservation:

- Cadiz Valley
- South and West of Needles to include the Sacramento Mountains
- Area between Whipple Mts. Wilderness and Chemehuevi Mts. Wilderness
- Area south of Whipple Mts. Wilderness (Vidal Valley)
- South of I-40 between Pisgah Crater and Rodman Mts. Wilderness

Funding and Governance

For the DRECP to succeed not only do significant changes need to be made before a final plan is approved, as summarized in our letter and the environmental coalition letters we have signed onto, but also the REAT agencies need to release additional documentation regarding the implementation of the plan and funding sources. The Executive Summary states “no additional funding is anticipated” beyond the BLM’s existing budget (page 38). The absence of dependable funding is unacceptable, short-sighted, and will become a fatal flaw of this process given: 1) the number of current staff vacancies and BLM budget shortfalls increasing over the past decade 2) the increased management and enforcement responsibilities for new and expanded land BLM land use designations that will be created if the DRECP and/or a LUPA is approved 3) the ongoing responsibilities of BLM staff and resources for processing ROW applications and renewable energy projects 4) monitoring and adaptive management to assess the impacts to public lands and resources and 5) additional roles and responsibilities related to the unclear DRECP Executive Policy Group and the DRECP Coordination Group.

Page 39 of the Executive Summary makes a vague reference to the implementation fees providing funding followed by the statement that “the agencies would seek additional funding from other appropriate federal, state, and private sources” and “grants”. Again such vague statements do not provide sufficient assurances that the Conservation Management Actions will be completed and consequently protect the resources within the new designations. As a land manager, The Wildlands Conservancy understands the challenges public use and natural events can create; staff resources and regional resource management plans accompanied by an adaptive management strategy that can be actually be implemented are vital to providing the best resource protection feasible.

We recommend that both the State and the Federal Agencies comprising the REAT team publish draft proposed budgets for DRECP implementation and for an initial kick-off phase of implementation to set the groundwork for legislative and political funding support.

Monitoring and Adaptive Management Program

Since the DRECP is planning on a landscape level the monitoring and adaptive management program is extremely important. On P 7 of the Executive Summary it states that “DRECP conservation measures will be monitored to evaluate their effectiveness and, through adaptive management, to make any needed revisions.” It is unclear how this will occur with no additional funding to BLM the primary land manager. Additionally the section outlining the MAMP is vague and does not describe how and when assessments to revisit and analyze management actions will occur.

County Coordination and Engagement

County participation and coordination is critical to the success of the DRECP and will play a significant role in our final position on the plan. From the onset DRECP was touted to be the process that would provide a nexus to coordinate and prioritize development on disturbed private lands and engage local governments. While we acknowledge that the REAT agencies, and the CEC in particular, have had ongoing county outreach, the engagement has not been early and often enough. In 2012, the REAT agencies announced sponsoring a Private Lands Workshop for the DRECP process. After being postponed this workshop was then cancelled and never revisited. We feel this was a critical mistake that has resulted in much confusion and angst from stakeholders, and in particular unaddressed concerns of local governments and communities, about how development on private land could be incorporated into the DRECP planning process. Furthermore, the manner of how private lands were mapped in the DFA’s (opaque pink blogs) magnified these concerns and created opposition and conflict that was potentially avoidable.

Several of the counties within the DRECP plan boundary have received grants from the CEC to undergo General Plan updates and plan for renewable energy. TWC supports this concept but remains concerned that the Draft DRECP was released before key counties had advanced their internal process or published draft county renewable energy elements. For example, SBC is currently undergoing public process to develop renewable energy element for General Plan Update and is anticipated to be completed in the Spring of 2015, leaving time for incorporation into DRECP. San Bernardino County, the largest in the country, has the most acreage within the DRECP planning boundary and can make unprecedented contributions to state-wide renewable energy goals with distributed generation and projects sited on disturbed lands.

TWC has undergone several mapping and field exercises to identify private disturbed lands in southern and central CA that may be appropriate for utility scale renewable energy

development. We maintain that such development should be prioritized on disturbed lands, which happen to be primarily private in the desert.

It is our understanding that until the counties and cities make any legally enforceable commitments to fulfill the conservation obligations in this plan, there is no rational basis upon which the California Department of Fish and Wildlife (CDFW) can conclude that the DRECP Conservation Strategy will be implemented on private lands.

We recommend that the REAT agencies focus immediately on syncing up with county general plan elements under way and publish a Supplemental draft once integration with public county energy planning can be incorporated.

In conclusion we feel that Supplemental Draft DEIS will be necessary to clarify and correct the issues outlined in our comment letter. We are at a critical junction in this planning process; how local governments and private lands are incorporated will have a significant impact on the plan and the success of implementation. The Wildlands Conservancy strongly urges the REAT agencies to prioritize and coordinate the integration of county plans immediately. We look forward to continued engagement on the DRECP planning process and additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'April Sall', written in a cursive style.

April Sall, Conservation Director

I. Position of the United States Government on the Catellus Acquisition

President Bill Clinton

Letter dated May 10, 2000 to TWC thanking us for donating Catellus lands to BLM and the National Park Service (Exhibit A).

"I deeply appreciate your efforts to protect sensitive lands in the California Desert for the National Park Service and Bureau of Land Management. I assure you that my Administration will work to protect and manage the donated lands."

"Please convey my appreciation to the Conservancy's Board of Directors, staff, donors, and supporters for this historic donation and all of your work to acquire additional lands for permanent protection."

Vice President Al Gore

May 18, 2008 Press Release (Exhibit B)

"These stunning California Desert lands are being preserved for future generations through a true public-private team effort that could serve as a model in other years," said Vice President Gore. "I commend the Wildlands Conservancy for its hard work and generosity. Protecting magnificent lands through this type of partnership is a central goal of our Lands Legacy initiative."

Interior Secretary Bruce Babbitt

January 15, 1999 Media Advisory (Exhibit C)

"This is an incredible opportunity to preserve a half-million acres of private land which has been interspersed among new National Parks created by the California Desert Protection Act of 1994."

Senator Dianne Feinstein

December 10, 1998 Letter to President Clinton (Exhibit D)

"I am writing to urge you to include \$36 million for land acquisition in the California Desert in your fiscal year 2000 budget request. This funding would allow completion of a landmark bid by the Wildlands Conservancy to permanently protect up to 475,000 acres of inholdings in the California Desert's national parks and wilderness areas. Protecting these areas is vital to preserving the unique character and public accessibility of the California Desert."

Bureau of Land Management's 2000 budget Justification (Exhibit E)

“Some of the land proposed for acquisition contains critical desert tortoise habitat within recovery units, while others due to their proximity are threatened by development of private inholdings. Acquisition of this land preserves the biological and aesthetic integrity of over 4,000,000 acres of public lands and ensures recreational access to the public lands, and will ensure the protection of critical wildlife corridors.”

BLM National Director Tom Fry
Letter dated October 30, 2000 (Exhibit F)

“The Conservancy, a relatively young organization, has very quickly earned a national reputation for protecting magnificent lands through unprecedented public-private partnerships.

“Most notable is the recent completion of the year-and-half-long effort to protect more than 405,000 acres of checkerboard railroad lands, formerly owned by Catellus Corporation, in what Vice President Gore called ‘an historic acquisition of pristine lands in Southern California.’

“Through the Conservancy’s efforts, the BLM and the National Park Service now own critical inholdings in what the Vice President called ‘some of the most pristine and scenic desert lands in the world.’”

“ . . . Without the Conservancy’s innovation and leadership, these lands could have been developed or sold into private ownership, which would have had far-reaching implications to the surrounding wilderness and wildlife habitat areas”

Acting BLM State Director Al Wright (Exhibit G)
August 9, 2000 Letter to The Wildlands Conservancy

“On behalf of the Bureau of Land Management, and especially all of us here in California, I would like to officially thank you, the Board of Directors of The Wildlands Conservancy, and your many generous donors for the tremendous achievement of completing the acquisition of Catellus lands in the California Desert recently. . . . As a consequence, the public now enjoys ownership of the 405,000 acres the conservancy helped BLM and the Park Service acquire. Present and future generations will benefit greatly, as will the land itself and its wildlife resources.”

“Your ability to develop alliances and pool resources was truly the essence of what made this achievement possible. BLM will take very good care of these newest public lands and we look forward to a long-term relationship with you and the Conservancy.”

THE WHITE HOUSE

WASHINGTON

May 10, 2000

Mr. David Myers
Executive Director
The Wildlands Conservancy
3961 Oak Glen Road
Yucaipa, California 92399

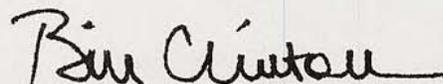
Dear David:

I want to thank you and The Wildlands Conservancy for donating land to the United States for inclusion in Joshua Tree National Park. Your donation of more than 14,000 acres will help protect and preserve fragile desert resources and provide the American people with additional natural areas to treasure and enjoy.

I deeply appreciate your efforts to protect sensitive lands in the California Desert for the National Park Service and Bureau of Land Management. I assure you that my Administration will work to protect and manage the donated lands.

Please convey my appreciation to the Conservancy's Board of Directors, staff, donors, and supporters for this historic donation and all of your work to acquire additional lands for permanent protection.

Sincerely,



THE WHITE HOUSE

Office of the Vice President

For Immediate Release
Thursday, May 18, 2000

Contact:
(202) 456-7035

**VICE PRESIDENT GORE ANNOUNCES
NEW LAND PROTECTIONS IN CALIFORNIA DESERT**

Calls on Congress to Pass Administration's Lands Legacy Initiative

Washington, DC -- Vice President Al Gore announced today that the Administration and a non-profit conservation organization have secured the money needed to complete a historic acquisition of pristine desert lands in Southern California. The Vice President also called on Congress to support the Administration's Lands Legacy initiative, which includes funding to protect nearby lands from future development.

Under the funding package announced today, the National Park Service (NPS) and the Bureau of Land Management (BLM) will acquire 180,605 acres within and adjacent to federally protected lands between Barstow and Needles. The land will be purchased from the Catellus Development Corporation with \$5 million in federal funds secured by the Administration in the fiscal year 2000 budget and a \$15 million donation from The Wildlands Conservancy.

"These stunning California Desert lands are being preserved for future generations through a true public-private team effort that could serve as a model in other areas," said Vice President Gore. "I commend the Wildlands Conservancy for its hard work and generosity. Protecting magnificent lands through this type of partnership is a central goal of our Lands Legacy initiative."

The purchase, to be completed within the next month, builds on the California Desert Protection Act signed by President Clinton in 1994. The Act, sponsored by Senator Dianne Feinstein, provided new or enhanced protection for 6.6 million acres, including the new Mojave National Preserve and 69 BLM wilderness areas.

Under an agreement in principle announced in December 1998, Catellus agreed to transfer to the federal government a total of 405,000 acres within and around the lands protected by the 1994 Act. Although the lands were valued at \$61.6 million, Catellus agreed to a purchase price of \$45 million. The first phase of the acquisition was completed earlier this year with \$10 million in federal funds and \$15 million from the Wildlands Conservancy. Today's announcement sets the stage for completing the second and final phase of the acquisition.

The areas to be protected include some of the most pristine and scenic desert lands in the world. Their features include cinder cones and lava flows, spectacular ranges of rock and

flowing sand dunes, vast valleys, intriguing cactus gardens and important habitat for the endangered Desert Tortoise. Approximately 83,000 acres will be acquired by the Park Service within the Mojave National Preserve, and the Bureau of Land Management will acquire approximately 97,000 acres, including lands in six designated wilderness areas – Clipper Mountains, Dead Mountains, Piute Mountains, Bristol Mountains, Old Woman Mountains and the Chemehuevi Mountains wilderness.

The Vice President commended Senator Feinstein for her leadership in securing the federal funds; The Wildlands Conservancy for its generous donation; and Catellus for selling the land at a substantially discounted price.

The Administration's proposed fiscal year 2001 budget included \$15 million to complete the second phase of the acquisition. In light of The Wildlands Conservancy donation, the Administration yesterday proposed redirecting the proposed fiscal year 2001 funding to acquire other critical California desert lands on a willing-seller basis.

Unfortunately, Congress' budget failed to provide funding for the President's Lands Legacy Initiative. As a result, the House Interior Appropriations Subcommittee yesterday could only provide a small portion of needed land acquisition funding, with no funding to acquire critical desert lands. "I am deeply disappointed that Congress is slashing funds that would allow us to forge other partnerships like this one to protect critical lands across America," the Vice President said. "I urge Congress to provide permanent and full funding for Lands Legacy so we can provide states and communities the resources they need to protect their precious green spaces."

Today's acquisition completes the largest purchase of private land in California's history and the largest purchase of land from one seller by the Bureau of Land Management in its 50-year history. Once acquired, the lands would be open to public access for outdoor recreation including hiking, hunting and other permitted uses.

Additional details are available on The Wildlands Conservancy website:
www.wildlandsconservancy.org

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NEWS

U.S. DEPARTMENT OF THE INTERIOR

Office of the Secretary
For Immediate Release
Jan. 15, 1999

Contact: Tim Ahern, (202)-208-5089
Jan Bedrosian, (916)-978-4616
Holly Bundock, (415)-427-1320

*** MEDIA ADVISORY ***

Babbitt Will Kick Off Mojave Acquisition, Largest Land Deal in California History

Secretary of the Interior Bruce Babbitt will go to the Palm Springs area of Southern California on Wednesday, Jan. 20, to take title to the first 10,000 acres of private lands in the California Desert that will be acquired by the federal government as part of President Clinton's Lands Legacy Initiative.

Almost 500,000 acres of private lands will be acquired through an unprecedented match of private and public funds. The \$36 million in federal money will come from the Land and Water Conservation Fund while \$25.5 million in private funds is being contributed by The Wildlands Conservancy, a non-profit organization based in Oak Glen, Calif.

"This is an incredible opportunity to preserve a half-million acres of private land which has been interspersed among the new National Parks created by the California Desert Protection Act of 1994," Babbitt said.

On Jan. 20, The Wildlands Conservancy will give Babbitt title to some of the land it has already acquired in the area, including parcels in the San Geronio Wilderness, managed by the Bureau of Land Management, and Joshua Tree National Park.

Most of the land to be acquired is owned by the Catellus Development Corp., formerly the land-holding arm of the railroads. The rest of the land is owned by a variety of persons.

- Who:** Bruce Babbitt, Secretary of the Interior; and other federal officials and representatives of landowners and local and conservation interests
- What:** The federal government will take title to the first 10,000 acres of land, of a total of about 500,000 acres, that will be acquired in the California desert
- When:** 12:30 p.m. PST, Wednesday, Jan. 20, 1999

Where: Visitor center at the Santa Rosa Mountains National Scenic Area
51-500 California route 74, Palm Desert, California
(Map to event site is attached)

Contact: Tim Ahern, 202-208-5089 (Department of Interior)
Jan Bedrosian, 916-978-4614 or Carole Levitzky (Bureau of Land Management,
California)
Holly Bundock, 415-427-1320 (National Park Service)
David Myers, 909-797-8507 (The Wildlands Conservancy)
John Bezzant, 213-473-3102 (Catellus Corp.)

-DOI-

Exhibit D

IANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON FOREIGN RELATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate

WASHINGTON, DC 20510-0504
(202) 224-3541

December 10, 1998

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge you to include \$36 million for land acquisition in the California Desert in your fiscal year 2000 budget request. This funding would allow completion of a landmark bid by the Wildlands Conservancy to permanently protect up to 475,000 acres of inholdings in the California Desert's national parks and wilderness areas. Protecting these areas is vital to preserving the unique character and public accessibility of the California Desert.

As you know, I fought to ensure passage of the Desert Protection Act, which you signed into law in 1994. The Desert Protection Act created two new national parks, a national preserve, and over 100 new wilderness areas. Unfortunately, our work is not done. Hundreds of thousands of acres of inholdings in the Desert remain unprotected. Many of these inholdings are in a "checkerboard" pattern, strategically located so that the land effectively blocks access to public lands. Owners of the inholdings, including the Catellus corporation, are making plans to develop their land. This would compromise the California Desert's fragile ecosystem and severely limit recreation opportunities on Federal land.

The Wildlands Conservancy has developed an innovative plan to purchase these inholdings and transfer them to Federal ownership, protecting them permanently from development. The Conservancy proposes to use a combination of Federal and private funds to acquire 475,000 acres of inholdings, mostly owned by Catellus. The Conservancy has pledged \$16 million in private funds for the effort. I strongly believe that the Federal government should provide the remaining \$36 million to complete this acquisition.

The National Park Service and U.S. Bureau of Land Management are already on record supporting the Wildlands Conservancy proposal. In an interview with the Los Angeles Times, Park Service Regional Director John Reynolds said, "The Wildlands Conservancy effort is ambitious and dramatic. It will be a great day for the Desert."

FRESNO OFFICE:
1130 O STREET
SUITE 2008

LOS ANGELES OFFICE:
11111 SANTA MONICA BLVD.
SUITE 815

SAN DIEGO OFFICE:
750 "B" STREET
SUITE 1030

SAN FRANCISCO OFFICE:
525 MARKET STREET
SUITE 3570
SAN FRANCISCO, CA 94105

RECEIVED TIME 25 AND DEC. 10. 9:04PM

PRINT TIME DEC. 10.

9:08PM

Moreover, in a letter dated November 24, U.S. Bureau of Land Management State Director Ed Hasteley wrote, "Clearly, the reality of the situation in the California Desert with the checkerboard Catellus lands calls for a public/private partnership to leverage your contributions more effectively. The Wildlands Conservancy's pledge of more than \$16 million in cash and land...to hopefully be matched with appropriations from the Federal Land and Water Conservation Fund, will give the California Desert the national attention this region deserves. BLM-California will do all it can to support your innovative and bold initiative."

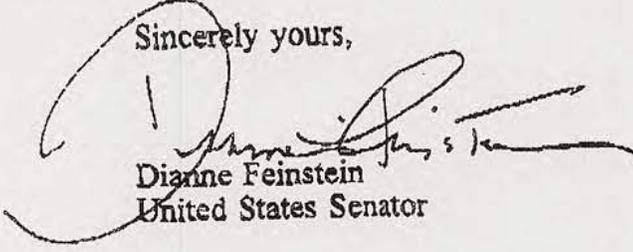
Attached are two letters from The Wildlands Conservancy that explain this proposal in more detail. The Wildlands Conservancy land acquisition proposal will protect endangered species habitat, keep the Desert ecosystem intact, and improve recreation opportunities for millions of Americans. As a member of the Interior Appropriations Subcommittee, I intend to make the Wildlands Conservancy acquisition one of my top environmental priorities in the next Congress. I do hope that I can count on your support and assistance. Please take an important first step by including \$36 million for the acquisition in your budget request.

Thank you so much for your attention to this important matter. Please let me know what you decide. If you have any questions or require further information, please do not hesitate to get in touch, or have your staff contact Kathy Reich in my office at (202) 224-3841.

May I take this opportunity to wish you and your family a happy and healthy holiday season.

With warmest personal regards.

Sincerely yours,



Dianne Feinstein
United States Senator

DF:kdr

California Desert (Catellus)

CALIFORNIA		Kern, Imperial, Inyo, Riverside, San Bernardino, San Diego, and Tulare Counties		Congressional Districts 21, 40, 44, and 52	
	To Date	FY 2000	Acquisition Total	Estimated out year costs/yr (development, O&M, etc.)	Total (over 10 yrs)
Cost	0	\$28,900,000 ¹	\$28,900,000	\$1,000,000	\$38,900,000
Acres	0	357,000	357,000	N/A	357,000

Location: Southern California

Purpose: Acquire lands by purchase and exchange lands designated by the California Desert Protection Act of 1994 (P.L. 103-433).

Acquisition Opportunities: The opportunity is currently available to purchase 357,000 acres of Catellus Corporation lands in southern California for \$28,900,000. This land includes inholdings within BLM Wilderness Areas, critical desert tortoise habitat, recreation areas, and wildlife corridors. The Wildlands Conservancy (TWC) has committed to providing matching funds amounting to \$25,000,000 for this acquisition project. These funds will be either in the form of lands owned by TWC, funds to be paid to the landowner, and the lands donated to the Federal government. In a letter of agreement signed by Catellus and The Wildlands Conservancy, their participation in this project is dependant on the availability of matching funds from the Federal Government.

Other Cooperators: The Wildlands Conservancy

Project Description: The California Desert Protection Act of 1994 designated 69 new wilderness areas totalling 3.7 million acres under BLM management. This Act gives priority to consolidating Federal ownership within the national park units and wilderness areas designated by the Act. The properties proposed for acquisition are owned by one landowner (Catellus Corporation). As a result, there exists a unique opportunity to move quickly to acquire these lands. These lands will be acquired through a combination of purchase, donation, and exchange. Some of land proposed for acquisition contains critical desert tortoise habitat within recovery units, while others due to their proximity are threatened by development of private inholdings. Acquisition of this land preserves the biological and aesthetic integrity of over 4,000,0000 acres of public lands and ensures recreational access to the public lands, and will ensures the protection of critical wildlife corridors.

¹ \$7,100,000 is being requested by the National Park Service for acquisition of Catellus inholdings in the Mojave National Preserve.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>

OCT 30 2000

David Myers
Wildlands Conservancy
39611 Oak Glen Road
Yucaipa, CA 92399

Dear Mr. Myers:

It is truly an honor to present you, representing the board of The Wildlands Conservancy, the Bureau of Land Management's (BLM) national Legacy of the Land Award.

The Conservancy, a relatively young organization, has very quickly earned a national reputation for protecting magnificent lands through unprecedented public-private partnerships.

Most notable is the recent completion of the year-and-half-long effort to protect more than 405,000 acres of checkerboard railroad lands, formerly owned by Catellus Corporation, in what Vice President Al Gore called "an historic acquisition of pristine lands in Southern California."

Through the Conservancy's efforts, the BLM and the National Park Service now own critical inholdings in what the Vice President called "some of the most pristine and scenic desert lands in the world." In addition to scenic lands in the Park Service's Mojave National Preserve, BLM was also able to acquire 322,500 acres in 10 designated Wilderness Areas, almost a dozen sensitive wildlife habitat areas, and several key recreational access areas.

These areas are part of spectacular mountain ranges, with unique geological formations, including mountainous landscapes, sweeping bajadas and flowing sand dunes. They contain habitat for a number of threatened and endangered species, including bighorn sheep and desert tortoise. Without the Conservancy's innovation and leadership, these lands could have been developed or sold into private ownership, which would have had far-reaching implications to the surrounding wilderness and wildlife habitat areas.

While this is a tremendous accomplishment, California's diverse but threatened landscapes need further efforts from BLM and the Conservancy. BLM looks forward to a long and productive relationship with you and your talented and generous board. This award is in recognition of both the accomplishment and the future legacy to come.

Sincerely,

Tom A. Fry
Director
Bureau of Land Management



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Legacy of the Land Award

presented to

The Wildlands Conservancy

Executive Director David Myers

"Protecting magnificent lands through unprecedented
public-private partnerships"

BLM A 737

Wildland Management

BLM 10/95



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office

2800 Cottage Way, Suite W1834

Sacramento, CA 95825-1886

www.ca.blm.gov

AUG 9 2000

David Myers
Executive Director
The Wildlands Conservancy
39611 Oak Glen Road
Yucaipa, CA 92399

Dear David:

On behalf the Bureau of Land Management, and especially all of us here in California, I would like to officially thank you, the Board of Directors of The Wildlands Conservancy, and your many generous donors for the tremendous achievement of completing the acquisition of Catellus lands in the California Desert recently.

It is an incredible success story and demonstrates the "big picture" vision of the Conservancy, which you so ably lead. At every obstacle, a path to the final goal was found. As a consequence, the public now enjoys ownership of the 405,000 acres the conservancy helped BLM and the Park Service acquire. Present and future generations will benefit greatly, as will the land itself and its wildlife resources.

Your ability to develop alliances and pool resources was truly the essence of what made this achievement possible. BLM will take very good care of these newest public lands and we look forward to a long-term relationship with you and the Conservancy.

Sincerely,

Al Wright
Acting State Director

DAVID -
MY UNQUALIFIED
THANKS FROM US
AT BLM AND
THE PUBLIC -
Al

II. The Wildlands Conservancy and the Department of the Interior Land Protection Strategy for Catellus Acquisition

The Catellus Acquisition was a conservation project orchestrated by The Wildlands Conservancy (TWC) that resulted in the conveyance of 600,000 acres of land to the National Park Service and the Bureau of Land Management (BLM). About 575,000 acres were acquired with a cash donation of \$40 million from TWC added to \$18.1 million in federal Land and Water Conservation Funds (LWCF). TWC also contributed an additional 25,000 acres purchased with more than \$5 million in private donations.

Of the 600,000 acres, it was understood that the 87,000 acres in Mojave National Preserve, plus the 22,000 acres in Joshua Tree National Park and the 200,000 acres in the federal National Wilderness Preservation System were adequately protected by the two highest land protection categories in America, notably National Park Service lands and federal Wilderness.

Much of the remaining lands were protected as designated critical habitat for the desert tortoise and Areas of Critical Environmental Concern. It was important that these lands, which are outside National Park Service protection and federal Wilderness designation, be protected by blending federal LWCF monies with TWC donations because the BLM policy acknowledged that the "LWCF Act, as authorized in 1965, is based on the protection and preservation of land and interest in land for present and future generations." (Exhibit H: Letter from District Manager Tim Salt to TWC.)

The Bureau of Land Management acknowledged only one threat to these lands: mining claims. This threat was minimal as there were few mines remaining on these lands after 100 years of mineral exploration. Given the use of Land and Water Conservation Funds, BLM said it was "highly unlikely that BLM would open such land to mineral entry and location, including mineral leasing." (Exhibit H)

Three blocks of lands were funded or acquired solely by The Wildlands Conservancy without any LWCF contribution. Federal land managers and federal solicitors determined that further assurances were required for the protection of these lands:

Joshua Tree National Park received a donation of 22,000 acres under a grant deed requiring that the Park Service devote those lands to park purposes. The conveyance is subject to a reversion clause mandating that the land revert to TWC if it is no longer used for park purposes. (Exhibit I)

The second block of land consists of 62,488 acres acquired in Imperial County solely with TWC funds. To prevent exploitation of these lands, TWC reserved the mineral rights and granted BLM the surface access rights so that both parties could be assured these lands will not be exploited. (Exhibit J)

The third block of land included the Catellus "residual lands," which consisted of mines that TWC cleaned up at its own expense and high value mineral lands. TWC also reserved the mineral rights on these lands and has an agreement with BLM that these lands not be exploited. BLM support of a solar farm on these properties is a breach of that agreement. (Exhibit K)



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507-0714

December 18, 2001

IN REPLY REFER TO:
2100 (P)
CACA-043419
(CA-610)

Mr. David Myers
The Wildlands Conservancy
39611 Oak Glen Road
Yucaipa, California 92399

Dear: Mr. Myers:

At the request of The Wildlands Conservancy (Conservancy) the Bureau of Land Management (BLM) recently completed a review for mineral potential of those parcels identified in the proposed Phase 3 acquisition of Catellus lands located in the California Desert Conservation Area. This analysis was completed using the Geographic Information System (GIS) file of the Phase 3 parcels provided by Catellus and utilizing BLM mineral potential information currently in our GIS system.

A review completed to identify the preliminary potential for development as it applies to 164 parcels of private land offered to the BLM for acquisition is attached (*Enclosure 1*). The review was conducted using existing, available, public mineral resource data maintained by the BLM in the California Desert District Office. No determination of value or no field verification was made of the parcels under this review, a requisite to a complete mineral evaluation in compliance with BLM protocols. Of the 164 parcels reviewed, 39 were found to have moderate or high potential for the occurrence of mineral resources based on the GIS analysis, and under the protocols developed in BLM Manual 3031 for the Geology-Energy-Mineral (GEM) assessment of public land. We also found in this review that an additional 6 parcels showed no BLM classification, but did have a U. S. Geological Survey Mineral Availability System (MAS)/Mineral Industry Locator System (MAS/MILS) prospect or mine located within the boundary.

The table in Enclosure 1 discusses the mineral potential attributes associated with each of the 39 parcels. As a result of the review, a preliminary assessment of the data available supported that 5

In addition to the information related to mineral potential contained in the report, we would like to address your concerns regarding the proposed Phase 3 acquisition and The Wildlands Conservancy's (Wildlands) conservation goals in donating funds for land acquisition and in partnering with BLM to complete the final phase(s) of the land acquisition process. We appreciate your concern that the lands to be acquired by BLM are not automatically withdrawn or closed by law to mineral entry and location, including mineral leasing, such as is the case with lands acquired in designated wilderness areas. We understand your desire that lands acquired by BLM outside designated wilderness areas remain closed to mineral entry and location, including mineral leasing, in perpetuity.

You should be aware that BLM's national policy precludes the disposal of land or interest in land acquired with Land and Water Conservation Fund (LWCF) appropriations. As you know, all LWCF acquisitions are completed with funds appropriated by Congress and only on an approved project specific basis. A Fiscal Year 2002 LWCF appropriation has been approved to assist in completing Phase 3 acquisition project. Current BLM policy defines "LWCF acquisitions" as the purchase of land and interest in land where the projects have been approved and the purchase consideration is derived from LWCF appropriated funds.

All LWCF acquired lands will remain in Federal ownership. Disposal of LWCF-acquired land and interest in land by any means, including exchange, Recreation and Public Purposes Act lease/patent, and sale is prohibited. The policy of the Department of the Interior (DOI) is supported by both the U.S. Fish and Wildlife Service and the National Park Service and is consistent with BLM's "no disposal" policy.

The BLM's "no disposal" policy is based upon the following justifications:

- The spirit of the LWCF Act, as authorized in 1965, is based on the protection and preservation of land and interest in land for present and future generations.
- The DOI Budget Office unequivocally opposes the concept of disposal. Disposal activity would have a negative affect on Administrative and Departmental funding support for future BLM LWCF project submissions.
- Congressional intent for annual LWCF appropriations is to direct funding to acquisition of land and/or interest in land within approved project areas. Disposal activity would risk future Congressional appropriations to both the subject project and to BLM's national program.
- Many LWCF-funded projects and acquisitions are assisted by members of the nonprofit community. The BLM's "trust" relationship with these organizations would be jeopardized if the BLM entertained disposal of tracts these groups so diligently assisted in acquiring. Internal Revenue Service regulations may negatively impact BLM's nonprofit partners in disposal situations.

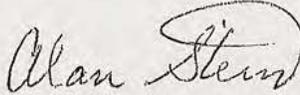
All LWCF acquisition projects must be in compliance with this policy or face termination. The purpose of the Wildlands/Catellus LWCF acquisition project is almost exclusively directed at consolidating federal ownership to achieve more comprehensive management and conservation of valuable resources in the project area. The acquisition of the lands included in Phase 3 by BLM will help to solve management problems associated with the existing intermingled (checkerboard) land ownership pattern and facilitate achieving BLM's long-term goal of ensuring the health of America's public lands.

Furthermore, when BLM accepts title to land or interest in land by direct purchase or donation (excluding exchanges), these acquired lands are not automatically open to all forms of appropriation including operation of the public land laws pertaining to mineral entry and location, including mineral leasing. Until BLM completes a plan amendment under the California Desert Conservation Area Plan to develop long-term management goals for these lands, the lands will essentially continue to remain closed to all forms of appropriation and new uses such as mineral location and entry, including mineral leasing. The planning process for opening acquired lands to any such an action must be completed in full compliance with BLM's planning regulations at 43 CFR 1600, including public participation and opportunity to protest any proposed plan amendment.

We understand your concern that when acquired lands are opened to mineral entry and location, mining claims and mineral lease applications can be filed and if a valuable deposit is found on the claim, the lands could be patented out of federal ownership. BLM's discretion in the patent issuance process is limited. BLM's decision to open acquired lands to mineral entry and location could ultimately result in the lands under a mining claim being patented out of federal ownership. Disposal through issuance of a patent would be contradictory with BLM's "no disposal" policy and the spirit and intent of the Land and Water Conservation Fund Act. These factors will be considered in any planning and decision making process to open lands acquired in LWCF project areas to mineral entry and location, including mineral leasing. Given this background, it is highly unlikely that BLM would open such land to mineral entry and location, including mineral leasing. Since 1992, the BLM has acquired over 400,000 acres of land located within designated LWCF project areas though out Southern California. This includes those lands acquired in the Wildlands/Catellus Phase 1 and Phase 2 transactions. To date, none of these lands have been opened to mineral entry or location, including mineral leasing, as currently allowed under the public land laws.

I hope this information answers your questions and gives you a better perspective of BLM's policy on the potential for disposal of acquired land and the opening of lands to mineral entry and location. If we can be of further assistance, please do not hesitate to call.

Sincerely,

 ACTING
for Tim Salt
District Manager

Enclosure 1: Mineral Report w/Attachment 1 and Attachment 2

THE DOCUMENTARY TRANSFER TAX IS \$0 (NONE)
(THIS TRANSFER EXEMPT PURSUANT TO REVENUE AND TAXATION CODE 11922)

After recording return to:

AREA: Joshua Tree National Park
TRACT NO.: 150-20

National Park Service
Pacific West Region
Pacific Land Resources Program Center
1111 Jackson Street, Suite 700
Oakland, California 94607

GRANT DEED

THE WILDLANDS CONSERVANCY, a California non-profit public benefit corporation, hereinafter referred to as the GRANTOR, does hereby donate, grant and convey to the UNITED STATES OF AMERICA and its assigns, all of the following described property located in the County of Riverside, in the State of California, containing 80.00 acres more or less, to wit:

PARCEL 1:

THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 9 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM THE NORTHERLY 50 ACRES THEREOF, THE SOUTH LINE OF SAID NORTHERLY 50 ACRES BEING PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER.

PARCEL 2:

THE NORTHERLY 50 ACRES OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 9 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

TOGETHER WITH all buildings and improvements thereon and all water rights appurtenant thereto and all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

FOR THE NATIONAL PARK SERVICE

Grantor covenants and conveys fee simple title to the above-described land subject to existing easements for public roads and highways, public utilities, railroads and pipelines, and subject to other outstanding rights, if any, of record in third parties.

TO HAVE AND TO HOLD the same unto said UNITED STATES OF AMERICA and its assigns, forever.

The Grantor further remises, releases and forever quitclaims to the UNITED STATES OF AMERICA and its assigns, all right, title, and interest which the Grantor may have in the banks, beds, and waters of any streams bordering or any appropriative water rights appurtenant to the said land to be conveyed and also all interest in any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting, adjoining, or appurtenant to said land and in any means of ingress or egress appurtenant thereto.

Grantee shall protect, manage and administer this property for park purposes consistent with laws, regulations and policies governing Joshua Tree National Park as now in force or hereinafter enacted or amended. If Grantee violates this condition, Grantor shall first provide written notice to the Superintendent, Joshua Tree National Park, to correct. Grantor may request reconveyance or seek judicial reconveyance in the U.S. District Court having jurisdiction if corrective action is not taken within 6 months.

EXECUTED this 29 day of April, 2002

The Wildlands Conservancy

David Myers

By: David Myers

Title: Executive Director

Attest: _____

State of California)
County of San Bernardino)ss.

On April 29, 2002 before me,
Allyson Lavender, a Notary

Public in and for said County and State, personally appeared David Myers

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~) and that by he/~~she~~/~~their~~ signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS, my hand and official seal.

Signature Allyson Lavender

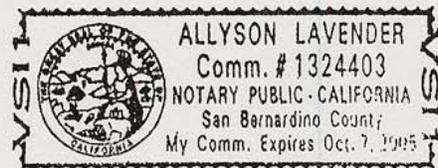


Exhibit J

BOOK 2186 PAGE 338

2003-007272

*CHICAGO TITLE

COPY

TL\$.	47
RG	10
RF	8
MC	1
IX	1
TF	7
NL	
PY	
PR	20

RECORDING REQUESTED BY *
AND WHEN RECORDED MAIL TO:

The Wildlands Conservancy
39611 Oak Glen Road
Yucaipa, California 92399
Attention: Mr. David Myers

RECORDED
OFFICIAL RECORDS
IMPERIAL COUNTY, CA

BOOK 2186 PAGE 338

2003 MAR 13 AM 11 45

DOLORES PROVENCIO
COUNTY RECORDER

(Space Above For Recorder's Use)

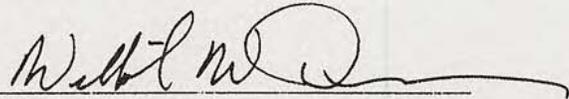
QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SF PACIFIC PROPERTIES INC, a Delaware corporation ("SF Pacific"), hereby transfers, conveys, remises, releases and forever quitclaims to THE WILDLANDS CONSERVANCY, a California non-profit public benefit corporation, all minerals and the right to prospect for, mine and remove all minerals underlying that certain real property in Imperial County, California, more particularly described on Exhibit "A" attached hereto.

IN WITNESS WHEREOF, SF Pacific has executed this instrument this 5th day of March, 2003.

SF PACIFIC PROPERTIES INC., a Delaware corporation

By: Catellus Commercial Development Corporation, a Delaware corporation, its Agent

By: 
Wilbert W. Dennis
Senior Vice President

DOCUMENTARY TRANSFER TAX \$ 1.10
 COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
 COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES
REMAINING THEREON AT TIME OF SALE.

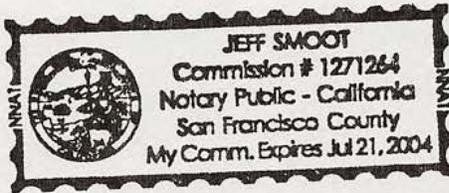

Signature of Declarant or Agent determining tax - Firm Name

Mail Tax Statement To Return Address Above

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On March 5, 2003, before me, JEFF SMOOT, a Notary Public in and for said state, personally appeared Wilbert W. Dennis, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



[Signature]
Notary Public in and for said State

APNS -

030-090-04;08;09;06

030-080-02,06-04

030-140-06;08;09

03-130-02;06;07;08

030-150-07;08;16;18;19;22;24;26

030-160-04;06;08;10;12;18;20

030-190-01

018-170-22;24

018-180-17

026-050-01;05;17

026-040-02;04;08

026-100-01;12;14

026-090-10;13

031-140-02;04;06;12;17;22;23;24;25

019-110-16

Chicago Title Company has recorded this instrument by request as an accommodation only and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described herein.

033-010-12;14;21;25

033-030-01

033-040-09

033-050-01,06

034-030-06;30

DONATION AGREEMENT

This Donation Agreement ("**Agreement**"), dated November 19, 2004, 2004, is by and between **THE WILDLANDS CONSERVANCY**, a California nonprofit public benefit corporation ("**Donor**"), and **UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CALIFORNIA DESERT DISTRICT** ("**United States**").

WHEREAS, Donor has acquired the fee interest in and to that certain property located in Imperial, San Bernardino and Kern Counties, California ("**County**") more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "**Fee Land**") and has donated the Fee Land to the United States (the "**Donation**") by the Grant Deed recorded on _____, as Document No. _____, in the Official Records of the County (the "**Deed**");

WHEREAS, a portion of the funds used by Donor to acquire the Fee Land were made available from a grant (Grant Number RLFF-064-02) ("**Grant**") made to Donor by the Resources Legacy Fund Foundation ("**RLFF**");

WHEREAS, it is a requirement under the Grant for Donor to provide for the permanent protection of the Fee Land's natural resources;

WHEREAS, it is a requirement under the Grant for Donor reserve all minerals in and under the surface of the Fee Land, but without the right of surface entry;

WHEREAS, it is the intent of the Donor and RLFF for the Donor to satisfy such Grant condition by obtaining the assurance of the United States to administer the Fee Land in accordance with the California Desert Conservation Area Plan, and all laws applicable to lands held by the United States Department of Interior, Bureau of Land Management, California Desert District ("**BLM**");

WHEREAS, the United States will administer the Fee Land in accordance with the terms of the California Desert Conservation Area Plan, and all laws and policies applicable to lands held by BLM;

WHEREAS, the agreements of the United States herein are a condition to the Donor's donation of the Fee Land to the United States and to RLFF's making the Grant to Donor for Donor's acquisition of the Fee Land;

NOW, THEREFORE, in consideration of the foregoing and as an express condition the Donation, the parties hereto agree as follows:

United States, on behalf of itself and its successors, assigns and contractors, if any, will not allow or permit uses on the Fee Land that are not consistent with the terms of the California Desert Conservation Area Plan, and all laws applicable to the United States. The United States agrees that the Fee Land and all estates, rights, privileges, and interests that are part of or associated with the Fee Land shall be conserved and used for the conservation of the natural, cultural and aesthetic values associated with the Fee Land in a manner consistent with the California Desert Conservation Area Plan and all laws applicable to the United States.

United States agrees to these foregoing conditions by executing an acceptance below.

This Agreement will be recorded at the appropriate County recorder's office following recordation of the Deed to which this Agreement refers, from the Donor to the United States.

This Agreement may be signed in original counterparts each of which shall be considered an original and which together will constitute one and the same agreement.

IN WITNESS HERETO, the parties hereto have executed this Agreement on the date(s) set forth below.

UNITED STATES OF AMERICA,
DEPARTMENT OF INTERIOR,
BUREAU OF LAND MANAGEMENT
California Desert District

By: *Linda D. Hansen*
Linda D. Hansen, District Manager

Date: *November 19, 2004*

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

By: David Myers
David Myers, Executive Director

Date: 11-19-2004



The Wildlands Conservancy

TWC's Desert Land Acquisition and the Draft DRECP Preferred Alternative

- Proposed Mother Road National Monument
- County Boundary
- Route 66 (Historic Trails Highway)
- TWC Lands Donated to the Department of the Interior (21,953 Acres)
- Phase I & II TWC Funded Department of the Interior Acquisitions (50,064 Acres)
- Phase III TWC Funded Department of the Interior Acquisitions (82,497 Acres)
- Phase IV TWC Reacquired Coffer Lands (7,318 Acres)
- TWC Funded Anza Borrego Acquisitions (11,281 Acres)
- TWC Funded LTA Exchange (14,874 Acres)
- TWC Funded Palm Verde Exchange (31,012 Acres)
- Other TWC Desert Holdings (18,352 Acres)
- TWC Lands Donated to Other Conservation Entities (8,373 Acres)
- Other Conservation Lands
- National Park Service
- State Lands
- Military
- Bureau of Land Management
- National Forest
- Other Conservation Lands
- State Resources Jurisdiction
- National Monument
- BLM Wilderness
- Area of Critical Environmental Concern

- ### DRECP Preferred Alternative
- Development Focus Areas
 - Future Assessment Areas
 - Special Analysis Areas

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