

## **Appendix N**

### **N.0 Land Tenure Strategy for the NEMO Planning Area**

#### **N.1 Land Tenure Strategy**

How can areas of checkerboard land ownership that create habitat fragmentation be addressed? How can BLM acquire critical lands in Inyo County and address county concerns about their limited tax base? A strategy is proposed to answer these questions and other issues raised during the planning effort. Significant changes in land ownership patterns and management have occurred and are continuing in the planning area. A strategy of the future of public lands in the planning area is needed to complement other NEMO strategies and to identify issues and areas of concern.

#### **N.2 Land Tenure**

This section describes the overall land tenure strategy in the NEMO planning area consisting of priorities and identification of areas for land acquisition and disposal.

These land acquisition and disposal actions are discussed in the context of Chapter 4; cumulative impacts affecting the NEMO plan area. All future implementing actions (exchanges, sales, purchases, donation) will be subject to site-specific environmental analysis and public review.

##### **N.2.1 Major Land Tenure Actions Affecting the Planning Area**

###### **Acquisition of State of California Lands in Designated Wilderness**

Land exchanges are underway to implement the provisions of the California Desert Protection Act. The CDPA requires the Secretary of the Interior to enter into an agreement with the State Lands Commission (SLC) to acquire their holdings within wilderness areas. Approximately 58,000 acres of SLC lands are involved in 16 of the 21 wilderness areas in the NEMO planning area.

###### **Wildlands-Catellus Agreement**

A January 1999 Letter of Intent between The Wildlands Conservancy, Catellus Development Corporation, and BLM California identified approximately 437,000 acres of Catellus properties throughout the CDCA to be purchased by a combination of Wildlands Conservancy funds and appropriations from the Land and Water Conservation Fund (LWCF). Congress approved fifty percent of the needed LWCF appropriations in FY 2000. The purchased land would be conveyed to the BLM and National Park Service. The lands proposed for conveyance are located within wilderness, desert tortoise critical habitat units, and recreation areas. BLM has since accepted title to approximately 103,000 acres of former Catellus lands within the NEMO planning area, substantially completing the Wildlands Conservancy-Catellus exchanges in the planning area. These recently acquired lands are concentrated in the southern portion of the NEMO planning area and resulted in a significant consolidation of public lands administered by BLM, particularly in the Piute-Fenner Desert Wildlife Management Area.

###### **Timbisha-Shoshone Land Transfer Study**

The CDPA requires the Secretary of the Interior to conduct a study to identify lands suitable for a reservation for the Timbisha-Shoshone Tribe. One of the areas under consideration in the NEMO Planning Area consists of approximately 1,000 acres of public lands near the community of Death Valley Junction in Inyo County. The NEMO plan does not address a land tenure proposal or alternatives related to a potential transfer of public lands to the Timbisha-Shoshone Tribe. Transfer of lands to the Tribe would be by Congressional action and a separate legislative EIS is in preparation.

### Fort Irwin Expansion

The U.S. Army first proposed a 250,000-acre southward expansion of the National Training Center (NTC) at Fort Irwin, California in 1985. This proposal included approximately 32,000 acres in the NEMO Planning Area east of the current NTC. In 1993, the U.S. Fish and Wildlife Service issued a draft jeopardy biological opinion for the desert tortoise on the Army proposal.

The Army revised the expansion proposal to an eastern configuration including an expansion of 331,000 acres into the Silurian Valley area. This proposed expansion affected approximately 273,000 acres within the NEMO planning area. The January 1997 release of a Draft Environmental Impact Statement on the proposed eastern expansion generated significant opposition from a wide cross-section of desert users and constituencies. In April 1999 the Army proposed a new 175,000-acre expansion consisting of elements from both the southern and the eastern expansions. The current Army proposed expansion affects approximately 25,000 acres in the NEMO planning area east of the current NTC.

If an expansion of the NTC were to be approved by Congress, the affect to the NEMO Planning Area could range from a minimum of 25,000 acres, to a maximum of 273,000 acres.

## N.3 NEMO Land Tenure Strategy

In acquisition areas, current public lands will be retained, and non-federal lands will be acquired through exchange, purchase or donation. All acquisitions made by BLM will occur on a voluntary basis with willing property owners. The BLM will not acquire non-federal lands through eminent domain or over the objection of property owners.

### N.3.1 Desert Tortoise Conservation and Recovery

Public ownership of lands currently ranges from 85% to 94 % in desert wildlife management areas. Under the land tenure strategy, all desert tortoise habitats within the DWMA's would be a high priority for land acquisition in the NEMO planning area. Depending upon final boundaries the acreage of acquisitions could be as much as the following:

**Table N.1 – Acreage of Acquisitions**

Wildlife Management Area Unit	Private/State acres	Percent of Private/State Acreage
Piute-Fenner Valley	24,887	14%
Ivanpah Valley	2,240	6%
Northern Ivanpah Valley	1,750	6%
Shadow Valley	6,080	6%

### Amargosa Vole Conservation and Recovery

Approximately 1,600 acres (35%) of critical habitat is private lands. About 500 acres are in the developed areas of Tecopa Hot Springs and Tecopa, which are not suitable habitat and will not be pursued for acquisition by BLM. In 1990, the BLM acquired approximately 380 acres on the current critical habitat area for the Amargosa vole. In addition, other riparian and wetland habitat in the Amargosa River system that can support Amargosa vole and is proposed for conservation is approximately 92 percent public land. Under the land tenure strategy, all currently suitable and potentially restorable vole habitats within identified wildlife management areas would be a high priority for land acquisition in the NEMO planning area. Depending upon final boundaries, total acquisition areas could include the following: Central Amargosa Valley - 2,040 ac in six parcels and North of Grimshaw Lake- 600 acres in one parcel.

### **Wilderness Areas**

Consistent with requirements of the CDPA, the NEMO Plan goal is the acquisition of all non-federal lands in the 24 designated wilderness areas that are entirely or partially within the NEMO planning area (Chapter 7, Figure 13a). Non-federal land within these areas will be acquired by BLM either through on-going major land tenure actions discussed in this appendix or by individual acquisition actions.

### **Community Expansion**

Public lands within identified disposal areas will be considered for conveyance out of federal ownership for future private sector use and development and for necessary public purposes. Public lands within disposal areas would be conveyed by exchange or sale to support community growth and development and ensure maintenance of the private property tax base in the region.

**Town of Baker (San Bernardino County)** The CDCA Plan identifies approximately 1,140 acres of public lands in and around the community of Baker as unclassified and available for future disposal out of federal ownership.

**Town of Nipton (San Bernardino County)** The NEMO Plan identifies approximately 485 acres of public lands in and around the community of Nipton as unclassified and available for future disposal out of federal ownership.

**Mesquite Valley (Inyo County)** The CDCA Plan identifies approximately 260 acres of public lands in Inyo County in the Mesquite Valley as unclassified and available for future disposal. The public parcels are mixed with private lands in the area.

**Community of Tecopa (Inyo County)** All public lands in and around the community of Tecopa are MUC L (limited) and not available for disposal. The preferred alternative for Amendment 5 (Amargosa vole) would reclassify 140 acres in Tecopa from MUC L to unclassified. These lands would then be available for disposal through exchange to facilitate acquisitions in the Amargosa River ACEC.

**Stateline/Highway 127 (Inyo County)** All public lands in and around the stateline area north of Death Valley Junction are currently MUC L and not available for disposal. The preferred alternative for Amendment 5 would reclassify 920 acres adjacent to private holdings from MUC L to unclassified. These lands would then be available for disposal through exchange to facilitate acquisitions in the Amargosa River ACEC.

**Inyo County Landfills** Under the preferred alternatives for Amendments 13 and 14, the 29.4 acres encumbered by the Tecopa landfill and the 50 acres encumbered by the Shoshone landfill would be reclassified from MUC L (limited) to unclassified. Both sites would be subsequently conveyed to the County of Inyo under the Recreation and Public Purposes Act.

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