

Date of Hearing: August 15, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SJR 16 (Padilla) – As Amended August 12, 2024

SENATE VOTE: 34-0

SUBJECT: The Chuckwalla, Joshua Tree, and Kw'atsán National Monuments

SUMMARY: Urges the President to use the Antiquities Act of 1906 to establish the Chuckwalla National Monument, Joshua Tree National Monument, and Kw'atsán National Monument and makes findings regarding the history and value of the land that would be included in the Chuckwalla and Kw'atsán National Monuments and Joshua Tree National Park expansion.

EXISTING LAW:

- 1) Declares that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States [54 United States Code (USC) § 320101].
- 2) Authorizes the President to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments (54 USC § 320301).
- 3) Directs the California Natural Resources Agency (CNRA) to combat the biodiversity and climate crisis by, among other things, establishing the California Biodiversity Collaborative and establishing the goal of conserving at least 30% of the state's lands and coastal waters by 2030 (30x30) (Public Resources Code § 71450).

FISCAL EFFECT: Unknown. This resolution is keyed non-fiscal.

COMMENTS:

- 1) **Purpose of this bill.** According to the author, "As climate change continues to disrupt and forever alter our most fragile ecosystems, it is imperative that we take action to preserve sites of cultural importance. The creation of the Chuckwalla and Kw'atsán National Monuments will help us to better protect lands of ecological and historical significance California and to the sovereign nations of the region."
- 2) **Background.** The Federal Antiquities Act, passed in 1906, seeks to preserve America's archeological places and historical sites, including the information they contain, on federal lands. Among other things, this act authorizes the President to establish national monuments. Specifically, the act gives the President the authority to "declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments" [54 USC § 320301(a)]. National monuments may be administered by the National Park Service (NPS), the U.S. Forest Service, the U.S. Fish and Wildlife

Service, or the Bureau of Land Management (BLM). Since 1906, U.S. presidents have used their authority under the Antiquities Act to set aside land almost 300 times.

In California, there are at least 17 national monuments, including Berryessa Snow Mountain, Cabrillo, California Coastal, Carrizo Plain, Castle Mountains, César E. Chávez, Devils Postpile, Fort Ord, Giant Sequoia, Lava Beds, Mojave Trails, Muir Woods, Saint Francis Dam Disaster, Sand to Snow, San Gabriel Mountains, Santa Rosa and San Jacinto Mountains, and Tule Lake.

Chuckwalla National Monument proposal. The proposed Chuckwalla National Monument includes over 620,000 acres of public lands (see map). These lands are managed primarily by BLM. It is located south of Joshua Tree National Park, north of the Chocolate Mountains, and reaches from the Coachella Valley region in the west to near the Colorado River in the East. The area provides opportunities for outdoor recreation (e.g., hiking, rock climbing, picnicking, stargazing, and some off-highway vehicle recreation) and hosts a unique, biodiverse ecosystem, provides habitat for numerous species (e.g., Chuckwalla lizard, endangered desert tortoise, Sonoran pronghorn, native plants, and migratory birds). Currently, there are “islands” of protected public lands in this region, including Joshua Tree National Park and wilderness areas.



The proposed national monument and Joshua Tree National Park expansion would connect these “islands” and safeguard core habitat areas and linkages. This is critical for the survival of native species in the face of climate change-related habitat loss, warming temperatures, and increased drought.

The lands within the proposed national monument include the homelands of the Iviatim, Nüwü, Pipa Aha Macav, Kwatsáan, and Maara’yam peoples, also known as the Cahuilla, Chemehuevi, Mojave (Colorado Indian Tribes), Quechan, and Serrano nations. Designating the Chuckwalla National Monument would help to protect important spiritual and cultural values tied to the land such as multi-use trail systems established by indigenous peoples, sacred sites and objects, traditional cultural places, geoglyphs, petroglyphs, and pictographs.

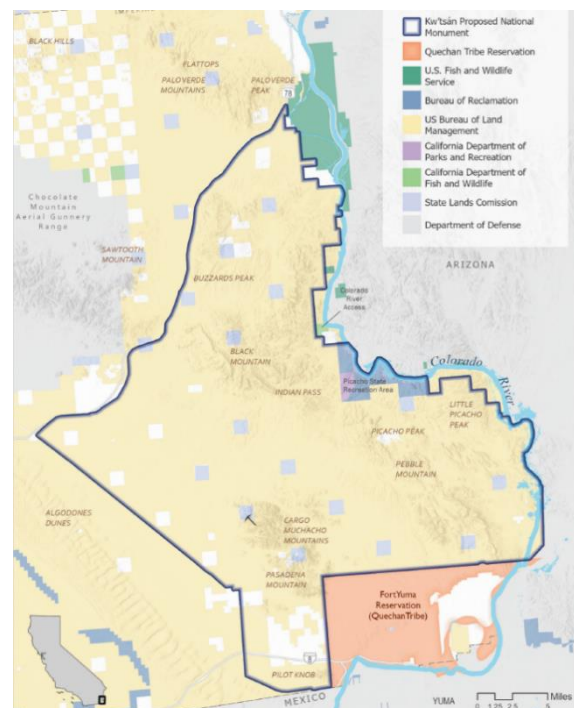
Joshua Tree National Park addition. Joshua Tree National Park lies at the convergence of two deserts: the Colorado Desert, which encompasses the eastern part of the park and features natural gardens of creosote bush, ocotillo, and cholla cactus, and the Mojave Desert in the western part of the park, which hosts the special habitat of the Joshua tree. The park provides habitat for 813 plant species, 46 reptile species, 57 mammal species, and over 250 bird species. The park includes five fan palm oases, which are the few areas where surface water occurs naturally.

Joshua Tree National Park protects numerous archeological sites associated with the Pinto Culture, one of the earliest prehistoric cultures found in the California desert (7,000–10,000

years old). The park preserves sites and materials associated with at least four overlapping ethnographic native cultures—the Cahuilla, Serrano, Chemehuevi, and Mojave Indians. Other historic sites preserve information on the history of the processing of gold ore, cattle ranching, rustling, and homesteading of the southwestern deserts.

In 2016, the NPS completed an assessment of the effects of adding approximately 20,000 acres of lands in the Eagle Mountain area to Joshua Tree National Park. Most of the area is federally owned and managed by the BLM, however, the area also contains lands in state, private, and local agency ownership. It is worth noting that H.R.8031 and S.4132 appear to only target the public lands for inclusion in the monuments. The non-federally owned lands could become a part of the park if the property owners chose to sell, exchange, or donate the lands to the NPS.

Kw'tsán National Monument proposal. This proposal to protect the Fort Yuma Quechan Indian Tribe's homelands encompasses more than 390,000 acres of lands managed primarily by the BLM in Imperial County along the border with Mexico and Arizona (see map). The exact boundaries of this proposed National Monument are still being finalized. This region includes species such as roadrunners, desert tortoises, Yuma kingsnakes, black-tailed jackrabbits, kit foxes, chuckwallas and a diversity of desert plants such as saguaro, creosote, mesquite, desert milkweed, algodones dunes sunflower, and arrowweed.



The proposed Kw'tsán National Monument contains cultural, ecological, recreational, scenic, and historic values. The area is part of a greater cultural landscape, connecting together Avikwalal, Palo Verde Peak, the proposed Chuckwalla National Monument, and Spirit Mountain in Avi Kwa Ame National Monument. The boundary exhibits a portion of the Fort Yuma Quechan Indian Tribe's ancestral homelands and incorporates the Indian Pass Area of Critical Environmental Concern (ACEC), Pilot Knob (Avikwalal) ACEC, Singer Geoglyphs ACEC, Buzzards Peak, and Picacho Peak Wilderness areas.

Connection to 30x30 initiative. In October 2020, Governor Newsom issued Executive Order N-82-20, which establishes a state goal of conserving 30% of California's lands and coastal waters by 2030 – known as 30x30. The 30x30 goal is intended to help conserve state lands and coastal waters through voluntary, collaborative action with partners across the state to meet three objectives: conserve and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change. The 30x30 goal was codified by SB 337 (Min), Chapter 392, Statutes of 2023.

As of May 2023, the state has conserved 24.4% of lands and 16.2% of coastal waters for 30x30. California's strategy to conserve an additional six million acres of land and half a

million acres of coastal waters is organized into ten pathways that are specific state actions that will help achieve 30x30.

According to CNRA, these three National Monuments are estimated to add a little over one million acres to the State's 30x30 goal. The proposed Chuckwalla National Monument would add an estimated 400,000 acres, the Joshua Tree expansion would add an estimated 17,000 acres, and the proposed Kw'tsán National Monument would add an estimated 390,000 acres of new lands to 30x30. These numbers may change upon final designation.

- 3) **Arguments in support.** The Cahuilla Band of Indians writes that the lands in the proposed Chuckwalla National Monument and Joshua Tree expansion “are living landscapes which are culturally, naturally, historically and spiritually significant to the Cahuilla, Chemehuevi, Mojave, Quechan, and Serrano nations and which sustain the well-being and survival of Indigenous peoples today [...and will...] protect the desert land's unique biodiversity, wildlife habitat, landscape connectivity, and history.”
- 4) **Related legislation.** H.R.8031 (Ruiz, 2023–2024) and S.4132 (Padilla, 2023–2024) both, would establish the Chuckwalla National Monument, consisting of approximately 621,000 acres of federal land administered by the BLM. Further, the bill would amend the California Desert Protection Act of 1994 to add approximately 17,842 acres of land to Joshua Tree National Park. H.R.8031 is pending in the House Committee on Natural Resources. S.4132 is pending in the Senate Committee on Energy and Natural Resources.

SJR 10 (Dodd) of the current legislative session urges the President and Congress to expand the Berryessa Snow Mountain National Monument to include the Walker Ridge (Molok Luyuk) Addition. SJR 10 was held in this Committee by the request of the author in response to the Presidents proclamation on May 2, 2024 expanding the Berryessa Snow Mountain National Monument.

SJR 17 (Allen) of the current legislative session urges the President to use the Antiquities Act of 1906 to establish the Sáttítla National Monument. SJR 17 is set for hearing in this Committee.

AB 1183 (Ramos), Chapter 380, Statutes of 2021, establishes the California Desert Conservation Program at the Wildlife Conservation Board.

AJR 4 (Dodd), Res. Chapter 19, Statutes of 2015, urges the President to use his authority under the Antiquities Act to establish a federal monument in the region known as Berryessa Snow Mountain.

REGISTERED SUPPORT / OPPOSITION:

Support

Anza-Borrego Foundation
 Audobon California
 Bolsa Chica Land Trust
 Cahuilla Band of Indians
 California Coastal Protection Network
 California Environmental Voters

California Institute for Biodiversity
California Native Plant Society
CalWild
Central Valley Partnership
City of Palm Desert
Defenders of Wildlife
Endangered Habitats League
Environment California
Environmental Center of San Diego
Environmental Protection Information Center
Forests Forever
Friends of Harbors, Beaches and Parks
Friends of The Desert Mountains
Mojave Desert Land Trust
Morongo Basin Conservation Association
Mount Shasta Bioregional Ecology Center
Nature for All
Outdoor Outreach
Pacific Forest Trust
Planning and Conservation League
Resource Renewal Institute
Santa Clara Valley Audubon Society
Santa Cruz Climate Action Network
Sierra Business Council
Sierra Club California

Opposition

None on file

Analysis Prepared by: Stephanie Mitchell / W., P., & W. / (916) 319-2096