

# EXHIBIT 9

**E.C. Nystrom, *From Neglected Space To Protected Place: An Administrative History of Mojave National Preserve* (National Park Service, Mar. 2003) (excerpts) (available at <http://www.nps.gov/archive/moja/adminhist/adhit.htm> (last visited Jan. 16, 2007))**

# Mojave

---

## Administrative History



## **From Neglected Space To Protected Place: An Administrative History of Mojave National Preserve**



by  
**Eric Charles Nystrom**

**March 2003**

Prepared for:  
United States Department of the Interior  
National Park Service  
Mojave National Preserve

Great Basin CESU  
Cooperative Agreement  
H8R0701001

### **TABLE OF CONTENTS**

---

moja/adhi/adhi.htm  
Last Updated: 05-Apr-2005

# Mojave

---

## Administrative History



## TABLE OF CONTENTS

---

### COVER

### ACKNOWLEDGMENTS

### LIST OF ILLUSTRATIONS

### LIST OF ABBREVIATIONS

### CHAPTER ONE: INTRODUCTION

### CHAPTER TWO: PRELUDE TO SYSTEMATIC FEDERAL MANAGEMENT

- Native Americans and Anglo Contact
- Grazing
- Mining
- Railroads
- Homesteading
- Modern Roads and Rights of Way
- Modern Military Training
- Recreation

### CHAPTER THREE: BLM MANAGEMENT IN THE EAST MOJAVE

- FLPMA and the Desert Plan
- The East Mojave National Scenic Area and the Genesis of the CDPA
- The Political Battle Over the CDPA

### CHAPTER FOUR: AN AWKWARD START AND THREATS OF AN EARLY END

- The Dollar Budget

### CHAPTER FIVE: PLANNING FOR MOJAVE'S FUTURE

### CHAPTER SIX: PARK MANAGEMENT AND ADMINISTRATION

### CHAPTER SEVEN: VISITOR SERVICES

- Resource and Visitor Protection
- Interpretation

## **CHAPTER EIGHT: RESOURCE MANAGEMENT**

- Natural Resources
- Cultural Resources

## **CHAPTER NINE: FUTURES**

## **BIBLIOGRAPHY**

## **FOOTNOTES**

**INDEX** (omitted from the online edition)

# **LIST OF ILLUSTRATIONS**

---

- [Illustration 1](#) - Joshua tree and buckhorn cholla  
[Illustration 2](#) - Prehistoric petroglyphs at Indian Well  
[Illustration 3](#) - The 7IL Ranch  
[Illustration 4](#) - Stone walls of 1880s-era Providence  
[Illustration 5](#) - U.S. Highway 66, Essex, California  
[Illustration 6](#) - High-tension power wires and associated infrastructure  
[Illustration 7](#) - Visitor's center for Providence Mountains State Recreation Area  
[Illustration 8](#) - Zzyzx  
[Illustration 9](#) - Four-wheel drive vehicles traveling the Mojave Road  
[Illustration 10](#) - Painted sign opposing S.21  
[Illustration 11](#) - Cross on Sunrise Rock  
[Illustration 12](#) - Solar panels at Hole-in-the-Wall  
[Illustration 13](#) - Mojave National Preserve entrance monument  
[Illustration 14](#) - Official logo of Mojave National Preserve  
[Illustration 15](#) - Buildings at the New Trail Mine  
[Illustration 16](#) - Graffiti on Kelbaker Road  
[Illustration 17](#) - The Union Pacific Railroad  
[Illustration 18](#) - Kelso Depot  
[Illustration 19](#) - NPS visitors' center at Hole-in-the-Wall  
[Illustration 20](#) - Lake Tuendae at Zzyzx  
[Illustration 21](#) - Desert cattle  
[Illustration 22](#) - Rock walls of the military outpost at Piute Creek  
[Illustration 23](#) - The Rock Springs Land & Cattle Company water trough and corral  
[Illustration 24](#) - Headframe of the Evening Star Mine  
[Illustration 25](#) - Morning Star Mine

# **LIST OF ABBREVIATIONS**

---

ACLU — American Civil Liberties Union  
AML — Abandoned Mine Land  
ATV — All-Terrain Vehicle

AUM — Animal Unit Month  
BLM — Bureau of Land Management  
CalTrans — California Department of Transportation  
CDF&G — California Department of Fish & Game  
CDPA — California Desert Protection Act  
DOI — Department of the Interior  
DTRP — Desert Tortoise Recovery Plan  
EIS — Environmental Impact Statement  
EMNSA — East Mojave National Scenic Area  
FLPMA — Federal Land Policy and Management Act  
FMO — Fire Management Officer  
FWS — U.S. Fish & Wildlife Service  
GMP — General Management Plan  
HAZMAT — Hazardous Material  
LRIP — Long-Range Interpretive Plan  
MOU — Memorandum of Understanding  
NEMO — Northern / Eastern Mojave Planning Effort  
NPS — National Park Service  
NRA — National Recreation Area  
OHV — Off-Highway Vehicle  
SET — Special Event Team  
UP — Union Pacific Railroad  
USGS — United States Geological Survey  
WSA — Wilderness Study Area

---

[<<< Previous](#)

[<<< Contents >>>](#)

[Next >>>](#)

---

moja/adhi/adhit.htm  
Last Updated: 05-Apr-2004

# Mojave

## Administrative History



### CHAPTER THREE:

## BLM MANAGEMENT IN THE EAST MOJAVE

After World War II, control of federal lands in the desert fell to the Bureau of Land Management (BLM), a newly-created agency in the Department of the Interior whose difficult mission of being almost everything to almost everyone was later codified as "multiple use." The BLM was created in 1946 when the Grazing Service and the General Land Office were combined. This action placed much of southern California and the east Mojave under the ostensible control of the new agency, but in reality the BLM's presence was light, both because of the nature of the management responsibilities of the new agency and a lack of staff. The BLM's greatest presence in the area was felt by miners and ranchers, both of whose activities the agency monitored; the former under the auspices of the 1872 General Mining Law, and the latter under the 1934 Taylor Grazing Act. The Bureau was dominated by ranchers and miners, and provided little oversight of their activities. The massive popularity of recreational use of the California desert forced the BLM to expand its management portfolio. After World War II, recreation rose to economic importance in the area. Millions of American soldiers got to know the area during the war because of Patton's Desert Training Center and California Arizona Maneuver Area, and the growth of population in the Los Angeles area after the conflict created additional pressure to explore the desert. Motorcycle technology, fueled by the disposable income of thrill-seeking baby boomers, advanced rapidly after the war, and the desert became the location of choice for increasing numbers of off-road riders to recreate. At the same time, the American public began to develop an environmental ethic that suggested that consumptive uses of the desert were perhaps not the best ones.

BLM stepped up its management of recreation when Russ Penny, appointed California state BLM director in 1966, instructed his office in Riverside to document the impacts of a motorcycle race that was to be held in the desert on Thanksgiving weekend, 1967. Known as "Barstow to Vegas" or simply "B to V," this motorcycle race quickly became one of the major spectacles in American off-road racing. The most unusual feature was the mass start of the race, where hundreds and, in later years, thousands of dirt bikes roared to life at once and sped off toward a distant target in a cloud of choking dust. The Barstow to Vegas race caused considerable damage to desert resources, and Penny's documentation of the event provided the BLM with ammunition to get a \$25,000 grant to study the desert. The resulting 1968 report suggested the development of a comprehensive plan and the formulation of future studies of the area, as well as designation of off-road courses and protected recreation areas. As an agency, BLM was only beginning to become comfortable with recreation management in the late 1960s, and perceived off-road recreation as a use for which the desert was suitable. The BLM formed the Off-Road Vehicle Advisory Council, or ORVAC, to advise the agency on recreation and desert issues. The council developed a report which recommended classifying lands as "open," "restricted use," and "non-use," and suggested that BLM needed law enforcement powers to stop lawbreakers. [69]

BLM's call for expanded regulation was answered in 1972 because a radical change in attitudes toward government intervention in environmental issues prompted the politically-sensitive president to act. A massive oil spill off the coast of Santa Barbara, California in 1969 and other events focused the nation's attention on environmental regulation, and legislation such as the National Environmental Policy Act of 1969 received strong bipartisan support. At a time when a pro-environment stance was a good political move for any politician, Republican or Democrat, President Richard M. Nixon issued Executive Order 11644 in February 1972, which required all federal agencies with land under their control to designate areas as acceptable or unacceptable for off-road vehicle use, so as to protect the natural environment. The BLM set up an Interim Critical Management Program, under the leadership of Wes Chambers and Neil Pfulb, to find and close particularly sensitive areas, and to allow open play in others. After receiving 18,000 comments on the draft, a final version was approved in November 1973, which provided guidance for the next seven years. [70]

The Barstow to Vegas motorcycle race grew considerably after its inception in 1967, and BLM employees and other desert users were increasingly concerned that the race was substantially damaging the desert. After the 1973 race, BLM conducted an Environmental Impact Study (EIS) that showed that significant damage had occurred and would continue to occur with future races. The report was published less than a month before the 1974 race, so a federal judge ruled that the event could continue as planned. The BLM monitored the race very closely, and the data that they collected plus the EIS was enough justification to deny a permit for the event in 1975 and thereafter.

### **FLPMA and the Desert Plan**

The Barstow to Vegas motorcycle race and subsequent concern over OHV damage focused the attention of environmentalists and lawmakers on the California desert. Conservation measures in the California desert were hamstrung because BLM had no enforcement powers and no legislative mandate to protect the environment, unlike its specifically mandated grazing and mining responsibilities. In 1970, Bob Jennings, a member of Penny's desert planning staff who cared for the desert and saw first hand the resource damage that BLM was unable to prevent, left the Bureau to work as an aide for U.S. Representative Bob Mathias, a California Republican whose district included some areas that would eventually be added to Death Valley National Park. Jennings emphasized the desert conservation issue to his boss, and working together with BLM, wrote a bill to give the BLM enforcement and planning powers in the desert. Mathias introduced the bill in Congress that year, and soon other members of the California delegation, including Senator Alan Cranston, were also pushing similar bills. The desert bills were reintroduced in 1971, and again in 1973. Senator Cranston got a hearing for his bill in 1974, where the subcommittee suggested that it be integrated into an omnibus BLM bill, the Federal Land Policy and Management Act (FLPMA), making its way through the Senate. FLPMA did not pass that year, but Cranston's desert-specific portions remained in subsequent reintroductions, and were enacted into law when FLPMA was passed in October 1976. This act, one of the most important pieces of land management legislation ever passed, provided the BLM with an organic act and placed it on equal footing with the NPS and the Department of Agriculture's Forest Service. On paper, the act prioritized recreation and preservation as of equal importance as BLM's traditional mining and grazing functions, even though this equality was not always reflected in the field. [71]

FLPMA had several important impacts in the eastern Mojave. It required the BLM to "manage, use, develop, and protect" its lands, a contradictory mission that suggested a tenuous



balance of interests but prevented BLM from adequately satisfying any user group completely. It enabled the BLM to designate Areas of Critical Environmental Concern, of which six were eventually created in the eastern Mojave, and required that the agency check its holdings for lands suitable for potential inclusion in the wilderness system. FLPMA section 601 specifically created the California Desert Conservation Area, consisting of some twenty-five million acres of private and public land including all BLM lands in southern California, and required that a management plan be developed by 1980. This document became known as the "Desert Plan." [72]

Developing the Desert Plan took several years and a tremendous amount of public input. The scope of the project alone, developing a management plan for tens of millions of acres, was daunting. Little information existed about many of the resources in question, so the BLM created a tremendous program of natural and cultural research on desert resources. Many large public meetings were held by the agency to ensure public input; fifteen hearings were held between 1977 and 1979, before publication of the first draft of the plan. BLM received more than 40,000 individual comments at that time. Some of the loudest voices at these meetings came from organized groups that wanted to utilize the desert for OHVs and mining, but others urged conservation. In a series of opinion polls, the public substantially supported increased conservation in the desert. FLPMA required BLM to inventory its lands and set aside those that seemed to have wilderness values as Wilderness Study Areas (WSAs). The Wilderness Act of 1964 already initiated WSA evaluation for lands controlled by the U.S. Forest Service and the National Park Service, but the BLM had been left out of the original act. FLPMA required the WSA evaluation process to be completed by 1991, but since the status of WSAs would affect their management, this task also needed to be completed before the final Desert Plan was issued. [73]

The main mechanism for planning in the Desert Plan was land classifications, a technique commonly used by federal agencies by the time of the development of the management plan for the deserts of Southern California. For federal land in the California Desert Conservation Area, one of four classifications could be used. Class C, "Controlled Use," was reserved for Wilderness Study Areas and prohibited most vehicle use and all new mineral claims. "Limited Use" or Class L lands were designated as such to "protect sensitive, natural, scenic, ecological, and cultural resources." On such lands, mining operations were required to have a Plan of Operations with reclamation, power and phone lines were to be routed underground where possible, and land would not be turned over to private ownership. Class M, "Moderate Use," permitted more kinds of operation, including airstrips, nuclear and fossil fuel powerplants, off-road racing, and small mines without reclamation. "Intensive Use" or Class I lands included large mining operations and OHV play areas. The Desert Plan provided an "Unclassified" category for lands usually located inside towns or surrounded by private lands. The Desert Plan also allowed BLM to establish special reservations to acknowledge special features or uses. Examples of these special categories included the "Area of Critical Environmental Concern," the "Research Natural Area," and the "National Natural Landmark." [74]

The Desert Plan included an interesting amendment mechanism that gives solid proof to the adage about no good deed going unpunished. "Eminent planner" Harvey Perloff was one of many experts hired by BLM to help the agency put together the Desert Plan. Perloff suggested that an amendment process be included, so that instead of a static, unwieldy document, the Desert Plan could mutate and grow as conditions themselves changed. BLM officials thought this an excellent idea, and the amendment mechanism became an integral part of the Desert Plan. Ultimately, many of the Desert Plan amendments passed by BLM in the Reagan/Watt



years served to weaken environmental protections. Environmentalists didn't trust the BLM to maintain adequate levels of protection in the face of administrative hostility, especially after Ronald Reagan's Interior Secretary James Watt decimated the conservation aspects of the bureau, and a more "permanent" legislative (rather than administrative) protection of desert lands became the goal of the conservation lobby. [75]

### **The East Mojave National Scenic Area and the Genesis of the CDPA**

During the creation of the Desert Plan, members of various conservation organizations urged BLM to provide special protection to lands in the eastern Mojave. One group, Citizens for Mojave National Park, was formed by Joyce and Peter Burk as a bicentennial project on July 4, 1976. In fits and starts, the organization pursued its solitary goal of a Mojave National Park. The Citizens for Mojave National Park alone were never numerous nor wealthy enough to make a national impact, but Peter Burk and other members were also actively involved in the Sierra Club and other organizations with enough resources to achieve major change. As a result, the Citizens for Mojave National Park helped to focus some debate on the desirability of increased protection for the eastern Mojave, even though most politicians and conservation leaders believed any park effort should wait until after the Desert Plan was complete. As early as 1976, Burk circulated a rough sketch of a Mojave National Park that closely mirrored the later East Mojave National Scenic Area and the Mojave National Preserve, although the resemblance probably had as much to do with the realities of development in the eastern Mojave as it did with prophetic vision. [76]

Burk's idea of a Mojave National Park may have been deemed premature, but the idea was clearly on the minds of the agency's planners at the time. In 1978 and 1979, BLM Desert Plan staff studied their holdings for potential park lands in the desert, and concluded that "the cultural and natural resource values of the East Mojave Study Area are so diverse and outstanding that the area readily qualifies for national park or national monument status." BLM management sidestepped the insinuation of the report that the agency should relinquish some of its most beautiful California lands to its rival Interior agency. [77] The Desert Plan, as finalized, was significantly weaker than environmentalists originally hoped, but the election of Ronald Reagan convinced conservationists that the plan was certainly better than nothing. [78] One of the highlights of the Desert Plan was the recommendation that Interior create a "national scenic area" in the east Mojave, the first designation of its kind. The East Mojave National Scenic Area (EMNSA) was formed by an order of Secretary of the Interior Cecil Andrus in December 1980, just before Reagan took office, and reauthorized by James Watt in early 1981. When Guy R. Martin, Andrus' Assistant Secretary of Interior for Land and Water Resources, signed the proposal, he noted the amorphous nature of the new designation, and added the important proviso that the "concept should be fully and accurately described." [79]

The decision to create a "national scenic area" instead of a national park in the eastern Mojave desert in 1980 was due to a series of factors. The eastern Mojave landscape was clearly among the most park-like of the BLM lands in the California desert, and widespread calls for increased protection could not be ignored. Without a doubt, BLM management desired to retain jurisdiction over the prime lands in the eastern Mojave, and not give up any control to other agencies. Frank Wheat said that BLM "tossed a bone to the conservation community" by forming the EMNSA. Judy Anderson, one of the principal leaders in the later push for increased desert protection, later described the designation as a deal between the BLM and pro-park forces, brokered by the National Parks Conservation Association, which was deeply concerned about putting additional strain on NPS resources. These fears were based on the

belief that the California desert was already adequately represented in the national park system by Death Valley and Joshua Tree National Monuments; when combined with concerns that scenic intrusions such as power lines and abandoned mines made the area less than desirable, the EMNSA designation seemed like an appropriate compromise. [80]

Working mostly with traditional users, BLM management created a statement of management philosophy in August 1981 to guide decision-making until a management plan could be developed and implemented. The statement reaffirmed BLM's commitment to the multiple use of the area, and emphasized that designation of the EMNSA did not add additional levels of regulation; the region would be managed according to the public land laws and the Desert Plan. To ensure "adequate" protection, nearly all of the land within the EMNSA would be classified for limited use under Desert Plan guidelines. Administrative priority would be placed on EMNSA issues within the larger BLM management area. Additionally, the BLM would review all development plans within its jurisdiction for "scenic quality management."

Several concepts would be echoed by later NPS management. For example, the BLM emphasized that "recreationists" should have a "sense of discovery" when exploring the area. This phrase still describes management philosophy in the Preserve. The philosophy statement also noted that the designation and its consequent management applied only to public lands, not private or state lands located inside the boundaries of the EMNSA. The California Desert Protection Act of 1994 harkened to this concept, though not directly, when it specifically excluded all private land (other than the former railroad lands then owned by the Catellus Corporation) from the Mojave National Preserve until acquisition by the park.

Other provisions of the philosophy statement emphasized BLM's multiple use mission. Of six management goals listed in the document, the first was to make the EMNSA a "demonstration showcase for multiple-use management." Another goal expressed the desire to limit development of paved roads, but simultaneously increase the value of the resource by adding "improvements" such as additional water. Recreational use, such as sightseeing and camping, were recognized as important activities. Even with the increased protection of the "scenic area" designation, the eastern Mojave was managed from a perspective that *use* of the land was the highest value, unlike NPS policies that emphasize resource protection and functioning ecosystems above all else. [81]





Illustration 9 - A caravan of four-wheel drive vehicles traveling the Mojave Road pauses for lunch. (Photo by Eric Nystrom, 2001.)

One recreational resource enhancement was provided by a group of volunteers who worked to reopen the "Old Government Road" to modern traffic. In 1962, Dennis Casebier, a physicist by trade and a historian by inclination, first arrived in the eastern Mojave, "fascinated from the beginning" by the old trail and determined to find out more about it. While working in Washington DC, Casebier haunted the National Archives, copying tremendous amounts of historic material about the Mojave. In the early 1970s, Casebier wrote several short histories of aspects of the military presence in the desert, including its role in the development of the Mojave Road. Armed with an engaging slide show, Casebier gave lectures on the history of the trail. BLM officials, including Desert Plan Director Neil Pfulb and Assistant Director Wes Chambers, were very interested in the Mojave Road and its potential for recreational use by hikers, equestrians, and perhaps motorized vehicles. Not yet convinced of the road's suitability for four wheel drive use, Casebier hiked its 130-mile length in eight days during October 1975. Assisted by BLM, Casebier sought publicity in the late 1970s and early 1980s to open the road to greater recreational use. The trace itself was disappearing in some places, and needed traffic to retain a road-like condition. In March 1980, Casebier was asked to lead a caravan of four-wheel drive enthusiasts over the Mojave Road. Using CB radio, he lectured along the way, describing the history of the landscape. In Casebier's words, "it was just like magic!," and the experience demonstrated that cautious drivers would pose little threat to the resource. Over the next several years, Casebier led more outings and coordinated development of the trail, with BLM's eager consent. In May 1981, Casebier and his associates officially created the Friends of the Mojave Road, to work with BLM as volunteers to promote environmentally friendly recreation along the old wagon road with an emphasis on education. The group agreed that signs would be out of place along the road and resolved to create rock cairns and a mileage-based guidebook as an alternative. As finalized, the trail produced by volunteers ran directly over the wagon road in most places but occasionally utilized detours along parallel trails when the original road was blocked or unusable. The California

Association of Four-Wheel Drive Clubs agreed to take responsibility for the small amount of maintenance the road would need, repairing cairns as necessary and conducting semiregular trash patrols. The Guide to the Mojave Road was published in October 1983, after advance orders of over 600 copies ensured it would be a worthwhile venture. [82]

The first edition of 1,700 copies sold out, and by the time an updated edition of the guide was issued in 1986, Casebier estimated that over 2,000 people had traveled the trail. Once the success of the experiment was clear, the Friends of the Mojave Road, with the approval of BLM managers, developed a more ambitious project, a 660-mile closed loop utilizing existing roads through lands in the eastern Mojave, in part to relieve traffic pressures on the Mojave Road. Initial planning work for the East Mojave Heritage Trail was under way by 1985. As a result of the effort and cost associated with developing the trail and publishing the guidebooks, the Heritage Trail was opened in successive segments. The first of four guidebooks was published in 1987, and the final installment appeared in 1990. Under BLM, four-wheel drive recreation was a use of the East Mojave National Scenic Area that was encouraged. [84]

Despite rhetoric in favor of protection espoused by the EMNSA management statement, it seemed to conservationists that resource protection was a secondary concern. In 1982, BLM promulgated the first cycle of major amendments of the Desert Plan. Several affected the East Mojave National Scenic Area, including proposals to reinstate the Barstow to Vegas motorcycle race, to remove some 300,000 acres from WSA status, to reduce levels of protection on class L lands, and to delete some 140,000 acres in the northern portion of the EMNSA from the unit entirely at the request of MolyCorp. The MolyCorp land deletion was reduced to 47,520 acres after conservationists protested the move, but many of the other amendments perceived by conservationists as detrimental to the EMNSA were passed. This incident highlighted the fact that the malleability of the Desert Plan would not necessarily work only to increase environmental values. Disillusioned conservationists doubted that the Desert Plan could be counted on to prevent ecological damage, since any protections could be taken away with administrative amendments, so environmentalists began to push in earnest for a legislative solution to resource protection. [85]

BLM actions in the EMNSA gave environmentalists reasons to worry. In 1984, MCI Communications proposed to put a 350-foot tall microwave tower on private land atop Marl Mountain. BLM claimed that they had no voice in the matter, because it was private land, but conservation groups pushed the San Bernardino County Board of Supervisors to require an Environmental Impact Report for the project. Stalled by wrangling over environmental issues, MCI decided to locate its tower outside the Scenic Area. The following year, BLM supported selling EMNSA land south of I-15 to facilitate development in Baker. Both developments eventually ended without action, but environmentalists remained concerned that BLM had no interest in maintaining the integrity of EMNSA lands. Later events reinforced this observation, including BLM's permission for LA Cellular and Pacific Bell to build towers in the Scenic Area without public review, and the bureau's decision to reinstate the Barstow to Vegas motorcycle ride. Mining in the area expanded in the 1980s, driven by a steady rise in the price of gold and the development of cyanide heap-leach methods capable of working low-level ore at a profit. The Colosseum Mine, an open pit gold operation located in the Clark Mountain Area of Critical Environmental Concern, began modern production in 1985. Environmentalists charged that permission of massive open pit mines in the Scenic Area itself was wrong, but to do so for a mine in an ACEC, argued conservationists, showed beyond doubt that the BLM's designation was meaningless. [86]



BLM's apparent disregard for environmental protection gradually eroded their support among environmentalists, and activists pushed for legislative reform. Southern California Sierra Club activists took the lead on pushing for legislative protections in the desert. Judy Anderson, a high school mathematics teacher in greater Los Angeles, gradually became the de facto leader and was assisted by an extensive roster of conservationists. Anderson began producing maps of proposed wilderness areas and expanded park units in 1981; these maps, with modifications, were the basis of the maps included with the final CDPA. Pro-CDPA forces agreed that patience was crucial, and hypothesized that a Desert Protection Act had the best chance of passage if a broad coalition of pro-environmental groups were aligned behind a single proposal. At first, the national leadership of conservation organizations doubted the wisdom of including a Mojave National Park in the proposal, but effective advocacy by Peter Burk and others ensured that it would be included in the final plan. In late 1984 and early 1985, a number of conservation groups led by the Sierra Club, the Wilderness Society, and the California Wilderness Coalition, formed the California Desert Protection League as an umbrella organization, and elected Judy Anderson as chair. They kept in close contact with Kathy Files (later known as Kathy Lacey), Senator Alan Cranston's environmental aide, and met with the lawmaker himself in January 1985. The league prepared maps of all of the proposed additions and wilderness areas, along with descriptions and photographs of the areas. With a solid foundation of material for support, Senator Cranston introduced S.2061, the California Desert Protection Act, at a press conference on February 7, 1986. Cranston emphasized that the bill would be "no-cost" because all of the areas were already under federal control. [87]

The first California Desert Protection Act was the direct antecedent of the final bill that passed in 1994. It included a new Mojave National Park, without hunting, in the area designated as the East Mojave National Scenic Area, national park status for Death Valley and Joshua Tree National Monuments, and creation of an extensive amount of BLM-managed wilderness in the desert. The introduction of CDPA legislation also prompted desert users to take sides for or against the bill. The Los Angeles Times, in an editorial reflective of the attitudes of its urban constituency, endorsed the proposal. The California Desert Coalition was formed in 1986 as the biggest anti-CDPA group, comprised of mining, ranching, OHV, hunting, and property rights activists. Prompted by the anti-expansion attitudes of the Reagan administration, the Department of the Interior and the BLM also opposed Cranston's bill. Roy Rogers, an advocate for traditional uses of the desert which reified the individualistic American anti-regulation myth, starred in an anti-CDPA video, "Desert Lockout," produced by conservative California state senator H.L. Richardson and distributed to major news outlets. The California Desert Protection League countered with a video of their own, "Desert Under Siege," a pro-park production starring two pro-conservation scientists. [88]

Despite their opposing positions, it was clear that both sides cared about the desert. In late 1985 and early 1986, the Union Pacific decided to cease operations at Kelso, and raze the 1924 vintage railroad depot because of mounting maintenance costs. People from both sides of the CDPA debate joined to save the Kelso Depot from destruction. Peter Burk, who was widely known as being stridently anti-BLM, gave an indication of the bipartisan nature of the effort when he labeled BLM leaders Ev Hayes and Gerry Hillier, as well as Congressman Jerry Lewis "the heroes who saved Kelso Depot from destruction." With the assistance of the Kelso Depot Fund, the BLM took control of the building in 1992. [89]

For six years, the East Mojave National Scenic Area was administered by BLM under the statement of philosophy and the Desert Plan. During this time, several specific planning

efforts targeted Areas of Environmental Concern, grazing, wildlife habitat, and burro management. The introduction of the Cranston bill in 1986 showed BLM that conservationists were genuinely unhappy with the bureau's management of the area. BLM attempted to remake its efforts in a newly sensitive light, to prove its capabilities to conservationists, and to avoid the transfer of BLM lands to other agencies. In January 1987, the Park Service reported on the suitability of the lands in the east Mojave for inclusion in the park system. The report itself was essentially noncommittal, but NPS Western Regional Director Howard Chapman's cover letter enthusiastically supported a park in the east Mojave. Despite a limited reception in Washington, this report increased the pressure on BLM to release a management plan for EMNSA that reflected the desire of much of the public for additional resource protection. BLM prepared a draft management plan for the EMNSA in 1987, and submitted it for public review. The plan outlined steps that would increase protection in EMNSA, including decreasing use of ATVs, closure of some roads and washes, withdrawal of some 60,000 acres from mineral use, and reclassification of 120,000 acres from class M to class L status. The agency received 327 written comments and more than 100 oral suggestions at ten public meetings. A final management plan was released to the public in mid-May 1988, but was characterized as a "significant retreat" from the draft plan, with environmental protections weakened in many cases. The plan was designed to last for ten years, until 1997, and to provide levels of support services sufficient for 200,000 visitors by that time. The EMNSA plans placed extensive emphasis on scenic quality management but only referred to historic preservation and continuation of existing uses in a parenthetical manner. [90]

The EMNSA plan was perceived as "too little, too late" by many conservationists. It seemed to be a political response to the threat posed to the agency by the California Desert Protection Act, rather than a genuine expression of a change of heart toward conservation issues. More importantly, the multiple-use outlook of the agency itself suggested that BLM would never protect the land to a level satisfactory to the conservationists. As the California Desert Protection League ramped up efforts to extend permanent legislative protection over desert lands, conservationists became less interested in a BLM-based solution.

---

<<< [Previous](#)

<<< [Contents](#) >>>

[Next](#) >>>

# Mojave

## Administrative History



### CHAPTER THREE:

## BLM MANAGEMENT IN THE EAST MOJAVE (continued)

### The Political Battle Over the CDPA

While BLM was struggling to create a management plan that was both compatible with its multiple-use mission and satisfactory to users across the spectrum, Cranston's California Desert Protection Act became enmeshed in national politics. The California Desert Protection Act's fate, from its introduction through its final passage in 1994, was tied closely to the maneuvering of U.S. Senators, congressional representatives, and lobbying forces for national organizations. As with any park bill, the CDPA had advocates and detractors, and their relative political power and adroit management of the issue played a major role in the final version on the bill.

The pro-CDPA groups, unified under the California Desert Protection League umbrella, took most of their strategies and techniques from the Sierra Club. Founded in 1892 by John Muir and other well-known conservationists, the Sierra Club long cultivated close ties with policymakers. In the early 1980s, environmental organizations benefited enormously from public backlash against the anti-environment policies of the Reagan administration. The Sierra Club nearly doubled its membership between 1980 and 1983 and became the most powerful pro-environment organization in the United States, with extensive lobbying experience, close ties to many congressional representatives, and considerable legislative acumen. [91] Prodded by its powerful urban Southern California membership, the national leadership of the Sierra Club committed in 1984 to a comprehensive desert bill, opening a host of resources for those Californians leading the fight. The Sierra Club wrote the text of Cranston's CDPA bill, drew the maps showing the new parks and wilderness areas, and collected photos and narrative descriptions of every location included in the bill. The Sierra Club relied on information created by BLM planners in the course of creating the original Desert Plan, but the organization's political savvy transformed that work to advocate the passage of the CDPA. [92]

Cranston was the California Desert Protection Act's senatorial author and chief advocate in that body. Cranston had a genuine love of the desert - one of his earlier desert bills became the section of FLPMA that called for creation of the Desert Plan. In 1987, he took a series of trips to the desert to raise public awareness of the area and the bill before Congress and was fond of describing his earlier desert hikes. Throughout the 1980s and into the 1990s, Cranston's bill did not progress in the Senate because of Pete Wilson, the Republican who held California's other Senate seat. Through 1987 and 1988, Wilson was carefully noncommittal about the CDPA, hoping to earn part of the pro-environment vote in his 1988 reelection campaign. The Sierra Club endorsed his opponent Leo T. McCarthy, who was strongly in favor of the CDPA, and Wilson's neutrality turned to hostility toward the CDPA until he resigned his Senate seat and became governor of California in 1990. [93]



The push for the California Desert Protection Act began in earnest in January 1987, when Cranston reintroduced his 1986 bill as the new session of Congress began. Known as S.7, Cranston's bill was also introduced by California Representative Mel Levine in the House as HR 371. Unlike its senatorial predecessor, which was introduced late in the session and was never acted upon, S.7 received several days of testimony, both pro and con, during hearings on the bill. Of greater importance to the eventual success of the CDPA was the media attention S.7 received in California. The California Desert Protection League worked to get endorsements of the bill, but S.7 never advanced to a vote because of Wilson's opposition. [94]

Undaunted, Cranston reintroduced the bill in January 1989 as S.11, and Representative Levine's identical House version, HR 780, was introduced a week later. [95] Some minor adjustments were made by Cranston and Levine to appease specific opponents, a pattern that continued throughout the legislative history of the California Desert Protection Act. By the time S.11 was introduced, members of the California Desert Protection League had gathered large numbers of endorsements from counties, cities, and organizations throughout California. The eight largest cities in the state endorsed the idea, as did most of the urban counties of Northern and Southern California. Opponents of the bill, including California State BLM Director Ed Hastey, worked to gain endorsements of their position as well, and received the support of rural governments and local desert populations in their fight against the act.

The opposition to the California Desert Protection Act can broadly be categorized as a loose coalition of issue-specific opponents combined with a core of anti-Park Service, anti-government ideologues. Pro-mining, pro-OHV, pro-grazing, and pro-hunting groups, along with utility and communications companies, all believed that their primary issue would receive less regulation and fewer restrictions under BLM management than under NPS control. Additionally, some citizens disliked increased government regulation in any form, and opposed a park in the Mojave. While they identified with and worked with the single-issue advocates, the broadly anti-park forces were often locals, who believed that the eastern Mojave did not qualify as a park and that the Park Service would ruin their way of life if the area changed to a different government agency. Anti-park feelings were intensified by the fact that most pro-park forces did not live in the area; locals saw the CDPA as an example of outsiders and politicians who did not know the desert telling them what to do. This attitude was a legacy of the "Sagebrush Rebellion," the states rights movement that briefly flourished in the West between 1979-1982, and the so-called "Wise Use" movement that echoed it a decade later. The Sagebrush Rebellion and its later incarnations derived their power from a widespread fear that environmental regulations conflicted with economic activity. Concern for the environment has been labeled a "full-stomach" phenomenon, most prominent when times are good economically. In the prosperous days of the 1960s, it seemed as though there was more than enough to go around, but after the OPEC oil embargo of 1973 started the American economy into a long downward slide, workers and politicians alike worried that newly enacted environmental laws would cost jobs and stunt America's growth. Politically, most of those who subscribed to the tenets of the Sagebrush Rebellion gravitated toward the Republican Party. Most of the staunch political opponents of the CDPA, such as Senator Malcolm Wallop of Idaho and Representative Jerry Lewis of California, traced their political philosophy to the Sagebrush Rebellion and acted against the CDPA out of concerns of expansion of federal control and increased environmental regulation. [96]

Those actively in favor of the California Desert Protection Act generally identified themselves as environmentalists and often were members of one or more nationally organized

conservation groups. They generally believed the Bureau of Land Management, because of its multiple-use mission and its history of conflicting management policies, could not be trusted to provide lasting protection for fragile desert lands. Over time and after significant media coverage of the CDPA debate, much of the urban California public agreed with the need for greater protection for parts of the California desert. The urban press at its most extreme portrayed the main CDPA opponents as welfare ranchers, welfare miners, right-wing extremists, and juvenile yahoos on fast dirt bikes who tore up the desert for thrills. Certainly, such hyperbole and exaggeration contributed to a lack of sympathy for CDPA opponents among the urban California public.



Illustration 10 - Many desert users fiercely opposed the CDPA. This painted sign, constructed by a four-wheel drive club, still hangs on a building in a remote part of the Preserve. (Photo by Eric Nystrom, 2002.)

Congressional field hearings demonstrated the depth of feeling on both sides of the CDPA issue, but the public's sharply polarized views did nothing to break the senatorial stalemate. In July 1989, the House began holding hearings on HR 780, with typical Washington, DC-based hearings supplemented by three field meetings in California. The first, in late October 1989 in Bishop, set the tone for the subsequent two hearings. Supporters of the CDPA arrived in yellow shirts, and opponents, mostly off-road vehicle users, wore orange. Estimates of attendance ran as high as about one thousand, evenly divided between opponents and supporters. Both sides cheered or booed speakers, according to their philosophy, and chanted slogans supporting their positions. At the second hearing, held in Barstow two weeks later, both sides used the same kinds of tactics, although supporters got a jump on the opponents and occupied most of the chairs in the meeting room as soon as the doors were opened, guaranteeing a "sea of yellow" in the Congressmen's

view. The final hearing, held in Beverly Hills in February 1990, was chaotic, filled with angry and rude OHV riders smarting from the two-month-old announcement of the cancellation of the 1990 Barstow to Vegas ride. These hearings seemed to do nothing more than polarize debate over the CDPA. Later that year, Wilson and Senator James McClure (R-Idaho), a long-time opponent of conservation in almost every form, halted S.11's progress in a Senate subcommittee. [97]

Although the California Desert Protection Act was associated most closely with Senator

Cranston, the most substantial moves toward desert protection in the early 1990s took place in the House of Representatives, where a clear Democratic majority and spirited leadership overcame obstacles that derailed the Senate version. Beginning in 1991, conservation groups focused their lobbying energy on the House after it became apparent that senatorial deference precluded further action on Cranston's reintroduced bill - S.21. Representative George Miller, a California Democrat who became a leading supporter of the CDPA, chaired the House Interior Committee. He assigned Mel Levine and Rick Lehman, two California supporters who had different visions for the CDPA, to a special subcommittee to draft a bill that would be an acceptable compromise. Levine favored a proposal with a Mojave National Park, but Lehman disagreed, believing that the area did not merit national park status. The bill they crafted, HR 2929, gave several concessions to leading single-issue opponents, and specified the creation of Mojave National Monument, with no hunting allowed. Despite opposition from Rep. Jerry Lewis, who had his own limited-protection bill, and the Bush administration, which proposed only ratifying those WSAs approved during the Watt years as wilderness, HR 2929 reached the House floor in late November. Opponents tried to pass several amendments that would have killed the bill, but the Democratic-majority House, combined with Miller's strong leadership, foiled the attempts. One amendment, authorizing hunting in Mojave National Monument, was approved largely as a way for lawmakers to appease the powerful National Rifle Association. HR 2929, including Mojave National Monument with hunting allowed, passed the House of Representatives on November 26, 1991. [98]

The bill did not pass the Senate. At first, Senator John Seymour, Wilson's appointed successor, indicated a willingness to compromise with the proponents of the CDPA. Under pressure from Republican leaders and the Bush White House, Seymour's stance turned to opposition. Senator Cranston announced that he intended to retire in 1992, and Republicans were unwilling to give him a legacy project. In April 1992, Seymour held a U.S. Senate field hearing - a rare event - in Palm Desert, California, where the typically polarized testimony took place. Seymour used the opportunity to speak against the CDPA and its advocates, an unpopular position based on a 3-to-1 margin of support for the CDPA bill among Californians in a September poll. In June, desperate to see to fruition the project he championed for years, Cranston offered to reduce the size of BLM wilderness and eliminate Mojave National Park entirely, but Seymour refused to compromise. S.21 did not make it out of committee. [99]

The political landscape changed drastically in the November 1992 election, and with it, the California Desert Protection Act gained its first real chance of success. Bill Clinton, a Democrat, was elected president, removing White House opposition to the passage of the CDPA. Barbara Boxer, a Democrat, filled Cranston's seat, and pledged her support for the act as well. More importantly, an election was held at the same time for the seat held by Seymour, who was originally appointed when Wilson resigned to become governor. Seymour lost in the Republican primary, and Democrat Dianne Feinstein beat her Republican challenger to win Wilson's former post. As a result of the staggered Senate terms, Feinstein had to run for the Senate again in 1994, just two years hence. Like Boxer, Feinstein supported the CDPA, and made an issue of it on the campaign trail. In support of Feinstein's impending reelection, Boxer agreed to let her colleague spearhead the fight. Passage of the CDPA became Feinstein's top priority, and would be proof to the voters that the new senator could do her job well. Feinstein hired Kathy Lacey, Cranston's environmental aide, who had been very involved in the CDPA effort from the beginning. [100]

In January 1993, Feinstein introduced the California Desert Protection Act as S.21, which consisted of most of Cranston's last bill, plus many of the HR 2929 compromises. The draft

included provisions for a Mojave National Park without hunting, continuation of grazing for twenty-five years, and exclusion of Viceroy Gold's claims around the Castle Mountain Mine from the park. In the House, Rick Lehman introduced HR 518, similar to Feinstein's S.21 but calling for a Mojave National Monument, with no sunset on grazing in the park, and with Viceroy's claims included in the monument's boundaries. In late 1992, Henri Bisson replaced Gerry Hillier as the BLM Manager of the California Desert District. Not in favor of the bill, Bisson was willing to work civilly with the CDPA advocates to make minor boundary adjustments on the congressional maps based on up-to-date information from the field. [101]

The Senate Energy and Natural Resources Committee had been the failure point for previous CDPA attempts, but from the first hearings in April 1993 onward, prospects looked good for the bill. Proponents organized a campaign to convince Senator J. Bennett Johnston (D-Louisiana), chair of the committee, that the proposal was worthy of his support. Johnston was initially in favor of hunting in Mojave National Park, but after his daughter told him that she was afraid of hunters' guns in an NPS Preserve in Louisiana, Johnston supported a no-hunting park. Feinstein made a considerable number of compromises to appease single-issue opponents to the bill. She compromised with the American Motorcycle Association over desert OHV routes, the Catellus company on land swap provisions, and utilities on rights of way issues, to name only a few. One crucial concession came after Feinstein visited the Oversons and the Blairs, two ranching families in the eastern Mojave. They argued that any sunset on grazing would destroy the value of their leases and their livelihoods, and convinced Feinstein to change the proposal to allow grazing indefinitely. [102]

Feinstein was not a member of the Senate Energy and Natural Resources Committee, so Senator Dale Bumpers (D-Arkansas) agreed to work on her behalf in committee. Republicans on the committee attempted to burden the bill with "poison pill" amendments - provisions that would undo the legislation if passed - but the Democratic majority managed to defeat all of them. One problem arose over the issue of what to do with the private lands in Lanfair Valley. Bruce Babbitt, Secretary of the Interior, favored a complex management formula; Feinstein preferred a much simpler alternative, and Senator Wallop argued that the valley should simply be deleted from the park. Senator Ben Nighthorse Campbell (D-Colorado), who had been voting with the Democrats, agreed with Wallop for an unexplained reason likely associated with his future March 1995 switch to the Republican party, and the amendment deleting Lanfair Valley was inserted in the bill. The map that the committee called "Lanfair Valley" in actuality covered much more than the valley itself - some twenty percent of the total land, from Piute Creek to Hole-in-the-Wall, was included on the map, and therefore was left out of the park. Without any of the senators realizing what happened, the bill passed out of committee on October 5, 1993. [103]

Conservationists quickly realized that the deletion of lands in Lanfair Valley, known as the "Lanfair Bite," was an omission of major proportion. Elden Hughes of the Sierra Club produced a series of photographs, keyed to a map, that depicted major resources that would be left out if the Bite went through. Gary Overson, whose lands were included in the Lanfair Bite, wrote to Feinstein asking to have his property included in the park, to make it possible for him to sell his ranch to the Park Service if he so desired. The bill moved to the Senate floor in late March, and serious debate began in April 1994. Several procedural amendments were added without debate, then Senator Wallop proposed an amendment that would delete Mojave National Park from the bill. After much debate, Wallop's amendment failed. Another poison pill amendment was proposed and failed. Then several other hostile amendments were withdrawn before debate. Senator Johnston added an amendment creating the New Orleans



Jazz National Historical Park, then announced that there were no more amendments. Park opponents, led by Wallop, cut a deal with Johnston and Feinstein: if CDPA proponents did not add any more amendments, the opposition would not either. Feinstein had to make the choice between a flawed Senate bill or none at all. She decided to try to make up the deficiencies in the House, and let the bill pass on April 13, 1994. [104]

Two weeks later, Congressman Miller began the committee process in the House. The House version called for a National Monument without hunting in the eastern Mojave. Rick Lehman offered an amendment, since known as the "Lanfair Nibble," that excluded any non-Catellus private lands from the park, thereby addressing the property rights concerns that prompted the original Lanfair Bite without unnecessarily excluding vast amounts of federal land from the park. The rest of the bill passed the committee the same day. [105]

There are no filibusters in the House, but a similar stalling effect can be achieved by throwing amendments at a bill until time for debate runs out. This was die-hard opponent Jerry Lewis' strategy to kill the CDPA. The House Rules Committee, which sets procedures for debate on each House bill, acted at the urging of CDPA proponents to make it more difficult for Lewis to carry out his plan by requiring that all amendments to HR 518 must be printed ahead of time. Even so, Lewis and his allies were able to print some forty amendments in time. The rule allowing the CDPA to come to the floor passed on May 17, though not before some unusually acrimonious debate between Lewis and Miller. After the rule passed, time could be scheduled to debate the bill before the House, but only when appropriations bills were not under consideration, as that legislation takes precedence over other House business. The House worked on the bill throughout June and July, a little bit at a time, as Lewis successfully prolonged the proceedings such that only a few amendments could be considered on any given day. [106]

House opponents successfully added one of the most significant changes to the bill, the addition of hunting in what later became Mojave National Preserve. On July 12, Larry Larocco (D-Idaho) proposed an amendment to allow hunting in the east Mojave park proposed by the bill, and call the unit a National Preserve rather than a National Monument. His amendment passed, by a vote of 239-183, in the majority-Democratic House - a clear indication of the bipartisan power of the National Rifle Association and other pro-hunting groups. These lobbying groups harkened to the recreational value of hunting activity, the historic nature of the practice, and the benefits derived by non-hunted animals from water sources improved for game animals. [107]

The hunting issue was more complex than proponents of the change allowed. The primary game animals, in terms of numbers of hunters and numbers of animals harvested, were deer and upland birds like quail and chukar. The total annual harvest of deer, an introduced species in the area, was less than twenty-five animals annually, which, as conservation lobbyists were fond of pointing out, was fewer than the number that were hit and killed by automobiles each month on the George Washington Parkway in D.C. There were many places in California and the west that offered better deer and bird hunting. However, the east Mojave was one of the only places in the world where hunting of Nelson Bighorn Sheep was allowed, beginning in 1987. The volume was small, with an average of five or six tags a year distributed by a computer's random number generator, and one additional tag auctioned publicly, usually for more than \$100,000, with the money going back to California Department of Fish and Game. Sheep hunting, an elite activity practiced in small volume by rich hunters, was the biggest reason that the National Rifle Association and other pro-hunting groups worked so tirelessly

to permit hunting in Mojave National Preserve, even though their public arguments largely ignored the issue. [108]

By late July 1994, George Miller noticed that members of the House of Representatives were growing tired of Lewis's stalling tactics. Miller engineered a motion to cut off debate and vote on the bill. It passed on July 27, 1994. [109] Even though the Senate and the House had both passed the bill, it was still possible for opponents to kill the measure. If both houses did not pass an identical conference bill before they adjourned in October, the measure would simply vanish without a vote, and the process would have to begin anew the following session. Lewis pledged to delay the bill, and Senator Wallop likewise promised to filibuster. In the Senate, a vote of cloture, which limits debate and cuts off a filibuster, is itself a multiple-day process that requires sixty votes to pass, and the simple procedure of going to conference over a bill requires three motions, each potentially subject to a separate filibuster. In late August, both Lewis and Wallop suggested a compromise that would create a small park in the eastern Mojave, surrounded by a larger preserve with hunting permitted. This proposal was inspired by the example of the Alaska parks created by the Alaska National Interest Lands Conservation Act, known by its acronym ANILCA, where sportsmen are allowed to hunt in national preserves, administered by the Park Service, that adjoin several national parks in Alaska. Some proponents were willing to go along with the plan, but the Park Service did not agree with the compromise and the idea was dropped. [110]

Conservation advocates marshaled their forces to fight conservative threats to the desert bill. Environmental organizations utilized nationwide phone banks to rally support against Wallop's probable filibuster. Senate Majority Leader George Mitchell planned to retire that year, but agreed to help whenever possible. The first motions needed to send the bill to a conference committee were scheduled for a Thursday, and Mitchell threatened to hold the Senate in session over the weekend to break the filibuster if it was necessary to do so. Under pressure from both sides of the aisle, Wallop agreed to a deal whereby the Senate waited the same amount of time a filibuster would have taken before voting. On October 4, 1994, the Senate voted to go to conference and appointed the conferees. The same afternoon, the House took up the measure. Lewis again tried to delay, succeeding only in stretching thirty seconds worth of voting into a multiple-hour procedure. Before the conferees met, Johnston, Feinstein, and Miller agreed that, because of the lateness of the session and the political factors involved, the ultimate compromise would consist of a Mojave National Preserve with hunting, as specified by the House where the National Rifle Association held considerable power, but that the Lanfair Bite would be reduced to the Lanfair Nibble. At the appropriate time, the majority of conferees met and passed the agreed-upon compromise in less than two minutes, adjourning before the Republican minority could arrive and delay the proceedings. [111]

According to Senate rules, the House was required to pass the conference report first. After considering other business and further delays by Lewis, the House passed the final bill after 1:00am on October 7, the day Congress was scheduled to adjourn. After the House vote, the Senate considered the measure. Wallop insisted on his right to filibuster, and in response Mitchell announced that he would hold the Senate past the scheduled date of adjournment until the filibuster was broken and the bill passed. National elections were less than a month away, and several of Wallop's GOP colleagues, up for reelection, prevailed on the Senator to relax his demands and permit a cloture vote to be taken at 10:00am on Saturday, October 8, 1994.

A victory for the pro-conservation forces was by no means assured. Cloture required sixty

votes, which meant that several Republicans had to vote, along with every Democrat, to proceed. To make things worse, senators were already leaving town, and some had to be persuaded to stay an extra day or be brought back to Washington to vote. Earlier votes showed a large number of Republicans in favor of the measure, mostly because the bill was a pro-environment vote that did not affect their state, but the Republican Senate leadership asked members to hold their vote unless the bill was clearly going to pass. If enough Republican senators held their votes, the remaining Democrats could not break the filibuster. Several pro-environment moderate Republicans voted for cloture anyway. In a moment of high drama, the tally of votes for cloture reached fifty nine and stopped. Just after time expired, Senator Carole Moseley-Braun (D-Illinois), delayed by a malfunctioning garage-door opener, burst into the chamber to cast the deciding vote. With passage assured, seven more Republicans who withheld their votes endorsed the cloture, and the bill itself passed by voice vote moments later. President Bill Clinton signed the bill into law on October 31, 1994, eliminating the East Mojave National Scenic Area and giving birth to the Mojave National Preserve. [[112](#)]

During the long debate about the California Desert Protection Act, most of the single-issue opponents were pacified by compromise. Some active mines and mining claims were drawn outside the boundaries to placate mining interests, grazing was allowed to continue indefinitely instead of expiring after twenty five years as originally planned, utilities were given specific language in the final bill permitting expansion and upgrade of rights-of-way, and after much debate, hunting was permitted in the park. Those opponents with the most political clout, such as the National Rifle Association, tended to object to a single issue. As such, the ranks of CDPA opponents were gradually whittled away, leaving in the final calculus a passable though compromised bill and a small group of die-hard opponents who felt as though they had been ignored as the park had been forced upon them. These opponents included many local residents and at least one powerful U.S. Congressman, and provided a note of discord that was largely ignored in the conservationists' elation over the bill's passage and the subsequent difficulties encountered in starting a new unit of the National Park Service.

---

[<<< Previous](#)

[<<< Contents >>>](#)

[Next >>>](#)



# Mojave

---

## Administrative History



## FOOTNOTES

---

<sup>1</sup> Lorraine M. Sherer and Frances Stillman, *Bitterness Road: The Mojave, 1604-1860* (Needles, CA: Mohave Tribe / Ballena Press, 1994). I am indebted to Roger Kelly, Senior Archeologist, NPS Oakland, for much of the information and wording in the preceding paragraphs. Comments by Roger Kelly on first draft, June 25, 2002. For information about Chemehuevi songs, consult Carobeth Laird, *The Chemehuevi* (Banning, CA: Malki Museum Press, 1976), 9-19.

<sup>2</sup> Chester King and Dennis G. Casebier, with Matthew C. Hall and Carol Rector, *Background to Historic and Prehistoric Resources of the East Mojave Desert Region* (Riverside, CA: Bureau of Land Management, California Desert District, 1981), 20.

<sup>3</sup> Generally, the tribe and places named after the tribe in Arizona are spelled "Mohave," the fort in Arizona, the desert, and other places in California are spelled "Mojave." See Dennis Casebier, *The Mojave Road, Tales of the Mojave Road #5* (Norco, CA: Tales of the Mojave Road Publishing Co, 1975), 182n1.

<sup>4</sup> This incident was likely precipitated by violence toward the Mojave by an earlier trapping party, under the command of Ewing Young. Later trappers, such as Peter Skene Ogden, also massacred Mohaves without warning, contributing to the tension. Casebier, *Mojave Road*, 24-28.

<sup>5</sup> Casebier, *Mojave Road*, 30-31.

<sup>6</sup> Casebier, *Mojave Road*, 57-66.

<sup>7</sup> The emigrant party got no further west than the banks of the Colorado; after being attacked by the Mohave, the emigrants staged a disastrous retreat back to Albuquerque, New Mexico. See Charles W. Baley, *Disaster at the Colorado: Beale's Wagon Road and the First Emigrant Party* (Logan, UT: Utah State University Press, 2002).

<sup>8</sup> Dennis Casebier, *Carleton's Pah-Ute Campaign*, Tales of the Mojave Road #1 (Norco, CA: Dennis G. Casebier, 1972), 1-49; for a biography of Carleton, who had an interesting career in the Civil War-era military apart from his service in the eastern Mojave, see Aurora Hunt, *James H. Carleton: Frontier Dragoon* (Glendale, CA: Arthur H. Clark Co., 1958).

<sup>9</sup> Casebier, *Mojave Road*, 131-158; also see Dennis Casebier, *The Battle at Camp Cady*, Tales of the Mojave Road #2 (Norco, CA: Dennis G. Casebier, 1972) for more information about the Camp Cady skirmish and its subsequent effect on military escorts for the mail service.

<sup>59</sup> Ausmus, 89-91.

<sup>60</sup> Darlington, 152.

<sup>61</sup> Darlington, 76-77; D.V. Prose, Susan K. Metzger, and H.G. Wilshire, "Effects of Substrate Disturbance on Secondary Plant Succession; Mojave Desert, California," *Journal of Applied Ecology* 24 (April 1987): 305-315; Douglas V. Prose and Howard G. Wilshire, "The Lasting Effects of Tank Maneuvers on Desert Soils and Intershrub Flora," U.S. Geological Survey Open File Report OF00-512, 2000, 1-4.

<sup>62</sup> See the Map Collection of the Mojave Desert Heritage & Cultural Association, Goffs, California for examples. The author assisted cataloging and processing this collection.

<sup>63</sup> Darlington, 234-235.

<sup>64</sup> Hayes in Casebier et al., *East Mojave Heritage Trail: Fenner to Needles*, 214.

<sup>65</sup> Papierski, 92-93, 147-148; Bob Ausmus, "Jack Mitchell of Mitchell's Caverns," in Casebier et al., *East Mojave Heritage Trail: Rocky Ridge to Fenner*, 283-291. Also see Mitchell's frequently-embellished first-hand account, Jack Mitchell, *Caveman* (Torrance, CA: Lewellen Press, 1964); Peter Burk, *The East Mojave: A Critical History, 1776-1980* (Barstow, CA: Peter Burk: 1988), 20.

<sup>66</sup> Ausmus, 140.

<sup>67</sup> U.S. Bureau of Land Management, *East Mojave National Scenic Area Final Management Plan* (Needles, CA: Department of Interior, Bureau of Land Management, Needles Resource Area, 1988), 111, 122.

<sup>68</sup> Anne Q. Duffield-Stoll, *Zzyzx: History of an Oasis*, California Desert Studies Consortium, Desert Studies Contributed Series #65 (Northridge, CA: Santa Susana Press / University Library, California State University Northridge, 1994), 49-55; Casebier et al., *Mojave Road Guide*, 167-176; Darlington, 100-103.

<sup>69</sup> Marion Clawson, *The Bureau of Land Management* (New York: Praeger Publishers, 1971), 113-120; Frank Wheat, *California Desert Miracle: The Fight For Desert Parks and Wilderness* (San Diego: Sunbelt Publications, 1999), 2-3, 8-10.

<sup>70</sup> Hal K. Rothman, *Saving the Planet: The American Response to the Environment in the Twentieth Century* (Chicago: Ivan R. Dee, 2000), 138-139; Wheat, 17-21.

<sup>71</sup> Dyan Zaslowsky and T.H. Watkins, *These American Lands: Parks, Wilderness, and the Public Lands* (Washington DC: Island Press, 1994), 125-126, 130-132; Wheat, 11-15.

<sup>72</sup> Bureau of Land Management, *The California Desert Conservation Area Plan* (Riverside, CA: U.S. Department of the Interior, Bureau of Land Management, Desert District, 1980).

<sup>73</sup> Elisabeth M. Infield, *Stories of the Land: Rhetoric and Reconciliation in the Mojave National Preserve* (Ann Arbor, MI: UMI, 1997), 94-95; Wheat, 43-46, 67-69.

<sup>74</sup> Bureau of Land Management, *Draft East Mojave National Scenic Area Management Plan and Environmental Assessment* (Needles, CA: U.S. Department of the Interior, Bureau of Land Management, California Desert District, Needles Resource Area, April 1987), 28-29.

<sup>75</sup> Robert F. Durant, *The Administrative Presidency Revisited: Public Lands, the BLM, and the Reagan Revolution* (Albany, NY: State University of New York Press, 1992), 51-63; Infield, 94.

<sup>76</sup> Peter Burk, *The Making of Mojave National Preserve* (Barstow: Citizens for Mojave National Park, 1994), 3-16; Wheat, 50.

<sup>77</sup> Wheat, 53.

<sup>78</sup> Wheat, 77-78. As Peter Burk colorfully put it, "In November the Reagan landslide came and environmentalists became depressed." Burk, *The Making of Mojave National Preserve*, 16.

<sup>79</sup> *East Mojave National Scenic Area Final Management Plan*, Appendix A, "Secretarial Order Establishing the East Mojave National Scenic Area," 143-144.

<sup>80</sup> Wheat, 54; Infield, 96.

<sup>81</sup> *East Mojave National Scenic Area Final Management Plan*, Appendix B, "Management Philosophy Statement," 145-147.

<sup>82</sup> Dennis Casebier, *Reopening the Mojave Road: A Personal Narrative*, Tales of the Mojave Road #8 (Norco, CA: Tales of the Mojave Road Publishing Co., 1983), 7-112; also see Dennis Casebier and the Friends of the Mojave Road, *Guide to the Mojave Road*, Tales of the Mojave Road #9 (Norco, CA: Tales of the Mojave Road Publishing Co., 1983.)

<sup>83</sup> Dennis Casebier et al., *Mojave Road Guide*, 9.

<sup>84</sup> Charles Hillinger, "New Recreation Trail to Make Loop in the Desert," *Los Angeles Times* October 7, 1985; Casebier et al., *East Mojave Heritage Trail: Needles to Ivanpah*, 9-11; Casebier et al., *East Mojave Heritage Trail: Fenner to Needles*, 15-19.

<sup>85</sup> Burk, *Making Mojave National Preserve*, 17, 19; Peter Burk, *East Mojave National Scenic Area: 1981-1994* (Barstow: Peter Burk, 1994), 7; Wheat, 90-100.

<sup>86</sup> Burk, *Making of Mojave National Preserve*, 21, 23-24; Burk, *East Mojave National Scenic Area*, 8, 12.

<sup>87</sup> Wheat, 105-113; "The Region — LA Files Response to Redistricting Suit," *Los Angeles Times* February 10, 1986.

<sup>88</sup> Editorial, "Go Gentle Into the Desert," *Los Angeles Times* February 17, 1986; Maura Dolan, "Pressures on National Parks Mount," *Los Angeles Times* May 25, 1986; Wheat, 113-115, 125-127, 131-132, Douglas Shuit, "Video Will Dramatize Foes' Attack on Bill to Preserve Desert Areas," *Los Angeles Times* December 16, 1987.

<sup>89</sup> Charles Hillinger, "Desert Hamlet Hopes to Derail Plan to Raze Depot," *Los Angeles Times* August 19, 1985; Peter Burk, quoted in Wheat, 127-131.

<sup>90</sup> Wheat, 165-166, 180-183; Infield, 88-90.

<sup>91</sup> Rothman, *Saving the Planet*, 21, 170-171.

<sup>92</sup> Wheat, 105-110.

<sup>93</sup> Ronald B. Taylor, "Cranston Desert Bill Poses Classic Conservation Fight," *Los Angeles Times* April 19, 1987; Wheat, 216-220; Frank Clifford, "Sierra Club Officials Cool to Wilson, But Warm to Foe," *Los Angeles Times* March 13, 1988.

<sup>94</sup> Wheat, 214-215; Burk, *Making of the Mojave National Preserve*, 28-31; Frank Clifford, "Wilson Hasn't Cooperated on Desert Bill — Cranston," *Los Angeles Times* June 30, 1988; Frank Clifford, "Desert Bill Dies, Cranston and Wilson Blame Each Other," *Los Angeles Times* July 8, 1988.

<sup>95</sup> Josh Getlin, "Round 2 of Desert Preservation Battle to Begin," *Los Angeles Times* January 26, 1989.

<sup>96</sup> Rothman, *Saving the Planet*, 158-170; also see R. McGregor Cawley, *Federal Land, Western Anger: The Sagebrush Rebellion and Environmental Politics* (Lawrence, KS.: University Press of Kansas, 1993).

<sup>97</sup> Burk, *Making of Mojave National Preserve*, 33-34; Wheat, 221-228; Sue Ellen Christian, "Desert Preservation Bill Stalled in Senate Panel," *Los Angeles Times* September 27, 1990; Christian, "Cranston Shelves Ambitious Desert Parkland Measure," *Los Angeles Times* October 10, 1990.

<sup>98</sup> Bill Stall, "Wilderness Status Urged For Only Part of State Desert," *Los Angeles Times* July 27, 1991; Glenn F. Bunting, "House Panel Oks California Desert Preservation Bill," *Los Angeles Times* October 2, 1991; Bunting, "House Oks Landmark Desert Protection Bill," *Los Angeles Times* November 27, 1991; Wheat, 229-234.

<sup>99</sup> Robert W. Stewart, "Seymour Caught in Whirlwind of Change," *Los Angeles Times* January 27, 1991; Bill Stall, "Seymour Seeks End to Battle in Desert," *Los Angeles Times* May 26, 1991; Glenn F. Bunting, "Cranston, Seymour Clash Over Desert Bill," *Los Angeles Times* January 14, 1992; Wheat, 230-232, 235-238; Glenn F. Bunting, "Seymour Maneuver Bottles Up Desert Bill in Committee," *Los Angeles Times* August 6, 1992; Glenn F. Bunting, "Cranston's Desert Protection Measure Fails For Sixth Year," *Los Angeles Times* September 23, 1992.

<sup>100</sup> Dean E. Murphy, "Feinstein Off to Job, Boxer Takes Break," *Los Angeles Times* November 5, 1992; Glenn F. Bunting, "Senators Reverse Styles to Match New Roles," *Los Angeles Times* March 8, 1993.

<sup>101</sup> Glenn F. Bunting, "Feinstein To Lead Off With Desert Bill," *Los Angeles Times* January 21, 1993; Wheat, 235-244; Burk, *Making Mojave National Preserve*, 37; Burk, *East Mojave National Scenic Area*, 15.

<sup>102</sup> Infield, 306-307.

<sup>103</sup> Wheat, 252-257, Glenn F. Bunting, "Desert Bill Easily Passes Key Senate Committee Vote," *Los Angeles Times* October 6, 1993.

<sup>104</sup> Wheat, 257-261; Glenn F. Bunting, "Desert Protection Act Clears Senate," *Los Angeles Times* April 14, 1994.

<sup>105</sup> "House Committee Approves Desert Protection Act," *Los Angeles Times* May 5, 1994; Wheat, 262-263.

<sup>106</sup> Wheat, 264-270.

<sup>107</sup> James Bornemeier, "House Vote Downgrades Desert Land Status," *Los Angeles Times* July 13, 1994.

<sup>108</sup> For example, 1998's auction tag fetched \$150,000; see Steve Torres, "Apply For Your 'Hunt of a Lifetime'" *Tracks: News About California Deer and Other Big Game* 16 (1999): 15; Wheat, 271-273; Infield, 286-295.

<sup>190</sup> James Bornemeier, "House Oks Bill Protecting Vast Desert Acreage," *Los Angeles Times* July 28, 1994.

<sup>110</sup> In the ANILCA parks, Alaska natives are allowed to hunt in the national parks themselves as well as in the national preserves. The preservation of "customary and traditional" subsistence hunting was designed to minimize the disruption that designation of the areas as national parks would have on local lifestyles, and was an unstated acknowledgment of the role of human predation in the sustainable functioning of the Alaskan ecosystem. The situation in the eastern Mojave was different, as human predation had not been a longstanding, sustainable part of the ecosystem since the arrival of the American settlement in the 1860s, and hunting was of chief importance to a small group of elite trophy hunters who wished to harvest bighorn sheep. For a good overview of the role of hunting in the Alaska parks, see Darryl R. Johnson, "National Parks and Rural Development in Alaska," in Gary E. Machlis and Donald R. Field, eds., *National Parks and Rural Development: Practice and Policy in the United States* (Washington, DC: Island Press, 2000), 132-163; Wheat, 273-278.

<sup>111</sup> Wheat, 279-284; James Bornemeier, "Desert Protection Act Imperiled," *Los Angeles Times* September 20, 1994; "Desert Bill — A Messy Anticlimax," *Los Angeles Times* September 22, 1994; James Bornemeier, "Desert Bill, Threatened By GOP, Inches Ahead,"



*Los Angeles Times* September 24, 1994; James Bornemeier, "Desert Bill Deadlock Broken," *Los Angeles Times* September 30, 1994. Feinstein showed a willingness to compromise on the status of the park in the east Mojave as early as April 1993, see Howard Libit, "Compromise By Feinstein On Desert Measure Possible," *Los Angeles Times* April 28, 1993.

<sup>112</sup> Faye Fiore, "Feinstein Desert Bill Hangs In Balance in Senate," *Los Angeles Times* October 7, 1994; Edwin Chen, "Senate Vote Expected Today on Desert Bill," *Los Angeles Times* October 8, 1994; Edwin Chen, "Filibuster Broken, Senate Oks Calif. Desert Protection Legislation," *Los Angeles Times* October 9, 1994; Wheat, 288-298. The California Desert Protection Act is Public Law 103-433.

<sup>113</sup> Author interview with Marvin Jensen, November 26, 2002.

<sup>114</sup> California Desert Transition Work Group, "The California Desert in Transition: The Opportunity for Bioregional Management," October 1993, in CDPA Activation binder, Superintendent's Office, Mojave National Preserve (MOJA) Headquarters, Barstow CA, 10.

<sup>115</sup> The rangers were from Golden Gate, Lake Mead, Grand Canyon, and Sequoia-Kings Canyon; their supervisor, from Organ Pipe Cactus, never came to the Preserve. Peter Burk, *Mojave National Preserve: 1994-1995* (Barstow: Citizens for Mojave National Park, December 1995), 9; "Draft Superintendent's Annual Narrative Report for Fiscal Year 1995," in Binder "Mojave National Preserve," MOJA Headquarters, Barstow CA, 1.

<sup>116</sup> Author interview with Mary Martin, March 29, 2002, Barstow CA, Disc 1.

<sup>117</sup> Burk, *Mojave National Preserve*, 10; "Draft Superintendent's Annual Narrative Report for Fiscal Year 1995," 12.

<sup>118</sup> Author interview with Marvin Jensen, via telephone, November 26, 2002.

<sup>119</sup> Author interview with Mary Martin, March 29, 2002, Disc 1.

<sup>120</sup> In interview, Martin recalls January 10, 1995 (Tuesday) as the official start date; Burk printed January 13, 1995 (Friday). Burk, *Mojave National Preserve*, 12.

<sup>121</sup> Author interview with Marvin Jensen, November 26, 2002.

<sup>122</sup> Author interview with Marvin Jensen, November 26, 2002.

<sup>123</sup> See chapter five for more information about ecosystem planning.

<sup>124</sup> Resolutions from the City of Barstow, the Barstow Chamber of Commerce, the Newberry Springs Chamber of Commerce, the Provident Corporation (owners of Nipton), the Baker Chamber of Commerce, and the Baker Community Service District were presented to Marv Jensen at the gathering. "Resolutions Supporting Mojave National Preserve," *Mojave National Preserve Monitor* 2 (Feb. 1995): 5.